

YEARBOOK
ON
HUMAN RIGHTS
FOR 1983



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NOTE

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INTRODUCTION

The *Yearbook on Human Rights* for 1983 has been prepared in accordance with the "Guidelines for the contents and format of the Yearbook on Human Rights" annexes to Economic and Social Council resolution 1979/37 adopted on 10 May 1979.

The present volume consists of three parts. Part I covers national developments; part II provides information on activities of the supervisory bodies; part III relates to international developments in the field of human rights.

PART I contains two sections:

Section A consists of a selection of material reflecting legislative, administrative, judicial and other national measures and court decisions, taken from government reports submitted under the international human rights instruments, and from contributions submitted by States intended specifically for the *Yearbook* and covering the year 1983.

Extracts from reports made by the following States under relevant international instruments in the field of human rights are reflected in the *Yearbook*: Argentina, Australia, Botswana, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Colombia, Cuba, Cyprus, Denmark, Ecuador, Egypt, El Salvador, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Guyana, Haiti, Holy See, Hungary, Iraq, Italy, Jamaica, Japan, Madagascar, Mauritius, Mexico, Mongolia, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Rwanda, Senegal, Seychelles, Spain, Sri Lanka, Sweden, Syrian Arab Republic, Tonga, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Upper Volta, Venezuela, Viet Nam and Yugoslavia.

The material used has been arranged under country headings with subject subheadings relating to the pertinent articles of the Universal Declaration of Human Rights as well as to relevant articles of the international instruments under which the State reports used as source of information have been submitted.

Section B contains information relating to the exercise, in certain Trust and Non-Self-Governing Territories, of the right to self-determination. It provides a brief account of developments in Trust and Non-Self-Governing Territories. Information contained in this section is essentially based on the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,¹ and on working

Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 23 (A/38/23/Rev.1).

papers prepared by the Secretariat containing information on developments concerning the Territories.

PART II consists of two sections:

Section A which deals with the practice of the supervisory bodies concerning the examination of government reports and other tasks entrusted to these bodies under the relevant international instruments consists of extracts of the following reports of the supervisory bodies to the respective parent organs:

Report of the Committee on the Elimination of Racial Discrimination, *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 18 (A/38/18)*;

Report of the Human Rights Committee, *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 40 (A/38/40)*;

Report of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights (E/1983/41);

Report of the Group of Three established under the International Convention on the Suppression and Punishment of the Crime of *Apartheid* (E/CN.4/1983/25).

Section B reflects relevant decisions, general recommendations, comments and observations made by the supervisory bodies in connection with the examination of reports submitted and other tasks entrusted to them under the relevant international instruments. Relevant decisions and resolutions of parent bodies, namely, the Commission on Human Rights, the Economic and Social Council and the General Assembly have also been included in this section.

PART III also contains two sections:

Section A provides a brief account of activities in the field of human rights in the relevant United Nations organs, namely the General Assembly, the Economic and Social Council, the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

Section B reflects major developments on human rights questions in specialized agencies.

The text of Procedure for considering communications from individuals or groups of individuals under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination has been included in an annex to the present volume.

PART I

NATIONAL DEVELOPMENTS

Section A. States

ARGENTINA

A. Condemnation of racial segregation and *apartheid*
(articles 1 and 2 of the Universal Declaration;
article 3 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹

The delegation of Argentina had the opportunity to reiterate its unwavering condemnation of the *apartheid* régime in the forums of the United Nations and the Movement of Non-Aligned Countries, and more particularly in the International Conference in Support of the Struggle of the Namibian People for Independence, held in Paris from 23 to 29 April 1983, where the representative of the Argentine Government stated that the Republic of Argentina was categorically opposed to any plan or strategy directed towards entering into an agreement for constituting a hypothetical organization in the south Atlantic, and also recalled that the Namibian mine of Rössing was of fundamental importance for the nuclear plans of Western colonialist Powers.

A delegation from Argentina also participated in the Latin American Regional Conference on Action against *Apartheid*, held in Caracas, Venezuela, from 16 to 18 September 1983, in which it recalled the strict compliance of the Argentine Republic with United Nations Security Council resolutions 418 (1977), 421 (1977) and 473 (1980).

**B. Elimination of racial discrimination; development and protection
of certain racial groups or individuals belonging to them**
(article 2 of the Universal Declaration;
article 2 (2) of the International Convention on the Elimination
of All Forms of Racial Discrimination)²

In March 1983, the national meeting on indigenous policy was held; at this meeting, national bodies explained sectoral policy regarding the provincial proposals concerning specific matters affecting indigenous communities.

¹ Report submitted by State (CERD/C/118/Add.1).

² *Ibid.* (CERD/C/118/Add.1).

Special measures have been taken to assure adequate development and protection for the indigenous groups living in rural and border areas. These measures have been extended to the entire population, whether creole or indigenous, of those areas and in all cases an attempt was made to respect the differing cultural forms.

Promoted by the Ministry of the Interior and in order to simplify the administrative procedures that require identity papers to be shown, Act No. 22710 was approved and published in the *Boletín Oficial* of 14 January 1983, allowing any persons who had failed to register births within the time-limits prescribed by Act No. 16478 and other legislation, since 1963, to do so in registry offices until 14 January 1984.

A national Meeting on Indigenous Policy was held in Buenos Aires, Argentina, from 21 to 25 March 1983, with the participation of representatives of the provinces of Chaco, Chubut, Formosa, Jujuy, Misiones, Neuquén, Río Negro, Salta and Santa Cruz.

AUSTRALIA

A. Condemnation of racial segregation and *apartheid*
*(articles 1 and 2 of the Universal Declaration;
article 2 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*¹

Since its election to office in March 1983 the Government has accorded a high priority to re-assessment of all aspects of Australia's bilateral relationship with South Africa. This was the subject of a general review completed in June 1983, which resulted in the Government reaffirming its total rejection of the *apartheid* system and its support for the Gleneagles Declaration on *Apartheid* in Sports. The Australian Government maintains its strong opposition to *apartheid* and will continue to seek to persuade the South African Government to abandon this abhorrent system.

Following from this review the Australian Government announced a number of decisions designed to strengthen its policy against *apartheid*.

**B. Elimination of racial discrimination; development and protection
of certain racial groups or individuals belonging to them**
*(articles 2 and 7 of the Universal Declaration;
article 2 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*²

The most recent amendment to the Racial Discrimination Act occurred in 1983 (the Racial Discrimination (Amendment) Act 1983). This amendment followed quickly on the decision of the High Court of Australia in the case of *Viskauskas v. Niland* where it was held that provisions of the New South Wales Anti-Discrimination Act 1977 dealing with racial discrimination were invalid for inconsistency with the Racial Discrimination Act 1975. The inconsistency arose not from direct inconsistency between what the laws required but from the application of the principle that State laws on a subject-matter are regarded as inconsistent with a Federal law on that subject-matter where the latter is taken as intending to "cover the field" (i.e. as a complete statement of the law to the exclusion of all other laws). This outcome was not regarded as desirable by the Federal and State Governments and the 1983 amendment was introduced to overcome the inconsistency due to the

¹ Report submitted by State (CERD/C/115/Add.3).

² *Ibid.* (CERD/C/115/Add.3).

application of the "covering the field" principle. Section 6A, which was inserted by the 1983 amending Act provides, *inter alia*:

"This Act is not intended, and shall be deemed never to have been intended, to exclude or limit the operation of a law of a State or Territory that furthers the objects of the Convention and is capable of operating concurrently with this Act."

Section 6A was considered in the case of *University of Wollongong v. Metwally* where the High Court held that the section did not operate retrospectively to validate the New South Wales legislation held invalid in *Viskauskas v. Niland* and thus enable Metwally to take advantage of a decision in his favour in proceedings commenced under the New South Wales legislation prior to the enactment of Section 6A.

New South Wales

In 1983, the Ethnic Affairs Commission of New South Wales completed a review of achievements and trends in ethnic affairs since the Commission's establishment in 1977. The review concluded that the fundamental principles of immigrant participation and access have gained widespread acceptance and resulted in a large number of innovative programmes, such as those mentioned in paragraph 25 of the fourth report within many branches of the State's public administration. To ensure continued progress, the New South Wales Government has directed all sections of its administration to prepare annual Ethnic Affairs Policy Statements which:

- (a) Review all policies, programmes and units to establish the extent to which they provide services which are non-discriminatory;
- (b) Establish a data base covering the ethnic and linguistic profile of their potential clientele and of their staff resources; and
- (c) Define short and long term goals and strategies through which they will endeavour to fulfil the objectives determined by the Government.

South Australia

In South Australia, the Ethnic Affairs Commission Act was amended late in 1983 following a review of the Commission and its operations which recommended a restructuring of the Commission, an expansion of its objects and a strengthening of its role in relation to other government agencies. A more specific statutory obligation, to provide information requested by the Commission within a period stipulated in the request, is imposed upon public authorities so that consultation between the public authorities responsible for services and the ethnic groups, which are the recipients of those services, may be improved. The amended Act also enables the appointment of a full-time Deputy Chairman to complement the Chairman's role in the internal management of the Commission and expands the membership of the Commission to allow for representation of various ethnic groups.

Victoria

An Aboriginal Land Claims Bill 1983 was introduced into the Victorian Parliament in March 1983. It provides for land claims to be made by claimant groups in respect of Crown land.

C. Right to an effective remedy

*(article 8 of the Universal Declaration;
article 6 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*³

Under subsection 20 (a) and section 20 A of the Racial Discrimination Act 1975 the Commissioner for Community Relations may inquire into complaints alleging infringements of Part II of the Act and endeavour to effect a settlement of the subject-matter of the complaints.

In the year ending 30 June 1983, virtually all the matters which required formally convened conferences of the parties involved complaints of discrimination against Aboriginal people. Each of the 21 conferences ended in settlements agreed upon by the parties and no certificates that conciliation had failed were issued during the year. Some progress was made during the year in bringing before the courts in Queensland two matters where the previous year's conciliation attempts had failed.

In June 1983, arrangements were made for the Victorian Commissioner for Equal Opportunity, Mrs. Fay Marles, to act as agent of the Human Rights Commission in Victoria for the conciliation of complaints arising in that State under the Federal Human Rights Commission Act 1981 and under the Federal Racial Discrimination Act 1975 and the Sex Discrimination Act 1984.

D. Political rights

*(article 21 of the Universal Declaration;
article 5 (c) of the International Convention on the Elimination
of All Forms of Racial Discrimination)*⁴

The Australian Government recently passed the Commonwealth Electoral Legislation Amendment Act 1983 to require Aboriginals and Torres Strait Islanders to become enrolled on the Commonwealth Electoral Rolls. With this amendment Aboriginal Australians throughout Australia not only have the same rights but not the same obligations under the electoral laws of the Commonwealth as all other citizens.

E. Right to social security

*(article 22 of the Universal Declaration;
article 9 of the International Covenant on Economic,
Social and Cultural Rights)*⁵

In March 1983, a new form of income maintenance payment was introduced for people who undertake a federal rehabilitation programme and who would otherwise be eligible for other social security payments under variable conditions.

³ *Ibid.* (CERD/C/115/Add.3).

⁴ *Ibid.* (CERD/C/115/Add.3).

⁵ *Ibid.* (E/1984/7/Add.22).

Another new benefit, the mobility allowance, was introduced in April 1983. The allowance provides assistance for disabled people who are working or training and who are unable to use public transport without substantial assistance.

Since May 1983, a new Family Income Supplement (FIS) programme has been in operation to provide assistance to low-income families, not in receipt of social security or similar pensions or benefits, in respect of children not receiving educational or similar allowances.

Introduced in December 1983, a spouse carer's pension is payable to the husband of a severely handicapped, aged or invalid pensioner (or woman receiving a rehabilitation allowance in lieu of invalid pension) where the husband is not entitled to age, invalid or repatriation service pension (or a rehabilitation pension in lieu of invalid pension) and his wife requires constant care and attention, and is likely to need such attention permanently or for an extended period.

From 1 December 1983, eligibility for a supporting parent's benefit was extended to single adoptive parents and other sole parents with legal custody, care and control of a child, and to married parents who are unable to live with their spouse in a matrimonial home by reason of the illness or infirmity of the spouse, provided that the illness or infirmity prevents the spouse from caring for a child and is likely to continue indefinitely.

F. Right to work

*(article 23 of the Universal Declaration;
article 6 of the International Covenant on Economic,
Social and Cultural Rights)⁶*

Guarantees against discrimination

Each year, the National Committee on Discrimination in Employment and Occupation has presented a report to the Federal Minister for Employment and Industrial Relations outlining its activities and the progress made in handling complaints. Under arrangements finalized late in 1983, the Federal Attorney-General has assumed overall responsibility for the activities of the Committee.

The Racial Discrimination Amendment Act 1983 which came into force in July 1983 is designed to overcome problems raised in the High Court's decision in *Viskauskas v. Niland*. In that case, provisions of the New South Wales Anti-Discrimination Act dealing with race were held invalid for constitutional reasons. The court decided that the federal law had to be regarded as manifesting an intention to cover the whole field of racial discrimination. Under Section 109 of the Australian Constitution, in such a case, the State law is invalid. The amendment endeavours to ensure that State and territory legislation which furthers the objects of the International Convention on the Elimination of All Forms of Racial Discrimination can stand alongside federal legislation. The amendment also preserved the status of complaints in various stages of investigation under State procedures when the court's decision was announced.

⁶ *Ibid.* (E/1984/7/Add.22).

In the policy paper entitled "Reforming the Australian Public Service", released in December 1983, the Government announced its intention:

(a) To include in the Public Service Act a declaratory statement that the Public Service should be managed in a way that precludes unfair discrimination on the grounds of political affiliation, race, ethnic origin, religion, sex, marital status, age, disability or sexual preference;

(b) To enact legislation which would oblige Commonwealth departments and prescribed authorities to develop, maintain and implement equal opportunity management programmes for disadvantaged groups—women, Aboriginals, ethnic minorities and disabled people. These programmes will be monitored by the Public Service Board;

(c) To establish a new independent authority responsible for handling public servants' grievances and appeals.

Full employment

The scope for Aboriginal employment is taken into account in the Department of Aboriginal Affairs' programmes of general assistance to Aboriginals. Thus, in 1982/1983, the Department's grants-in-aid for general assistance (other than grants aimed specifically at employment) provided full-time employment for 936 Aboriginals and part-time work for 284, while, at the same time, meeting other Aboriginal needs.

In 1983, the Department of Aboriginal Affairs established a special task force which exceeded its objective of placing 1,000 Aboriginals in employment by 31 December 1983. A special adviser has recently been appointed by the Department of Aboriginal Affairs to develop programmes which will encourage greater numbers of Aboriginals to enter into the Department and into the Public Service.

Programmes for persons with disabilities

Specialized programmes of rehabilitation, including counselling, vocational training and income support assistance, are provided by the Commonwealth Rehabilitation Service (CRS) to assist people with disabilities.

Assistance available to CRS trainees includes payment of a rehabilitation allowance. Since March 1983, this allowance has been paid to all CRS clients who would otherwise be eligible for a social security benefit or pension. The allowance is income tested but is free from income tax, and fringe benefits similar to those provided for invalid pensioners are available.

Organization of the employment market

With the exception of apprenticeship support, most of the present Federal Government labour force programmes evolved from the National Employment and Training (NEAT) system which was introduced in 1974 as a single comprehensive labour market scheme. This scheme was discontinued in 1981 in favour of a range of separate programmes with more distinct objectives and target groups. These programmes can be identified under the following broad functions:

(a) Trade training;

(b) Skills training;

(c) Work experience and training for young people;

- (d) Special training;
- (e) Employment services.

In addition, there have been some recent initiatives in the area of employment and training assistance which do not specifically fall within these categories. These include:

- (a) The Adult Wage Subsidy Scheme, introduced in March 1983;
- (b) The Private Sector Assistance Programme, a proposed new wage subsidy scheme which the Government intends to introduce during 1983/1984; and
- (c) The Community Employment Programme, a direct job creation scheme in the public sector, which became operational in the second half of 1983.

The adult wage subsidy scheme was introduced on 1 March 1983 in recognition of the fact that the recession was beginning to affect adult workers severely. Moreover, it was found that once unemployed, older job-seekers tended to suffer protracted periods of unemployment.

Under this programme, employers are offered a wage subsidy to provide adult long-term unemployed job-seekers with a period of stable employment.

G. Right to just and favourable conditions of work
*(article 23 of the Universal Declaration;
 article 7 of the International Covenant on Economic,
 Social and Cultural Rights)*⁷

The Wages and Salaries Pause Act 1982 prevented further general increases in wages being obtained by its own employees during 1983. In addition, approaches were made to the federal and State tribunals to adopt a similar pause in wage increases in the private sector for the same period of time. The tribunals accepted the economic arguments in support of the pause but agreed that it should only apply for a period of six months, and then be subject to review.

Prior to the election to office in March 1983 of a Federal Labour Government, the Australian Labour Party had reached an accord with the Australian Council of Trade Unions (ACTU). The accord provides the basis for the comprehensive price and income policy now in place in Australia. One key element of this policy is support for the return to a centralized indexation-based wage fixing system.

Approaches were made by the parties to the President of the Federal Arbitration Commission who convened a series of conferences to discuss the key factors of the centralized system that each proposed. Following these conferences, a National Wage Case commenced in June 1983 before the Conciliation and Arbitration Commission.

The Commission handed down a decision on 23 September 1983 which re-introduced a centralized wage system based on *prima facie* full indexation. The strength of consensus which existed between the parties and the extent of the changed circumstances led the Commission to the conclusion that it would be in the public interest to introduce once again a centralized system based upon *prima facie*

⁷ *Ibid.* (E/1984/7/Add.22).

full indexation. The system is designed to operate for a period of two years up to October 1985, with hearings every six months.

The key feature of the 1983 indexation-based system is the requirement that individual unions should give an assurance of their unequivocal support for the system and the principles which govern its operation before receiving national wage increases. Trade union support for the system has been strong and extensive.

At the national level, in November 1983, a new occupation and health policy was announced, establishing an Interior National Occupation and Safety Commission to advise the Federal Government on national implementation of policy in this field.

H. Right to an adequate standard of living (right to health)

*(article 25 of the Universal Declaration;
article 5 (e) (iv) of the International Convention on the Elimination
of All Forms of Racial Discrimination)⁸*

In South Australia there has been action to better the access to health care for both migrants and Aborigines. On 14 March 1983, a migrant health task force was set up. The findings of the task force were endorsed by the State Government and a Migrant Health Implementation Committee was set up within the South Australian Health Commission to advise and oversee implementation of the task force's recommendations. Measures against barriers to effective health care being considered by the Implementation Committee include the provision of translating and interpreting services, improved access to interpreters, the employment of bi-cultural and ethnic health workers, and cultural awareness courses for health professionals.

A review of Aboriginal health services in South Australia was commissioned in late 1983. The Committee of Review made recommendations which are leading to a significant reorganization of facilities, services and responsibilities for the provision and funding of health services to Aboriginal communities. The Government hopes that such a reorganization will result in not only an improved level and range of services but also ensure that these services are fully responsive to the needs of the Aborigines. It has endorsed in principle the report of the Committee of Review. A similar report was completed in September 1983 for health programmes in New South Wales and its implementation is expected to commence during 1985-1986.

⁸ *Ibid.* (CERD/C/115/Add.3).

BOTSWANA

**Promotion of understanding, tolerance and friendship
among all nations, racial and ethnic groups**
*(article 26 (2) of the Universal Declaration;
article 7 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

The education system in Botswana is so designed that every school is open to all racial and ethnic groupings. The interaction of these groups in schools and the teaching methods employed, ensure that future relations between these groups are free of prejudices which may lead to racial discrimination.

Racial and ethnic tolerance is emphasized by law. For example, in integrating the minorities and remote area dwellers into the mainstream of society, emphasis is placed on shared amenities such as schools, water reticulated system, etc. In other words, settled groups are not excluded from new settlements which are inhabited by minorities and remote dwellers and vice versa. In this way, friendship, tolerance and understanding are developed among ethnic groups.

Botswana, being a Member of the United Nations, and party to the Universal Declaration of Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, has adopted adequate measures to ensure the propagation of the purposes and principles of the Charter of the United Nations.

As examples of promoting understanding, tolerance and friendship via classes using the African Social Studies Programme as a base, the Curriculum Development Division of the Ministry of Education has prepared a series of kits which make teachers and children aware of human rights.

The Constitution of Botswana's local cultural organizations and the organization of national cultural programmes transcends, in every respect, all forms of prejudices based on tribal or ethnic groupings.

The radio and the Botswana Daily News broadcasts carry articles respectively espousing the undesirability of racism and racial practices. They follow up cases which very often lead to police investigations whenever racial practices are known to exist anywhere in the country. Once the reporters have had first hand information, this is published along with advice to the public about the illegality of racism and racial discrimination in Botswana.

In addition, it is a matter of Government policy, to broadcast United Nations produced material, dealing with the liberation movements' campaigns against *apartheid* which invariably includes racial discrimination. These tapes are run as a confir-

¹ Report submitted by State (CERD/C/105/Add.1).

mation of Botswana's commitment to the course of justice and its small contribution to the many efforts by the United Nations and its various agencies to fight the many evils including racial discrimination adversely affecting the dignity of man. This way the general public of Botswana also learns of its leadership's determination to combat racial prejudices which lead to racial discrimination.

BRAZIL

A. Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them

*(article 2 of the Universal Declaration;
article 2 (2) of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

The Indian Statute (Act No. 6001, of 19 December 1983) remains, with minor changes, the basic legal instrument defining Brazil's policy towards its indigenous populations, the main thrust of which is to preserve the culture of the Indians while assuring their progressive integration into national life.

One of the changes concerns articles 44 and 45 of the Indian Statute, which read as follows:

“Art. 44. Ground wealth in the native areas can only be exploited by the forest-dwellers, who have the exclusive right to practice placer mining, panning and screening for nuggets, precious and semiprecious stones in the areas in question.

“Art. 45. Exploitation of subsoil wealth in the areas belonging to the Indians, or to the domain of the Union, but in the possession of Indian communities, shall be effected in the terms of the legislation in force, with due observation of the provisions of this Law.

“Sect. 1. The Ministry of the Interior, through the competent agency of assistance to the Indians, shall represent the interests of the Union, as owner of the soil, but the share in the results of exploitation, indemnities and royalties for the occupation of the land, shall revert to the benefit of the Indians and constitute a source of native income.

“Sect. 2. In order to safeguard the interest of the Indian Estate and the well-being of the forest-dwellers the grant of authorization to third parties for prospecting or mining on tribal possessions shall be conditioned to prior understandings with the Indian assistance agency.”

These two articles have been complemented by additional legislation, contained in Decree No. 88.985 of 10 November 1983.

Article 44 of the Indian Statute has been kept in its entirety in article 2 of Decree No. 88.985.

Article 45, paragraph 2, of the same Act, has been complemented by Decree No. 88.985, whose article 4 provides that authorization for prospecting or mining on

¹ Report submitted by State (CERD/C/149/Add.3).

tribal possessions shall be granted to State-owned companies belonging to the Federal Administration, the authorization in question being limited to those strategic ores that are necessary to national security and development. Under exceptional circumstances, Brazilian-owned private companies shall—by virtue of article 4, paragraph 1, of the said Decree—be granted such authorization, which is conditional upon the approval of the National Indian Foundation (FUNAI) and the National Department for Mineral Production.

Other relevant provisions of Decree No. 88.985 are to be found in its article 5, by virtue of which mining activities in the indigenous lands must not only be mechanically operated but also meet the demands possibly made by FUNAI with a view to protecting the patrimony and the welfare of the Indians; article 7, in accordance with which FUNAI may require mining companies to adopt precautionary measures aimed at preserving the Indians' culture, mores and traditions—whenever these are in danger or suffer any damage, FUNAI may impose a suspension of mining activities; and article 8, which provides that companies operating on indigenous lands shall employ Indians as much as possible, paying due regard to their level of integration into national life and offering them the benefits and rights assured by social security legislation.

Decree No. 88.118 of 23 February 1983, which revokes Decree No. 76.999 of 8 January 1976 and complements article 19 of the Indian Statute, establishes the administrative process of demarcation and regularization of indigenous lands. That process shall be conducted on the initiative and under the guidance of FUNAI, which shall carry out preliminary studies with the aim of demarcating the Indians' lands, taking into consideration elements such as the length of time Indians have occupied the areas in question, the presence in these areas of non-Indians as well as the existence of governmental projects or private property in the areas to be demarcated. The FUNAI proposal is then submitted to a Working Group co-ordinated by the president of FUNAI and made up of representatives from the Ministry of the Interior and other Federal and State institutions concerned. Once examined and approved within the said Working Group, the proposal is brought to the attention of the Minister of the Interior and the Minister of Development and Land Reform, who finally submit the proposal to the President of the Republic for official approval.

B. Prohibition of racial discrimination or incitement to it

*(article 7 of the Universal Declaration;
article 4 of the International Convention on the Elimination
of All Forms of Racial Discrimination)²*

Act No. 6620 of 17 December 1978, has been revoked by Act No. 7170 of 14 December 1983. In accordance with article 22 of the latter, spreading propaganda in favour of racial discrimination constitutes a "crime against national security", with penalties ranging from one to four years' imprisonment. Paragraph 1 of the said article provides that penalties shall be increased by a third if propaganda in favour of racial discrimination is made in workplaces or broadcast through television or radio, whereas paragraph 2 provides that those penalties also apply to any person

² *Ibid.* (CERD/C/149/Add.3).

who distributes or redistributes funds intended for spreading this sort of propaganda or pamphlets for the same purpose. According to article 23, incitement to any of the crimes set out in this Act is likewise subject to penalties of one to four years of imprisonment.

BULGARIA

A. Condemnation of racial segregation and *apartheid*

*(articles 1 and 2 of the Universal Declaration;
article 3 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*¹

Bulgaria resolutely condemns the policies of *apartheid* pursued by the racist régime of South Africa and supports the demands of international public opinion to apply effective sanctions against the Republic of South Africa under Chapter VII of the Charter of the United Nations. This is the position adopted by Bulgaria at the International Conference in Support of the Struggle of the Namibian People for Independence held in Paris (1983) and the Second World Conference to Combat Racism and Racial Discrimination in Geneva (1983).

B. Equality before the law

*(article 7 of the Universal Declaration;
article 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*²

Amendments in 1982 to the Administration of Justice Act and to the Electoral Act provides that judges of district, regional and military courts (as well as judges of the Supreme Court) are elected and dismissed from office by the National Assembly. This strengthens the independence of judges from local influence. Amendments in 1983 to the Code of Civil Procedure (establishment of the district court as the basic element of the judicial system for considering and determining civil disputes between citizens, and between citizens and socialist organizations; and a considerable expansion in the number of cases in which the court of second instance decides the case independently, finally and on the substance, without referring back to the court of first instance for reconsideration, etc.) are designed to bring justice closer to the people, to render justice more quickly and more effectively and to strengthen the protection of the rights of citizens.

¹ Report submitted by State (CERD/C/118/Add.17).

² *Ibid.* (CERD/C/118/Add.17).

C. Right to take part in the conduct of public affairs

*(article 21 of the Universal Declaration;
article 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*³

As in the case of electoral rights, Bulgarian citizens exercise the right to participate in the existing forms of direct democracy—referendums and nationwide and local consultations of people's opinion. In this connection, the Consultation of the People's Opinion Act (1983) and the Decree regulating its implementation (1983) are of great importance for the improvement of the political system and the further development of socialist democracy. They create possibilities for expanding direct democracy and for involving citizens in the preparation of laws and other State instruments and in the administration of the State and society. Under the Act, a consultation of the people's opinion, which takes place in two forms—discussion and referendum—may be conducted throughout the territory of the country (nationwide consultation) or in the territory of a region, district, locality or a part thereof (local consultation). All Bulgarian citizens having electoral rights are entitled to participate in nationwide consultations and Bulgarian citizens having electoral rights and permanent or prolonged residence in the area concerned are entitled to participate in local consultations.

³ *Ibid.* (CERD/C/118/Add.17).

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

A. Condemnation of racial segregation and apartheid

*(articles 1 and 2 of the Universal Declaration;
articles IV and VI of the International Convention on the Suppression
and Punishment of the Crime of Apartheid)¹*

The representatives of the Byelorussian SSR participate actively in the work of the United Nations organs such as the General Assembly and the Commission on Human Rights that deal with the problems of decolonization and the struggle against racism, racial discrimination and *apartheid*. They participated in the Second World Conference to Combat Racism and Racial Discrimination (Geneva, 1983) and the International Conference in Support of the Struggle of the Namibian People for Independence (Paris, 1983).

B. Right to life, liberty and security of person

*(article 3 of the Universal Declaration;
article 9 of the International Covenant on Civil and Political Rights)²*

Under article 54 of the Byelorussian Code of Criminal Procedure, in the wording of the Decree of the Presidium of the Supreme Soviet of the Byelorussian SSR dated 22 September 1983, a citizen who is recognized to have been the victim of a criminal act and his representative are entitled to acquaint themselves with all the evidence as soon as the preliminary investigation has been completed, to attend the court hearing, to lodge objections, to make complaints concerning the actions of the person responsible for the inquiry, the investigator, the procurator or the court, and to appeal against the sentence or verdict of the court and the findings of the judge.

C. Prohibition of forced labour; right to work

*(articles 4 and 23 (1) of the Universal Declaration;
article 8 of the International Covenant on Civil and Political Rights;
article 6 of the International Covenant on Economic,
Social and Cultural Rights)³*

On 17 June 1983, at the eighth session of the tenth convocation, the Supreme Soviet of the Union of Soviet Socialist Republics adopted the Law on Work Collec-

¹ Report submitted by State (E/CN.4/1985/26/Add.1).

² *Ibid.* (CCPR/C/28/Add.4).

³ *Ibid.* (E/1984/7/Add.8; CCPR/C/28/Add.4).

tives and the enhancement of their role in the management of enterprises, institutions and organizations, which entered into force on 1 August 1983.

Article 13 of the new Law on Work Collectives of the USSR confirms the right of work collectives to take part in discussing and deciding matters pertaining to the training, placement and rational utilization of staff, maintenance of the stability of collectives and improvement of the structure of enterprises, institutions and organizations. Work collectives recommend members of the collective who have distinguished themselves at work for movement to a higher category (grade) or for promotion; they consider matters relating to staff training, instruction in new trades, the development of tutoring systems and the work of schools that teach advanced work methods. Work collectives also consider questions relating to the education and vocational training of young workers and their incorporation in the collective, and help to improve the job training and vocational guidance provided to students in schools supported by them; they nominate outstanding workers for instruction at higher and specialized secondary educational institutions on grants provided out of the funds of the enterprises and organizations.

This Act confers on work collectives extensive rights to supervise compliance with the legislation in respect of labour and the protection of the constitutional right to work. Work collectives participate in drawing up collective agreements, discuss them, take decisions on them and carry out measures to ensure their implementation, hear the reports of the management of enterprises, organizations and trade union committees on the implementation of the collective agreements and, when necessary, raise the question of calling to account persons who have not carried out their obligations under them.

**D. Prohibition of torture or cruel, inhuman
or degrading treatment or punishment**

*(article 5 of the Universal Declaration;
article 7 of the International Covenant on Civil and Political Rights)⁴*

Pursuant to the Decree of the Presidium of the Supreme Soviet of the Byelorussian SSR dated 22 September 1983, article 15 of the Byelorussian Code of Criminal Procedure has been redrafted to read as follows:

“The court, procurator, investigator or person conducting the inquiry have an obligation to take all the measures provided for by law to ensure a comprehensive, complete and objective investigation of the circumstances of the case, to make known the facts operating both against and in favour of the accused and any extenuating or aggravating circumstances.

“The court, procurator, investigator or person conducting the inquiry may not transfer the burden of the proof to the accused.”

⁴ *Ibid.* (CCPR/C/28/Add.4).

E. Right to all the guarantees necessary for defence

*(article 11 of the Universal Declaration;
article 2 of the International Covenant on Civil and Political Rights)⁵*

In conformity with the Decree of the Presidium of the Supreme Soviet of the Byelorussian SSR dated 22 September 1983, the wording of article 14 of the Byelorussian Code of Criminal Procedure was amended. The new version of article 14 guarantees the right of the accused to a defence.

The court, the public procurator, or the investigator or person conducting the inquiry has an obligation to provide an accused person with an opportunity to defend himself, by the means prescribed by law, against the charge brought against him and to safeguard his personal and property rights.

F. Freedom of thought, conscience and religion

*(article 18 of the Universal Declaration;
article 18 of the International Covenant on Civil and Political Rights)⁶*

Article 50 of the Constitution of the Byelorussian SSR and the Regulations on Religious Societies confirmed by the Decree of the Presidium of the Supreme Soviet of the Byelorussian SSR dated 27 February 1977, as amended on 3 February 1983, stipulate that citizens are guaranteed freedom of conscience, that is, "the right to profess or not to profess any religion, and to conduct religious worship or atheistic propaganda. Incitement of hostility or hatred on religious grounds is prohibited."

In the Byelorussian SSR, the church is separated from the State and the school from the church.

The Decree of the Presidium of the Supreme Soviet of the Byelorussian SSR dated 27 February 1977 confirmed the Regulations on Religious Societies, which were amended by the Decree of the Presidium of the Supreme Soviet of the Byelorussian SSR dated 3 February 1983.

G. Freedom of association

*(article 20 of the Universal Declaration;
article 22 of the International Covenant on Civil and Political Rights)⁷*

Under the Act on Work Collectives (article 3), work collectives closely interact with the organs of State and Government. For instance, work collectives examine questions of State and of economic and social-cultural construction submitted for their consideration by the soviets of people's deputies and the bodies subordinate to them; they submit for the consideration of the local soviets of people's deputies proposals for all-round economic and social development in their territories and all pro-

⁵ *Ibid.* (CCPR/C/28/Add.4).

⁶ *Ibid.* (CCPR/C/28/Add.4).

⁷ *Ibid.* (CCPR/C/28/Add.4).

posals with regard to other questions falling within the competence of the relevant local soviets.

Work collectives are given broad powers to discuss and decide State and public affairs (article 5). They consider draft laws and decisions of the local soviets of people's deputies affecting the interests of work collectives, and other questions of State and public life raised for discussion, and make proposals with regard to them. They nominate candidates for the posts of deputies of the soviets of people's deputies and representatives on the electoral committees. They hear the reports of the deputies of the soviets of people's deputies who are nominated by the work collectives and also the reports of the executive committees of the local soviets of people's deputies, and their departments and offices. They nominate candidates for the posts of people's judges. They elect the people's assessors of district (municipal) people's courts and hear their reports. They raise the question of recalling deputies of the soviets of people's deputies and people's judges and recall people's assessors of district (municipal) people's courts who have not justified the trust of the electorate. They elect the members of the standing works conferences, the people's control committees, groups and posts, the comrades' courts and other public bodies operating in work collectives, and hear their reports. They discuss other questions relating to State and public life.

Work collectives hear the views of the administration on the fulfilment of plans and contracts, on the reasons for modification of plans and on the results of industrial and economic activity and make appropriate recommendations, if necessary bringing them to the notice of higher bodies.

The Act provides (article 13) that work collectives shall participate through social organizations, in accordance with USSR legislation, in deciding matters concerning the appointment of workers to management posts in enterprises, institutions and organizations; the opinion of the work collectives must be sought when appointing or removing such workers.

H. Right to just and favourable conditions of work
(article 23 (1) of the Universal Declaration;
article 7 of the International Covenant on Economic,
Social and Cultural Rights)⁸

The new Law on Work Collectives bestows broad decision-making powers on the workers themselves in connection with the organization of the work, the fixing of norms and remuneration and the general improvement of the welfare of the people.

In accordance with article 11 of this Law, labour collectives propose and implement measures for the introduction of progressive forms of labour organization. They also participate in decisions concerning the use of the savings in the wage fund effected during production and discuss and adopt proposals for improving the bonuses awarded to workers and the other grants and benefits provided under the financial incentives fund. Moreover, they monitor the application of existing work norms and of the conditions governing remuneration. Article 14 of the law gives

⁸ *Ibid.* (E/1984/7/Add.8).

work collectives broad powers in connection with the distribution and use of the economic incentive funds. They also take part in decisions concerning the use of the financial incentives fund, the fund for social and cultural measures and housing construction and the fund for the development of production. In accordance with article 6 of the law, drafts of both long-range and current plans for economic and social development submitted by enterprises, institutions and organizations may not be adopted without prior consideration by the work collectives.

I. Right to an adequate standard of living (right to housing)

*(article 25 (1) of the Universal Declaration;
article 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)⁹*

The right of citizens to housing, provided for by the Constitution of the Byelorussian SSR, has been given concrete expression in the Republic's Housing Code, adopted by the Supreme Soviet of the Byelorussian SSR on 22 December 1983. It provides that this right is ensured by the development and upkeep of State and socially-owned housing, by assistance to co-operative and individual house-building by fair distribution under public control of housing space, and by low rents and low charges for utility services. The Republic's housing legislation promotes implementation of the right of citizens to housing without any discrimination whatsoever, including discrimination on grounds of racial or national origin.

**J. Promotion of understanding, tolerance and friendship
among all nations, racial and ethnic groups**

*(article 26 (2) of the Universal Declaration;
article 7 of the International Convention on the Elimination
of All Forms of Racial Discrimination;
article IV of the International Convention on the Suppression
and Punishment of the Crime of Apartheid)¹⁰*

In 1983, a Decree of the Presidium of the Supreme Soviet of the USSR was adopted "On the tasks of Soviets of People's Deputies in connection with further developing the friendship and co-operation of the peoples of the USSR and with educating the workers in an international spirit", which reflects the constant attention of the Soviet States to matters pertaining to the development and strengthening of the fraternal union of the peoples of the USSR.

In particular, the Decree calls upon the Soviets of People's Deputies to: Devote constant attention to the development and deepening of friendship and collaboration of peoples of the USSR, the successful solution of nationwide tasks of economic development, raising the workers' level of prosperity and culture, careful account being taken of the particularities of each Union Republic and of the interests of all nations and nationalities (article 1);

⁹ *Ibid.* (CERD/C/118/Add.9).

¹⁰ *Ibid.* (CERD/C/118/Add.9; E/CN.4/1985/26/Add.1).

Make maximum use of the possibilities of educational establishments and cultural and artistic institutions operating in their territories to educate citizens in a spirit of mutual respect and friendship of all the country's nations and nationalities, internationalism and solidarity with workers of other countries; persistently to develop modern forms and methods of work in connection with the enrichment of national cultures and the utilization of all that is best in the spiritual heritage and traditions of each of our country's peoples (article 3);

Improve forms of participation of workers of all nationalities in the activities of the Soviets of People's Deputies and in the running of State and public affairs; take requisite measures to ensure that, under conditions of the plurinational composition of Union and Autonomous Republics, all nationalities are duly represented in Soviet bodies (article 4).

The constitutional provision concerning the need to educate citizens in the spirit of socialist internationalism has been further developed in the USSR Law of 17 June 1983 "On work collectives and the enhancement of their role in the running of enterprises, establishments and organizations", article 17 of which provides that work collectives shall take measures to educate the collective's members in the spirit of socialist internationalism and of the friendship and fraternity of peoples.

CANADA

Introduction: general legal framework¹

Quebec

On 18 December 1982, the National Assembly passed Bill 86, an Act to amend the Charter of Human Rights and Freedoms.

This Act first extends the precedence of the Charter of Human Rights and Freedoms to embrace the rights and freedoms contemplated in sections 1 to 8, in particular section 4, which recognizes that "every person has a right to the safeguard of his dignity, honour and reputation". The precedence of the Charter will operate with regard to all the provisions of the laws of Quebec, whether they were enacted before or after the Charter, unless those enacted thereafter expressly state that they apply despite the Charter.

Furthermore, the Human Rights Commission may henceforth itself obtain an injunction and itself institute penal proceedings against any person who has contravened the sections of the Charter dealing, *inter alia*, with discrimination based on race, colour and ethnic or national origin, in the various areas of life in society. Prior to this amendment the Human Rights Commission merely reported to the Attorney-General any facts it felt might constitute an offence.

However, the most important of these amendments deals with the establishment of affirmative action programmes. The object of such programmes is to remedy the situation of persons belonging to minority groups owing to their race, colour, ethnic or national origin or sex who are discriminated against in employment or in the sector of education or of health services and other services generally available to the public. Such programmes may be introduced voluntarily after they have been approved by the Human Rights Commission; they may also be recommended by the latter following investigation or be imposed by a court upon presentation of evidence of discrimination against a particular group.

A. Condemnation of racial segregation and *apartheid* *(articles 1 and 2 of the Universal Declaration; article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination)*²

Measures designed to bring pressure on the white minority Government of South Africa to eliminate *apartheid* have been maintained. These actions include the

¹ Report submitted by State (CERD/C/107/Add.8).

² *Ibid.* (CERD/C/107/Add.8).

embargo on arms sales, suspension of trade promotion, cessation of financial assistance to Canadian exporters to South Africa, ending of trade agreements with South Africa, ending of sports contacts, and continuance of the voluntary Code of Conduct concerning Employment Practices for Canadian Companies Operating in South Africa.

**B. Elimination of racial discrimination; development and protection
of certain racial groups or individuals belonging to them;
equality before the law**

*(articles 2 and 7 of the Universal Declaration;
articles 2 and 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)³*

Intergovernmental co-operation

Ministers responsible for human rights meet regularly to review issues arising out of the implementation of international human rights treaties and generally to keep abreast of developments in the field. The last such meeting was held in September 1983. During that conference, the ministers examined, among other things, a number of issues related to the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and the elimination of racial discrimination in general.

Among other decisions, the ministers requested the Continuing Federal-Provincial-Territorial Committee of Officials Responsible for Human Rights (a body created in 1975 to facilitate consultation and co-operation between Governments) to develop a full and complete interpretation of the International Convention on the Elimination of All Forms of Racial Discrimination; reinforced the pressing need for statistical data to meet the requirements of affirmative action programmes; directed their officials, through the Continuing Committee to report and recommend how affirmative action can best be integrated into government mandates; requested that the Committee review, analyse and document the status of the teaching of human rights in Canada in consultation with the appropriate bodies responsible for education; and recorded their support for the Second Decade to Combat Racism and Racial Discrimination.

Government of Canada

Visible minorities

In April 1983, the Government approved a set of guidelines for the depiction of visible and ethnic minorities in Government advertising and communications. The guidelines are grounded in the principle and policy of multiculturalism within a bilingual framework. Within this context, all groups irrespective of ancestry and ethnic origin are and must be portrayed as equally productive and contributing members of Canadian society. The guidelines are intended to help correct theoretical biases and

³ *Ibid.* (CERD/C/107/Add.8).

stereotypes which constitute barriers to full participation in Canadian society. They apply to all internal and external federal government communications.

Aboriginal self-government

In December 1982, the House of Commons created a Special Committee on Indian Self-Government to review all legal and related institutional factors affecting the status, development and responsibilities of band Governments on Indian reserves and make recommendations in regard particularly to possible provisions of new legislation and improved administrative arrangements to apply to some or all band Governments on reserves, taking into account the various social, economic, administrative, political and demographic situations of Indian bands, and their views in regard to administrative or legal change.

In its report, submitted to Parliament in November 1983, the Committee recommended that the Federal Government establish a new relationship with Indian First Nations and that an essential element of this relationship be recognition of Indian self-government. The Committee recommended that the right of Indian People to self-government be explicitly stated and entrenched in the Constitution of Canada. Indian First Nation Governments would form a distinct order of Government in Canada, with their jurisdiction defined. Proposals to achieve self-government, through legislative and administrative means, were outlined in the report.

In order to foster multiculturalism within Canada's education system, financial support and consultative assistance were provided to individuals and associations, such as the Canadian Education Association, the Canadian Teachers Federation and the Canadian Council for Multicultural and Intercultural Education, which it helped to establish in 1983. The Council comprises provincial representatives who come together to share pertinent information and work on activities that help advance the idea of multicultural education in Canadian schools. The Directorate was involved in teacher-training workshops, curriculum development, research and publication of teaching guides.

In June 1983, the Government announced that an affirmative action programme was being implemented across the Public Service of Canada to ensure more equitable representation in it of women, indigenous people and handicapped persons. A pilot project had been carried out with a limited number of departments in previous years and the Government had concluded that affirmative action can be implemented in the Public Service.

At the same time, the Government announced consultations with visible minority groups in order to develop a strategy for examining their employment situation in the federal Public Service. Special measures for these groups would be developed where analysis indicates they are necessary.

Affirmative action was defined as a comprehensive systems-based approach to the identification and elimination of discrimination in employment. It makes use of detailed analyses to identify and systematically remove employment policies, practices and procedures which may exclude or place at a disadvantage the target groups.

The Public Service Commission has established, in 1983, the National Indigenous Development Programme, which is designed to improve the preparation of indigenous people for positions in the middle and senior levels of the Public Service of Canada.

The Canadian Human Rights Act, S.C. 1976-1977, c. 33, prohibits discrimination in employment and in the provision of goods, services and accommodation on numerous grounds including race, colour, and national or ethnic origin. The Act was amended in 1983 in order to broaden its protection against discrimination. It now expressly prohibits harassment on any of the prohibited grounds, including race, colour, and national or ethnic origin. It specifies that all persons subject to a collective agreement, whether or not they are members of the union, are protected from discrimination on the part of the union organization, and prohibits discriminatory practices on the part of organizations of employers as well as by employers acting in their individual capacity.

The Canadian Human Rights Commission can now deal with allegations that an employer, employee organization or organization of employers has a policy that limits the job opportunities of certain groups, even if no individual victim comes forward.

Government of the Provinces

Alberta

New developments have been introduced in the Cultural Heritage Branch with respect to a number of specific programmes.

New Brunswick

In accordance with the duties and responsibilities mandated by the Human Rights Code, the Human Rights Commission and the staff have developed a programme consisting of the following four components:

- (1) *Dispute Settlement*: to provide a forum for the orderly disposition of all disputes brought to the Commission.
- (2) *Public Education*: to instill in New Brunswick citizens an attitude of understanding and respect for the principles of human rights.
- (3) *Native Persons Desk*: to respond to the special needs of native persons with respect to their achieving full enjoyment of human rights.
- (4) *Legal Services*: to ensure the proper statutory functioning of the Human Rights Commission programme.

The Commission makes every effort to speak out against act of discrimination by any person or organization through the television, newspapers and radio. In June 1983, the Commission held a press conference to call upon the media, church officials, politicians and other community leaders to help put an end to racism.

Nova Scotia

The Nova Scotia Human Rights Act was amended.

This amendment prohibits discrimination in housing on the basis of source of income, i.e., receipt of income maintenance payments from any level of government or maintenance payments under the terms of a court order or separation agreement.

Ontario

In 1983, a Task Force on Race Relations and Publicly-Assisted Housing was established by the Cabinet Committee on Race Relations to explore race relations issues arising in publicly-assisted housing projects, and to report its findings and recommendations to the Cabinet Committee on Race Relations.

As a new initiative for fiscal year 1982-1983, the Race Relations Division began hosting a series of consultations with minority communities. The main purpose of the consultations is to identify issues and concerns of importance in the communities and to direct these concerns to the appropriate agencies, individuals or institutions for action.

Quebec

On 30 June 1983, the Quebec Minister of Social Affairs, in co-operation with the Minister of Cultural Communities and Immigration, announced that all persons awaiting refugee status would be eligible for free, universal health care. Similar decisions had been made in the past with respect to individuals in distress living in Quebec, such as refugees from the Nigerian war and, more recently, Vietnamese refugees.

Saskatchewan

In April 1983, the Department of Intergovernmental Affairs was abolished. The Indian and Native Affairs Branch of that department had been responsible for the co-ordination of provincial policy regarding aboriginal peoples in the province. This branch was transformed into the Indian and Native Affairs Secretariat under the direction of a Secretary and with the same responsibilities for developing and monitoring Indian and Native policy. The Secretariat continued to report to the Attorney-General and Minister of Justice until 2 July 1983, when a Minister without departmental portfolio was specifically assigned to oversee its functioning.

In March 1983, the Government of Saskatchewan signed the 1983 Constitutional Accord on Aboriginal Rights committing itself to further discussions on constitutional matters affecting the aboriginal peoples of Canada and to a number of amendments to the constitutional status of the aboriginal peoples of Canada.

C. Right to an effective remedy

*(article 8 of the Universal Declaration;
article 6 of the International Convention on the Elimination
of All Forms of Racial Discrimination)⁴*

British Columbia

The former Human Rights Branch of the Ministry of Labour received a total of 501 formal complaints of discrimination under the Human Rights Code in 1983. Of these complaints, 116 or 23 per cent involved allegations of racial discrimination.

In 1983, three of eleven complaints referred to a board of inquiry under the previous Human Rights Code concerned alleged incidents of racial discrimination. One case involved two Native Indian persons who were denied service by a Vancouver hotel. The board of inquiry ordered that the hotel and its staff refrain from the same or any similar contravention again, and ordered payment of \$500 to the complainants for damage to self-respect.

⁴ *Ibid.* (CERD/C/107/Add.8).

Ontario

Between April 1982 and April 1983, 229 complaints alleging racial discrimination in contravention of the Human Rights Code were initiated with the Human Rights Commission. The majority of these complaints alleged discrimination in employment. Complaints were resolved in a variety of ways including financial compensation, job offers, reviews of company practices and policies, and race relations seminars in the workplace.

D. Right to freedom of opinion and expression

*(article 19 of the Universal Declaration;
article 19 of the International Covenant on Civil and Political Rights)⁵*

The Canadian Charter of Human Rights and Freedoms renders inoperative all laws which result in discrimination against an individual because of his or her political views and opinions, as long as such laws are neither reasonable nor justifiable in a free and democratic society. Section 2 of the Charter recognizes the right of everyone to the freedom of thought, opinion, expression and association. Furthermore, section 15 which will come into force on 17 April 1983 sets out, "Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without exception."

E. Promotion of understanding, tolerance and friendship among all nations, racial and ethnic groups

*(article 26 (2) of the Universal Declaration;
article 7 of the International Convention on the Elimination
of All Forms of Racial Discrimination)⁶*

Government of Canada

The Department of the Secretary of State provides extensive financial support to organizations of the aboriginal peoples of Canada, ethnic groups and official language minorities to retain and develop their culture, traditions and languages. Many other departments, including the Department of Indian Affairs and Northern Development, and cultural agencies provide similar support.

Financial assistance is also provided to non-governmental organizations for various human rights projects, including the fight against discrimination and prejudice and for inter-group understanding, and the celebration of such events as Human Rights Day. Special efforts were made for example, in 1983, to mark the 35th anniversary of the adoption of the Universal Declaration of Human Rights. Extensive support was then provided to the non-governmental sector to organize activities aimed at increasing public awareness of human rights issues. Many departments and agencies joined ranks to inform their employees and the public of the importance of the Declaration and other human rights instruments.

⁵ *Ibid.* (CCPR/C/1/Add.62).

⁶ *Ibid.* (CERD/C/107/Add.8).

Subsequent to the adoption of the Charter of Human Rights and Freedoms, in 1982, the Department of Justice established a Human Rights Law Fund to provide financial assistance in support of activities undertaken by individuals, associations, and groups, relating to the protection and development of human rights within areas of federal jurisdiction. Projects considered under the Fund include legal research, publications, conferences, seminars, and public education and information projects that enhance knowledge in Canada of the Charter of Human Rights and Freedoms, human rights legislation and the international human rights obligations of Canada.

Government of the Provinces

Alberta

Alternative schools have been funded for the education of urban Native students.

New legislation has been developed for Northland School Division that provides for local control of the delivery of educational services in remote northern communities that are predominantly Native.

A study of bias towards Native Canadians as may be displayed in curricular materials as well as a study of programmes of Native students available in the schools of Alberta has been undertaken.

A Committee on Tolerance and Understanding has been created to undertake a special review to ascertain if there are any practical changes which could be made that would foster greater tolerance and respect for minority groups.

New Brunswick

The New Brunswick Human Rights Commission develops and conducts educational programmes designed to eliminate discriminatory practices related to race, colour, religion, national origin, ancestry, place of origin, age, physical disability, marital status or sex. Staff and Commission members give workshops and lectures at schools throughout the province.

Nova Scotia

The Nova Scotia Human Rights Commission hosted the Thirty Fourth Annual Conference of the International Association of Official Human Rights Agencies. The conference theme was, "International and Domestic Human Rights—Challenges of the 80s" and the conference programme was international in terms of speakers as well as subject-matter.

The Fourth Joint Human Rights and Labour Conference, jointly sponsored by the Human Rights Commission and the Nova Scotia Federation of Labour was held in co-operation with the Institute of Public Affairs, Dalhousie University. This year's conference theme was "Combatting Racism and Sexism in the Workplace in the 80s".

The Nova Scotia Alliance of Black Organizations (which includes representation from every Black group) in co-operation with the Human Rights Commission sponsored a provincial human rights conference in May 1983. The conference theme was "A Plan of Action for Progress in the Black Community for the Balance of the 80s". It attracted participation from every level of Government as well as business and industry.

Ontario

As a new initiative for fiscal year 1982-1983, the Race Relations Division began hosting a series of consultations with minority communities. The main purpose of the consultations is to identify issues and concerns of importance in the communities and to direct these concerns to the appropriate agencies, individuals or institutions for action.

The Ministry of Education published in 1983 a resource guide for teachers entitled, *Black Studies*. It is designed to assist teachers in integrating the Black Canadian experience and heritage across the curriculum and in developing a sense of identity and a positive self concept for black students.

Amendments to the Education Act have been made to facilitate the involvement of Indian band councils and education authorities in tuition agreements with local school boards.

A Native language policy is currently at the proposal stage. The proposal is recommending the recognition of Native languages as authorized subjects of instruction in Ontario schools.

Quebec

In April 1983, approximately 150 women, both Quebeckers and immigrants, representing some 15 cultural communities and several Quebec women's organizations, met at a symposium having the theme "Dialogues de femmes d'ici et d'ailleurs" (Dialogues between women from here and elsewhere).

On 15 April 1983, the Superior Council of Education adopted a notice to the Minister of Education reminding educational institutions of the "new challenge to develop an intercultural education the basic principles of which are to learn to integrate and accept and learn to become integrated and become accepted".

A symposium on the identity of allophones was held in May 1983 under the auspices of the Federation of Ethnic Groups of Quebec. There were several workshops dealing with education, culture, communications, immigration, the contribution of allophones to Quebec society and second-generation allophones, among other topics.

CHILE

Freedom of assembly

*(article 20 of the Universal Declaration;
article 21 of the International Covenant on Civil and Political Rights)¹*

Since September 1983, the right of assembly has been restored and there have been many meetings of opposition sectors in public places, such as parks and squares, and in buildings such as theatres.

There has been intense political activity; many groupings and bodies of the most diverse tendencies have been formed, with ample means of disseminating their views.

¹ Report submitted by State (CCPR/C/32/Add.1).

CHINA

**Elimination of racial discrimination; development and protection
of certain racial groups or individuals belonging to them; political rights**
*(articles 2 and 21 of the Universal Declaration;
articles 2 and 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

In pursuance of the Electoral Law, at the Sixth National People's Congress held in June 1983 all the minority nationalities in the country were represented. The minority deputies totalled 403, comprising 13.5 per cent of all deputies—a proportion twice that of the minority population in China. Furthermore, all the minorities are appropriately represented at all levels of the local People's Congresses.

Implementation of regional autonomy in areas with minority concentrations is China's fundamental policy in its effort to solve problems among nationalities. Regional autonomy in China means the establishment in the motherland as a unified whole and under the unitary direction of the State of autonomous areas at three levels, namely, the autonomous region (equal in status to a province), the autonomous prefecture (smaller than a province but bigger than a county) and the autonomous county. Up to now, China has established five autonomous regions, 30 autonomous prefectures and 74 autonomous counties. The government organs of the autonomous areas exercise the power of autonomy as prescribed in the Constitution and other laws—a power which enables them to manage the administrative, financial, economic, cultural, educational and scientific affairs in their respective areas. They also have legislative power which enables them to enact, in the light of the political, economic and cultural characteristics of the nationality or nationalities in the areas concerned, regulations relating to their autonomy and specific regulations, which are subject to approval by the next higher authority before taking effect. The administrative head or the chairman of standing committee of the People's Congress in an autonomous region, prefecture or county is a citizen of the nationality, or one of the nationalities, exercising regional autonomy in the area concerned. The autonomous government organ is staffed by a considerable number of cadres of the nationality or nationalities exercising regional autonomy in the area concerned. In performing its functions, it employs the spoken and written language in common use in the locality. It is also in such a written language that all its bulletins, documents and credentials are printed and issued. The minorities use their own languages in their everyday life, at work, in their correspondence and com-

¹ Reports submitted by State (CERD/C/101/Add.3; CERD/C/126/Add.1).

munication and social intercourse. Their schools teach in their own languages. Their books, periodicals and broadcasts are in their own languages as well.

In 1983, the State Council issued the circular concerning the establishment of nationality townships. By the end of September 1983, 2,509 nationality townships had been set up throughout the country.

COLOMBIA

A. Condemnation of racial segregation and *apartheid*
(articles 1 and 2 of the Universal Declaration;
article 3 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹

Colombia's position with regard to *apartheid* has been one of condemnation in international forums. At the International Conference in Support of the Struggle of the Namibian People for Independence, held in Paris in 1983, Ambassador Diego Uribe Vargas strongly condemned *apartheid*.

B. Right to just and favourable conditions of work
(article 23 (1) of the Universal Declaration;
article 7 of the International Covenant on Economic, Social and Cultural Rights)²

Workers have one day's rest with pay each week, namely Sunday, plus various national holidays for which they are given paid leave in accordance with Act No. 51/83.

¹ Report submitted by State (CERD/C/112/Add.1).

² *Ibid.* (E/1984/7/Add.21).

CUBA

A. Condemnation of racial segregation and *apartheid*
(articles 1 and 2 of the Universal Declaration;
article VI of the International Convention on the Suppression
and Punishment of the Crime of *Apartheid*)¹

Cuba was an active participant in the Second World Conference to Combat Racism and Racial Discrimination, held in Geneva in August 1983, and served as a Vice-Chairman of that Conference.

In 1983 Cuba also presented the report on the implementation of the ILO Declaration concerning the Policy of *Apartheid* of the Republic of South Africa and attended various meetings of the Movement of Non-Aligned Countries, at which it helped to formulate and support numerous condemnations of racism, racial discrimination and *apartheid*.

B. Right to social security and medical care
(articles 22 and 25 (1) of the Universal Declaration;
article 5 (e) (iv) of the International Convention on the Elimination
of All Forms of Racial Discrimination)²

Decree-Law No. 65/83 published in the *Gaceta Oficial Extraordinaria* No. 4 of 26 January 1983 concerns social security for co-operative workers; article 1 provides that the social security system established by the Decree-Law protects co-operative workers against illness and accident, whether or not work-related, causing temporary or total incapacity for work, as well as providing maternity and old-age benefits and protection for the family in the event of death of the co-operative worker.

Act No. 41/83 on Public Health came into force upon its publication in the *Gaceta Oficial Ordinaria* No. 61 of 15 August 1983.

The Public Health Act lays down the basic principles governing social relations in the field of health, in order to help to promote health, the prevention of disease, the recovery and rehabilitation of patients and social welfare.

¹ Report submitted by State (E/CN.4/1984/36/Add.9).

² *Ibid.* (CERD/C/131/Add.4).

C. Right to just and favourable conditions of work

*(article 23 (1) of the Universal Declaration;
article 5 (e) (i) of the International Convention on the Elimination
of All Forms of Racial Discrimination)*³

Decree No. 116/83 published in the *Gaceta Oficial Ordinaria* No. 54 of 20 July 1983, established the regulations for trade-union work safety and health inspection, in order to improve working conditions and reduce work accidents, damage, occupational disease and fires.

³ *Ibid.* (CERD/C/131/Add.4).

CYPRUS

A. Right to social security

*(article 22 of the Universal Declaration;
article 9 of the International Covenant on Economic, Social and Cultural Rights)¹*

A Social Insurance Law (Law 11) and the following Social Insurance Regulations were adopted in 1983:

The Social Insurance (Contribution) (Amendment) (Regulations);

The Social Insurance (Benefit) (Amendment) Regulations;

The Social Insurance (Accounts of the Social Insurance Fund) (Amendment) Regulations.

B. Right to work

*(article 23 (1) of the Universal Declaration;
article 6 of the International Covenant on Economic, Social and Cultural Rights)²*

Law 12 on the Termination of Employment and the Termination of Employment (Redundancy Fund) (Amendment) Regulations was enacted in 1983.

C. Right to just and favourable conditions of work

*(article 23 (1) of the Universal Declaration;
article 7 of the International Covenant Economic, Social and Cultural Rights)³*

A Common Declaration on the Safety, Health and Welfare of Workers was signed on 20 May 1983 by the Government and the most representative organizations of employers and workers in Cyprus; this Declaration contains the basic principles of a coherent national policy in the field of occupational safety and health and constitutes a broad tripartite consensus on the priority objectives of a programme of action in the field.

By the Annual Holidays with Pay (Amendment) Regulations of 1983 unpaid contributions are deemed as paid, where the liability of the employer for such contributions has been recognized by a decision of the Court. This provision safeguards the right of employees to holidays with pay in case of failure of the employer to pay in time the contributions due to the Central Holiday Fund.

¹ Report submitted by State (E/1984/7/Add.13).

² *Ibid.* (E/1984/7/Add.13).

³ *Ibid.* (E/1984/7/Add.13).

**D. Promotion of understanding, tolerance and friendship
among all nations, racial and ethnic groups**
*(article 26 (2) of the Universal Declaration;
article 7 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*⁴

It was decided, at a meeting in the Public Information Office (PIO) on 16 March 1983, to translate and publish the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief so as to make the public aware of its provisions, as well as to translate and publish other related material (conventions, etc.) and send copies of these to schools and libraries.

⁴ *Ibid.* (CERD/C/118/Add.13).

DENMARK

A. Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them

*(article 2 of the Universal Declaration;
article 2 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

Today, immigrants enjoy largely the same rights as those accorded to Danish citizens by law. Immigrants thus have the same rights as Danish citizens to protection of person and property, use of and protection under the judicial system, the fundamental freedom guaranteed under the Constitution, education, work, housing and various social benefits and services, treatment in public hospitals, marriage, etc. Immigrants (citizens of foreign countries) are not, however, entitled to vote in elections to the *Folketing* (parliament). But as of 1981, the right to vote in local government elections was extended to include immigrants having been permanently resident in Denmark during the three years preceding polling day.

Immigration is primarily regarded as the individual immigrant's own responsibility. But in the case of immigrants to whom integration may pose special problems, notably immigrants from countries with a social, economic and cultural background which differs essentially from the conditions prevailing in Denmark, it is sought to facilitate integration through the implementation of special measures, principally in the fields of education and training. Moreover, central government grants are given to local governments in districts with a particularly large number of immigrants. These grants are made in recognition of the unusually heavy expenditure which such measures entail for the local governments concerned. Furthermore, central and local governments grant support to immigrants' associations.

The legal status accorded to aliens under the Aliens Act (Act No. 226 of 8 June 1983) is not determined by race, colour, national or ethnic origin, or belief, but solely by nationality, i.e. country of citizenship. The Act distinguishes between:

- (a) Nationals of the other Nordic countries (Finland, Iceland, Norway and Sweden);
- (b) Nationals of the other member States of the European Economic Community (EEC);
- (c) Nationals of "third countries", i.e. countries other than those referred to in (a) and (b).

The provisions governing reunion of immigrant families are contained in section 9 of the Aliens Act (Act No. 226 of 8 June 1983) which provides:

¹ Reports submitted by State (CERD/C/106/Add.9; CERD/C/131/Add.6).

- “9. (1) Upon application made, a residence permit shall be issued to:
- “(i) An alien who has previously been a Danish national;
 - “(ii) An alien who cohabits at a shared residence, either in marriage or in regular cohabitation of prolonged duration, with a person permanently resident in Denmark;
 - “(iii) An under-age child of a person permanently resident in Denmark or of that person’s wife or husband, as the case may be, provided the child lives with the person having custody of it;
 - “(iv) A parent aged over 60 of a Danish or Nordic child or a child issued with a residence permit under sections 7 or 8; or
 - “(v) A parent aged over 60 of an alien issued with an open-ended residence permit. However, residence permits will generally be issued only if the applicant has no other child in his home country able to maintain him.
- “(2). Upon application made, a residence permit may be issued to other aliens, provided:
- “(i) The alien, in cases not falling within subsection (12), is closely connected through relatives or in similar manner with a person permanently resident in Denmark;
 - “(ii) Significant employment or business considerations make it appropriate;
 - “(iii) Exceptional reasons otherwise make it appropriate.
- “(3) A residence permit under subsection (1) (iv)-(v) or subsection (2) (i) may be issued provided the person living in Denmark takes on himself the maintenance of the applicant.
- “(4) A residence permit issued under subsections (1) or (2) must be obtained before entry. However, the Minister for Justice may lay down rules on instances in which application for a residence permit may be submitted in Denmark.”

The provisions governing the issue of work permits to family members of immigrants are contained in sections 13 and 14 of the Aliens Act which provide:

“13. (1) An alien shall have been issued with a work permit to be allowed to take paid or unpaid employment; to undertake independent gainful activity; and to render services with or without consideration in Denmark. A work permit is required also for employment aboard a Danish ship or aircraft which, as part of liner traffic or otherwise, regularly calls at Danish ports or airports.

“(2) The Minister for Justice shall lay down more detailed provisions on the extent to which a work permit shall be required for work within Danish territorial waters or the Danish Continental Shelf.

“14. (1) The aliens listed in this section shall not require work permits:

- “(i) Nationals of another Nordic country, cf. section 1;
- “(ii) Aliens falling within the EEC rules, cf. sections 2 and 6; and
- “(iii) Aliens issued with an open-ended residence permit.

“(2) The Minister for Justice may order that other aliens shall not require work permits.”

Issue of open-ended residence permits, cf. section 14, (1) (iii) of the Act, is governed by the provisions of section 11 (1) and (2) which provide:

“11. (1) Residence permits are issued for permanent or for temporary stay in Denmark. Residence permits may be issued for limited periods of time.

“(2) Where a residence permit is issued for the purpose of permanent stay, its validity cannot extend beyond five years from the date when the alien lawfully settled in Denmark. Such residence permit issued for the purpose of permanent stay may be renewed upon application made, except where the provisions of section 19 give cause for its revocation.”

B. Right to an effective remedy

*(article 8 of the Universal Declaration;
article 6 of the International Convention on the Elimination
of All Forms of Racial Discrimination)²*

Since 1981, criminal proceedings were instituted in three cases for violation of section 266, *b*, of the Criminal Code, which prohibits discrimination on account of race, colour, national or ethnic origin, or belief.

1. A person was punished for having referred, via radio walkie-talkie, to another person as a “sheeny”.

2. A person was punished for saying at a public meeting, about Moslems, *inter alia*, Turks, resident in Denmark as immigrant workers: “Being unemployed they sponge on industrious and skilled Danish workers while through immigration and propagation they multiply at a terrific rate—I am not allowed to say that they multiply like rats. As a matter of fact, Moslem women give birth to one child a year from the age of 15 to the age of 45”. The person concerned was furthermore convicted for having sent summaries of his statement during the meeting to two newspapers.

3. A person was punished for having called an Italian citizen “a dirty foreign worker”.

The Parliamentary Ombudsman has dealt with one case of application of the Racial Discrimination Act—Act No. 289 of 9 June 1971:

In connection with a scheme for approval of applications for tenancies in a large block of flats in a primary local government district, the town council had decided that eligibility for tenancy should be determined not only by the financial status of applicants but also by their citizenship. It had been ascertained that 26 per cent of the tenants in the block concerned were foreign citizens and that the local government authorities wanted to reduce this ratio. In the course of his investigations into the matter the Ombudsman was informed that the local authorities had rescinded from the scheme the requirement as to citizenship. Following this, the Ombudsman saw no reason to take further steps in the matter.

² *Ibid.* (CERD/C/106/Add.9).

C. Freedom of movement and residence; right of asylum

(articles 13 and 14 of the Universal Declaration; article 5 (d) (i) and (ii) of the International Convention on the Elimination of All Forms of Racial Discrimination)³

With regard to applications for refugee status, reference is made to section 7 of the Aliens Act which provides:

“7. (1) Upon application made, a residence permit shall be issued to an alien who is in Denmark or at the Danish international boundary, provided:

“(i) The alien falls within the provisions of the Convention relating to the Status of Refugees, 28 July 1951; or

“(ii) For reasons similar to those listed in the Convention or for other weighty reason, the alien ought not to be required to return to his home country.

“(2) Issue of a residence permit as referred to in subsection (1) may be refused if the alien has already obtained protection in another country or, because of a prolonged stay or close relatives living there or other like circumstance, the alien is more closely related to another country where he must be deemed to be able to obtain protection.

“(3) Subsection (1) shall apply correspondingly to an alien who is not in Denmark or at the Danish international boundary, if, because of the alien's previous prolonged stay in Denmark, of close relatives living in Denmark, or of some other relationship, Denmark must be deemed to be the country nearest to affording protection to that alien.”

Persons holding refugee status are protected to a wider extent than other aliens against expulsion, cf. section 22 of the Aliens Act which is worded as follows:

“22. An alien who, for the purpose of permanent stay, has lawfully lived in Denmark for more than the immediately preceding seven years, and an alien issued with a residence permit under sections 7 or 8 may be expelled only if:

“(i) Expulsion is deemed necessary for reasons of national security;

“(ii) The alien has repeatedly committed serious criminal offences;

“(iii) The alien is sentenced unconditionally to a minimum of six years' imprisonment or other custodial penalty and the alien, because of the sentence and the nature and seriousness of the crime ought not to stay on in Denmark.”

D. Right to social security

(article 22 of the Universal Declaration; article 9 of the International Covenant on Economic, Social and Cultural Rights)⁴

Act No. 571 of 27 October 1982 which entered into force on 1 April 1983 introduced a number of amendments to the Daily Cash Benefit (Sickness or Maternity)

³ *Ibid.* (CERD/C/131/Add.6).

⁴ *Ibid.* (E/1984/7/Add.11).

Act. The employer period was changed from 5 to 13 weeks, the period during which daily cash benefits are payable was reduced, and a waiting day was introduced.

Act No. 273 of 9 June 1982, which entered into force on 1 January 1983, reduced the period in which the self-employed would not receive a daily cash benefit from 35 days (5 weeks) to 21 days (3 weeks).

An amendment to the Daily Cash Benefit (Sickness or Maternity) Act with effect from 1 January 1983 suspended the payment of a daily cash benefit if an anticipatory old-age pension had been applied for after that date and the social welfare committee had recommended to the rehabilitation and pensions board that the pension be granted.

In June 1983, the Danish *Folketing* adopted an anticipatory pension reform. It is the intention to simplify the provisions in the field of pensions, to make them more coherent and in keeping with the social trends and also to harmonize the provisions with the principle of equality of the sexes.

The reform implies that an anticipatory pension be granted to persons aged 18 to 67 years if their economic capacity had been reduced to at least 50 per cent owing to their health situation, or if their economic capacity has otherwise been permanently reduced. Furthermore, an anticipatory pension is payable to persons between 50 and 67 years of age for special social or health reasons.

The following types of pensions and supplements are to be abolished: lowest amount of invalidity and widow's pensions and old-age pension to single women at the age of 62-66; anticipatory old-age pension to persons at the age of 55-59 and 60-66; and wife's allowance and marriage allowance.

The applicable legislation as regards unemployment benefits is the consolidated Act on the Public Employment Service and the Unemployment Insurance System of 24 March 1970, as amended most recently by the Act of 25 July 1983.

**E. Promotion of understanding, tolerance and friendship
among all nations, racial and ethnic groups**

*(article 26 (2) of the Universal Declaration;
article 7 of the International Convention on the Elimination
of All Forms of Racial Discrimination)⁵*

Education and teaching

There is, in Denmark, a delicate balance between central decisions (e.g. legislation on elimination of racial discrimination and on objectives of teaching in schools) and local decisions and local responsibility for observance of decisions (e.g. local decisions concerning curriculae and supervision by school commissions and school boards to ensure that these decisions are respected in teaching and teaching media). One of the chief motivations for decentralization is that local supervision is presumed to be more effective than central supervision.

⁵ *Ibid.* (CERD/C/106/Add.9).

About 8 per cent of the children in the age group for which school education is compulsory attend private schools, which enjoy public financial support. These schools seek, within the framework of the legislation, to attain various objects of educational, ideological and religious character, or to employ different teaching methods from the State schools.

Private schools are subject to government inspection, and there is nothing to indicate that private schools fail to live up to the requirements of public school education. On the contrary, the requirements are said to be stricter. Some private schools are particularly multinational, which poses an inherent risk of confrontations. For that reason it is one of their explicit objectives to counteract tendencies to discrimination.

Culture

The Danish Refugee Council and a number of its member organizations are engaged in local and general projects for integration of refugees. Similar activities have been instituted with respect to immigrant workers (and their children). This work is supported financially at both central and local government levels.

The Government has on several occasions granted financial support for cultural activities with respect to immigrants. Several Danish organizations, not least youth organizations, co-operate closely with corresponding organizations in the Faroe Islands and Greenland. The Danish Joint Council of Youth has held negotiations with the Greenland Home Rule authorities with a view to building up co-operation among the Greenland youth organizations on the Danish pattern.

Information

Several organizations and institutions carry through activities on a country-wide basis. They also publish information material, partially with public support, in an effort to combat racial discrimination and promote tolerance at both national and international levels.

ECUADOR

Right to just and favourable conditions of work

(article 23 (1) of the Universal Declaration;

*article 7 of the International Covenant on Economic, Social and Cultural Rights)*¹

The Act concerning the fixing of minimum living salaries and wages and the raising of wages for workers in both the private and public sectors subject to the Labour Code (published in *Official Gazette* No. 509 of 8 June 1983), provides for a raise in pay of 800 sucres for all civil servants and workers whose salary is no higher than 10,000 sucres a month as compensation for the high cost of living. Public employees and workers whose increased remuneration is more than 10,000 sucres per month but less than 11,000 sucres will receive, as compensation for the increase in the cost of living, an amount equal to the difference between their salaries and 11,000 sucres per month.

¹ Report submitted by State (E/1984/7/Add.12).

EGYPT

Condemnation of racial segregation and *apartheid*
(articles 1 and 2 of the Universal Declaration;
article IV of the International Convention on the Suppression
*and Punishment of the Crime of Apartheid)*¹

Egypt's consistent support for the struggle of the peoples of South Africa and Namibia is not confined to the provision of political, moral and material backing; it also covers the needs of these peoples with regard to technical assistance and training. In collaboration with the African States, the Egyptian Fund for Technical Assistance responded to the request by the Institute for Namibia at Lusaka for the dispatch of five Egyptian professors specializing in various fields. Egypt is also contributing to the work of the United Nations Council for Namibia.

¹ Report submitted by State (E/CN.4/1984/36/Add.8).

EL SALVADOR

Right to take part in government

(article 21 of the Universal Declaration;

*article 1 of the International Covenant on Civil and Political Rights)*¹

The Peace Commission submitted, on 23 March 1983, to the honourable Constituent Assembly an Amnesty and Civic Rehabilitation Decree that was adopted by the Assembly on 4 May 1983.

¹ Report submitted by State (CCPR/C/14/Add.5).

FINLAND

A. Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them

*(articles 2, 7 and 22 of the Universal Declaration;
article 2 (2) of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

With a view to improving the economic conditions of the Samis work has continued on promoting reindeer breeding and a reform of the Law on Reindeer Breeding is presently being prepared. Research on reindeer breeding has further been conducted and the Governments of Finland, Norway and Sweden have established a Nordic co-ordinating agency for reindeer research.

Culture and School Education (Legislation)

An amendment has been made to the Act on the basis for the school system (para. 6) according to which pupils residing in a Sami area can be taught Finnish or Sami as their mother tongue, according to the curriculum established by the local authorities.

A corresponding provision has also been included in the new comprehensive school, and as an elective subject at the upper level of the comprehensive school.

Education in Sami has also been arranged in comprehensive schools. The New Act concerning the upper secondary school states that Sami-language pupils residing in Sami areas can be taught in the Sami language.

In the beginning of 1983, the National Board of General Education appointed a working group to prepare a course in Sami language and culture for the comprehensive school, and to make a proposal concerning the development of education in Sami.

Upper secondary school

In addition to the upper secondary school curricula in the municipalities Utsjoki and Enontekiö, the National Board has made Sami language an optional subject in the upper secondary school in Ivalo. In 1983 the National Board also appointed a working group to prepare a course for Sami language for the upper secondary school.

In 1983, the Research Centre for Domestic Languages issued the first number in the publication series *Raidu* in co-operation with the National Board of General Education: Inari Sami-Finnish-Inari Sami school dictionary (VI + 214 pages) edited by Pekka Sammallahti and Matti Morottaja. The first edition of 500 was sold out almost immediately after publication and a second revised and updated edition will

¹ Reports submitted by State (CERD/C/107/Add.3; CCPR/C/32/Add.7).

be prepared. The acting Sami researchers have revised and updated the dictionary, compiled vocabulary from the Enontekiö Kaaresuvanto region names and languages samples and studied sound material on Skolt Sami.

B. Right to work

*(article 23 (1) of the Universal Declaration;
article 6 of the International Covenant on Economic, Social and Cultural Rights)²*

In August 1983 a decree was issued concerning the placing at work of the long-term unemployed on an experimental basis. Presently, projects are being prepared which are aimed at eliminating youth unemployment by means of education and such placing at work.

C. Freedom of opinion and expression

*(article 19 of the Universal Declaration;
article 19 of the International Covenant on Civil and Political Rights)³*

The production, sale, import, delivery and renting of video cassettes containing cruel violence are punishable under article 26 of Chapter 16 of the Penal Code, as amended by Act No. 283 of 18 March 1983.

D. Right to just and favourable conditions of work

*(article 23 (1) of the Universal Declaration;
article 7 of the International Covenant on Economic, Social and Cultural Rights)⁴*

The hours of work in bakeries have been revised in respect of night work by an Act adopted in 1983. Work in three shifts is permitted for baking bread, if the appropriate employers'—and workers'—organizations have agreed and, furthermore, on condition that the section for exceptional cases of the Labour Protection Board has given its permission. In bakeries in which there are two shifts at the most, night work is permitted for a restricted number of workers. Restrictions on the hours of work do not apply to the owners of bakeries. In view of this revision, the Government of Finland has denounced the ILO Convention on Night Work (Bakeries), 1925 (No. 20).

The 35-hour working week, which was first introduced in the paper industry, has been extended, through collective agreements in 1983, to sectors in which a similar system of uninterrupted shift-work (three shifts) is applied. These sectors include the paper and pulp industry, the metallurgic industry, the food industry, the feed industry, the chemical industry and the textile industry. The system covers approximately 11 per cent (65,000) of industrial workers in 1983.

² *Ibid.* (E/1984/7/Add.14).

³ *Ibid.* (CCPR/C/32/Add.7).

⁴ *Ibid.* (E/1984/7/Add.14).

E. Right to education

*(article 26 (1) of the Universal Declaration;
article 13 of the International Covenant on Economic, Social and Cultural Rights)*⁵

The Act on the comprehensive school was adopted in 1983.

⁵ *Ibid.* (E/1982/3/Add.28).

FRANCE

A. Elimination of discrimination based on sex

(*article 2 of the Universal Declaration;
article 3 of the International Covenant on Civil and Political Rights*)¹

Act No. 83-1046 of 8 December 1983 amended the French Nationality Code by providing, *inter alia*, that: "Any person who has acquired French nationality shall enjoy all the rights and shall be bound by all the obligations attaching to French citizenship as from the date of such acquisition". Under the Act, the temporary incapacities that affected persons who acquired French nationality were also abolished.

One of the effects of the Act has been to render women who have acquired French nationality immediately eligible to stand for office in local elections. Under an organizational bill, which has just been passed by Parliament, they are eligible to stand for office in parliamentary elections.

Measures adopted in 1983 enabled women to enlist in military units hitherto reserved exclusively for men, and facilitated such enlistment.

A bill amending the provisions of the Labour Code and the Criminal Code relating to occupational equality between men and women was passed by Parliament on 30 June 1983.

It amends article 416 of the Criminal Code and a person's sex can in no circumstance constitute a ground for refusal to hire, for dismissal or for offering employment.

The Act also incorporates into the Labour Code provisions on the prohibition of occupational discrimination between men and women.

An Equal Opportunities Board set up under the Act will be attached to the Ministries responsible for rights of women, labour, employment and vocational training. Its task will be to define and implement policy as regards occupational equality between men and women.

The French Parliament passed a bill on 28 June 1983 authorizing the ratification of the United Nations Convention on the Elimination of All Forms of Discrimination against Women. The instrument of ratification will be deposited with the United Nations by the end of 1983.

¹ Report submitted by State (CCPR/C/22/Add.4).

B. Elimination of racial discrimination; equal protection of the law

*(articles 2 and 7 of the Universal Declaration;
article 2 (1) of the International Convention on the Elimination
of All Forms of Racial Discrimination;
articles 1 (1) and (2) and 26 of the International Covenant
on Civil and Political Rights)*²

Act No. 83-634 of 13 July 1983, concerning rights and obligations of public officials which will become Title I of the new regulations governing the civil service, provides that "public officials shall have the right to freedom of expression" and that "no distinction may be made between public officials on the ground of their political, trade union, philosophical or religious opinions or their sex or ethnic origin".

Although no legislative or administrative measure was adopted in 1982 or 1983 pursuant to this article, numerous judicial decisions were in fact handed down. They may be summarized as follows:

Refusal to let an apartment to a "coloured man" (Paris Court of Appeal, 6 July 1982): fine of 1,000 francs and damages of 2,000 francs.

Public insults uttered against a private individual: fines have ranged from 800 francs to 6,000 francs, and prison sentences have been for up to three months (suspended); damages awarded to the victim have been up to 5,000 francs; similar amounts in damages have been awarded to anti-racism movements which have instituted a civil action; lastly, offenders have in many cases been ordered to publish excerpts from the decision in three daily newspapers at their own expense.

Public insults, accompanied by threats, uttered against a private individual, because he was a negro: three months' imprisonment (Paris Correctional Court, 9 November 1983).

C. Treatment of offenders

*(article 5 of the Universal Declaration;
article 10 of the International Covenant on Civil and Political Rights)*³

With a view to combating over-population in prisons, action is being taken at two levels:

New establishments are being built, and existing ones improved and renovated;

The number of persons in provisional detention is being reduced, in particular by extending the practice of "judicial supervision" (which enables the examining magistrate to allow the accused to remain at liberty on condition that the accused complies with certain obligations), and greater use is being made of alternative penalties: suspended sentences, either alone or with probation, and community service. To that end, sums have been earmarked for, *inter alia*, probation boards and assistance to discharged prisoners.

² *Ibid.* (CERD/C/117/Add.2; CCPR/C/22/Add.4).

³ *Ibid.* (CCPR/C/22/Add.4).

In line with modern thinking on custodial sentences, regulations on prisoners have been modified by a decree of 26 January 1983 which is designed to mitigate the rigours of prison life in so far as they are not a direct and inescapable consequence of deprivation of liberty.

The French Code of Criminal Procedure affords various possibilities for dealing with convicted prisoners in an "open" or "semi-open" environment, such as community service, which was introduced by the Act of 10 June 1983.

Individualization of sentences can occur at two points:

When sentence is passed;

While the sentence is being served.

When sentence is passed, the possibilities for individualization available under the Code of Criminal Procedure (acceptance of mitigating circumstances, suspended sentence, either alone or with probation, alternative sentences such as suspension of driving licence or confiscation of a vehicle, or even exemption from sentence) have been increased under the Act of 10 June 1983, which introduced three new sentences into French criminal law: community service, a daily fine, and temporary immobilization of a vehicle.

As regards the serving of sentence, the Act affords a number of possibilities for individualization: conditional release, leave permits, reduced sentence, suspended sentence, splitting up of sentence, partial release, and so on. Decisions regarding the serving of sentences are generally taken by the visiting magistrate, but sometimes by the prosecuting authority (which may suspend a non-custodial sentence) the trial court (which may pass a concurrent sentence and in certain cases suspend the enforcement of custodial sentences) or even by the Minister of Justice (as in the case of certain decisions regarding conditional release).

A bill on personalization and enforcement of sentences and on review of criminal convictions has been submitted to the French Parliament.

D. Prohibition of racial discrimination or incitement to it

*(article 7 of the Universal Declaration;
article 4 of the International Convention on the Elimination
of All Forms of Racial Discrimination)⁴*

Several higher-court decisions have been handed down concerning incitement to racial discrimination through the press: the penalties imposed have ranged up to a suspended two-month prison sentence and a fine of 10,000 francs whether cumulative or not. Damages awarded to anti-racism movements have varied between 5,000 francs and a symbolic sum of 1 franc. The publication of the decision in newspapers or periodicals is ordered in all cases (Amiens Court of Appeal, 21 October 1983; Reims Court of Appeal, 20 October 1983; Riom Court of Appeal, 20 October 1983).

Two cases should be described in greater detail in so far as they raise questions of principle.

⁴ *Ibid.* (CERD/C/117/Add.2).

(a) *28 June 1983—Court of Cassation (Criminal Division)*

In a radio broadcast on the persecution of the Jews by the Nazis, a teacher had used the following phrases: “Hitler’s alleged gas chambers”, the “alleged genocide of the Jews”, and “historical lie which has led to a huge political and financial fraud” benefiting the “State of Israel and international zionism”. The Court maintained that the offence of public defamation had been committed, “the entire Jewish community having been presented as participating in this huge fraud whose profits it was appropriating”.

This decision confirms the distinction between racial defamation, which is punishable, and criticism of policy pursued by a State, which would be lawful and would not therefore come within the provisions of the law.

The offender was given a suspended three-month prison sentence and fined 5,000 francs.

(b) *4 July 1983—Paris Correctional Court (Seventeenth Division)*

Under the heading “Readers’ letters”, a widely read Parisian daily published a letter signed “Kamel” (which was not produced by the defence at the hearing and whose author proved impossible to identify) containing defamatory language and inciting to racial hatred in the following terms: “Montmartre, Saint Paul and Sarcelles will be ours. Let blood flow until our thirst is slaked”. The editor of the newspaper, accountable under the Press Act of 29 July 1881, acknowledged that “the state of immaturity of our society did not permit such a monstrously anti-Semite letter” to be published, but added that he refused to be branded with the “infamous mark of anti-Semitism”.

The Court maintained that, since the editor had failed to exercise over his newspaper control “from which no consideration could absolve him”, the offences of incitement to racial violence and racial defamation had been committed.

The editor was sentenced to a fine of 5,000 francs, and ordered to pay damages of 5,000 francs to the International League against Racism and Anti-Semitism, and to publish the Court’s decision in three newspapers.

E. Right to an effective remedy

*(article 8 of the Universal Declaration;
article 6 of the International Convention on the Elimination
of All Forms of Racial Discrimination)⁵*

Any victim of an act of racism may lodge a complaint with the judicial authorities, institute a civil action before an examining magistrate or directly summon the person who committed the offence to appear before a correctional court.

French law accords the same rights to anti-racism associations. Two associations are particularly concerned in these matters: the International League against Racism and Anti-Semitism, and the Movement against Racism and for Friendship among Peoples. These associations receive subsidies from the State.

⁵ *Ibid.* (CERD/C/117/Add.2).

Lastly, it should be emphasized that the *Ministère public* may take the initiative in proceedings against persons who have committed acts of racism. This course may be considered to have been followed in several cases brought before the courts (29 cases out of 54 in 1982, 10 cases out of 22 in 1983).

F. Right to a fair and public hearing

*(article 10 of the Universal Declaration;
article 14 (1) of the International Covenant on Civil and Political Rights)*⁶

The Act of 10 June 1983 repealed or amended some of the provisions of the "Security and Freedom" Act. In general, it abolished the provisions that limited the discretion of the trial court (as regards mitigating circumstances, suspended sentences, alternative sentences, etc.) and of the visiting magistrate (as regards the period of special surveillance), abolished certain new offences introduced under the Act (for instance, interference with railway traffic), abolished the "direct committal" procedure and introduced new trial procedures including "immediate appearance", and modified the system of verification of identity by strengthening protection of the freedoms of the individual.

To allow for more individualization of penalties and to avoid short prison sentences, the Act of 10 June 1983 widened the range of penalties by introducing community service, a daily fine, and temporary immobilization of vehicles into French law.

G. Right to all the guarantees necessary for defence

*(article 11 of the Universal Declaration;
article 14 (3) of the International Covenant on Civil and Political Rights)*⁷

The Security and Freedom Act of 10 June 1983 introduced new procedures to replace "direct committal", more particularly by "immediate appearance", whereby a suspect can in straightforward cases be brought before the trial court without delay and at the same time, protection of the rights of the defence is strictly guaranteed.

As regards interference in private life, the Court of Cassation has had occasion to consider the legality of telephone tapping. In a judgement of 9 October 1983, the Criminal Division held that "telephone tapping of the private residence of an accused person, when undertaken at the written request of the examining magistrate, is not a ground for invalidating the proceedings if this measure for investigation purposes has been carried out under the supervision of the magistrate in question without artifice or stratagem and if there is no reason to conclude that such a measure has had the effect of prejudicing the conditions governing the exercise of the rights of the defence."

⁶ *Ibid.* (CCPR/C/22/Add.4).

⁷ *Ibid.* (CCPR/C/22/Add.4).

H. Marriage law

(*article 16 of the Universal Declaration;*
article 23 of the International Covenant on Civil and Political Rights)⁸

Since the Act of 9 January 1973, a foreign man or foreign woman who marries a person of French nationality can acquire French nationality by filing a *déclaration*, in France, before a judge of minor jurisdiction and, abroad, with the French Consul. There is no requirement as to the duration of the marriage nor as to the period after marriage for making the declaration.

An item of parliamentary legislation provides for a change in the current law. In the form adopted by the Senate on 9 June 1983, it provides that, in order to be able to file the declaration, the marriage must have subsisted for six months and the spouses must be living together.

I. Freedom of thought, conscience and religion

(*article 18 of the Universal Declaration;*
article 18 of the International Covenant on Civil and Political Rights)⁹

A bill amending the National Service Code was passed by the French Parliament on 27 June 1983.

Its purpose, so far as conscientious objection is concerned, is to abolish checks on the motives of those concerned and to simplify the formalities for submitting applications.

Service by conscientious objectors becomes a form of national service, thus conferring greater rights, particularly as regards public service.

In addition, special partly retroactive provisions benefit young persons who were in an irregular position prior to the entry into force of the reform.

Act No. 83-634 of 13 July 1983, concerning rights and obligations of public officials, specifies that no record may be made in the file on a public official or in any administrative document of his political, trade union, religious or philosophical opinions or activities.

In addition, the Act prohibits any distinction being made between public officials on the ground of their political, trade union, philosophical or religious opinions.

J. Freedom of opinion and expression

(*article 19 of the Universal Declaration;*
article 19 of the International Covenant on Civil and Political Rights)¹⁰

Act No. 83-634 of 13 July 1983, concerning rights and obligations of public officials, provides that "public officials shall enjoy freedom of expression", in accordance with the preamble to the Constitution of 27 October 1946.

⁸ *Ibid.* (CCPR/C/22/Add.4).

⁹ *Ibid.* (CCPR/C/22/Add.4).

¹⁰ *Ibid.* (CCPR/C/22/Add.4).

K. Political rights

*(article 21 of the Universal Declaration;
article 25 of the International Covenant on Civil and Political Rights)¹¹*

Act No. 83-8 of 7 January 1983 governs the division of powers as between the communes, departments, regions and the central Government.

In addition, Act No. 83-390 of 18 May 1983 provides that the senators who represent French persons domiciled outside France shall be elected by a college composed of elected members of the Supreme Council of French Nationals Abroad.

L. Right to education

*(article 26 of the Universal Declaration;
article 5 (e) of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹²*

In recent years, efforts to combat inequalities and academic failure have been reflected in numerous measures, including:

The establishment of priority education zones (ZEPs), which enable additional means to be used and the necessary pedagogical changes to be made in the sectors most affected by social and cultural inequalities;

The execution of educational action projects (PAEs), which will enable educational establishments more easily to affirm their autonomy and their identity in order to cope more effectively with the diversity and difficulties of the various situations;

Welfare assistance to pupils, which has been increased in order to encourage the continuation of training beyond the age of compulsory schooling.

Apart from these measures, reference should be made to those relating to activities for young children, the renovation of colleges, the modernization of technical education, and measures benefiting young people between the ages of 16 and 21.

An immigrant children policy has also been put into effect.

M. Promotion of understanding, tolerance and friendship among all nations, racial and ethnic groups

*(article 26 (2) of the Universal Declaration;
article 7 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹³*

In line with the systematic policy of increasing public awareness pursued by the Government in action against racism, the media have given considerable prominence to the denunciation of acts of racism. An anti-racism march organized throughout

¹¹ *Ibid.* (CCPR/C/22/Add.4).

¹² *Ibid.* (CERD/C/117/Add.2).

¹³ *Ibid.* (CERD/C/117/Add.2).

France in 1983 on private initiative received the support of numerous political and religious authorities; a delegation of members was received by the President of the Republic and directives were issued to prosecutors' departments to strengthen action against racism.

GERMAN DEMOCRATIC REPUBLIC

**Elimination of racial discrimination; development and protection
of certain racial groups or individuals belonging to them;
promotion of understanding among all nations, racial and ethnic groups**
*(articles 2, 22 and 26 (2) of the Universal Declaration;
articles 2 and 7 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

A fact that deserves particular attention is the legally guaranteed and multifaceted cultivation of the Sorb's culture and language, in which local and national authorities as well as social organizations have been very much involved.

In 1983, for instance, the local authorities, the Domowina, the trade unions and other social organizations in five districts sponsored festivals of Sorb culture with some 80,000 participants. A national preparatory committee has been set up, headed by the State Secretary in the German Democratic Republic Ministry of Culture, to prepare the Sixth Festival of Sorb Culture to be held in Bautzen, Dresden County, from 31 May to 2 June 1985.

In 1982-1983 alone, the publicly-owned Domowina publishing house, with financial support from the State, published 180 titles in the Sorb language or about the Sorbs. A Sorb film group of the national film company DEFA produced five new short and documentary films about the life, culture and history of the Sorbs. More could be cited of the German Democratic Republic's successful national policy *vis-à-vis* the Sorbs. Because of the great international interest in this policy, the Domowina Executive Board in 1982-1983 arranged for information talks and study visits involving as many as 900 politicians, scholars and journalists from over 30 countries.

¹ Report submitted by State (CERD/C/116/Add.1).

GERMANY, FEDERAL REPUBLIC OF

**A. Protection against racial discrimination;
prohibition of organizations promoting racial discrimination**
*(article 7 of the Universal Declaration;
article 4 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*¹

The Aktionsfront Nationaler Sozialisten/Nationaler Aktivisten (Nationalist Socialists'/Nationalist Activists' Front), including Aktion Ausländerrückführung—Volksbewegung gegen Überfremdung und Umweltzerstörung (Repatriation Action Group—National Movement against Racial and Environmental Pollution) and the Freundeskreis Deutscher Politik (Friends of German Policy), was banned on 7 December 1983 under section 3 of the Law on Associations.

In Koblenz on 14 April 1983 the Minister of the Interior of *Land* Rhineland-Palatinate banned the neo-Nazi Wehrsportgruppe Wolfspack, Sturm 12 (Wolf Pack Martial Sports Group, Assault Group 12), which had only been in existence since January 1983.

B. Right to an effective remedy
*(article 8 of the Universal Declaration;
article 6 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*²

*Judgement handed down by Bochum Regional Court on 23 February 1983—
reference 8 Ns 33 Js 139/78*

The judgement confirmed the findings of Bochum Local Court dated 14 December 1981 as set forth in paragraph 3 of the annex to the seventh periodic report.

The Regional Court confirmed the judgement of the court of first instance that the distribution of the items published by the accused contained an affront to the human dignity of the Jews living in the Federal Republic of Germany by inciting hatred against this section of the population and at the same time maliciously disparaging and libelling them. The distributed magazine also contained incitement to racial hatred.

¹ Report submitted by State (CERD/C/118/Add.19).

² *Ibid.* (CERD/C/118/Add.19).

Judgement handed down by the Federal Court of Justice on 26 January 1983—reference 3 StR 414/82 (S)

Facts of the case

In its judgement of 7 May 1982, the State Security Chamber of Stuttgart Regional Court ordered the confiscation of all available copies of the book entitled *The Auschwitz myth—Truth or fiction*. In addition, it ordered the destruction of all plates set up for the printing of the published work. The author and publisher of the 400-page book, published in 1979, could not be charged with its distribution since the period of limitation for the prosecution of the offence had expired. The book presents the view that all statements about the gassing of Jewish people had been made under duress. In addition, it is alleged that the existence of gas chambers at Auschwitz concentration camp has not been proved.

In his appeal, the publisher took the view that the expiry of the period of limitation for prosecution precluded confiscation and destruction.

Findings

The publisher's appeal was dismissed. On the matter at issue, which had long been controversial in court practice and legal writings, the Federal Court of Justice decided that the expiry of the period of limitation for the prosecution of an offence did not preclude separate action against the offender to confiscate the publications and to destroy associated items on security grounds.

The Federal Court of Justice confirmed the view of the Stuttgart Regional Court that in his book the author had incited hatred of the Jews in accordance with National Socialist racial ideology, that by attacking one section of the population, he had violated the personal dignity of its members and thus their human existence itself. The Regional Court, it was stated, had rightly judged that the freedom of research and science guaranteed by the Basic Law was not violated by the confiscation of all available copies of the book and the destruction of those items essential to the production of the book.

Judgement handed down by the Bavarian Supreme Regional Court on 7 March 1983—reference R Reg. 2 St 140/82

Facts of the case

The accused, the 36-year-old owner of a licensed restaurant and discotheque, instructed the manager of the establishment not to permit coloured persons and United States troops to enter the premises. With a polite and inoffensive explanation, such as that the establishment was full, the manager was to turn away guests at the door. One evening the manager barred a United States Army captain and a coloured student from entering the premises, initially on the grounds that only regular guests were allowed entry. He subsequently stated the real grounds for his refusal.

The accused was sentenced by the court of first instance to a fine of 30 per diem rates of 150 deutsche mark on a charge of insult. He was acquitted on appeal by the Regional Court on the grounds that by using subterfuges the accused had sought to avoid openly offending guests. The public prosecutor's office, as well as the United States Army captain and the student as joint plaintiff, lodged an appeal against the judgement of the Regional Court.

Findings

The appeals court annulled the judgement of the Regional Court and referred the case to another chamber of the Regional Court. In its explanation it stated that it is not at the discretion of the owner of licensed premises to refuse entry arbitrarily to certain individuals or groups.

Although in principle freedom of contract also applies to the proprietor of licensed premises, a refusal without any recognizably objective reason to permit a person to enter could imply a discriminatory and antagonistic attitude towards that person and could be so interpreted by him. Obviously divergent and unusual treatment would in itself be sufficient reason for the person concerned, who was unaware of the grounds for his inadmissibility as a guest, to feel insulted and discriminated against.

In its decision of 7 December 1983 the Regional Court finally closed the case after the accused had paid a fine of 500 deutsche mark.

C. Protection against arbitrary interference with privacy

*(article 12 of the Universal Declaration;
article 17 of the International Covenant on Civil and Political Rights)*³

As a result of the judgement on a national census handed down by the Federal Constitutional Court on 15 December 1983 (BVerfGE 65, 1 ff.), the principles were spelled out—with regard to the present and future conditions of automatic data processing—on the protection of the individual against unlimited collection, storage, utilization and transmission of his personal data.

D. Freedom of association

*(article 20 of the Universal Declaration;
article 22 of the International Covenant on Civil and Political Rights)*⁴

Under article 21 of the Basic Law on the general freedom of association, political parties enjoy special additional protection in regard to their foundation and existence. As an example of the diversity of political parties, it should be noted that 13 parties took part in the last federal election held in March 1983.

³ *Ibid.* (CCPR/C/28/Add.6).

⁴ *Ibid.* (CCPR/C/28/Add.6).

GHANA

Right to an effective remedy

*(article 8 of the Universal Declaration;
article 6 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*¹

Under Ghana's legal system, there are no such institutions as "peoples courts". There are public tribunals established under the Public Tribunals Law 1982 (PNDC L24) to try certain specified offences such as economic crimes, sedition, corruption and mismanagement by public officials, criminal offences disclosed or arising out of the reports of any committee, etc.

These tribunals are not meant to replace the regular courts but to operate side by side with them. The Public Tribunals Law as set up under PNDC L24 was operated until December 1983. Not only is there right of appeal under the new system but also the National Tribunal has power to review its own decisions. This, no doubt, allows further opportunity to correct any error that might have been made.

¹ Report submitted by State (CERD/C/118/Add.28).

GUYANA

Right to education

*(article 26 of the Universal Declaration;
article 13 of the International Covenant on Economic,
Social and Cultural Rights)*¹

In keeping with the national policy of increased agricultural production the school's agricultural programme has been of a new character in which production is one of the major goals. The Pre-Vocational Unit, established in May 1983, is charged with the responsibility of planning implementing, monitoring and evaluating the programmes in school. It is also working in close collaboration with the Curriculum Development Unit in devising and implementing a variety of teaching strategies that reflect the philosophy of education through agriculture. Recently, pilot schools have been established to test agricultural oriented teaching strategies.

¹ Report submitted by State (E/1982/3/Add.32).

HAITI

A. Elimination of racial discrimination; right to equal protection of the law

*(articles 2 and 7 of the Universal Declaration;
article 2 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

The Haitian Constitution of 27 August 1983 is the most recent contribution by the Republic of Haiti to the struggle against racial discrimination. It recognizes:

“ . . . that all men are born free and equal in dignity and in law; that everyone may avail himself of this right, without any distinction whatsoever as regards race, colour, national origin, status . . . , and that everyone is entitled to equal protection by the law against any discrimination and against any incitement to discrimination.”

Article 48 of the 1983 Constitution states:

“No one shall be the object of discrimination on the part of public officials or the authorities.

“Discrimination shall be taken to mean different and inferior treatment of a person or group of persons on the grounds of social status, colour, race, sex, religion or political beliefs.

“The provisions of this article do not relate to the conditions and qualifications required for the performance of public functions and duties.”

In the judicial field, the courts have contributed significantly to observance of the principle of non-discrimination by a number of rulings on complaints brought before the judges by candidates in the electoral campaign for the communal councils in 1983. The judgements delivered on that occasion demonstrate the concern of our courts to maintain an equal balance between the parties and arrive at a just, equitable and lawful solution in the cases in point.

These decisions were often handed down in favour of independent candidates and against candidates who called on the support of circles in power.

Some cases were referred to the Court of Cassation, which issued its rulings without regard for the patronage or sponsorship claimed by some of the parties.

We need only mention here:

- (1) The Guy Hillaire-Syvio Sonthonax case, in the judgement dated 11 July 1983;
- (2) The Richéus Simon-Isidor Fatal case, in the judgement dated 28 July 1983.

¹ Report submitted by State (CERD/C/116/Add.2).

B. Right to a nationality

*(article 15 of the Universal Declaration;
article 5 (d) (iii) of the International Convention on the Elimination
of All Forms of Racial Discrimination)²*

Article 11 of the 1983 Constitution states:

“The following are native-born Haitians:

“(1) Anyone born in Haiti of a Haitian father or Haitian mother;

“(2) Anyone born abroad of Haitian parents;

“(3) Anyone born in Haiti of a foreign father or, if he is not recognized by the father, of the foreign mother, provided he is of the black race by descent.

“Status as a native-born Haitian, acquired in this way, cannot be taken away by subsequent recognition by the foreign father.”

Article 14 of the 1983 Constitution states:

“Aliens on the territory of the Republic shall benefit from the same protection as the protection afforded to Haitians.

“They shall enjoy civil rights and economic and social rights, subject to the provisions of the law regarding rights to own immovable property and to practise the liberal professions.”

Article 15 states:

“Any alien may acquire Haitian nationality by naturalization after 5 years’ continuous lawful residence in the territory of the Republic, provided he conforms to the regulations established by law.”

The 1983 Constitution removed any distinction as between a Haitian woman who marries a foreign man and a foreign woman who marries a Haitian. Under article 46, marriage does not entail any change in nationality for the woman in either instance, and she is entitled to preserve the nationality she had before she married. This new legislative approach also puts an end to fundamental discrimination between men and women in this regard.

The new Constitution affords aliens the same protection and the same civil, economic and social rights as those enjoyed by Haitians, except for the rights to own immovable property and to practise the liberal professions.

C. Protection of the family, motherhood and childhood

*(articles 16 (3) and 25 (2) of the Universal Declaration;
article 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)³*

According to article 198 of the 1983 Constitution:

“Legitimate children and legally acknowledged illegitimate children shall have equal rights to education, protection, assistance and inheritance from their parents.”

² *Ibid.* (CERD/C/116/Add.2).

³ *Ibid.* (CERD/C/116/Add.2).

Article 199 states:

“The law shall determine the conditions under which paternity may be ascertained and the legal status of adulterine or abandoned children.”

It should be noted that natural filiation entails the same rights and the same obligations as those stemming from legitimate filiation.

The Constitution also affords protection for the family, requiring the provision of help and assistance to mothers and children. It enables each home, without any distinction, to benefit from the degree of welfare indispensable for its advancement.

D. Freedom of thought, conscience and religion

*(article 18 of the Universal Declaration;
article 5 (d) (vii) of the International Convention on the Elimination
of All Forms of Racial Discrimination)⁴*

Article 41 of the 1983 Constitution states:

“All religions and all creeds are free.

“Everyone shall be entitled to profess his religion and practise his faith, provided he does not disturb law and order.

“No one may be compelled to belong to a religious body or to follow a religious teaching contrary to his convictions.

“The law shall establish the terms and conditions regarding the recognition and practice of religions and creeds.”

Freedom of religion in Haiti is the rule, and there is no exception. Articles 220, 221 and 223 of the Haitian Penal Code, which penalize all acts or offences intended to curtail freedom of religion, provide adequate guarantees for ministers of religion in the exercise of their duties.

E. Right to social security; right to work; right to an adequate standard of living

*(articles 22, 23, 25 of the Universal Declaration;
article 5 (e) of the International Convention on the Elimination
of All Forms of Racial Discrimination)⁵*

Article 33 of the 1983 Constitution states:

“Every worker shall be entitled to a fair wage, job training, health protection, social security and the welfare of his family, in keeping with the economic development of the country and of the region in which he works.

“Every worker shall be entitled to participate through his representatives in the collective determination of working conditions.

“Every worker shall be entitled to defend his interests through trade union activities. Each worker may belong to the trade union for his occupation. He cannot be compelled to join a trade union.

⁴ *Ibid.* (CERD/C/116/Add.2).

⁵ *Ibid.* (CERD/C/116/Add.2).

“Every worker shall be entitled to rest and leisure. Annual paid holidays and leisure shall be compulsory.”

As is apparent from the foregoing, equality of opportunity prevails in all matters pertaining to employment in Haiti. Special provisions for the benefit of the workers also embody the principle of non-discrimination with regard to working conditions, wages, paid holidays and compulsory bonuses.

F. Right to education

*(article 26 of the Universal Declaration;
article 5 (e) (v) of the International Convention on the Elimination
of All Forms of Racial Discrimination)⁶*

Article 49 of the 1983 Constitution states:

“Freedom of education shall be exercised in accordance with the law, under the supervision of the State, which must attend to the moral and civic training of the young.

“Education shall be the responsibility of the State and the communes.

“Primary education shall be compulsory.

“Technical and vocational training shall be generalized.

“Higher education shall be open to all, on an equal footing in the light of merit alone.”

Article 204 states:

“The State shall create the conditions to allow all citizens to have access to the benefits of culture and the enjoyment thereof.

“Education shall be compulsory and must be furnished by the State free of charge.”

According to article 205:

“Educational establishments may be public or private.

“The organization of pre-school, primary, secondary, vocational and higher education shall be established by law.”

Article 206 states:

“All forms of discrimination of any kind shall be prohibited in educational establishments.”

⁶ *Ibid.* (CERD/C/116/Add.2).

HOLY SEE

A. Right to marriage without discrimination

*(article 16 (1) of the Universal Declaration;
article 5 (d) (iv) of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

In the document published on 22 October 1983, entitled "Charter of the Rights of the Family," presented by the Holy See to all persons, institutions and authorities concerned with the mission of the family in today's world", there is an article concerning the right to marriage without discrimination: "Any man or any woman having reached the age for contracting marriage and having the necessary capacity has the right to marry and to found a family without any discrimination; no legal restrictions on the exercise of this right, whether of a permanent or a temporary nature, may be introduced unless they are rendered necessary by serious and objective requirements concerning the institution of marriage itself and its public and social significance; in any event, they should always respect the dignity and fundamental rights of the person" (article 1 (a)).

B. Promotion of understanding, tolerance and friendship among all nations, racial and ethnic groups

*(article 26 (2) of the Universal Declaration;
article 7 of the International Convention on the Elimination of
All Forms of Racial Discrimination)²*

Extracts from the letter of 11 August 1983, signed by His Eminence Cardinal Agostino Casaroli, Secretary of State to His Holiness Pope John Paul II:

"Despite some welcome progress achieved in relations with brothers of foreign origin, it is still possible to observe in many places, and very often in disturbing forms, those negative phenomena which have come to be referred to by the sad term of 'xenophobia', a term unknown in biblical and christian language, where on the contrary the emphasis is continually placed on the opposite term 'xenophilia', in the sense of open and cordial hospitality.

"The absurd concept expressed by the term 'xenophobia' is a direct contradiction of christian feeling. That sort of mentality—which is made up of prejudice, founded on jealousy and deeper down on egoism, or rather on the fear that the man from elsewhere, even though he may be wanted and sought after for certain material services, may end up damaging or jeopardizing the

¹ Report submitted by State (CERD/C/118/Add.11).

² *Ibid.* (CERD/C/118/Add.11).

identity of the host society—produces mistrustful behaviour, which may express itself in genuine hostility and often in mechanisms of rejection, disguised in some way or other.

“These phenomena, which are completely opposed to evangelical teaching, are also opposed to the feeling of universality which in the modern world increasingly accompanies the effort to establish relations of reciprocity among peoples.

“In countries afflicted with these disturbing manifestations, the catholic episcopates have not failed to take a stand, by repeated reminders, often in a spirit of praiseworthy solidarity with the holders of non-christian beliefs and denominations. His Holiness cordially appreciates such action and wishes to endorse it through his word as universal pastor. He would therefore like to declare once again that it is not enough to stigmatize and to combat any xenophobic leanings. An effort must be made positively to build a fraternity, continually to consolidate its foundations, by working tirelessly to enlighten consciences with the light of the christian message.

“For the Day of the Migrant in this jubilee year, the Holy Father urges christian communities concerned with immigration to meditate seriously and in depth on evangelical guidance regarding immigrant brothers. With extreme loyalty, they should scrutinize the brotherly quality of their welcome. They should identify clear ways, free of compromise, of conveying to all sectors of society, particularly those concerned with culture and work, the evangelical attitude of welcome for those who were born under another sky and belong to other ethnic and national roots.

Extract from the address of His Holiness Pope John Paul II to the workers of Vienna, 12 September 1983:

“. . . The host country and its people have a duty to welcome workers coming from abroad as human beings and to treat them as brothers. They cannot simply be regarded as manpower or as a means of production which it is sought to obtain and exploit as cheaply as possible, perhaps even in contravention of the social legislation in force. All, and in particular the public authorities, must help them to bring their families into an appropriate environment and to obtain adequate housing; they must also assist them to become integrated into the life of society. Public bodies such as trade unions, parties and institutions responsible for education are called upon to contribute to the extent possible to reducing discrimination and prejudice, intolerance and distrust . . .”

HUNGARY

Introduction: general legal framework¹

The Constitution was amended by the National Assembly under Act II of 1983. Article 1 of the Act provides that the National Assembly shall elect a Constitutional Council to exercise control over the constitutionality of legal rules and legal directives (guidelines). The Council is empowered to suspend the enforcement of any legal provision—with the exception of legislative enactments by the National Assembly and the Presidential Council, and the directives and authoritative rulings of the Supreme Court—that may be contrary to the Constitution. Under the amendment, authorities, offices and institutions as well as citizens shall supply the data required by the Council or shall give evidence before it.

A. Condemnation of racial segregation and apartheid *(articles 1 and 2 of the Universal Declaration; article IV of the International Convention on the Suppression and Punishment of the Crime of Apartheid)²*

A highest level delegation of the South West Africa People's Organization (SWAPO), led by Sam Nujoma, was received in Hungary in 1983 for the third time. The official publications of SWAPO (Namibia Today) and of the African National Congress (ANC News Briefly, Sechaba) are widely and regularly disseminated.

B. Political rights *(article 21 of the Universal Declaration; article 25 of the International Covenant on Civil and Political Rights)³*

In 1983 the National Assembly enacted legislation of great significance on the election of members of the National Assembly and members of the councils (Act III of 1983).

The electoral system of the Hungarian People's Republic has emerged gradually through adjustments to the development needs of social and state life. The principles and general rules of elections are laid down in the Constitution; they have stood the

¹ Report submitted by State (CCPR/C/37/Add.1).

² *Ibid.* (E/CN.4/1984/36/Add.7).

³ *Ibid.* (CCPR/C/37/Add.1).

test of time and promote the attainment of social goals. During the past decades, however, certain new factors have called for another step forward in the regulation of electoral law. National unity has strengthened, and the building of a socialist society has made it necessary to improve democratism and to increase the efficiency of the activities of the bodies of popular representation. These requirements include widening the scope for the exercise of civic rights, enhancing the social and political role of the bodies of popular representation and simplifying the preparation and conduct of elections. These purposes are served by the following new elements of regulation:

(a) The mandatory nomination of two or more candidates for membership of the National Assembly and councillor serves to increase the political significance of elections and the activism of electors on the one hand and to stimulate the efforts of elected members of the National Assembly and councillors on the other.

(b) Since under the new system of nomination a considerable share of the votes may also be obtained by unelected candidates in some constituencies, the law provides that a candidate who has obtained at least one fourth of all votes validly cast in his constituency should serve as an alternate member of the National Assembly or councillor. This solution may prevent unfavourable public judgement of candidates who were not elected.

(c) The electoral system of Hungary is based on individual constituencies, but experience warrants the need for leaders of political and social life as well as for prominent personalities of science, culture and religion to be present in the highest organs of legislation and popular representation. Since their activities and functions go beyond the scope of representing local interests, it has become justified that all citizens may express their opinions about them. For these reasons, the new law, while maintaining the individual constituencies, has introduced the national ticket system for the election of members of the National Assembly. Under it, some 10 per cent of candidates for the National Assembly are nominated on the national list. The right of nomination is exercised by the National Council of the Patriotic People's Front in co-operation with the political, social and representative organizations rallied in the popular front movement.

(d) Every adult citizen of Hungary has the right to vote. The new law, while maintaining this constitutional principle, has removed some of the grounds for exceptional exclusion from the exercise of this right. Accordingly, except for disqualification owing to insanity, only a collateral punishment to be imposed by the courts may serve as a ground for exclusion from the exercise of the right to vote.

(e) In order to simplify matters, the new law has modified the procedure for recall, stating that recall may be proposed by 10 per cent of the voters concerned, with a statement of grounds therefor. Recall is decided upon by voters by secret ballot.

The new law makes no difference between conditions for suffrage and eligibility for public office, stating that any person having the right to vote may be elected as a member of the National Assembly or as a councillor.

C. Right to social security

*(article 22 of the Universal Declaration;
article 9 of the International Covenant on Economic,
Social and Cultural Rights)⁴*

The minimum old-age and disability pensions were increased in 1981 and 1983.

The entitlement to a family allowance was modified by several new measures which, while maintaining the general rule that this benefit shall accrue to an insured person who has two or more children in his or her household, extended the entitlement to an insured (i.e., having social security) person having only one child in his or her household, provided that he or she is single or the child suffers from a lasting illness or is physically or mentally infirm (Law-Decree No. 16 of 1983). Accordingly, the Government decreed that, until the child reaches six years of age, the insured person shall be entitled to a family allowance also for one child living in his or her household, and concurrently increased by 15 to 20 per cent the amounts of family allowance for two or more children.

D. Right to work

*(article 23 (1) of the Universal Declaration;
article 6 of the International Covenant on Economic,
Social and Cultural Rights)⁵*

Maintaining full and effective employment is facilitated by support for workers' retraining, as regulated by Decree No. 13/1983 (V.4) of the Deputy Chairman of the Council of Ministers; under this regulation, retraining is defined as including training for a job at the work-place and all specialized vocational training courses at the secondary and higher levels.

**E. Promotion of understanding, tolerance and friendship
among all nations, racial and ethnic groups**

*(article 26 (2) of the Universal Declaration;
article 7 of the International Convention on the Elimination
of All Forms of Racial Discrimination)⁶*

In the autumn of 1983, the nationalities held their regular congresses which reviewed the results achieved and the experience gained in the past five years, and defined the tasks ahead; stated that the nationalities exercised their rights, took an active part in the social, political, economic and cultural life of the country and, with their activities, contributed to the fulfilment of the tasks facing the nation; emphasized in particular that the nationalities lived in full union with the Hungarians,

⁴ *Ibid.* (E/1984/7/Add.15).

⁵ *Ibid.* (E/1984/7/Add.15).

⁶ *Ibid.* (CERD/C/118/Add.2).

were proportionately represented in the leading political, council and social bodies, and were allowed to use their native tongues and that their children received language instruction within the framework of school education; and expressed satisfaction with the State and social organs encouraging the nationalities to strengthen existing relations with their respective mother countries.

IRAQ

A. Elimination of racial discrimination; equality before the law
*(articles 2 and 7 of the Universal Declaration;
articles 2 and 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*¹

Act No. 28 of 1983 stipulated that Arabic and Kurdish would be the languages of instruction for Kurds in the region and that the Arabic language would be taught from the fourth primary grade and at all subsequent stages of education.

B. Right to social security
*(article 22 of the Universal Declaration;
article 9 of the International Covenant on Economic,
Social and Cultural Rights)*²

Decision of the President of the Court of Cassation of Iraq, dossier No. 416/Labour/1982/1983, serial No. 569 has been adopted in relation to the social security system.

C. Right to work; right to just and favourable conditions of work
*(article 23 (1) of the Universal Declaration;
articles 6 and 7 of the International Covenant on Economic,
Social and Cultural Rights)*³

Reinstatement of a worker whose employment was terminated because of absence: decision of the Labour Court of the Governorate of Baghdad, No. 666/Justice/1982, dated 17 February 1983

Upon scrutiny, it was found that the plaintiff restricted his claim to the requirement that the defendant, the head of the State organization for the Distribution of Petroleum Products and Gas, and his office should revoke the order terminating his employment and reinstate him in his post for the reasons stated in his submission. The defendant's counsel moved rejection of the action on the grounds that the matter of the termination was in accordance with the law and based on the provisions of article 34 (e) and (d) of the Labour Code in force. In the course of the pleadings, the

¹ Report submitted by State (CERD/C/132/Add.2).

² *Ibid.* (E/1984/6/Add.3).

³ *Ibid.* (E/1984/6/Add.3; E/1984/6/Add.8).

Court found that the plaintiff had been bound by a work contract as an employee of the defendant on the basis of the many administrative orders contained in his private file. The defendant had then issued his administrative order for the termination of the employment of the plaintiff, effective 3 July 1982, on the grounds of his absence from work as from that date. In spite of service of a warning and the fact that his services were not needed and on the basis of the provisions of article 34 (e) and (d) of the Labour Code in force, the Court noted that the conditions set forth in the said subparagraphs of the said article were not met in the case of the termination of the employment of the plaintiff. Accordingly, the Court did not find from the data in the plaintiff's private file anything to prove that the plaintiff had been served with the aforesaid warning about his absence. Similarly, it did not find anything to prove that he had been served with a warning about his failure to comply with the work rules and had refused to comply with the written and publicized instructions. Therefore, the order for termination of the employment of the plaintiff was declared invalid, making it incumbent upon the defendant to revoke it and to reinstate the plaintiff in his former post at his former wage, on the basis of the provisions of article 30 (d) of the Labour Code, regard being had to the concept of contravention of the provisions of article 26 (d) of the Code. For all the aforesaid reasons, the judgement ruled that the defendant and his office should be compelled to revoke the aforementioned order for termination of employment and to reinstate the plaintiff in his former post at his former wage. The judgement was issued in the presence of the parties and was open to appeal. It was announced publicly on 17 February 1983.

Objection to a decision to reduce wages: decision of the Labour Court of the Governorate of Baghdad No. 1465/L/1982 of 16 February 1983

Upon scrutiny, it was found that the plaintiff demands that the defendant, in his official capacity, be compelled to restore the amounts deducted from his wages as from 1 January 1978 up to the time of the rendering of the decision at the rate of 20 dinars per month and that he be compelled to bear the costs and charges and legal fees on the grounds stated in the pleading. The counsel for the defendant moved rejection of the action on the grounds stated in her pleading, namely, that the monthly remuneration of the plaintiff was reduced pursuant to Revolutionary Command Council Decision No. 1172 of 29 October 1977 on the procedure for calculating allowances payable to drivers. The counsel submitted a summary of the plaintiff's employment record since the date on which he took up employment, 26 October 1970 and requested the Deputy Public Prosecutor to rule rejection of the action. From the contradictory public pleadings in person and scrutiny of the statements and of the parties and the documents and official papers displayed concerning the action and after taking cognizance of the plaintiff's dossier and the statement of the selected expert, the Court found that the plaintiff took up employment as a driver at the State Agency for Trade in Foodstuffs and continued in that post until his monthly remuneration amounted to 71.020 dinars and that the Agency decided, on 1 January 1978, to reduce his remuneration to 40 dinars, in contravention of Revolutionary Command Council Decision No. 1172 of 29 October 1977, regardless of the fact that his remuneration was personal and an acquired right. Whereas it was proven before the Court that the defendant, in his official capacity, withheld from the plaintiff allowances in the amount of 20 dinars a month, in contravention of the aforementioned Revolutionary Command Council Decision, whereas the reduction of the monthly remuneration which he had received formerly and the withholding of

his allowance from him at the rate of 20 dinars a month in erroneous implementation of the Revolutionary Command Council Decision on which the defendant, in his official capacity, rested his case and on the basis of the foregoing, the Court decided that the defendant, in his official capacity, should be required to revoke the decision to reduce the remuneration of the plaintiff and to add the allowance to which the plaintiff was entitled, totalling 20 dinars a month, to the remuneration which he received before 1 January 1978 for the entire period of his entitlement thereto from 1 January 1978 up to the time of the issuance of the decision on 16 February 1983. The decision was issued as a judgement rendered before the parties and admitting of cassation and was publicly announced on 16 February 1983.

Decision of the Labour Court, Governorate of Baghdad, No. 666/Justice/1982, which reaffirms the principle of the right to work, was adopted on 17 February 1983.

Other decisions were taken as regards remuneration:

Decision of the Present of the Court of Cassation of Iraq, dossier No. 113/Labour/T/1982-1983, serial No. 555;

Decision of the President of the Court of Cassation of Iraq, dossier No. 113/Labour/T/1982-1983, serial No. 539.

ITALY

A. Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them

*(articles (2) and 7 of the Universal Declaration;
article 2 (2) of the International Convention on the Elimination
of All Forms of Racial Discrimination)*¹

As regards the protection of individuals, a recent law is worth mentioning—No. 184 of 4 May 1983. For the first time international adoption is given an order within the new general discipline of adoption and assignment. In fact most adoptions of foreign minors concern minors from other continents and some of them are different in race and colour from the Italian population.

B. Right to a nationality

*(article 15 of the Universal Declaration;
article 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*²

The right to citizenship and of not being deprived of it, has its basis on the transmission of the Italian citizenship to the direct offspring (*jus sanguinis*) and on the possibility of reacquiring it if it had been lost. The legislative sources of this right are: art. 3 of the Constitution which unequivocally refers to “Italian citizens”; Law on citizenship No. 555 of 19 June 1912, which has been often modified; Law No. 151 of 19 May 1975 on the reform of family rights and Law No. 123 of 21 April 1983.

On the conditions provided for by a law of 1983, a foreigner may become an Italian subject either if the spouse is Italian, or by naturalization under a law of 1912 on Italian citizenship.

C. Promotion of understanding, tolerance and friendship among all nations, racial and ethnic groups

*(article 26 (2) of the Universal Declaration;
article 7 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*³

The Ministry’s educational activity is not only supported by universities, some of which develop research on racial prejudices and on ethnic and linguistic minorities

¹ Report submitted by State (CERD/C/104/Add.2).

² *Ibid.* (CERD/C/104/Add.2).

³ *Ibid.* (CERD/C/104/Add.2).

but also by the Italian UNESCO Commission operating (in agreement with the Ministry) through a network of "schools associated with UNESCO". These schools include State institutions of different kinds and grades, from elementary schools to secondary schools, which, in addition to their normal curricula, follow special study programmes dealing with international understanding and major world problems in general.

JAMAICA

Condemnation of racial segregation and *apartheid*
(articles 1 and 2 of the Universal Declaration;
article 3 of the International Convention on the Elimination
*of All Forms of Racial Discrimination)*¹

Jamaica continues to adhere to the letter and spirit of the 1977 United Nations Declaration against *Apartheid* in Sports. This has ensured that South African sporting teams have been unable to enter Jamaica, and the Jamaican Government continues to discourage sporting contacts between nationals of Jamaica and South Africa. Where Jamaican nationals have played in South Africa as occurred in 1983 when a group of West Indian cricketers toured South Africa, a life-time ban was imposed on these players. This ban has precluded these players from representing Jamaica internationally and prevents them from playing cricket locally.

¹ Report submitted by State (CERD/C/117/Add.4).

JAPAN

Right to social security

*(article 22 of the Universal Declaration;
article 9 of the International Covenant on Economic,
Social and Cultural Rights)¹*

The new system of Health and Medical Services for the Elderly, introduced in February 1983, is intended to give a comprehensive health and medical services system at the local level covering prevention, treatment and therapy, and thereby to seek to ensure the health of the elderly. In this system, in addition to the State and local government contributing to medical care costs for the elderly, a framework has been developed whereby all the medical care insurance schemes insurers referred to above jointly contribute to cover the cost so that the burden may be equitably distributed among the whole population.

¹ Report submitted by State (E/1984/6/Add.6).

MADAGASCAR

Right to just and favourable conditions of work

*(article 23 (1) of the Universal Declaration;
article 7 of the International Covenant on Economic,
Social and Cultural Rights)¹*

Minimum wages for newly recruited and senior staff have been increased three times, since Decree No. 80-148 of 18 June 1980, by the following decrees:

Decree No. 81-079 of 2 February 1981;

Decree No. 82-261 of 3 June 1982;

Decree No. 83-435 of 16 December 1983.

¹ Report submitted by State (E/1984/7/Add.19).

MAURITIUS

A. Condemnation of racial segregation and *apartheid*
*(articles 1 and 2 of the Universal Declaration;
article 3 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*¹

Mauritius is trying hard to break its economic dependence on South Africa. It is gradually intensifying its trade relations with Australia, Madagascar, Seychelles and Zimbabwe. It has recently become a member of the Preferential Trade Area for the Eastern and Southern African States. Having trade relations with South Africa does not prevent Mauritius from speaking out regularly against *apartheid*, from organizing campaigns and talks against *apartheid* and from voting in favour of all the resolutions of the General Assembly of the United Nations and of other international bodies which are passed against the South African régime.

B. Prohibition of racial discrimination or incitement to it
*(articles 2 and 7 of the Universal Declaration;
article 4 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*²

The Government is seriously contemplating the introduction of a comprehensive Race Relations Bill. In the meantime it is felt that existing legislation adequately covers all our obligations under article 4 of the Convention. With regard to private clubs which accept members of one community alone, it is to be noted that it would be difficult to prove that they practise or promote racial discrimination. In fact there is no evidence that they do. In view of the difficulties of legislating against such clubs (e.g. the entrenched constitutional right of freedom of association, the problem of proving actual discrimination), the Government has instead successfully prevailed upon private clubs which engage in sporting events to open their membership to all Mauritians.

¹ Report submitted by State (CERD/C/106/Add.8).

² *Ibid.* (CERD/C/106/Add.8).

C. Realization of economic rights

*(article 22 of the Universal Declaration;
article 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)³*

In order to provide a more equitable distribution of the island's resources, the Government of Mauritius has amended the Constitution in order to make it possible to nationalize any sector of the economy—the Constitution of Mauritius (Amendment) Act 1983. The ports and all port operations are now in the hands of public authorities—the Ports Act, the Mauritius Sugar Terminal Act and the Cargo Handling Corporation Act 1983.

The Government has also set up an Agricultural Diversification Corporation to deal with land development, agricultural cultivation, production and marketing and livestock development (the Agricultural Diversification Corporation Act 1983).

D. Right to work

*(article 23 of the Universal Declaration;
article 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)⁴*

Unemployment transcends all communal barriers in Mauritius. The Government is endeavouring by all its means to alleviate the adverse effects of unemployment, for example, the Social Aid Act 1983 and the Unemployment Hardship Relief Act 1983 have been enacted.

**E. Promotion of understanding, tolerance and friendship
among all nations, racial and ethnic groups**

*(article 26 (2) of the Universal Declaration;
article 7 of the International Convention on the Elimination
of All Forms of Racial Discrimination)⁵*

Since Mauritius is a multi-ethnic, multi-religious and multi-lingual nation, no effort is spared by Government to develop a Mauritian consciousness among the population while at the same time preserving the cultural heritage of each ethnic group. The motto "Ene seul peuple, ene seule nation" (one people, one nation) is now famous in Mauritius. The mass media obviously play an important role in making Mauritians aware of how lucky and fortunate they are to be able to live in peace and harmony whereas just across the ocean stands South Africa with all its abominations. UNESCO Clubs are scattered all across the country and indulge in various activities, including the publicizing of human rights. Constitutional law, including human rights, is taught at the University of Mauritius. Seminars are held on the topic of human rights. Amnesty International has a Mauritian branch which organizes

³ *Ibid.* (CERD/C/106/Add.8).

⁴ *Ibid.* (CERD/C/106/Add.8).

⁵ *Ibid.* (CERD/C/106/Add.8).

talks on human rights and tries to make Mauritians aware of the United Nations Universal Declaration of Human Rights and other United Nations Conventions. There is also an educational project being prepared by the Mauritian branch of Amnesty International in collaboration with the Mauritius Institute of Education and UNESCO concerning a specific human rights course which could be part of the syllabus of secondary school students.

MEXICO

A. Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them

*(article 2 of the Universal Declaration;
article 2 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

The Government of the Republic has endeavoured to assure that the participation by Indian people is genuine at all levels. In February 1983, the People's Forum on Indigenous Matters was held at the Otomi Ceremonial Centre at Temoaya, in the State of Mexico. The purpose was to call for and receive proposals submitted by representatives of the various ethnic groups in connection with the elaboration of the 1983-1988 National Development Plan (NDP), a document on which the action of the present Government of the Republic is based. As a result, the NDP proposes activities aimed at raising the living standards of the indigenous people, while expressly recognizing the organization of the Indian people as a national political presence and respecting their special cultural heritage.

The Government of the Republic also supported the convening of the Fourth National Congress of Indigenous Peoples, held in November 1983 in Cuetzalan, Puebla.

As regards the question of the development and promotion of production in interethnic regions, efforts have been made to promote the participation and self-management of indigenous people in development programmes with the support of training, organization and economic counselling activities. In 1983, the following projects were implemented:

(a) In order to take advantage of the resources of indigenous communities, 27 agro-industrial projects were carried out involving, *inter alia*, corn mills, pulp-removing facilities, carpenters' workshops, and onyx workshops;

(b) In order to market the livestock-breeding production of indigenous communities and to provide low-cost agricultural implements, 77 projects were authorized;

(c) Advice and support was provided to a number of agricultural projects: 16 relating to agricultural extension; 41 to basic crops; 31 to fruit-growing; 17 to horticulture; 7 to plant health; 28 to agricultural machinery; 18 to school hostels; and 7 to training;

(d) In co-ordination with the semi-public enterprise Fertilizantes Mexicanos, 14,830 tons of fertilizer were sold and, by agreement with the National Rural Credit Bank, loans were granted to about 35,000 indigenous farmers who did not meet the

¹ Report submitted by State (CERD/C/115/Add.1).

conditions normally laid down with regard to the granting of loans. Loans were granted to two co-operative societies;

(e) A number of livestock-breeding projects were implemented: 116 relating to oxen; 12 to cattle; 67 to animal health; 16 to training in livestock-breeding; 8 to sheep; 4 to goats; 22 to poultry-breeding; 3 to fish-breeding projects; and 16 to support for school hostels;

(f) Ten thousand nine hundred and ninety-five apiaries and 53,531 bee-hives were installed in the communities, with a production of 13,408 tonnes of honey;

(g) In the area of handicrafts, various activities in support of craftsmen were carried out, including advice on production aimed at ensuring the profitability both of groups set up by the Institute and of independent persons, and supervision and preparation of programmes with a view to promoting the organization of and training of craftsmen as well as the training of National Institute for Indigenous Affairs (INI) specialists.

In 1983, training courses for the second generation of ethnolinguists were launched in collaboration with the Centre for Research and Higher Studies in Social Anthropology (CIESAS). The programme is a response to the proposals made by organized indigenous groups that technical and managerial personnel capable of meeting the ever-increasing requirements of their own ethnic groups should be trained. Indigenous persons from 16 groups received training.

B. Right to work

*(article 23 of the Universal Declaration;
article 6 of the International Covenant on Economic,
Social and Cultural Rights)²*

Article 19 of the by-laws of the Ministry of Labour and Social Welfare, published in the *Diario Oficial* of the Federation on 4 March 1983, states that it is the responsibility of the Department of Culture and Recreation to formulate, and to promote throughout the nation, cultural and recreational programmes for workers and their families, with the assistance and participation of trade-union groups, workers, employers, authorities and institutions involved in such activities.

As regards technical and vocational guidance and training programmes, the National Development Plan 1983-1988, with a view to promoting the full development of the individual and of Mexican society, seeks to enhance the cultural life of the individual by raising academic standards, reorganizing teacher training, training and upgrading practising teachers, and providing refresher training. Elementary education syllabuses and curricula are also being revised. Educational planning at the secondary and higher levels will be improved, with due respect for university autonomy.

The National Development Plan 1983-1988 seeks to generate employment with a view to the effective attainment and protection of the right to work, by involving workers in the country's productive process so that the people might enjoy decent living conditions.

² *Ibid.* (E/1984/6/Add.2).

C. Right to an adequate standard of living (right to health)

*(article 25 (1) of the Universal Declaration;
article 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*³

An addition was made in 1983 to article 4 of the Political Constitution of Mexico stating: "Everyone has the right to health protection".

This right conforms with the principles of social justice of the Mexican system which is based on human relationships, and with the commitments in respect of human rights undertaken by Mexico as a member of the United Nations; furthermore, it recapitulates the rights and principles set out in article 4 of the Constitution which relate to the welfare of the family, equality between men and women; guarantees relating to the development and organization of the family; responsible parenthood, the basis for voluntary and informed family planning and the right of minors to physical and mental health.

³ *Ibid.* (CERD/C/115/Add.1).

MONGOLIA

A. Condemnation of racial segregation and apartheid

*(articles 1 and 2 of the Universal Declaration;
article 3 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

The Mongolian People's Republic (MPR) takes an active part in activities of the United Nations and other international organizations directed towards the complete eradication of colonialism and racial oppression. The Mongolian delegation took part in the Second World Conference to Combat Racism and Racial Discrimination (Geneva, 1983) and the International Conference in Support of the Struggle of the Namibian People for Independence (Paris, 1983).

The Mongolian public observes various dates connected with the struggle of peoples against racism and *apartheid*. Thus, a number of events were organized in 1983 on the occasion of the International Day for the Elimination of Racial Discrimination, the International Day of Solidarity with the Struggling People of South Africa, the Week of Solidarity with the People of Namibia and its Liberation Movement, etc. Messages on behalf of the Mongolian Government were sent to the appropriate United Nations bodies on the occasion of some of those events.

B. Protection against cruel, inhuman or degrading treatment

*(article 5 of the Universal Declaration;
article 10 of the International Covenant on Civil and Political Rights)²*

Decree No. 154 (1983) of the Presidium of the Great National Khural of the MPR amended the Mongolian Penal Code with additional provisions aimed at the further humanization of punishment as a whole, and especially punishment in the form of deprivation of liberty. In particular, articles 19 (1) and 41 (2) of the Penal Code considerably broaden the provisions for conditional early release.

Under article 41 (2) of the Penal Code, the court having jurisdiction at the place of detention may, on the proposal of the supervisory commission and the administration of the institution, order the conditional early release of a convicted person from the place of detention with the obligation to take up employment after he has actually served the part of his sentence provided for by law. The main feature of this type of punishment is to replace the element of isolation by limited freedom enabling the convicted person to engage in productive work along with regular

¹ Report submitted by State (CERD/C/118/Add.22).

² *Ibid.* (CCPR/C/37/Add.2).

workers and to maintain and strengthen his social relations, including family ties. These measures are conducive to the reformation and social rehabilitation of persons who have been deprived of their liberty.

C. Right to social security

*(article 22 of the Universal Declaration;
article 9 of the International Covenant on Economic,
Social and Cultural Rights)³*

Since 1983, the State pension system has included members of agricultural combines who are disabled and families who have lost the bread-winner.

D. Right to just and favourable conditions of work

*(article 23 (1) of the Universal Declaration;
article 7 of the International Covenant on Economic,
Social and Cultural Rights)⁴*

Since 1 July 1983, workers in party, State, public and co-operative enterprises, organizations and institutions who have higher and secondary specialized education, as well as people working in Gobi areas and locations with similar natural and weather conditions, have received wage supplements.

E. Right to education

*(article 26 of the Universal Declaration;
article 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)⁵*

In January 1983, the Great People's Khural of the MPR adopted a new "Law on Public Education".

This new Public Education Act sets forth as one of its basic provisions the principle of equality of citizens in receiving an education irrespective of their race or nationality (article 4 of the Public Education Act of the Mongolian People's Republic).

³ *Ibid.* (E/1984/7/Add.6).

⁴ *Ibid.* (E/1984/7/Add.6).

⁵ Contribution submitted by State; report submitted by State (CERD/C/118/Add.22).

NAMIBIA

Condemnation of racial segregation and apartheid
*(articles 1 and 2 of the Universal Declaration;
article 3 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

In its efforts to further mobilize greater international support in order to intensify international pressure for the liberation of Namibia at the moment when the Pretoria régime is manifesting a determination to maintain the status quo in Namibia, and in conformity with its mandate, the United Nations Council for Namibia organized the International Conference in Support of the Struggle of the Namibian People for Independence, held at UNESCO House in Paris, from 25 to 29 April 1983.

The Council took part as a full participant in the Second World Conference to Combat Racism and Racial Discrimination which was held at Geneva in August 1983. At that Conference, the Council, together with 57 States, reaffirmed their strong support for the oppressed peoples and their struggles to liberate themselves from racism, racial discrimination, *apartheid* and all other forms of colonial domination. It stated, in particular, that the international community was to be prevailed upon to address itself to the needs of the Namibian people, victims of the inhuman policy of *apartheid*, who have been denied any means of earning a decent living or of getting satisfactory health care and a good education.

The Council continues to participate actively in the implementation of the Programme of the Decade for Action to Combat Racism and Racial Discrimination. It continues to co-operate with the Special Committee against *Apartheid* in its fight against *apartheid*. In this regard, the Council attended the solemn meeting of the Committee on 30 and 31 March 1983 to observe the Special Session in Connection with the Twentieth Anniversary of the Special Committee against *Apartheid*. The Council also attended the meetings of the Commission on Human Rights held at Geneva from 9-11 February 1983; participated, on 21 March 1983, in the observance of the International Day for the Elimination of Racial Discrimination; took part in commemorating the International Day of Solidarity with the Struggling People of South Africa on 30 March 1983; and on 11 October 1983, participated in the observance of the Day of Solidarity with South African Political Prisoners.

¹ Report submitted by the United Nations Council for Namibia (CERD/C/101/Add.1).

NEPAL

Prohibition of racial discrimination or incitement to it
*(article 7 of the Universal Declaration;
article 4 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*¹

Press and Publication Act No. 2032 (1975) has been repealed by the Press and Publication Act No. 2039 (1983). The relevant section of the new Act (sect. 13 (c)) is as follows:

“Section 13. Prohibition on publication. Printing or publication of any material by any person with the following objective or which may have the following result directly or indirectly has been prohibited.

“(c) Which goes against the inherent principles enshrined in the Constitution of Nepal.”

¹ Report submitted by State (CERD/C/148/Add.1).

NETHERLANDS

A. Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them

*(articles 2, 7 and 22 of the Universal Declaration;
article 2 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

The revised Constitution came into force on 17 February 1983. The first chapter deals with fundamental rights which include both the "classic" civil and political rights and the basic social rights. Article 1 of the Constitution now reads: "All persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race or sex or any other grounds whatsoever shall not be permitted".

This article implies that legislators, administrators and the courts are to consider only those differences which are justified and relevant to the case in question when laying down regulations or taking decisions in specific matters. As is obvious from the text, racial discrimination is not the only form of discrimination which is prohibited under this article.

In September 1983 the Government published the definitive policy document on minorities, the *Minderhedennota*. This document is the final version adapted from the draft published in April 1981. The draft was sent for comments to many different organizations concerned with minorities and to the municipalities. The Lower House of Parliament will in due course make known its views on the subject. The document looks at the specific steps taken for the different categories of migrants from Suriname, the Netherlands Antilles and the Mediterranean countries, and sets out the Government's plans for membership of minorities in special participation bodies.

The policy on minorities is aimed at creating the conditions under which equality and equal opportunity for all residents can become a matter of course.

The Ethnic Minorities and Caravan Dwellers Participation Bill, introduced in July 1981, provides for the institution of a participation body for each minority group. The organizations which were invited to comment on the Bill reacted favourably to the basic principles. Two such bodies now functioning at national level are the Moluccan Welfare Advisory Body, which was formally inaugurated, and an informal Antillean initiative group, while preparations for a similar Surinamese body have reached an advanced stage.

¹ Report submitted by State (CERD/C/106/Add.11).

A study of problems in minorities legislation was completed in the spring of 1983 under the title *Minderheid—Minder Recht?* ("Minority—fewer rights?"; a survey of legislative provisions which make a distinction between Dutch nationals and non-Dutch nationals). It shows that in numerous regulations a distinction is made on the grounds of nationality, or place of residence. Regulations which discriminate on the grounds of culture, personal conviction or language are relatively unimportant in terms of scope and number. Only two provisions feature in this survey which could be said to discriminate on the grounds of race and thus contravene the Convention. In their recommendations and conclusions the authors point to two ways of reducing undesirable distinctions in the drafting of laws and regulations:

A reassessment of the legal status of certain categories of foreigners legally resident in the Netherlands;

Adaptation to the present multicultural configuration of the separately listed discriminating measures designed to preserve the traditional picture of Dutch society.

Following on from this report the 1983 Research Programme on Minorities includes a proposal for a study of the extent to which neutrally formulated provisions in laws and regulations discriminate in practice between indigenous Dutch nationals and members of minority groups.

**B. Promotion of understanding, tolerance and friendship
among all nations, racial and ethnic groups**

*(article 26 (2) of the Universal Declaration;
article 7 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*²

"World studies" in primary schools and social studies, geography and history in secondary schools include topics such as racism and (racial) discrimination. A number of simple booklets have been written for this purpose on subjects such as migrant workers, Antilleans, Surinamese, Moluccans and Muslims. They were produced with government funding and are distributed free of charge. These publications, in Dutch, will be sent to the Committee.

The subject of minorities is given considerable attention in police training courses at all levels. Emphasis is placed on learning to "respect differences in people and to act accordingly, as well as on acquiring the necessary knowledge of minorities in the Netherlands".

Extra money was made available in 1982 and 1983 for courses in Dutch for members of ethnic minorities in penal institutions and for cultural evenings for these and other prisoners organized by representatives of ethnic minority groups from outside the institutions.

² *Ibid.* (CERD/C/106/Add.11).

NEW ZEALAND

A. Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them

*(article 2 of the Universal Declaration;
article 2 (2) of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

In the period November 1982 to March 1983, 1,124 young Maori unemployed persons were placed in jobs and 1,186 were referred for additional tuition and training in a wide range of skills. Five hundred and seventy were placed in the Project Employment Programme and the Work Skills Development Programme of the Department of Labour. These public sector programmes are designed to provide work for persons who at present have limited prospects of obtaining unsubsidized work.

In 1983, there were 1,148 trainees in the vocational training courses run by the Department of Maori Affairs.

In addition, a further 400 people have participated in business seminars and residential training programmes.

A small Equal Employment Opportunities Unit was established within the State Services Commission in 1983. The objective of this unit is to ensure that all groups who are under-represented in the public sector have equal access to the public service and enjoy equal opportunity for advancement.

The State Services Commission invited representatives of the major racial groups, community leaders and administrators to a conference at the Waahi Marae, in March 1983, to consider the role of the public service in a multicultural society.

An advisory service has been established within the Department of Maori Affairs to assist Maori and Pacific Island families to obtain mortgages from other sources of finance including the Housing Corporation.

The Departments of Maori Affairs and Social Welfare have launched a programme called *Maatua Whangai* (foster parenting). The aim of this programme is to keep Maori youth out of institutional care such as social welfare homes and penal institutions. Young persons perceived to be especially at risk or who have committed an offence may be placed in the care of their tribal groups or with foster parents. In cases of conviction for an offence a judge may order a period of community work supervised by *Maatua Whangai* officers.

¹ Report submitted by State (CERD/C/106/Add.10).

B. Prohibition of racial discrimination or incitement to it
*(articles 2 and 7 of the Universal Declaration;
 article 4 of the International Convention on the Elimination
 of All Forms of Racial Discrimination)²*

The Race Relations Conciliator, by way of the Human Rights Commission, presented to the Equal Opportunities Tribunal the first case under the Race Relations Act.

The case arose from a complaint filed under Section 9A of the Race Relations Act on behalf of a Samoan who, it was alleged, had been subjected to racially insulting language. The Conciliator undertook an investigation but it proved impossible to effect a satisfactory settlement. The respondents were unco-operative during the investigation and refused to provide an assurance that they would comply with the provisions of the Act in the future. It was not possible to reach agreement on a monetary settlement to be awarded to the complainant. The case was then referred to the Equal Opportunities Tribunal which ordered the following remedies:

- A declaration that there had been a breach of the Race Relations Act;
- An Order restraining the defendants from engaging in conduct of the same kind again;
- Damages to the aggrieved party in accordance with Section 40 of the Human Rights Commission Act;
- Costs to the Human Rights Commission.

C. Right to an effective remedy
*(article 8 of the Universal Declaration;
 article 6 of the International Convention on the Elimination
 of All Forms of Racial Discrimination)³*

The Race Relations Conciliator recorded on page 61 of his Report for the year ended March 1983 that there was an increased number of complaints or written enquiries concerning the programmes to assist the Maori in the period under review. These frequently related to apprenticeship schemes. The Conciliator commented that in periods of low unemployment, when apprenticeships are readily available, few such complaints are received.

D. Right of asylum
*(article 14 of the Universal Declaration;
 article 5 of the International Convention on the Elimination
 of All Forms of Racial Discrimination)⁴*

Current immigration policy provides for refugees to be admitted into New Zealand under a quota system, based on an assessment by the Government of the

² *Ibid.* (CERD/C/106/Add.10).

³ *Ibid.* (CERD/C/106/Add.10).

⁴ *Ibid.* (CERD/C/75/Add.14).

number of refugees for whom New Zealand is able to provide satisfactory long-term settlement opportunities. A vital element in the successful resettlement of refugees is the role played by sponsors, members of the community who undertake to assist newly arrived refugees.

Sponsors, who are often church groups, are responsible for settling the refugee family into the local community and must ensure that suitable accommodation, basic furniture and essential warm clothing are available when they arrive. The sponsoring group is also responsible for finding employment for refugee settlers of working age.

**E. Promotion of understanding, tolerance and friendship
among all nations, racial and ethnic groups**
*(article 26 (2) of the Universal Declaration;
article 7 of the International Convention on the Elimination
of All Forms of Racial Discrimination)⁵*

For the first time in 1983 the Race Relations Office produced a multicultural calendar and it is hoped that this will be an annual exercise. Each page of the calendar is devoted to New Zealanders of different ethnic origins and their respective national and festive holidays are explained.

⁵ *Ibid.* (CERD/C/106/Add.10).

NICARAGUA

A. Trade union rights

*(article 23 (4) of the Universal Declaration;
article 8 of the International Covenant on Economic,
Social and Cultural Rights)¹*

The whole range of the fundamental right of trade union freedom is confirmed in the Labour Code, Title IV, chapter I of which governs the right of trade union association, the constitution of trade unions and the regulation of trade union associations (G.D.O. No. 93 of 10 May 1951, as amended by Decree No. 1260, G.D.O. No. 132 of June 1983).

B. Right to education

*(article 26 of the Universal Declaration;
article 13 of the International Covenant on Economic,
Social and Cultural Rights)²*

The Government Junta of National Reconstruction promulgated on 1 March 1983 the Aims, Objectives and General Principles of the New Education. These included the following principles:

“1. Education is a fundamental and inalienable right of every Nicaraguan. As the State’s educational services expand, education shall gradually become compulsory at the pre-school and basic general education levels.

“ . . .

“3. Education is a fundamental and irrevocable duty of the State. State education shall be free of charge, public and mixed.”

C. Right to participate in cultural life

*(article 27 of the Universal Declaration;
article 15 of the International Covenant on Economic,
Social and Cultural Rights)³*

In 1983, the principal legal provisions for cultural development were as follows:

(a) Adoption and ratification of the Regional Agreement for the Validation of Higher Educational Studies, Degrees and Diplomas (*La Gaceta*, 8 April 1983; Decree No. 1228 (GJNR));

¹ Report submitted by State (E/1984/6/Add.9).

² *Ibid.* (E/1982/3/Add.31).

³ *Ibid.* (E/1982/3/Add.31).

(b) Adoption of the Agreement on Central American Educational and Cultural Co-ordination (*La Gaceta*, 22 January 1983; Decree No. 1181 (GJNR));

(c) Declaration of the Escuela Luís Alfonso Velásquez Flores to be part of the national heritage (*La Gaceta*, 22 January 1983; Decree No. 1182 (GJNR));

(d) Declaration of the San Albino y Cerro el Chipote mine to be a part of the national historical heritage (*La Gaceta*, 8 March 1983; Decree No. 1207 (GJNR));

(e) Adoption and ratification of the Cultural Agreement between the Governments of Nicaragua and Cuba (*La Gaceta*, 8 April 1983; Decree No. 1228 (GJNR));

(f) Reform of the Act for the Protection of the Heritage of the Nation (*La Gaceta*, 19 April 1983; Decree No. 1237 (GJNR)).

NIGERIA

Condemnation of racial segregation and apartheid
*(articles 1 and 2 of the Universal Declaration;
article 3 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*¹

The Import Prohibition Order of 1983 prohibits the importation and exportation of goods from or to South Africa, and by a Government directive, any enterprise intending to contract with Nigeria must submit a declaration that it has no business connection with South Africa.

¹ Report submitted by State (CERD/C/91/Add.35).

NORWAY

A. Political rights

*(article 21 of the Universal Declaration;
article 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*¹

In April 1983, the *Storting* decided that immigrants who have been resident in Norway for at least three years shall have the right to vote at municipal and county elections, and the right to be included on the lists of candidates submitted by political parties. Formerly such rights required Norwegian citizenship.

The Act was applied for the first time in connection with the elections in September 1983, when the Ministry of Local Government and Labour issued a number of folders and other material which were also made available to the immigrant organizations.

B. Promotion of understanding, tolerance and friendship among all nations, racial and ethnic groups

*(article 26 (2) of the Universal Declaration;
article 7 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*²

The Ministry of Church and Education attaches fundamental importance to the role of the schools in the promotion of attitudes. This point was underlined in the Norwegian contribution by former Minister Tore Austad at the UNESCO Intergovernmental Conference on Education for International Understanding, Co-operation and Peace held in Paris in April 1983. Schoolteachers have a decisive part to play in the formation of attitudes, and the Ministry has helped to start further education courses in this field for teachers. On the initiative of the working group on education in the Advisory Committee on Human Rights (the Ministry of Church and Education is represented in both the group and the Committee), co-operation has been established, among other things, between the Ministry, the National Council for Teachers' Training, and the United Nations Association of Norway on further education for teachers.

A further education course for teachers in human rights teaching was held in 1983, and a follow-up course for 1984 is being planned. The courses deal with the formation of attitudes in general and with racism in particular.

¹ Report submitted by State (CERD/C/107/Add.4).

² *Ibid.* (CERD/C/107/Add.4).

The Ministry of Church and Education has appointed a working group to prepare a plan of action against bullying in schools. The group had a "package" ready in the autumn of 1983 which the Ministry distributed to all the primary schools. The material included information on the subject and on practical measures for use in efforts to eliminate bullying. Similar measures directed in particular against racial discrimination are now being planned.

PANAMA

A. Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them

*(articles 2 and 7 of the Universal Declaration;
article 2.2 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

There are three well-known indigenous groups in Panama: the Kunas, Guaymías and the Emberás; however, there are smaller, less well-known groups such as the Teribes and the Bocotás. The Kuna group inhabits the Atlantic coast of the isthmus and occupies the territory of the San Blas *Comarca*; the Guaymías live in areas of Veraguas, Chiriquí and Bocas del Toro provinces; the Emberá group, formerly known as the Chocoos, occupies what is now the Emberá *Comarca* in Darién province; and the other two groups live in small areas of Bocas del Toro province.

With the participation of these indigenous groups, the National Government has in recent years prepared various draft legislative texts, one of which became Act No. 22, of 8 November 1983, establishing the Emberá *Comarca*. Some of the other drafts are not yet entirely completed and are therefore subject to technical amendment as appropriate. These drafts include one intended to update the special arrangements for the San Blas *Comarca* established by Act No. 16 of 19 February 1953.

Broadly speaking, the above-mentioned drafts and the Emberá *Comarca* Act deal with the following aspects: delimitation of the *Comarca* and political division, private property rights, government and administration, administration of justice, economy, natural resources, archeological sites and objects, and education.

B. Right to life, liberty and security of person

*(article 3 of the Universal Declaration;
article 9 of the International Covenant on Civil and Political Rights)²*

The amended Constitution of 1983 establishes the following in regard to the Public Forces and the exercise of their powers. Article 2: "Public power emanates solely from the people. It is exercised by the State in accordance with this Constitution, through the Legislative, Executive and Judicial Organs, working in a limited and separate way but in harmonious collaboration."

¹ Report submitted by State (CERD/C/118/Add.25/Rev.1).

² *Ibid.* (CCPR/C/4/Add.9).

The 1972 Constitution stipulated that national defence and public safety should be the responsibility of the National Guard, whose functioning and salary scale would be regulated by law. The revised Constitution of 1983 specifies (article 305): "National defence and public safety are the responsibility of a professional institution known as the National Guard, which shall come under the Executive and whose activities shall be subject to the National Constitution and to the law. The National Guard shall in no circumstances intervene in party politics, except in order to vote."

The National Guard has no jurisdiction in regard to the investigation of crimes and offences, and in prison matters it merely executes and supervises the country's prisons, acting on the orders of the Prisons Department of the Ministry of the Interior and Justice. The policing functions of the National Guard are to maintain public order, to direct traffic, to co-operate with the judicial authorities in issuing summonses and arrest warrants for crime suspects, and to take a hand in the system for regulating alien migration in Panama.

C. Right to an effective remedy

(article 8 of the Universal Declaration;

*article 2 (3) of the International Covenant on Civil and Political Rights)*³

Article 203 of the Constitution makes the Supreme Court of Justice responsible for: (1) safeguarding the integrity of the Constitution, and (2) exercising administrative jurisdiction. As part of its administrative jurisdiction, the Supreme Court exercises control over the legality of administrative acts, and any public or private, natural or juridical person regarding himself or itself as affected by any administrative act, omission, defect, resolution, order or provision felt to be illegal as affecting his or its administrative rights may have recourse to it. Inasmuch as this jurisdiction provides for recourse to a court, and in this instance the highest court in the land, whose decisions on such matters are absolute, as described in article 203 (final, definitive, binding and public), it is an institution of extremely high standing in regard to human rights. In 1983, the Administrative Chamber of the Supreme Court of Justice received 13 petitions for nullification on grounds of illegality.

The full exercise of human rights in the country is only possible through very vigorous action on the structures and the mechanisms making for the development of the country. The constitutional reform of 1983 was designed to help to improve democracy, the modernization of certain mechanisms and the transformation of certain institutions. Thus it can be said that human rights in Panama have benefited by the 1983 constitutional reform.

D. Political rights

(article 21 of the Universal Declaration;

*article 25 of the International Covenant on Civil and Political Rights)*⁴

The constitutional reforms of 1983 were designed to strengthen institutions and to encourage the trend towards genuine democracy in the country.

³ *Ibid.* (CCPR/C/4/Add.9).

⁴ *Ibid.* (CCPR/C/4/Add.9).

E. Trade union rights

*(article 23 (4) of the Universal Declaration;
article 5 (e) (ii) of the International Convention on the Elimination
of All Forms of Racial Discrimination)⁵*

Act No. 23 of 21 October 1983 governing peasant organizations provides in article 81:

“Article 81: The peasant organizations governed by this law shall include in their statutes the principles of free adherence, of functional democracy and of respect for the political and religious beliefs of their members, irrespective of their colour, race or social status.”

F. Right to education

*(article 26 of the Universal Declaration;
article 5 (e) (v) of the International Convention on the Elimination
of All Forms of Racial Discrimination)⁶*

The organic statute of the National Vocational Training Institute (INAFORP), set up by Act No. 18 of 29 September 1983, provides:

“Article 6: INAFORP shall include in its vocational training programme young farmers and adult agricultural producers and shall ensure that vocational training activities are carried out on the basis of freedom of choice and equality of opportunity without any discrimination whatsoever”.

⁵ *Ibid.* (CERD/C/118/Add.25/Rev.1).

⁶ *Ibid.* (CERD/C/118/Add.25/Rev.1).

PAPUA NEW GUINEA

A. Elimination of racial discrimination

*(article 2 of the Universal Declaration;
article 2 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

The provisions dealing with or related to adultery are considered by the Law Reform Commission to be discriminatory and in need of reform. At the moment adultery is both a criminal matter and a civil matter. The Commission has suggested that adultery become only a civil matter and be resolved in accordance with the customs of the parties involved if they are bound by their customs to do so. It should otherwise be treated only as a ground for divorce as under the Common Law of England.

The Commission has made certain recommendations in a report to the Government and changes are likely to be made to the legislation in the near future.

B. Promotion of understanding, tolerance and friendship among all nations, racial and ethnic groups

*(article 26 (2) of the Universal Declaration;
article 7 of the International Convention on the Elimination
of All Forms of Racial Discrimination)²*

The responsibility for formulating the curriculum for schools and teacher training colleges is given to the Curriculum Unit of the Department of Education. This Unit has included subjects related to human rights in both primary and secondary schools.

¹ Report submitted by State (CERD/C/101/Add.4).

² *Ibid.* (CERD/C/101/Add.4).

PERU

Trade union rights

*(article 23 (4) of the Universal Declaration;
article 8 of the International Covenant on Economic,
Social and Cultural Rights)¹*

The right of workers in the public sector to strike is regulated by Supreme Decree No. 0010-83-PCM of 25 February 1983, which specifies that the incumbent in the Ministry and the heads of public institutions shall be the ones to acknowledge the existence of collective work stoppages.

¹ Report submitted by State (E/1984/6/Add.5).

PHILIPPINES

A. Right to social security

*(article 22 of the Universal Declaration;
article 9 of the International Covenant on Economic,
Social and Cultural Rights)*¹

A parliamentary bill (No. 1522), an Act revising Presidential Decree 1519 by integrating the administration of the National Health Insurance Fund of the Philippine Medical Care programme, is being recommended for approval to the Batasang Pambansa by the Subcommittee on Medical Care of the Committee on Health.

B. Right to just and favourable conditions of work

*(article 23 (1) of the Universal Declaration;
article 7 of the International Covenant on Economic,
Social and Cultural Rights)*²

Wage Order No. 2, issued in July 1983, has raised the basic minimum wage to ₱15-₱19 (again depending on economic activity and location of establishment). Total effective hourly allowance has also been increased by ₱0.50-₱1.50, bringing the additional remuneration to ₱315-₱375 for non-agricultural workers and ₱240-₱280 for the agricultural sector.

¹ Report submitted by State (E/1984/7/Add.4).

² *Ibid.* (E/1984/7/Add.4).

POLAND

A. Prohibition of slavery and forced labour

(article 4 of the Universal Declaration;
article 8 of the International Covenant on Civil and Political Rights)¹

The law on the procedure in relation to persons evading employment, adopted on 26 October 1982 (*Journal of Laws*, No. 33, item 229), came into force on 1 January 1983. This law was adopted to meet postulates of the working people to counter the social phenomenon of persons who persistently evade socially useful work and make their living in ways which are illegal or incompatible with the principles of social coexistence. Provisions of this law, in combination with the provisions of penal, civil, administrative and especially tax laws, constitute a system of legal measures designed to influence persons to whom this law is applicable, with a view to countering more efficiently opportunities for them to make a living in violation of the law and the principles of social coexistence and inducing them voluntarily to take up socially useful work.

Until 31 December 1985, Voivodship people's councils may impose the obligation to work on persons evading employment, on the basis of the law of 21 July 1983 concerning special legal regulations to counteract the effects of the social and economic crisis and on the modification of certain laws (*Journal of Laws* of 22 July 1983, No. 39, item 176).

On 14 December 1982 the *Sejm* of the Polish People's Republic adopted the law on employment of graduates, published in the *Journal of Laws* of 18 December 1982, No. 40, item 271. It entered into force as of 1 January 1983.

The new law and the follow-up acts based on it create a coherent system of employment for graduates, which provides only for material incentives as a means of influencing their decisions on the place of future employment, i.e. provides graduates with a free choice of employment in line with their education.

B. Prohibition of torture and cruel, inhuman or degrading treatment or punishment

(article 5 of the Universal Declaration;
article 7 of the International Covenant on Civil and Political Rights)²

Measures of direct coercion can be used only by organs duly authorized by law and only in situations provided for by law, in cases which threaten State security or public order, or when lawfully issued orders are disregarded. Measures of direct

¹ Report submitted by State (CCPR/C/32/Add.9).

² *Ibid.* (CCPR/C/32/Add.9).

coercion can be used in so far as necessary in view of a particular situation and only to the extent necessary to enforce the obedience of lawful orders. The principles for the use of direct coercion, including firearms, are set forth in the Law of 14 July 1983, on the Office of the Minister of International Affairs and on the scope of activities of his subordinated services (*Journal of Laws*, 1983, No. 38, item 172). Medical or scientific experiments on human beings are expressly prohibited in Poland.

C. Right to an effective remedy

*(article 8 of the Universal Declaration;
article 2 of the International Covenant on Civil and Political Rights)*³

Final decisions on the refusal of admission to establishments of higher education can be appealed in administrative courts (resolution of the Supreme Court of 27 September 1983, III AZP 33/83).

Citizens can vindicate their claims through the Minister of Internal Affairs or services subordinated to him, if as a result of direct coercion against them inclusive of firearms, they have sustained bodily injuries, damage to property or have lost their next of kin. The Minister of Internal Affairs and his services have recourse to functionaries guilty of such damage (art. 13 of the Law of 14 July 1983, on the Office of the Minister of Internal Affairs and the scope of activities of his subordinated services, *Journal of Laws*, 1983, No. 38, item 172).

D. Right not to be subjected to arbitrary arrest or detention

*(article 9 of the Universal Declaration;
article 9 of the International Covenant on Civil and Political Rights)*⁴

Failure to rescind temporary arrest justifies a claim for compensation for obviously unfounded temporary arrest (Order of 15 April 1983, II KZ 31/83).

E. Right of everyone charged with a penal offence to all the guarantees necessary for his defence

*(articles 10 and 11 of the Universal Declaration;
article 14 of the International Covenant on Civil and Political Rights)*⁵

If expert psychiatrists diagnose that the accused became mentally ill after an offence had been committed, then it is their duty to state unequivocally whether or not the accused can consciously participate in proceedings before a court and thereby personally—not only through defence counsel—realize the right to defence (judgment of 21 January 1983, PZ V 1222/82).

Failure to use admissible, accessible and practicable evidence is a breach of procedural regulations. When such evidence is essential for evaluation of the defen-

³ *Ibid.* (CCPR/C/32/Add.9).

⁴ *Ibid.* (CCPR/C/32/Add.9).

⁵ *Ibid.* (CCPR/C/32/Add.9).

dant's guilt or nature, the court cannot abandon the principle of directness, even with the acceptance of the parties, but is duty bound to use such evidence during the trial (judgement of 10 October 1983, I KR 120/83).

F. Protection against arbitrary interference with privacy

*(article 12 of the Universal Declaration;
article 17 of the International Covenant on Civil and Political Rights)⁶*

To counter air terrorism and hijacking, officers of the Security Service and Civic Militia may search passengers and their luggage, cargo in ports, railway stations and means of aerial, land, rail and maritime conveyance when there is a suspicion of an offence or an act threatening State security or public order (art. 7, para. 1, point 5 of the Law of 14 July 1983 on the Office of the Minister of Internal Affairs and the scope of activities of his subordinated services, *Journal of Laws*, 1983, No. 38, item 172).

G. Right to leave one's country

*(article 13 (2) of the Universal Declaration;
article 5 (d) (ii) of the International Convention on the Elimination
of All Forms of Racial Discrimination)⁷*

As regards the right to leave the country, every Polish citizen has the right to receive a passport, since this principle stems directly from article 4, paragraph 1, of the Law on Passports. All rules and regulations pertaining to this question are included in the Law on Passports of 17 June 1959 (uniform text: *Journal of Laws*, 1967, No. 17, item 81) with subsequent amendments. Documents that give a Polish citizen the right to travel abroad are either a passport or identification certificate. The reasons justifying rejection of an application for a passport have been specified in greater detail in recent revision of the Law of 5 December 1983 (*Journal of Laws*, No. 66, item 298).

H. Protection of the family, motherhood and childhood

*(articles 16 (3) and 25 (2) of the Universal Declaration;
article 23 of the International Covenant on Civil and Political Rights)⁸*

The Law of 9 October 1982 modifying the Law on the Family Support Fund (*Journal of Laws*, No. 33, item 219), which entered into force on 1 April 1983, increased the upper limit of benefits to 2,000 zlotys a month, extended the group of persons entitled to benefits from this fund and made it possible to continue them even after the death of the person obliged to pay support when the person entitled to the support payments has not acquired the right to a dependant's pension.

⁶ *Ibid.* (CCPR/C/32/Add.9).

⁷ *Ibid.* (CERD/C/118/Add.21).

⁸ *Ibid.* (CCPR/C/32/Add.9).

I. Freedom of thought, conscience and religion

(*article 18 of the Universal Declaration;*
article 18 of the International Covenant on Civil and Political Rights)⁹

On the basis of the Ordinance of the Minister of Education of 24 May 1983 on the extension of certain regulations of the Teacher's Charter to teachers employed in schools operated by legal entities of the Roman Catholic Church (*Journal of Laws*, No. 32, item 155), teachers employed in these schools on a par with State school teachers enjoy those privileges which the Church accepted in its earlier talks with the Ministry of Education.

The judgement of the Supreme Administrative Court of 6 September 1983 is an exemplification of the protection of the right of religious denominations to use, for religious purposes, the premises they own. This judgement stated that administrative decisions on the leasing of flats and buildings shall not apply to buildings and premises owned by religious orders or congregations, used by them, even if only partly, for religious purposes.

J. Freedom of peaceful assembly

(*article 20 of the Universal Declaration;*
article 21 of the International Covenant on Civil and Political Rights)¹⁰

The organization of meetings and demonstrations by students within the premises of establishments of higher education is regulated by the Law of 4 May 1982 on higher schools (*Journal of Laws*, No. 14, item 113). The organizers of a meeting or demonstration are required to notify the school rector of their intention 24 hours prior to the commencement of the event (art. 129, para. 2, of the law cited). Regulations on the holding of public meetings and demonstrations are laid down by school statutes. The school rector or his/her representative may dismiss the meeting or demonstration, after prior notice to the organizers, if the meeting or demonstration breaches the Constitution of the Polish People's Republic or other laws. Article 16 of the Law of 21 July 1983 on special legal regulations in the period of overcoming the social and economic crisis and on modification of certain laws (*Journal of Laws*, No. 39, item 176), provides that until 31 December 1985, a Voivode (President of a Voivodship city) may extend, for a specified period of time, partly or completely, the dispositions of the Law of 29 March 1962 on public meetings to students' meetings.

K. Right to take part in the conduct of public affairs

(*article 21 of the Universal Declaration;*
article 25 of the International Covenant on Civil and Political Rights)¹¹

The Law of 20 July 1983 on the system of local people's councils and local self-government (*Journal of Laws*, No. 41, item 185, and No. 62, item 286; and 1984,

⁹ *Ibid.* (CCPR/C/32/Add.9).

¹⁰ *Ibid.* (CCPR/C/32/Add.9).

¹¹ *Ibid.* (CCPR/C/32/Add.9).

No. 21, item 100) was intended to ensure widespread citizens' participation in the common responsibility for national affairs. Local people's councils as representative bodies of State authority and elementary bodies of citizens self-government are, simultaneously, local bodies of citizens' self-government in municipalities, cities, city districts and Voivodships. The strengthening of the self-government of local people's councils shall consist of the elimination of restrictions which hinder the organization of their own activities and establishing control over their own bodies. Local people's councils and local self-governments have become integrated within a uniform system of local self-government. The self-governing character of local people's councils strengthens their relations with citizens by, among other things, social consultation, the presentation by local councillors of their electors' postulates and their liability to electors. In the local people's councils, a councillor represents his electors, is guided by their postulates and harmonizes their interests with regional and national interests. In matters examined by the local people's councils, councillors take an independent stand, conforming to their own appraisal of the importance and scope of the matters.

I. Limitation on the exercise of rights and freedoms. State of emergency

*(article 29 of the Universal Declaration;
article 4 of the International Covenant on Civil and Political Right)¹²*

On 20 July 1983, the Council of State adopted the resolution on abrogation of martial law as of 22 July 1983. This law was published in the *Journal of Laws* of 22 July 1983, No. 39. The preamble to this law stated that the objectives for which martial law had been declared and then suspended had been attained, as reflected in the achievement of the necessary social and political stabilization and improvement in the state of internal security and public order.

Lifting of martial law was accompanied by the adoption of a Law on Amnesty on 21 July 1983 by the Parliament of the Polish People's Republic, published in the *Journal of Laws* of 22 July 1983, No. 39. The preamble which expressed the motives and objectives of this law, proclaimed that the purpose of the amnesty was to create conditions under which citizens who had violated the legal order, be it for political motives or unintentionally, could actively join public life or obtain an earlier release, in view of the age and individual circumstances of certain offenders.

¹² *Ibid.* (CCPR/C/32/Add.9).

PORTUGAL

A. Elimination of racial discrimination

*(articles 2 and 7 of the Universal Declaration;
article 2 (1) of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

Act 38/80, of 1 August 1980, on the right of asylum and refugee status, was enacted pursuant to article 33 of the Constitution and its scope was recently extended by Decree-Law No. 415/83, of 23 November 1983.

Article 1 of the Act, dealing with the grounds for asylum, stipulates that: (2) "An alien or a stateless person who justifiably fears persecution on the grounds of race, religion, nationality, political opinions or membership of a particular social group shall be entitled to asylum . . ."

Decree-Law No. 119/83, of 25 February 1983, concerns the new status of social solidarity institutions and regulates the institutions responsible for social security and for health, education and housing.

Article 5, paragraph 2, states that: "The dignity and privacy of the beneficiaries must be respected and they shall not be subject to any discrimination on ideological, political, religious or racial grounds."

Article 55, paragraph 4, provides that the rights of members of such institutions "may not be restricted by criteria that are contrary to article 13, paragraph 2, of the Constitution of the Republic".

Decree-Law No. 303/83, of 28 June 1983, deals with advertising and appropriate consumer protection.

The Decree-Law provides that, in advertising, the principles of legality, identification, truth, free and fair competition, and respect for consumer protection must be observed.

In addition, the fundamental values, principles and institutions of the nation as recognized in the Constitution must be respected. Accordingly, advertising must not run counter to the democratic system or encourage discrimination on the grounds of race, sex, politics or religion (article 5).

Furthermore, it is forbidden to engage in any advertising which (article 10): (a) is based on fear; (b) may encourage or incite violence or unlawful or criminal activities, or (c) makes use in a disrespectful manner of institutions, national or religious symbols and historical persons.

¹ Report submitted by State (CERD/C/101/Add.8).

B. Treatment of young offenders, protection of childhood

*(articles 5 and 25 (2) of the Universal Declaration;
article 10 of the International Covenant on Economic,
Social and Cultural Rights)²*

The aim of criminal legislation which recently entered into force (1 January 1983) is to stress re-education rather than punishment and to introduce greater flexibility in the social sphere, while taking into account a person's individual capacity for social rehabilitation, especially if he is at the threshold of adulthood.

Decree-Law No. 401/82 of 23 September 1982, introduced special legislation in this respect with regard to young offenders between the ages of 16 and 21 years.

Decree-Law No. 90/83 of 16 February 1983 ruled, in fact, that the detention centres (mentioned in Decree-Law No. 401/82, art. 6 (d)), were an adequate remedy for young delinquents whose misdeeds were not sufficiently serious to justify a prison sentence, which might cause them to become deeply disturbed, but which, however, were sufficiently serious for them to be committed to some sort of institution.

The guiding principles of the detention centre régime require a combination of a demanding programme of activities and forms of intervention that aim to develop the young people's sense of social responsibility by encouraging them to participate in community services, taking into account, if possible, their interests and needs.

This Decree-Law represents an innovation in that it establishes a flexible arrangement with varying degrees of supervision of the young people:

Continuous (residential);

Non-continuous (semi-living-in);

Occasional (with the obligation of reporting at regular intervals).

In accordance with article 3 of Decree-Law No. 421/83 of 2 December 1983, minors are not obliged to work overtime.

C. Right of asylum

*(article 14 of the Universal Declaration;
article 5 (d) of the International Convention on the Elimination
of All Forms of Racial Discrimination)³*

The right of asylum (under Act No. 38/80, of 1 August 1980, and Decree-Law No. 415/83, of 24 November 1983) is granted to aliens and stateless persons persecuted or under serious threat of persecution as a result of their activities on behalf of democracy, social and national liberty, peace among peoples, or individual rights and freedoms, activities carried out either in the State of which they are nationals or in their normal country of residence.

² *Ibid.* (E/1980/6/Add.35/Rev.1).

³ *Ibid.* (CERD/C/101/Add.8).

Any alien or stateless person entering Portuguese territory illegally in order to obtain asylum therein must make his application to the authorities at once, either verbally or in writing.

Such an application suspends any civil or criminal proceedings that may have been brought by reason of illegal entry into the country. If asylum is granted, the proceedings are struck off the record.

The Aliens Service, on receipt of an application for asylum, must issue a temporary residence permit, which is valid until the final decision is taken on the application.

In the event of refusal of asylum, the applicant may remain in Portuguese territory for a transitional period not exceeding 60 days, in order to seek asylum in another country or to return to the country which has already granted him asylum.

After the period referred to above, the applicant is subject to the general regulations governing residence of aliens in Portuguese territory.

D. Right to an adequate standard of living
*(article 25 (1) of the Universal Declaration;
 article 11 of the International Covenant on Economic,
 Social and Cultural Rights)⁴*

Right to adequate food

The Administration's interest in the food problem led to the establishment, in 1983, of a State Secretariat for Food, under the Ministry of Agriculture, Forestry and Food (Decree-Law No. 344-A/83). Its purpose is to ensure a coherent policy for all activities which deal with satisfying the country's needs for the marketing and processing of agricultural food products. The State Secretariat supervises bodies such as the Food Quality Institute, which carries on its activities in the areas of food and food quality policies; the Institute for the Support of the Processing and Marketing of Agricultural and Food Products (IAPA), whose responsibility it is to support economic and technological policy for processing and marketing agricultural and food products; and public enterprises and economic co-ordination bodies, whose work deals with sectors such as grains, olive oil and other oil products, wine, meat, milk, fruit, vegetables, etc., which are very important in nutrition.

Right to housing

Property is purchased over a period of 25 years, subject to a condition subsequent, by means of monthly payments, whereas in the case of rental units, provision is made for the granting of a subsidy based on the difference between the technical rent (which is based on the estimated real value of the dwelling) and the social rent (which is based on the outlay considered possible, taking account of family income) (Regulatory Decree No. 50/77 of 11 August 1977 and Decree No. 288/83 of 17 March 1983).

⁴ *Ibid.* (E/1980/6/Add.35/Rev.1).

Public aid is attributed for construction, through more favourable credit schemes (maturities and interest rates):

To local authorities and public-interest bodies, for housing construction (Decree-Law No. 220/83 of 26 May 1983 and Decree-Law No. 609/83 of 26 May 1983);

To municipalities, in order to purchase urban land and establish infrastructures (Decree-Law No. 6/84 of 5 January 1984);

To municipalities, in order to fund the programme to improve or rehabilitate insalubrious or decaying housing (Decree-Law No. 449/83 of 26 December 1983 and Decree Law 1077/83 of 31 December 1983).

Long-term loans are granted to individuals for the purchase or construction of their primary residence on more favourable financial and tax terms, provided that the cost of the dwelling remains within the set limits (Decree-Law No. 459/83 of 30 December 1983 and Decree-Law No. 5/84 of 4 January 1984).

Decree-Law No. 460/83 of 30 December 1983, establishes a loan scheme for the construction of the shell of the dwelling, leaving the financing of its subsequent completion to the owner.

E. Right to education

*(article 26 of the Universal Declaration;
article 13 of the International Covenant on Economic,
Social and Cultural Rights)⁵*

Right to primary education

Order No. 58/ME/83 of 5 September 1983 called for the preparation of a study, in the context of compulsory school attendance, of the illiteracy rates, truancy rates and drop-out rates in several regions of the country.

The major innovation in secondary education has undoubtedly been the revival of technical vocational education, which was abolished some 10 years ago. The first pilot experiments were carried out successfully during the school year 1983-1984 and will be gradually extended in the next two years. The representatives of the central administration have played a major role in this process. Economic and social groups—industrial and business associations, representative trades organizations and parents' associations—are also taking part in this project, as are private and co-operative school administrators.

A number of principles and policies have been adopted to guide the reorganization of technical vocational education:

(a) Vocational education, while focused on subjects that are clearly technical, must have a cultural and humanistic basis;

(b) Man is the subject of his own work and this work is a means of personal and collective fulfilment;

(c) Education exists for the community and community for education;

(d) The system of vocational training must take account of regional diversity and must have as its starting point the study of actual socio-economic, cultural and

⁵ *Ibid.* (E/1982/3/Add.27/Rev.1).

educational conditions in the country, together with the awareness of technological change and available human and material resources;

(e) Technical and vocational education must be both integrated into the educational system and sufficiently flexible to be receptive to technological innovation and to ensure that vocational studies and certificates lead to job opportunities.

These main guidelines were behind the creation by order of the Minister of Education, dated 21 October 1983, of two types of course to operate that year on an experimental basis after the ninth year of schooling which marks the end of compulsory school attendance: technical vocational courses and vocational courses. The courses will be set up each year in selected establishments in the light of the proposals of the regional commissions responsible for directing and co-ordinating work by keeping in contact with both the Ministry and the educational establishments.

Joint Decree ME/MISS No. 86/83 of 19 September 1983, established a commission to study the development of academic and vocational guidance measures for pupils in secondary education.

Portugal took a very active part in the Council of Europe project "Preparation for life", which attached particular importance to interaction between education and the world of productive labour. In the past three years representatives of Portugal have participated in various meetings held abroad for the purpose of drawing attention to the conclusions and recommendations of the project's Final Conference. To this end, Portugal organized a seminar in Lisbon in 1983, which was attended by foreign specialists and Portuguese teachers, technicians and leaders.

Establishment of an adequate fellowship system

The Institute for Social Welfare for Schoolchildren of the Ministry of Education is responsible for aid to pre-school pupils and pupils at the basic and secondary school levels.

Order No. 36/EAE/83 of 30 April 1983, concerning the establishment of the principles underlying the pursuit of the goals of the Institute for Social Welfare for Schoolchildren.

In accordance with the provisions of Act No. 42/83 of 31 December 1983, the functions of the Institute for Social Welfare for Schoolchildren been transferred to the municipalities in the areas of pre-school and primary education and televised preparatory education (Telescola) and school transport for pupils at all levels, with the exception of higher education.

Now that the functions in question have been transferred to the municipalities, official texts regulating school transport, financial assistance, accommodation, dining facilities and other forms of social assistance are in preparation. Accordingly, steps have been taken: to make adjustments to the new situations and conditions; to improve the compulsory education assistance schemes; to assist pupils attending specific courses; and to continue the distribution of milk in schools.

F. Right to participate in cultural life

*(article 27 of the Universal Declaration;
article 15 of the International Covenant on Economic,
Social and Cultural Rights)⁶*

The section on cultural policy of the programme of the Ninth Constitutional Government submitted to the Assembly of the Republic on 20 June 1983 and approved by majority and without modification on 24 June 1983, reviews and reiterates the basic principles adhered to by preceding Governments, more precisely the principle stating that "the democratization and decentralization of culture" is an essential objective and proposing different courses of action, most of which amount to a continuation of earlier activities, is one instance of legislation relating to "the right of every individual to take part in cultural life". A number of guidelines have been drawn up in this connection, some of which aim to:

"Give everyone, particularly workers, access to culture, bearing in mind that effective equality between women and men in one of the surest signs of cultural progress. In order to achieve this equality in practice, cultural preparation will be encouraged;

"Develop the network of cultural centres in the regions by making optimum use of existing channels for technical assistance and for the training of local individual and collective cultural agents."

In accordance with the spirit of the UNESCO resolutions (especially No. 4 212-1974), Portugal signed a protocol of agreement with Brazil in December 1983 concerning a project for the microfilming of documents relating to the national memory of Portugal and Brazil and kept in their respective archives; the two countries can "consider together, on request, the possibility of participation in this project by countries with a common cultural tradition". Portugal is accordingly in the process of preparing a project involving the microfilming of documents relating to Mozambique which are kept in Portugal.

Portugal has also co-operated actively in the preparation of the guides to archive sources of the history of nations, compiled on the initiative of UNESCO.

In line with the same approach, five Portuguese national monuments were included in the UNESCO world heritage list in 1983.

Order No. 439/83 of 16 April 1983 contains regulations governing research contracts concluded between the teaching staff and researchers of Portuguese universities and the National Institute of Scientific Research.

⁶ *Ibid.* (E/1982/3/Add.27/Rev.1).

REPUBLIC OF KOREA

**Elimination of discrimination based on sex; right to a social
and international order in which human rights can be realized**

*(articles 2 and 28 of the Universal Declaration;
article 2 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

The Convention on the Elimination of All Forms of Discrimination against Women was signed on 25 May 1983.

¹ Report submitted by State (CERD/C/113/Add.1).

ROMANIA

Right to just and favourable conditions of work

*(article 23 (1) of the Universal Declaration;
article 7 of the International Covenant on Economic,
Social and Cultural Rights)¹*

By Act No. 2 of 2 July 1983, concerning the fundamental principles underlying improvements in the system of remuneration for work and the distribution of workers' income, with effect from 1 September 1983 staggered increases in the scheduled rate of remuneration for all workers have been introduced. The minimum scheduled rate is 1,500 lei and minimum income, including payments representing the variable element in pay, is 1,700 lei per month. The ratio between the minimum and the maximum wage throughout the economy will be maintained at 1:5.52 (arts. 22 and 23).

With effect from 1 September 1983 increases, on a sliding scale, have also been introduced in the allowance for uninterrupted service in the same unit, which is paid for specific periods of service (1-3 years; 3-5 years; 5-10 years; 10-15 years; 15-26 years; more than 26 years) by category of worker (mine workers, railway workers directly concerned with the safe movement of traffic, dockers and wharf operatives: supplements of between 4 per cent and 18 per cent of basic pay; for other workers, supplements of between 3 per cent and 15 per cent).

As owners of the means of production (the property of the entire people), as producers and as beneficiaries, workers are responsible for the management of each work unit, the sound and effective administration of all the material and financial resources that make up the socialist property of the entire people which have been entrusted to them, and for their unit's performance (art. 1 of Act No. 2 of 2 July 1983 concerning the fundamental principles underlying improvements in the system of remuneration for work and the distribution of workers' income).

Act. No. 4 of 11 July 1978 supplemented Act No. 57/1974 on the determination of remuneration on the basis of and quality of work by introducing a profit-sharing scheme (arts. 50-57). Detailed provisions on the amounts to be distributed under the scheme were laid down by Act No. 2/1983 and Decree No. 325/1983 on wage increases.

¹ Report submitted by State (E/1984/7/Add.17).

RWANDA

Political rights

*(article 21 of the Universal Declaration;
article 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

Special representation for persons not meeting the educational requirements for election as deputies: Any person satisfying the eligibility requirements set forth in article 70 of Law No. 18/1983 of 27 August 1983 amending the Law of 5 July 1967 concerning the electoral system may submit his candidature to the Prefect (article 74). Any person whose candidature has been rejected may lodge a reasoned appeal with the Council of State (article 75). The list drawn up by the Prefect is submitted to the Prefectoral Congress which, by secret ballot, designates the candidates, of whom there must be twice as many as there are seats to be filled (article 77). On polling day, the elector chooses from the list of candidates the candidate or candidates for whom he wishes to cast his ballot (he may not vote for more than the number of seats to be filled) (article 80). It is in this manner that the Rwandese electors, whether literate or not, choose their representatives on the National Development Council (Parliament).

For the purpose of verifying whether candidates for the office of municipal councillor are persons with proper standards of conduct and morality, the Rwandese Government has established an effective system of control under which every candidate for such office must produce documents issued by a competent authority—the burgomaster of his commune of origin—certifying that he is normally of good conduct. This is the measure taken by the Rwandese Government to ensure observance of the eligibility requirement laid down in article 70, paragraph 4, of Law No. 18/1983 of 27 August 1983 amending the Law of 15 July 1967 concerning the electoral system.

¹ Report submitted by State (CERD/C/115/Add.2).

SENEGAL

A. Condemnation of racial segregation and apartheid

*(articles 1 and 2 of the Universal Declaration;
article 3 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

Act No. 83-21 of 28 January 1983, concerns accession by the Republic of Senegal to the Convention on the Prevention and Punishment of the Crime of Genocide, adopted at New York on 9 December 1948.

B. Right to housing

*(article 25 of the Universal Declaration;
article 5 (e) (iii) of the International Convention on the Elimination
of All Forms of Racial Discrimination)²*

Decree No. 61-032 of 17 January 1961 establishing the conditions for the allocation of State-subsidized housing was repealed and replaced by Decree No. 80-467 of 8 May 1980 as amended by Decree No. 83-374 of 2 April 1983.

C. Promotion of understanding, tolerance and friendship among all nations, racial and ethnic groups

*(article 26 (2) of the Universal Declaration;
article 7 of the International Convention on the Elimination
of All Forms of Racial Discrimination)³*

Decree No. 83-302 of 16 March 1983, establishing the Institute for Human Rights and Peace at Dakar, is designed to promote and to further the protection of human rights in Africa by means of teaching, training, further training and research.

Under the terms of article 1 of the Decree, the Institute is attached, for substantive purposes, to the Faculty of Law and Economics.

Article 2

“The Institute for Human Rights and Peace shall engage in activities covering the African continent. Its main tasks shall pertain to:

“The teaching of human rights;

¹ Report submitted by State (CERD/C/131/Add.5).

² *Ibid.* (CERD/C/131/Add.5).

³ *Ibid.* (CERD/C/131/Add.5).

“The training and further training in human rights for, *inter alia*, judges, lawyers, professors, jurists, diplomats, doctors, members of national Red Cross and Red Crescent societies, military and paramilitary forces, policy makers and persons influencing public opinion, trade unionists, journalists, politicians, teachers, members of religious orders, and members of various associations and organizations;

“Research, documentation and dissemination of information regarding human rights and peace;

“The organization of national and international symposia and seminars on human rights and peace.”

D. Right to take part in cultural activities

*(article 27 of the Universal Declaration;
article 5 (e) (vi) of the International Convention on the Elimination
of All Forms of Racial Discrimination)*⁴

Decree No. 83-1267 of 10 December 1983 established the National Commission for the Preparation of the Cultural Charter.

⁴ *Ibid.* (CERD/C/131/Add.5).

SEYCHELLES

Right to work

*(article 23 of the Universal Declaration;
article 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

The Employment Protection (Temporary Provision) Act was adopted in 1983.

¹ Report submitted by State (CERD/C/103/Add.3).

SPAIN

A. Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them

*(article 2 of the Universal Declaration;
article 2 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

In Chapter II of the Constitution relating to rights and freedoms, article 14 provides that:

“Spaniards are equal before the law and may not be discriminated against in any way on account of birth, race, sex, religion, opinion or any other condition or personal or social circumstance.”

In this connection, Organizational Law No. 8/83 of 25 June 1983 concerning the urgent and partial reform of the Penal Code states, in the description of its purpose, that, with regard to offences committed by private individuals in connection with the exercise of the individual rights recognized by law, it has been found that criminal law should help to give effect to the principle of the equality of all persons by penalizing discriminatory behaviour based on ethnic origin, race, religion or political or trade union opinion; article 165 has therefore been amended to read:

“Any public service employee who, by reason of another person’s origin, sex, family status or membership or non-membership of an ethnic group, race, religion, political group or trade union, denies that person a service to which he is entitled shall be liable to brief imprisonment (from one month and one day to six months) and to a fine of 30,000 to 300,000 pesetas.

“The same penalties shall apply when the offences in question are committed against an association, foundation or society or its members by reason of the origin, sex or family status of all or some of its members or by reason of the membership or non-membership of all or some of its members of a particular ethnic group, nation, race or religion.”

The Royal Decree of 27 April 1983 on compensatory education is a regulation aimed at combating “the inequality of certain people with respect to the educational system owing to their economic capacity, social level or place of residence”.

¹ Reports submitted by State (CERD/C/118/Add.5; CERD/C/118/Add.29).

B. Right to life

*(article 3 of the Universal Declaration;
article 6 of the International Covenant on Civil and Political Rights)²*

The Penal Code made provision for the death penalty for various offences of extreme gravity. From the entry into force of the Constitution, the death penalty was abolished, and it was formally eliminated from that legal instrument by Organic Law No. 8/83 of 25 June 1983 for the urgent partial amendment of the Penal Code.

Moreover, the Penal Code expressly defines the crime of genocide (article 137 *bis* of the Penal Code, slightly amended by the aforementioned Organic Law No. 8/1983 of 25 June 1983).

C. Right to liberty and security of person

*(article 3 of the Universal Declaration;
article 9 of the International Covenant on Civil and Political Rights)³*

Organic Law No. 7/83 of 23 April 1983 amended articles 503 and 504 of the Criminal Prosecution Act and regulated pre-trial detention. To that effect, Council of Europe Recommendation 80 (11) of 27 June 1980 was taken into account and the requirements to be met to order pre-trial detention and the maximum duration of such detention were established.

D. Treatment of prisoners

*(article 5 of the Universal Declaration;
article 10 of the International Covenant on Civil and Political Rights)⁴*

Organic Law No. 7/83 of 23 April 1983 regulated the requirements governing pre-trial detention and its duration.

Organic Law No. 14/83 of 12 December 1983 regulated certain rights of detainees and prisoners, mainly as far as the assistance of a lawyer is concerned.

E. Prohibition of racial discrimination or incitement to it

*(article 7 of the Universal Declaration;
article 4 of the International Convention on the Elimination
of All Forms of Racial Discrimination)⁵*

Article 173 of the Penal Code has been amended by Organizational Law No. 8/1983 of 25 June 1983: a new paragraph (4) has been added which includes among unlawful organizations "those which promote or incite to racial discrimina-

² *Ibid.* (CCPR/C/32/Add.3).

³ *Ibid.* (CCPR/C/32/Add.3).

⁴ *Ibid.* (CCPR/C/32/Add.3).

⁵ *Ibid.* (CERD/C/118/Add.29).

tion". The terms "unlawful" and "illegal" are used without distinction in Spanish law. According to article 173, unlawful or illegal organizations are those covered by that provision, and hence associations which have been legally constituted but subsequently promote or incite to racial discrimination will be considered to be unlawful. Obviously an association whose purposes are in opposition to the provisions of that article cannot be legally constituted.

F. Administration of justice

*(articles 10 and 11 of the Universal Declaration;
article 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination;
article 14 of the International Covenant on Civil and Political Rights)*⁶

Right to a hearing by a competent, independent and impartial tribunal

The Constitutional Court has declared that:

"The constitutional right of access to the ordinary judge predetermined by law, which is affirmed in this article (article 24 (2) of the Constitution) requires, in the first place, that the judicial body should have been established in advance by a legal provision, that the latter should have invested it with jurisdiction and competence prior to the event which led to the action or trial, and that its organizational and procedural arrangement is not such that it can be described as a special or emergency body. However, it also requires that the composition of the judicial body should be determined by law and that in each specific case the legally established procedure for the appointment of the members that are to constitute the body should be followed. The purpose of this is to guarantee the independence and impartiality entailed in the right in question, which is expressly stipulated in article 14 (1) of the International Covenant on Civil and Political Rights and in article 6 (1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; this guarantee would be frustrated if the judicial body in question was simply maintained and its members, who are the persons who, in the end, will exercise their faculties of intellect and volition in the decisions to be adopted, could be arbitrarily changed." (Constitutional Court judgement No. 47 of 31 May 1983).

Right to adequate preparation of one's defence; right to legal assistance

Article 520 of the Criminal Prosecution Act has been amended by Organizational Law No. 14/83 of 12 December 1983, which elaborates on article 17, paragraph 3, of the Constitution relating to legal assistance for persons under arrest or detention.

As a result of this reform, the Criminal Prosecution Act specifies in detail the rights of all detainees and defines the scope of the right to legal assistance.

It is provided in this connection that the lawyer who has been present during police or court proceedings in which the detainee has made a statement may, once the proceedings have been completed, request the court authority or the official who has conducted the proceedings to issue a statement or clarification of any point that

⁶ *Ibid.* (CERD/C/118/Add.5; CCPR/C/32/Add.3).

may be deemed relevant and to reflect in the records any incident which may have occurred during the proceedings; he is also entitled to consult the detainee in private upon completion of the proceedings in which he has taken part.

Only in cases where the judge has ordered detention *incommunicado* will the detainee have no right to report on his situation or to consult a lawyer.

In its judgement No. 1/1983 of 13 January 1983 the Constitutional Court stipulates that:

“With regard to all the provisions established by procedural law in respect of acts of communication with the parties (notifications, summonses, subpoenas) and even with regard to those concerned with challenges to remedy defects of form, it is noteworthy that the legislature is primarily concerned to confer upon such acts guarantees for the protection of the rights and interests of the parties, so that the notification, summons or subpoena concerned, by giving sufficient notice of the act or decision from which it is derived, has the effect of enabling the person upon whom it is served to make appropriate arrangements to defend the rights or interests in question at the trial; if such an act of communication were not made or if it suffered from defects such as to invalidate it, which would be tantamount to its not being made, the interested party might find himself unable to take adequate legal steps for his defence.”

Although it is not expressly mentioned in article 14 (3) (b) of the Covenant, the right “to the use of the evidence pertinent to the defence” is guaranteed by article 24 (2) of the Spanish Constitution. This is a right that can be included in the guarantee that adequate facilities must be available for the defence. The Constitutional Court has applied that fundamental right on several occasions: “The right to submit evidence is certainly one of the guarantees which is given its constitutional status in article 24 (2), and an action for *amparo* may be brought if evidence is rejected in such a way as to cause the accused to have no defence” (Constitutional Court judgement No. 117/1983 of 12 December 1983).

G. Protection against arbitrary interference with privacy

*(article 12 of the Universal Declaration;
article 17 of the International Covenant on Civil and Political Rights)*⁷

With regard to the right to inviolability of correspondence, Constitutional Court judgement No. 73/1983 of 30 July 1983 states that the right is violated when the communications of persons sentenced to custodial penalties are held up or intercepted without previously obtaining a court order except in cases of suspected terrorism, in application of article 51 of Organic Law No. 1/79 of 26 September 1979 (General Prisons Act).

⁷ *Ibid.* (CCPR/C/32/Add.3).

H. Marriage law

*(article 16 of the Universal Declaration;
article 23 of the International Covenant on Civil and Political Rights)*⁸

Article 200 of the Civil Code as amended by Act No. 13/1983 of 24 October 1983 provides that "grounds for incapacity are persistent physical or mental illnesses or deficiencies, which prevent the person from managing his own affairs"; and article 199 of the Civil Code states that "no one may be declared incapable except by legal judgement and by virtue of the reasons established by the law".

I. Freedom of thought, conscience and religion

*(article 18 of the Universal Declaration;
article 18 of the International Covenant on Civil and Political Rights)*⁹

"The public exhibition of ideological liberty by holders of public office—without which neither pluralism nor the development of the democratic system would be possible—must be consistent with the need to observe the positive duty inherent in public office of respecting and acting in the exercise of that office in conformity with the Constitution . . . To sum up, when ideological freedom is publicly exhibited in the exercise of a public office, it must be done with due respect for the duties inherent in that office, which confers a status other than that enjoyed by the ordinary citizen." (Constitutional Court judgement No. 101/1983 of 18 November 1983. Constitutional Court judgement No. 122/1983 of 16 December 1983 was to the same effect.)

J. Freedom of opinion and expression

*(article 19 of the Universal Declaration;
article 19 of the International Covenant on Civil and Political Rights)*¹⁰

"The right freely to communicate or receive accurate information by any means of dissemination whatsoever is a type of fundamental right different from that which consists in expressing and disseminating thoughts, ideas and opinions in the collective interest in acquiring knowledge of facts that may have public importance and which need to be known in order that citizens may genuinely participate in collective life. It is a question, as article 20 of the Constitution states, of a double right, which finds concrete expression in freely communicating and receiving information in so far as the information is accurate." (Constitutional Court judgement No. 105/1983 of 23 November 1983.)

⁸ *Ibid.* (CCPR/C/32/Add.3).

⁹ *Ibid.* (CCPR/C/32/Add.3).

¹⁰ *Ibid.* (CCPR/C/32/Add.3).

K. Freedom of peaceful assembly and association

*(article 20 of the Universal Declaration;
article 21 of the International Covenant on Civil and Political Rights)¹¹*

In implementation of article 21 of the Constitution, Organic Law No. 9/83 of 15 July 1983 has been passed regulating the right of assembly in which "assembly" is regarded as "the simultaneous and temporary gathering of more than 20 persons for a specified purpose"; in no case are they subject to the requirement of prior authorization.

According to Constitutional Court judgement No. 21/1983 of 22 March 1983, it is consistent with the provisions of article 22 of the Constitution to bar from elections the candidature of a party not recorded in the Register of Political Associations.

L. Political rights

*(article 21 of the Universal Declaration;
article 25 of the International Covenant on Civil and Political Rights)¹²*

Local elections are regulated by Act No. 39/1978 of 17 July 1978, as amended by Organic Law No. 6/83 of 2 March 1983.

M. Right to social security

*(article 22 of the Universal Declaration;
article 9 of the International Covenant on Economic,
Social and Cultural Rights)¹³*

Social security contributions shall be paid in respect of the hours or days actually worked in the month considered, in accordance with the specific rules now set forth in the Order of 19 February 1983 (*Official Gazette*, 4 March 1983).

Royal Decree No. 93/1983, of 19 January 1983, on the revaluation, improvement and minimum amounts of social security pensions provided for an across-the-board increase of 2,420 pesetas in the benefits for temporary disability and long-term illness for this year, setting a monthly minimum of 17,520 pesetas, to be supplemented in cases where the increase does not bring the total benefit up to this amount.

Royal Decree No. 13/1983 established a monthly across-the-board increase of 3,250 pesetas when the beneficiary is permanently incapacitated and is at least 65 years; for persons under that age the increment will be 2,845 pesetas. The amount of 3,250 pesetas will be increased by 1,625 pesetas for pensioners with major disability (unless they are confined in a social security welfare institution); those receiving a partial disability pension under the former occupational accident system who are

¹¹ *Ibid.* (CCPR/C/32/Add.3).

¹² *Ibid.* (CCPR/C/32/Add.3).

¹³ *Ibid.* (E/1984/7/Add.2).

aged 65 or over will have their benefits increased by 2,845 pesetas or, if they have not reached that age, by 2,495 pesetas.

The situation of a widower who is not entitled to a surviving spouse's pension because he does not meet the above-mentioned requirements is currently being modified by the Spanish Labour courts. Court No. 2 of Gijón, for instance, in its judgement of 20 April 1983, relied on article 14 of the Constitution of 1978 in awarding a surviving spouse's pension to such a widower.

Royal Decree No. 93/1983 adjusted the death benefits and survivors' benefits upwards, with an across-the-board increase for each category.

As part of the upward adjustment and improvement of social security pensions approved by Royal Decree No. 93/1983, article 16, paragraph 2, provides that the employers' occupational accident mutual funds shall participate in the cost of the upward adjustment, including supplements to minimum pensions, of the pensions for occupational accidents and diseases by making contributions set by the Ministry of Labour and Social Security.

Royal Decree No. 1167/1983, of 27 April 1983, introduced an important innovation by extending unemployment coverage to civil servants and persons employed on short-term contracts in public administration.

N. Right to work

*(article 23 (1) of the Universal Declaration;
article 6 of the International Covenant on Economic,
Social and Cultural Rights)¹⁴*

Royal Decree No. 1445 provides for a series of measures to facilitate the recruitment of handicapped workers; these have now been amended and replaced by the provisions of Royal Decree No. 1451/1983 of 11 May 1983 (*Official Gazette*, 4 June 1983) which, pursuant to Act No. 13/1982 of 7 April 1982, lays down rules for the selective employment of handicapped workers and measures to promote their employment.

Mention should be made of the Order of 9 May 1983 (*Official Gazette*, 14 May 1983) implementing Royal Decree No. 1445/1982 of 25 June 1982, amended by Royal Decree No. 3887/1982 of 29 December 1982. Among other measures applying and implementing the Royal Decree in question, the Order extends the benefits applicable to specified regions to enterprises and co-operative labour associations which invest in the creation of permanent jobs and recruit unemployed workers registered with the employment offices.

By Royal Decree No. 1167/1983 of 27 April 1983 (*Official Gazette*, 9 May 1983) unemployment protection was extended to temporary and permanent government employees.

¹⁴ *Ibid.* (E/1984/7/Add.2).

O. Right to just and favourable conditions of work

*(article 23 (1) of the Universal Declaration;
article 7 of the International Covenant on Economic,
Social and Cultural Rights)¹⁵*

Act No. 4/1983 of 20 June 1983 established the maximum legal work week at 40 hours and annual leave at a minimum of 30 calendar days, partially modifying articles 34 and 38 of the Workers' Charter.

On 17 February 1983, the text of the Inter-Federation Agreement for 1983 (AI83) was adopted, the parties to it being the General Workers' Union (UGT), the Workers' Commissions (CC.OO), the Spanish Federation of Employers' Organizations (CEOE) and the Spanish Federation of Small and Medium-Sized Businesses (CEPYME); it provides for wage increases for 1983 of 9.5 per cent minimum and 12.5 per cent maximum, depending on the economic situation of the enterprises, for the implementation of the overall agreement on productivity and absenteeism under the AMI of 5 January 1980, for the shortening of the work week to 40 hours and for the improvement of employment incentive measures, using the experience gained since the introduction of these measures.

At present, the minimum interoccupational wage for the year 1983 is set by Royal Decree No. 100/83 of 10 January 1983. This provides that the minimum wage for all activities in agriculture, industry and services sector, without distinction as to the sex of the worker, shall be 1,072 pesetas a day or 32,160 pesetas a month, according to whether daily or monthly rates are used, for workers aged 18 years and over; 657 pesetas a day or 19,770 pesetas a month for workers aged 17 years; and 415 pesetas a day or 12,500 pesetas a month for workers under 17 years.

In addition, the Royal Decree sets the minimum interoccupational wage of casual or temporary workers whose employment with the same employer does not exceed 120 days; they receive both the minimum wage and a *pro rata* share of Sundays and holidays and the two special bonuses which are their minimum entitlement.

P. Trade union rights

*(article 23 (4) of the Universal Declaration;
article 22 of the International Covenant on Civil and Political Rights;
article 8 of the International Covenant on Economic,
Social and Cultural Rights)¹⁶*

The Inter-Federation Agreement of 1983 contains clauses concerning trade unions, specifically on the responsibilities of trade union delegates, guarantees for trade union representatives and rights to hold meetings, obtain information, collect dues, etc., at the employer's premises.

ILO Convention No. 87 has been taken into account to establish that trade union freedom includes the duty of the public administration not to interfere in the

¹⁵ *Ibid.* (E/1984/7/Add.2).

¹⁶ *Ibid.* (CCPR/C/32/Add.3; E/1984/7/Add.2).

freely exercised activities of trade unions, and the fact that there should be no arbitrary or unreasonable discrimination between unions by the public administration (Constitutional Court judgements No. 23/1983 of 23 March 1983 and No. 99/1983 of 16 November 1983).

SRI LANKA

A. Promotion of understanding, tolerance and friendship among all nations, racial and ethnic groups

*(article 26 (2) of the Universal Declaration;
article 7 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*¹

A joint committee representing the Sri Lanka Foundation and the Ministry of Education was set up to formulate a project for the teaching of human rights in all schools in Sri Lanka. A project was formulated to implement the teaching programme beginning in 1983.

The programme of human rights teaching at the universities is now in the process of implementation. The Master of Laws Course of the University of Sri Lanka provides for human rights as a specialized field of study.

The Arts Council of Ceylon has now been re-activated by a Cabinet decision of July 1983. The general objectives of the Council as set out in section 2 of the Act (chapter 278) are by no means confined to any particular ethnic or racial group.

Its objectives are, *inter alia*, to develop greater knowledge, understanding and practice of the fine arts, to increase accessibility to works of art by the public, to improve the standard of execution in the fine arts, to preserve, promote and encourage the indigenous arts and crafts and to advise the Government on any matter concerned directly or indirectly with the above matters.

B. Prevention of terrorism; protection of rights and freedoms

*(article 30 of the Universal Declaration;
article 4 of the International Covenant on Civil and Political Rights)*²

In the background of attempts by various organized groups to indulge in serious acts of violence in the aftermath of the Presidential Election in October 1982, a state of Public Emergency applicable throughout Sri Lanka was officially proclaimed on 20 October 1982 which ended on 20 January 1983. The emergency was again re-introduced throughout Sri Lanka on 18 May 1983 in view of widespread acts of terrorism by certain extremist groups agitating for a separate State in the Northern and Eastern Provinces of Sri Lanka.

¹ Report submitted by State (CERD/C/101/Add.6).

² *Ibid.* (CCPR/C/14/Add.6).

SWEDEN

A. Condemnation of racial segregation and *apartheid*
(*articles 1 and 2 of the Universal Declaration;*
article 3 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹

The Government presents a report to Parliament every year on the business activities of Swedish companies in South Africa and Namibia. According to the recently presented report for 1983, the number of Swedish companies went down from 12 to 11. So far no violations of the law in force have been discovered which necessitated prosecution or other action.

B. Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them
(*article 2 of the Universal Declaration;*
article 2 (2) of the International Convention on the Elimination
of All Forms of Racial Discrimination)²

As from 1 January 1983, section 8 of chapter 16 of the Swedish Penal Code, which deals with agitation against an ethnic group, has been amended in order to extend the protection to groups such as immigrants. It was previously held that immigrants could not be regarded as "a group of a certain race, skin colour, national or ethnic origin or religious creed" within the meaning of the text of the law. In so far as an act was directed against all immigrants, and not only against immigrants belonging to a specific ethnic or other group, it could not be punished under section 8 of chapter 16 in its wording before 1 January 1983.

On this point, the protection afforded by the Penal Code has now been extended. A corresponding amendment has been made to the Freedom of the Press Act in the enumeration of punishable statements. As a result of this amendment, acts constituting offences under chapter 16, section 8, of the Penal Code can be punished even when they have been committed by way of statements in a newspaper, or any other printed publication.

The original terms of reference for a government commission on the Legal Position of the Samis were laid down in September 1982. The Commission, which embarked upon its task in June 1983, comprises representatives of the three national Sami organizations. A primary duty of the Commission according to its terms of

¹ Report submitted by State (CERD/C/131/Add.2).

² *Ibid.* (CERD/C/106/Add.2; CERD/C/131/Add.2).

reference is to give a clear exposition of the special needs which can be derived from the position of the Samis as an indigenous population. The Commission shall, furthermore, examine the necessity for strengthening the legal position of the Samis in matters of reindeer breeding, the need of a new popularly elected Sami organ to represent the Samis on various occasions, and the possibilities to make additional efforts for the Sami language.

C. Prohibition of racial discrimination or incitement to it

*(articles 2 and 7 of the Universal Declaration;
article 4 of the International Convention on the Elimination
of All Forms of Racial Discrimination;
article 2 (1) of the International Covenant on Civil and Political Rights)*³

An amendment was made to section 5 of chapter 5 of the Penal Code on defamation. This offence is as a rule to be prosecuted only by the person aggrieved and not by a public prosecutor. From 1 January 1983, however, it may be subject to public prosecution, when the defamation alludes to someone's race, skin colour, national or ethnic origin or religious creed, provided that the person aggrieved reports the defamation for prosecution and that prosecution is called for in the public interest. An example has been mentioned in the *travaux préparatoires* that prosecution should be instituted when somebody has been repeatedly defamed by allusion to his race or a similar characteristic at his place of work or in his residential area.

In May 1983 the Swedish Commission on Ethnic Prejudice and Discrimination presented a draft legislation against ethnic discrimination in employment. The Commission has proposed a prohibition, in the labour legislation, for employers to discriminate on ethnic grounds. The Labour Court of Sweden shall have jurisdiction with regard to violations. The draft legislation comprises employees as well as applicants for work and contains rules which prohibit both direct and indirect discrimination. A government Bill to Parliament is expected during the spring of 1985.

Chapter 7, section 4, of the Freedom of the Press Act was amended as of 1 January 1983, with regard to the protection of ethnic groups, etc. The relevant subsection (No. 8) now reads (unofficial translation):

“8. Threats against, or contempt for, a group of people or any other similar group of persons by allusion to race, skin colour, national or ethnic origin or of a particular religious confession.”

³ *Ibid.* (CERD/C/106/Add.2; CERD/C/131/Add.2; CCPR/C/32/Add.6).

D. Right to an effective remedy

*(article 8 of the Universal Declaration;
article 6 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*⁴

With regard to agitation against an ethnic group, the following cases were considered by the courts:

In 1983, the Sollentuna District Court sentenced a person to pay a fine assessed on the basis of the defendant's daily income (20 day-fines) for putting up a sign on the front door with a text which expressed contempt for a certain ethnic group. No appeal has been lodged against the judgement.

One case concerned criminal proceedings against the responsible editor of two programmes of the local radio of Stockholm. Certain pejorative expressions regarding members of a racial group had been used in the programmes, and the Stockholm District Court sentenced the editor to two months' imprisonment. An appeal against the judgement was lodged with the Svea Court of Appeal, which in 1983 upheld the conviction. The Supreme Court did not permit a review.

Another case concerned a person who was charged with anti-semitic statements in printed publications. In 1983, the Stockholm District Court sentenced this person to ten months' imprisonment. The court found that both texts and pictures in different publications had expressed strong contempt for a certain ethnic group. The Court of Appeal upheld the conviction in the same year. The Supreme Court did not permit a review.

As regards unlawful discrimination, two cases have been considered by the courts in 1983.

The Örebro District Court acquitted a shopkeeper who had been accused of stating to three Gypsy women that Gypsies were not welcome in his shop. The court found that it had not been proved that the statement implied unlawful discrimination. No appeal was lodged.

The Landskrona District Court acquitted a representative of a municipal housing enterprise who had been accused for his refusal to let an apartment with reference to the ethnic origin of the applicant. The court found it verified that the refusal was based on the ethnic origin of the applicant but was of the opinion that the reason for the refusal—to avoid too great a concentration of immigrants in the area—implied that no crime had been committed. The Court of Appeal sentenced the representative of the housing enterprise to 15 day-fines.

E. Protection against arbitrary interference with privacy

*(article 12 of the Universal Declaration;
article 19 of the International Covenant on Civil and Political Rights)*⁵

Sections 13 and 19 of the Personnel Control Ordinance (1969:446) were amended as of 1 October 1983. They now read (unofficial translation):

⁴ *Ibid.* (CERD/C/131/Add.2).

⁵ *Ibid.* (CCPR/C/32/Add.6).

“Section 13

“No data may be disclosed under sections 8, 9 and 10 until the person to whom these data relate has been given the opportunity of expressing his opinion, in writing or verbally. However, this provision does not apply if the person concerned would thereby acquire knowledge of information subject to secrecy under any other provision of the Secrecy Act than chapter 7, section 17, or if there is no obligation to inform him under section 19.

“Section 19

“Before an authority requests data required for personnel control from the National Police Board, the authority must notify the person to whom the intended request relates that a clearance check will be requested, unless the Government has granted exemption from this obligation in cases other than appointments to public posts.”

The amendments were implemented to strengthen the rights of the individual.

F. Freedom of movement and residence; right to leave one's country

*(article 13 of the Universal Declaration;
article 12 of the International Covenant on Civil and Political Rights)*⁶

The Passport Act (1978:302) and the Passport Ordinance (1979:664) came into force on 1 January 1980, when the previous Proclamations (1940:471 and 1941:836) regarding passports were abolished. Amendments to the new legislation were introduced in 1981 and 1983.

G. Freedom of peaceful assembly

*(article 20 of the Universal Declaration;
article 21 of the International Covenant on Civil and Political Rights)*⁷

In 1982 an addition was made to section 3 of the Public Meetings Act which came into force as of 1 January 1983 and provides for public meetings for the performance of the arts to be held without permission, if the meeting is expected not to endanger traffic or public order.

H. Right to work

*(article 23 (1) of the Universal Declaration;
article 6 of the International Covenant on Economic, Social
and Cultural Rights)*⁸

Sweden was the first country to ratify, on 20 June 1983, the ILO Convention (No. 158) concerning Termination of Employment at the Initiative of the Employer.

⁶ *Ibid.* (CCPR/C/32/Add.6).

⁷ *Ibid.* (CCPR/C/32/Add.6).

⁸ *Ibid.* (E/1984/7/Add.5).

I. Protection of childhood

*(article 25 (2) of the Universal Declaration;
article 24 of the International Covenant on Civil and Political Rights)⁹*

The Act (1963:521) on Names was replaced as of 1 January 1983 by the Names Act (1982:670, 1134).

Under this Act, a child shall be given one or more names, which are to be reported to the parish office (section 26).

At birth, a child automatically acquires the surname of its parents, if they share the same name. Where the parents bear different surnames and already have one or more children in common under their custody, the child acquires the surname of the last-born of these children. Otherwise, the parents may report to the parish office which of their names the child is to acquire. Failing such a report, the child will acquire its mother's surname. The last rule applies also when the paternity of the child has not been established within three months after its birth (section 1).

**J. Promotion of understanding, tolerance and friendship
among all nations, racial and ethnic groups**

*(article 26 (2) of the Universal Declaration;
article 7 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹⁰*

The Minister of Immigration has at her disposal a Delegation for Immigrant Research, the duty of which is to initiate and finance research to serve as the basis for further reforms. The annual budget of the Delegation is about SKr 3 million.

The Minister of Health and Social Affairs has at his disposal a Delegation for Social Research. Among projects financed by the Delegation some are specifically aimed at social conditions among categories of immigrants.

The research projects are, with few exceptions, incorporated into research programmes of the universities. In order to improve ethnic research some universities have established new specialized departments or new professorial chairs. The University of Stockholm has a Centre for Immigration Research and a Unit for Research on Bilingualism, the Uppsala University a Centre for Multiethnic Research.

⁹ *Ibid.* (CCPR/C/32/Add.6).

¹⁰ *Ibid.* (CERD/C/131/Add.2).

SYRIAN ARAB REPUBLIC

Promotion of understanding, tolerance and friendship among all nations, racial and ethnic groups

*(article 26 (2) of the Universal Declaration;
article 7 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

History and National Education books in secondary schools extensively deal with the role of the Charter of the United Nations and Universal Declaration of Human Rights as well as other instruments for the establishment of friendly relations among nations and the creation of a world system based on justice, sovereign equality, self-determination, the non-use of force and the liquidation of aggression, racism, colonialism and economic exploitation.

¹ Report submitted by State (CERD/C/91/Add.36).

TONGA

Prohibition of racial discrimination or incitement to it
*(articles 2 and 7 of the Universal Declaration;
articles 2 and 4 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*¹

The Government proposes to introduce into Parliament a Racial Discrimination Act, which should make an offence punishable by law all dissemination of ideas based on racial superiority, etc.

¹ Report submitted by State (CERD/C/106/Add.5).

TUNISIA

A. Treatment of prisoners

*(article 5 of the Universal Declaration;
article 10 of the International Covenant on Civil and Political Rights)*¹

Prison regulations in the very near future will be applied in prisons and educational action centres. These draft regulations, which apparently have already been favourable commented on by the Tunisian League for Human Rights, add a number of new amenities which further improve the conditions of detention in Tunisian prisons. They regulate precisely and in detail all the rights granted to prisoners (the right to receive visits, to practise a sporting activity and to learn a trade; the possibility for the governor of the prison to grant conditional freedom to any prisoner fulfilling the necessary conditions, etc.); and they deal specially with minors, thus contributing still more substantial safeguards in respect of rehabilitation in social life.

B. Right to an effective remedy

*(article 8 of the Universal Declaration;
article 6 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*²

The Administrative Tribunal was first provided for by the Constitution of 1 June 1959. However, it was not actually set up until 13 years later, through Act No. 72-40 of 1 June 1974, as amended and supplemented by Constitutional Acts Nos. 83-67 and 83-68 of 21 July 1983.

Members of the Tribunal enjoy jurisdictional immunity. The sanctions which may be taken against them are fixed by a Higher Council of the Tribunal.

The Administrative Tribunal comprises four decision-making branches:

(1) The first President chairs the Plenary Assembly and deals with requests for stay of proceedings in cases of administrative decisions against which an appeal for annulment has been filed.

(2) The three Chambers have the competence to examine and hand down decisions on appeals for annulment. Each Chamber comprises an examination section and a decision section.

(3) The Deputy Judges are responsible for hearing simple cases whose solution appears obvious to the rapporteur, subject to appeal before the administrative tribunal.

¹ Report submitted by State (CCPR/C/1/Add.61).

² *Ibid.* (CERD/C/118/Add.27).

(4) The Plenary Assembly is competent to deal with appeals against decisions handed down by the judicial tribunals in areas other than that of annulment.

The Administrative Tribunal decides in first and last instance on appeals for annulment in cases of abuse of authority but it also has jurisdiction concerning appeals against judgements handed down by judicial tribunals in administrative cases other than those involving annulment.

C. Political rights

*(article 21 of the Universal Declaration;
article 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*³

Act No. 83-112 of 12 December 1983, setting out the general rules governing employees of the State and of public and local bodies and public establishments of an administrative nature, lays down in article 17 the conditions to be met by candidates for public service posts (conditions concerning Tunisian nationality, age, enjoyment of civic rights, sound morals, physical aptitude and regularity of situation as regards military service).

Article 10, paragraph 2, concerning the individual file of a public official, stipulates that "under no circumstances may this individual file refer to the political, ideological or religious views of the party concerned".

D. Trade unions rights

*(article 23 (4) of the Universal Declaration;
article 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*⁴

The right to form or join trade unions was granted to public servants and officials by Act No. 83-112 of 12 December 1983 setting out the rules governing the public service. Article 4 of this act states that "the right to form or join trade unions shall be recognized".

³ *Ibid.* (CERD/C/118/Add.27).

⁴ *Ibid.* (CERD/C/118/Add.27).

UKRAINIAN SOVIET SOCIALIST REPUBLIC

A. Condemnation of racial segregation and apartheid

*(articles 1 and 2 of the Universal Declaration;
article 3 of the International Convention on the Elimination
of All Forms of Racial Discrimination;
articles IV and VI of the International Convention on the Suppression
and Punishment of the Crime of Apartheid)¹*

Delegations of the Ukrainian SSR have participated in the organization and holding of such important international events as the International Conference in Support of the Struggle of the Namibian People for Independence (Paris, 1983) and the Second World Conference to Combat Racism and Racial Discrimination (Geneva, 1983).

B. Treatment of offenders

*(article 5 of the Universal Declaration;
article 10 of the International Covenant on Civil and Political Rights)²*

A number of changes in Ukrainian law provide for more widespread use of criminal penalties not involving deprivation of liberty. Such changes were, in particular, made in the Criminal Code by a Decree of the Presidium of the Supreme Soviet of the Ukrainian SSR dated 12 January 1983. In accordance with the new version of article 46 of the Code, a court may, when sentencing a first offender to imprisonment for a period not exceeding three years and depending on the nature and degree of the threat to society involved in the offence, the personality of the convicted person and other circumstances of the case, suspend execution of the sentence for between one and two years. It is then required, when the period of suspension is over, to take into account the behaviour of the convicted person and his or her attitude to work or training during that period and to decide either to waive or to enforce the sentence.

The changes which have been made in Ukrainian criminal law provide for a more varied approach to offenders according to their personality and the threat to society involved in their crimes. Hence, the system of suspended sentences, which allows for the reform and re-education of offenders without isolating them from society, has been further developed. Offenders given suspended sentences must now satisfy two basic requirements throughout their periods of probation: they must

¹ Reports submitted by State (CERD/C/118/Add.8; E/CN.4/1985/26/Add.5).

² *Ibid.* (CCPR/C/32/Add.4).

refrain from new crimes of any kind (not merely from premeditated crimes as used to be the case) and they must be of exemplary behaviour and work hard. If these requirements are not met, the court may lift the suspension and direct the offender to serve the original sentence (article 45). In addition, corrective labour or fines have been introduced as alternatives to deprivation of liberty for many criminal offences.

C. Equal protection of the law

*(article 7 of the Universal Declaration;
article 2 of the International Covenant on Civil and Political Rights)*³

A Decree of the Presidium of the Supreme Soviet of the Ukrainian SSR dated 12 January 1983 changed the wording of a number of articles of the Criminal Code of the Ukrainian SSR. Article 1, which outlines the aims of the Code, now indicates that one of these aims is to defend not only the rights, but also the freedoms of citizens. A similar alteration was made to article 7 of the Code, "citizens' freedoms" having been added to the list of interests which it is a criminal offence to infringe. The same changes have been made in the corresponding articles of the Code of Criminal Procedure and the Code of Civil Procedure.

D. Protection against arbitrary interference with privacy

*(article 12 of the Universal Declaration;
article 17 of the International Covenant on Civil and Political Rights)*⁴

Article 131 of the Criminal Code of the Ukrainian SSR now recognizes as a criminal offence violation of the secrecy of telephone conversations or of telegraphic communications; it previously recognized only violations of the secrecy of correspondence (Decree of the Presidium of the Supreme Soviet of the Ukrainian SSR dated 12 January 1983). The same Decree established a new version of article 125 of the Criminal Code, whereby defamation, i.e. the spreading of deliberate and damaging fabrications, is made a criminal offence. The article contains a separate paragraph dealing with the offence of defamation in print or by other means of reproduction.

E. Freedom of peaceful assembly

*(article 20 of the Universal Declaration;
article 21 of the International Covenant on Civil and Political Rights)*⁵

The wide-ranging powers invested, in accordance with the Act on Work Collectives and the Enhancement of their Role in the Management of Enterprises, Institutions and Organizations, of 17 June 1983, in all work collectives, are directly realized by public meetings of the collectives in enterprises, institutions and organizations.

³ *Ibid.* (CCPR/C/32/Add.4).

⁴ *Ibid.* (CCPR/C/32/Add.4).

⁵ *Ibid.* (CCPR/C/32/Add.4).

F. Right to take part in the conduct of public affairs

*(article 21 of the Universal Declaration;
article 25 of the International Covenant on Civil and Political Rights)⁶*

The Act on Work Collectives and the Enhancement of their Role in the Management of Enterprises, Institutions and Organizations recognizes to work collectives the right to take part in the discussion of and decision-making on State and public affairs and in the management of enterprises, institutions and organizations. Under article 5 of the Act, work collectives are entitled to examine proposed laws, nominate candidates as deputies of State organs and people's judges, elect the people's assessors of urban district people's courts and recall them if they have not justified the trust of the electors. They may also raise the question of recalling deputies of the Soviets of People's Deputies and discuss other questions relating to State and public life. Work collectives have wide-ranging powers as regards economic and social development planning, the conclusion of collective agreements concerning conditions of employment, the maintenance of working discipline, the organization, standardization and remuneration of labour, the training and placement of personnel, the improvement and safety of working conditions, the improvement of workers' social, cultural and living conditions, etc.

G. Right to social security

*(article 22 of the Universal Declaration;
article 9 of the International Covenant on Economic, Social and Cultural Rights)⁷*

On 1 January 1983, the old-age pension supplement for continuous service at a single enterprise, institution or organization was increased from 10 to 20 per cent.

H. Right to work

*(article 23 (1) of the Universal Declaration;
article 6 of the International Covenant on Economic, Social and Cultural Rights)⁸*

In June 1983, the All-Union Law on Work Collectives and the Enhancement of their Role in the Management of Enterprises, Institutions and Organizations was adopted. Under this Law, no major production or social question may be settled in enterprises, institutions and organizations without the direct participation of the manual and non-manual workers. In particular, work collectives are given wide powers in the conclusion of collective agreements, in the maintenance of labour discipline, in labour organization, rate setting and remuneration, in staff training and placement, in improving working conditions and labour protection and so forth.

⁶ *Ibid.* (CCPR/C/32/Add.4).

⁷ *Ibid.* (E/1984/7/Add.9).

⁸ *Ibid.* (E/1984/7/Add.9).

I. Right to just and favourable conditions of work*(article 23 (1) of the Universal Declaration;**article 7 of the International Covenant on Economic, Social and Cultural Rights)*⁹

In accordance with article 11 of the USSR Law on Work Collectives and the Enhancement of their Role in the Management of Enterprises, Institutions and Organizations, dated 17 June 1983, work collectives submit proposals concerning improvement of the remuneration of labour, discuss and approve proposals regarding the award of bonuses to workers and the provision of other grants and benefits, and monitor the implementation of the existing labour regulations and conditions for the remuneration of labour.

In accordance with article 15 of the USSR Law on Work Collectives and the Enhancement of their Role in the Management of Enterprises, Institutions and Organizations, work collectives discuss and approve comprehensive plans for the improvement of conditions, labour protection and sanitary and health measures and monitor the implementation of these plans; they submit proposals regarding technical re-equipment, mechanization and automation, improvement of the organization and raising of the standards of production and reduction of manual, unskilled and heavy physical labour, and participate actively in their implementation; they formulate and implement measures to improve the working and living conditions of working women and to provide greater protection for mothers and children.

Under article 13 of the USSR Law on Work Collectives and the Enhancement of their Role in the Management of Enterprises, Institutions and Organizations, work collectives recommend members of the collective who have distinguished themselves at work for a higher skill category (class) or for promotion. Work collectives also participate in deciding matters relating to the assignment of leading workers to enterprises, institutions and organizations. These workers are assigned to and released from their posts with due regard for the views of the work collective.

⁹ *Ibid.* (E/1984/7/Add.9).

UNION OF SOVIET SOCIALIST REPUBLICS

A. Condemnation of racial segregation and *apartheid*

*(articles 1 and 2 of the Universal Declaration;
article 3 of the International Convention on the Elimination
of All Forms of Racial Discrimination;
articles IV and VI of the International Convention on the Suppression
and Punishment of the Crime of Apartheid)*¹

Soviet representatives actively participate in the work of United Nations bodies concerned with the problems of decolonization and the fight against racism, racial discrimination and *apartheid*: the United Nations Commission on Human Rights, the United Nations Council for Namibia, and the Special Committee against *Apartheid*. They took part in the Second World Conference to Combat Racism and Racial Discrimination (Geneva, 1983), and the International Conference in Support of the Struggle of the Namibian People for Independence (Paris, 1983).

They took part in the work of the International Conference of Solidarity with the Struggle of the Peoples of South Africa and Namibia (Montreal, 1982), the International Conference on Solidarity with Front-line States and Liberation and Peace Movements in Southern Africa (Lisbon, 1983) and the International Conference on the Alliance between South Africa and Israel (Vienna, 1983).

In November 1983, the African Institute of the Academy of Sciences of the USSR held an international conference on "International Aspects of the Struggle against Racism in southern Africa".

Delegations from the Special Committee against *Apartheid*, the United Nations Council for Namibia and the Secretariat of the Second World Conference to Combat Racism and Racial Discrimination visited the USSR in 1983 at the invitation of the Soviet Committee for Solidarity with the Countries of Asia and Africa. They were informed about the work of Soviet public organizations in giving assistance to peoples struggling for national liberation and against *apartheid* and racial discrimination.

B. Prohibition of forced labour

*(article 4 of the Universal Declaration;
article 8 of the International Covenant on Civil and Political Rights)*²

Provisions relating to the free choice of employment are contained in articles 8 and 9 of the Fundamental Principles of Labour Legislation of the USSR and the Union Republics and in the Act on Work Collectives, adopted on 17 June 1983.

¹ Reports submitted by State (CERD/C/118/Add.6; E/CN.4/1984/36/Add.10).

² *Ibid.* (CCPR/C/28/Add.3).

This Act confers on work collectives extensive rights to supervise compliance with the legislation in respect of labour and the protection of the constitutional right to work. In accordance with article 7 of the Act, work collectives participate in drawing up collective agreements, discuss them, take decisions on them and carry out measures to ensure their implementation, hear the reports of the management of enterprises, organizations and trade union committees on the implementation of the collective agreements and when necessary, raise the question of calling to account persons who have not carried out their obligations under them.

C. Freedom of association; trade union rights

*(articles 20 and 23 (4) of the Universal Declaration;
article 22 of the International Covenant on Civil and Political Rights)³*

The Act on Work Collectives and the Enhancement of their Role in the Management of Enterprises, Institutions and Organizations was adopted by the Supreme Soviet of the USSR on 17 July 1983.

Under the Act (art. 3), work collectives closely interact with the organs of State and Government. For instance, work collectives examine questions of State and of economic and socio-cultural construction submitted for their consideration by the Soviets of People's Deputies and the bodies subordinate to them; they submit for the consideration of the local soviets of people's deputies proposals for all-round economic and social development in their territories and also proposals with regard to other questions falling within the competence of the relevant local soviets.

The opinions and proposals of work collectives are taken into account by the organs of State power and management when reaching decisions which affect the activities of the relevant enterprises, institutions and organizations.

Work collectives are given broad powers to discuss and decide State and public affairs (art. 5). They consider draft laws and decisions of the local soviets of people's deputies affecting the interests of work collectives, and other questions of State and public life raised for discussion, and make proposals with regard to them. They nominate candidates for the posts of deputies of the Soviets of People's Deputies and representatives on the electoral committees. They hear the reports of the deputies of the Soviets of People's Deputies who are nominated by the work collectives and also the reports of the executive committees of the local soviets of people's deputies, and their departments and offices. They nominate candidates for the posts of people's judges. They elect the people's assessors of district (municipal) people's courts and hear their reports. They raise the question of recalling deputies of the Soviets of People's Deputies and people's judges and recall people's assessors of district (municipal) people's courts who have not justified the trust of the electorate. They elect the members of the standing works conferences, the people's control committees, groups and posts, the comrades' courts and other public bodies operating in work collectives, and hear their reports. They discuss other questions relating to State and public life.

Work collectives hear the views of the administration on the fulfilment of plans and contracts, on the reasons for modification of plans and on the results of in-

³ *Ibid.* (CCPR/C/28/Add.3).

dustrial and economic activity and make appropriate recommendations, if necessary bringing them to the notice of higher bodies.

The Act provides (art. 13) that work collectives shall participate through social organizations, in accordance with USSR legislation, in deciding matters concerning the appointment of workers to management posts in enterprises, institutions and organizations; the opinion of the work collective must be sought when appointing or removing such workers.

D. Right to work

*(article 23 (1) of the Universal Declaration;
article 6 of the International Covenant on Economic, Social and Cultural Rights)⁴*

On 17 June 1983, at the eighth session of its tenth convocation, the Supreme Soviet of the USSR adopted the USSR Law on Work Collectives and the Enhancement of their Role in the Management of Enterprises, Institutions and Organizations which entered into force on 1 August 1983.

In accordance with the USSR Law on Work Collectives (art. 7), work collectives participate in drawing up collective agreements, discuss them and take decisions on them, and carry out measures to ensure the implementation of the collective agreements. They hear the reports of the management of enterprises, organizations and trade union committees on the implementation of the collective agreements. When necessary, they raise the question of calling to account persons who have not carried out their obligations under the collective agreements.

The decision of the Council of Ministers of the USSR and the All-Union Central Council of Trade Unions, published on 7 August 1983, recognized that it was advisable that the task of informing the population about the need of enterprises, organizations and institutions for manual and non-manual workers should be carried out, as a rule, through the job placement bureaux, thus facilitating the choice of work by the persons concerned, with due regard for their interests.

E. Right to just and favourable conditions of work

*(article 23 (1) of the Universal Declaration;
article 7 of the International Covenant on Economic, Social and Cultural Rights)⁵*

The USSR Law on Work Collectives gives broad powers to work collectives in establishing the organization, norms and remuneration of work. Under article 11 of the Law, work collectives propose and implement measures to introduce advanced forms of labour organization; participate in solving problems relating to the proper use of the collective's savings from the wage fund for incentives to workers who have performed a great amount of work in excess of the existing norms (targets); make proposals for improving the remuneration of work, gearing the wage of each worker to this personal labour input and making him more dependent on the final results of the collective's work; discuss and approve proposals to improve bonuses for workers

⁴ *Ibid.* (E/1984/7/Add.7).

⁵ *Ibid.* (E/1984/7/Add.7).

and other payments and privileges from the material incentive fund; and supervise the implementation of existing labour norms and the conditions for the remuneration of labour.

Under article 14 of the Law, work collectives are given broad powers in the distribution and use of economic incentive funds. They participate in solving problems relating to the use of money from the material incentive fund, the fund for social and cultural measures and for housing construction and the production development fund; they discuss and approve the estimates for the expenditure of these funds and monitor their execution.

On the basis of article 6 of the Law, work collectives participate in the preparation and discussion of drafts of long-term and short-term plans for the economic and social development of enterprises, institutions and organizations. It should be especially stressed that, under this article, drafts of such plans are submitted for approval after their examination by work collectives.

Under article 13 of the Law, work collectives participate, through public organizations and in conformity with the laws of the USSR, in solving problems relating to the assignment of leading workers to enterprises, institutions and organizations. These workers are assigned to and released from duty with due regard for the opinion of the work collective.

Under article 18 of the Law, the collective of a production brigade, the primary unit of the work collective, gives the management's consent to the appointment of the brigadier and has the right to ask the management to relieve him of his functions as brigadier if he has not justified the trust placed in him by the collective.

The work collectives are called upon to play an important role in improving labour protection. Pursuant to the USSR Law on Work Collectives (art. 15), they discuss and approve comprehensive plans for improving working conditions, labour protection and health and sanitary measures and monitor the execution of these plans.

F. Right to an adequate standard of living (right to housing)

*(article 25 (1) of the Universal Declaration;
article 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)⁶*

Article 1 of the Housing Code of the Russian Federation, adopted on 24 June 1983 by the Supreme Soviet of the Russian Soviet Federal Socialist Republic (RSFSR) provides that this right shall be guaranteed by the development and preservation of the State and public housing stock, assistance to co-operative and individual housing construction, fair distribution under public control of living space becoming available as the programme of construction of amenity housing is carried out, and low housing rents and public amenity charges. Corresponding articles are included in the housing codes of the other Union republics.

⁶ *Ibid.* (CERD/C/118/Add.6).

**G. Promotion of understanding, tolerance and friendship
among all nations, racial and ethnic groups**

*(article 26 (2) of the Universal Declaration;
article 7 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*⁷

A Decree of the Presidium of the Supreme Soviet of the USSR "On the tasks of Soviets of People's Deputies in connection with further developing the friendship and co-operation of the peoples of the USSR and with educating the workers in an international spirit", adopted in 1983, reflects the Soviet State's constant attention to matters pertaining to the development and strengthening of the fraternal union of the peoples of the USSR.

The constitutional provision concerning the need to educate citizens within the spirit of socialist internationalism has found development in the USSR Act "On labour collectives and the enhancement of their role in the running of enterprises, establishments and organizations", dated 17 June 1983, whose article 17 provides that labour collectives shall take measures to educate the collective's members in a spirit of socialist internationalism and of the friendship and fraternity of peoples.

⁷ *Ibid.* (CERD/C/118/Add.6).

UNITED ARAB EMIRATES

**Promotion of understanding, tolerance and friendship
among all nations, racial and ethnic groups**
*(article 26 (2) of the Universal Declaration;
article 7 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*¹

The State is making every effort to ensure that its citizens are aware of the need to eliminate all manifestations of racial discrimination within and outside the country. The utmost is done to promote and propagate the principles and purposes laid down in the Charter of the United Nations, the Universal Declaration of Human Rights and the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, in keeping with article 12 of the Constitution of the United Arab Emirates:

“The foreign policy of the Union shall endeavour to promote Arab and Islamic causes and interests and to strengthen ties of friendship and co-operation with all nations and peoples, in accordance with the principles of the Charter of the United Nations and the highest standard of international ethics.”

¹ Report submitted by State (CERD/C/105/Add.2).

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

A. Equal rights of men and women

*(articles 2 and 7 of the Universal Declaration;
article 3 of the International Covenant on Civil and Political Rights)¹*

Under the British Nationality Act 1981, which came into effect on 1 January 1983, men and women have equal rights in the matter of acquiring, changing or retaining their nationality. However, for an interim period of five years, a married woman who, under the previous nationality law, had an entitlement to acquire her husband's citizenship on application may continue to exercise her entitlement, provided the marriage subsists and the husband has not renounced his citizenship. Where the marriage has ceased or the husband has renounced his citizenship, the woman's registration is at the discretion of the Home Secretary (section 8, British Nationality Act 1981). In all other cases, the acquisition of citizenship by the husband or wife of a citizen is now through the process of discretionary naturalization, but after three years residence instead of five years. Under section 2 of the British Nationality Act 1981, women have the same rights as men to transmit their citizenship to their children born after 1 January 1983, with the exception that women, but not men, are able to transmit citizenship to illegitimate children (section 50 (a) British Nationality Act 1981). There is no general restriction on dual nationality in the British Nationality Act 1981. A British citizen, man or woman, who marries a foreign national is not deprived of his or her British citizenship.

Guernsey

The States of Guernsey remain committed to adopt such measures as to ensure the equality of men and women in all spheres. One problem has recently been highlighted at a political level, namely that of equal pay. On 29 June 1983, a Committee of the States of Guernsey was appointed with the following mandate:

(a) Investigate the degree and form of inequality of payment between males and females engaged in the same work in Guernsey;

(b) Consider the best possible means of ensuring equal payment between males and females engaged in the same work in Guernsey;

(c) Review, in consultation with the States Insurance Authority, those areas of Guernsey's system of social insurance where differences exist between males and females in the payment of contributions and receipt of benefits/pensions;

(d) Report upon the above matters and upon any other matters arising therefrom as soon as may be, together with such recommendations as the Committee sees fit to make.

¹ Report submitted by State (CCPR/C/32/Add.5).

B. Elimination of racial discrimination; development and protection of certain racial groups or individuals belonging to them

(articles 2, 7 and 22 of the Universal Declaration; article 2 (2) of the International Convention on the Elimination of All Forms of Racial Discrimination)²

The proportion of Urban Programme funds devoted to projects mainly or specifically benefiting ethnic minority communities has risen sharply in recent years. In 1981-1982 some £8 million was devoted to such projects (out of a total Urban Programme of £210 million) rising to £15 million in 1982-1983 and £27 million in 1983-1984. The nature of these projects varies widely. The greater number are directed at meeting the welfare problems and special social needs of ethnic minority residents of the inner city; the main target groups are the old, the very young, single-parent families or people with language difficulties. Other projects are concerned with improving the economic prospects of ethnic minority people through, for example, the provision of training in relevant skills and making business advice and work-space available to potential entrepreneurs. Projects which are considered particularly beneficial to minority communities are those directed at improving the environment and general appearance of areas where they form the major proportion of the resident population.

Grant aid under section 11 of the Local Government Act 1966 is designed to provide financial assistance to local authorities to enable them to meet the special needs of Commonwealth immigrants in their areas. The total grant to be paid by central government during the financial year 1983/1984 is estimated to be £67 million. A large proportion of this amount supports teaching posts in schools but other areas of local authority activity (e.g., social services, housing, and youth projects) also benefit. Changes to the administrative arrangements of the grant scheme, which were announced in 1982, came into effect on 1 January 1983. These arrangements were designed to make the grant scheme more flexible and responsive to present-day needs. Despite being in operation for a relatively short time, the new arrangements have already led to some significant improvements. A wide range of innovative applications have been approved including many for posts at strategic levels within local authorities. Many authorities which were not eligible under the old arrangements now qualify for grants. Local authorities are now asked to consult the local community before applying for grants and to put applications for grants in a strategic context. A review of posts funded under the previous arrangements is being conducted with a view to bringing such posts into line with the new arrangements.

C. Right to life

(article 3 of the Universal Declaration; article 6 of the International Covenant on Civil and Political Rights)³

The question of capital punishment was most recently debated in Parliament on 13 July 1983. On this occasion, motions to restore capital punishment for all or certain categories of murder were defeated by majorities ranging from 81 to 175.

² *Ibid.* (CERD/C/118/Add.7).

³ *Ibid.* (CCPR/C/32/Add.5).

As has been the practice in debates on this subject, members of Parliament voted entirely according to individual conscience. There were no attempts to make them follow an agreed policy and the Government took no collective view. Although the United Kingdom is an abolitionist State in the sense that the death penalty for murder was effectively abolished in 1965, the decision was taken and has been subsequently upheld by Parliament, not the Government, which has remained neutral on the issue. For this reason, Her Majesty's Government has not entered into any international obligations to abolish the death penalty and, while the United Kingdom is a party to the European Convention for the Protection of Human Rights and Fundamental Freedoms, it has not signed the Sixth Optional Protocol, which would bind it to the permanent abolition of the death penalty.

D. Treatment of prisoners

*(article 5 of the Universal Declaration;
article 10 of the International Covenant on Civil and Political Rights)⁴*

Race Relations Liaison Officers have been appointed at all prison establishments and in 1983 a major policy statement on race relations in the prison service was issued, declaring the Prison Department's commitment to a policy of racial equality and to the elimination of racial discrimination in all aspects of the work of the prison service.

There have been a number of developments in the system for adjudication of disciplinary offences committed by inmates in prison.

On 24 October 1983 the Home Secretary announced the setting up of a Departmental Committee to look at the adjudication system, with the following terms of reference:

To consider the disciplinary offences applying to prisoners, and the arrangements for their investigation, adjudication and punishment, having regard in particular to:

- (i) The need within custodial institutions for a disciplinary system which is swift, fair and conclusive;
- (ii) The extent to which it is appropriate to use the ordinary criminal law, courts and procedure to deal with serious misconduct by prisoners;
- (iii) The connection with the investigation of related allegations by prisoners about their treatment;
- (iv) The pressure on prisoners and other criminal justice resources;

and to make recommendations.

The judgement of the Divisional Court in November 1983 in the case of *R. v. Board of Visitors H.M. Prison Albany ex parte Tarrant and others* established that, while a prisoner appearing before a Board of Visitors for adjudication has no right to legal representation (as decided in the case of *Fraser v. Mudge and others*), Boards of Visitors have an inherent discretion to grant legal representation, or the assistance of a friend or adviser, to any prisoner on whom they are adjudicating; and the Court provided some criteria relevant to the exercise of that discretion. The Court made it

⁴ *Ibid.* (CCPR/C/32/Add.5).

clear that, while Boards are responsible for regulating their own procedures (subject to any statutory provisions), it is proper for the Home Secretary to issue guidelines as to how Boards might wish to proceed in the light of this judgement. Such guidance has now been issued. Where legal representation is granted, the cost is met under an extension of the legal aid scheme, subject to a means test. As a result of this judgement, Boards of Visitors in Northern Ireland, and Visiting Committees in Scotland now have discretion to grant legal aid.

Since 24 May 1983 the Borstal Rules 1964 (as amended) and the Detention Centre Rules 1952 (as amended) have been replaced by the Youth Custody Centre Rules 1983 and the Detention Centre Rules 1983 respectively. Section 43 of the Prison Act 1952 (as replaced by section 11 of the Criminal Justice Act 1982) now defines detention centres as "places in which male offenders not less than 14 but under 21 . . . may be kept for short periods under discipline suitable to persons of their age and description" and youth custody centres as "places in which offenders not less than 15 but under 21. . . may be detained and given training, instruction and work and prepared for their release".

Where an offender aged from 15 to 20 is convicted of an offence punishable (in the case of an adult) with imprisonment and the court considers a sentence in excess of four months to be appropriate, the offender will be sentenced to a term of youth custody. A sentence of youth custody may not exceed the maximum sentence which could be passed on an adult and must not exceed one year in the case of 15- and 16-year-olds. Female offenders aged from 17 to 20 may be sentenced to youth custody for four months or less.

In the case of an offender aged from 18 to 20 found guilty of an offence for which a life sentence is mandatory, a sentence of custody for life is imposed. Offenders aged from 17 to 20 convicted of offences for which life imprisonment may be passed, may be sentenced to custody for life.

E. Right to an effective remedy

(article 8 of the Universal Declaration;

*article 2 of the International Covenant on Civil and Political Rights)*⁵

Isle of Man

The right of individuals to take civil action against government officials was strengthened and certain procedural difficulties were removed by the Public Service Proceedings Act 1983, of Tynwald.

F. Right not to be subjected to arbitrary arrest or detention

(article 9 of the Universal Declaration;

*article 9 of the International Covenant on Civil and Political Rights)*⁶

The procedures to be followed for detaining a person in hospital because he suffers from mental disorder are set out in the Mental Health Act 1983. Included in that

⁵ *Ibid.* (CCPR/C/32/Add.5).

⁶ *Ibid.* (CCPR/C/32/Add.5).

Act is provision for persons detained to apply to a Mental Health Review Tribunal whose powers include the power to discharge that person from detention.

There is now provision under the Mental Health Act 1983 for a restricted patient to apply to, and in an appropriate case, be discharged by, a Mental Health Review Tribunal.

Section 60 of the Criminal Justice Act 1982 provides that a person who is in the custody of a magistrates' court and is refused bail by that court after a full application shall have a new avenue of application to the Crown Court. (Hitherto such a person could apply further only to a High Court judge in chambers.) The provision was brought into force on 24 May 1983.

G. Protection against arbitrary interference with privacy

*(article 12 of the Universal Declaration;
article 17 of the International Covenant on Civil and Political Rights)*⁷

The correspondence of those detained in hospital under the Mental Health Act 1983 is subject to controls under section 134 of that Act; however, the patient's right to correspond with certain persons and bodies, including his legal adviser, is specifically preserved. The Act provides a right of independent review by a statutory body of any decision to withhold an item from a postal package, if a patient or his correspondent so requests.

H. Freedom of movement and residence

*(article 13 of the Universal Declaration;
article 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination;
article 12 of the International Covenant on Civil and Political Rights)*⁸

The entry into and stay of persons in the United Kingdom is regulated by the Immigration Act 1971, as amended, with effect from 1 January 1983 by the British Nationality Act 1981. Under this Act, all British citizens, regardless of sex, race, colour or creed, have the right of abode in the United Kingdom as do those who, immediately before 1 January 1983, were Commonwealth citizens and

- (a) Were born to or legally adopted by a citizen of the United Kingdom and Colonies who has that citizenship through birth in the United Kingdom; or
- (b) Who are or who have been, married to a man with the right of abode.

Persons other than British citizens who claim to have the right of abode in the United Kingdom are required to obtain a "certificate of entitlement" if they wish to come to the United Kingdom, and those applying for such certificates enjoy a right of appeal to the independent appellate authorities against any decision not to issue the certificate.

⁷ *Ibid.* (CCPR/C/32/Add.5).

⁸ *Ibid.* (CERD/C/118/Add.7; CCPR/C/32/Add.5).

All those with the right of abode are entirely free from immigration control and may enter and leave the United Kingdom at any time and may live and work here without permission. Unless otherwise exempt from immigration control, for example by virtue of diplomatic status, all persons who do not enjoy the right of abode in the United Kingdom are subject to immigration control. On ratifying the International Covenant on Civil and Political Rights the United Kingdom reserved the right, notwithstanding article 12 and other provisions of the Covenant, to continue to apply such immigration control in respect of these persons as it may deem necessary.

Revised immigration rules came into effect on 16 February 1983. The principal change from those in force since March 1980 concerns the provision for a woman settled in the United Kingdom to be joined here by her husband or fiancé. Whereas previously this provision was restricted to a woman who was a citizen of the United Kingdom and Colonies born in the United Kingdom or with a parent so born, the new rules allow any woman who is a British citizen to be joined here by her husband or fiancé, subject to certain tests designed to prevent use of marriage as a device to get round immigration control, irrespective of whether she has a connection with this country by birth. Any British woman citizen benefits under the rules whatever her racial origins.

I. Right to a nationality

*(article 15 of the Universal Declaration;
article 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination;
article 24 (3) of the International Covenant on Civil and Political Rights)*⁹

The British Nationality Act 1981, which redefined the basis of United Kingdom nationality law, came into force on 1 January 1983. It replaced the former citizenship of the United Kingdom and Colonies with three separate citizenships. British citizenship for those closely connected with the United Kingdom itself; British Dependent Territories citizenship for those closely connected with the United Kingdom's dependencies, and British Overseas citizenship for those citizens of the United Kingdom and Colonies who did not have these connections with either the United Kingdom or the dependencies.

A child born in the United Kingdom is now a British citizen at birth unless neither of his parents is a British citizen or is settled in the United Kingdom. A child born in the United Kingdom whose father or mother subsequently becomes settled in the United Kingdom or becomes a British citizen has an entitlement to be registered as a British citizen under section 1 (3) of the Act. In addition, section 1 (2) of the 1981 Act provides that a new-born infant found abandoned in the United Kingdom shall be a British citizen. Such a child is deemed to have been born in the United Kingdom to a parent who was a British citizen or settled there, unless the contrary is shown. The provisions relating to acquisition of British Dependent Territories citizenship by birth in a dependent territory are in similar terms.

The British Nationality Act 1981 fully complies with the United Kingdom's obligations under the United Nations Convention on the Reduction of Statelessness.

⁹ *Ibid.* (CERD/C/118/Add.7; CCPR/C/32/Add.5).

A child born in the United Kingdom or a dependency on or after 1 January 1983 to a father or mother who is a British citizen, a British Dependent Territories citizen, a British Overseas citizen, or a British subject under the 1981 Act, automatically acquires the parent's citizenship or status if he or she would otherwise be stateless. A child born stateless in the United Kingdom or in a dependency on or after 1 January 1983, neither of whose parents was at the time of birth a citizen or subject to the kind mentioned, becomes entitled to registration as a British citizen or a British Dependent Territories citizen under schedule 2 to the Act if he is and always has been stateless. Application for registration has to be made between the ages of 10 and 22 years. There is also a residence requirement of five years.

Under the 1981 Act the acquisition of British citizenship automatically by descent is restricted in general to the first generation of children born abroad to British citizens born, naturalized or registered in the United Kingdom. There are provisions for children of later generations to be registered as British citizens if their parents have maintained close connections with the United Kingdom. British Dependent Territories citizenship by descent is similarly restricted. British Overseas citizenship and the status of British subject cannot be passed on through the parents except in certain circumstances and when the child is born stateless.

An important change made by the 1981 Act is that since 1 January 1983 women have been able to pass on citizenship to their children on the same terms as men.

The provisions of the Act relating to statelessness more than comply with United Kingdom obligations under the 1961 United Nations Convention on the Reduction of Statelessness which the United Kingdom ratified in 1966.

The possession of civil rights and privileges, such as the right to vote, has not been affected by the British Nationality Act. All Commonwealth citizens, including British Dependent Territories citizens and British Overseas citizens living in the United Kingdom, continue to enjoy these rights and privileges in the same way as British citizens. Pakistan left the Commonwealth in 1973 and, in general, people from Pakistan are therefore not entitled to the rights and privileges of Commonwealth citizens unless they have acquired British citizenship (before 1983, citizenship of the United Kingdom and Colonies).

J. Equal marriage rights

*(article 16 (1) of the Universal Declaration;
article 23 (4) of the International Covenant on Civil and Political Rights)*¹⁰

The Matrimonial Homes Act 1983 gives both spouses a statutory right to occupy the matrimonial home. It also enables the court to exclude either spouse from the matrimonial home, or otherwise to terminate or restrict rights of occupation, in certain circumstances.

¹⁰ *Ibid.* (CCPR/C/32/Add.5).

K. Protection of the family

(*article 16 (3) of the Universal Declaration;
article 23 of the International Covenant on Civil and Political Rights*)¹¹

Isle of Man

The Domestic Proceedings Act 1983, of Tynwald introduced reforms into the jurisdiction of the Magistrates' Court based on the Domestic Proceedings and Magistrates' Court Act 1978, of Parliament.

L. Right to social security

(*article 22 of the Universal Declaration;
article 9 of the International Covenant on Economic, Social and Cultural Rights*)¹²

Statutory sick pay

Under the provisions of part 1 of the Social Security and Housing Benefits Act 1982, from 6 April 1983 an employee who is incapable of work for at least four days in succession will be entitled to receive sick pay from his or her employer at a guaranteed minimum level for up to eight weeks in a tax year. The tax year runs from 6 April of one year to 5 April of the next. During this period, State sickness benefit will not be payable.

M. Right to work

(*article 23 of the Universal Declaration;
article 6 of the International Covenant on Economic, Social and Cultural Rights*)¹³

Employment

Where work of an employee is done exclusively by men, or the numbers of women doing that work are comparatively small, the Sex Discrimination Act allows the employer to provide training or give encouragement specifically to women to take up that work. After a slow start there is evidence that interest is growing amongst employers. The Equal Opportunities Commission reports a number of initiatives by 10 major employers including local authorities. Several of these authorities now describe themselves as "equal opportunity employers" and provide positive action programmes specifically to promote the interests of women workers. The Commission has held three conferences, two in 1982 and one in 1983, to promote positive action amongst employers.

The Youth Training Scheme (YTS) launched in April 1983 will be fully operational in September 1983 and replaces existing schemes for young people which have been supported by the Commission, including the Youth Opportunities Programme (YOP), the Unified Vocational Preparation Programme (UVP) and first-year apprenticeship support schemes.

¹¹ *Ibid.* (CCPR/C/32/Add.5).

¹² *Ibid.* (E/1984/7/Add.20).

¹³ *Ibid.* (E/1984/7/Add.20).

The Scheme is operated by the Commission's Training Division. At national level, the Youth Training Board, comprising representatives of employers, trade unions, local authorities, the education and careers services and voluntary organizations, advises the Commission about the development of the Scheme.

The Scheme provides young people with a period of high quality training and planned work experience, normally lasting for a year and including a minimum of 13 weeks off-the-job training or further education. This will help young people make the transition from school to working life and give employers a better-trained and more highly motivated work-force.

Training for adults

In seeking to take forward the third objective of the New Training Initiative—the opening up of wider opportunities for adults to acquire, increase or update their skills and knowledge during the course of their working lives—the Manpower Services Commission published a discussion paper, entitled “Towards An Adult Training Strategy”, in April 1983. The paper argued that the demands of industry for new and modified skills will not stand still and, consequently, individuals will need to be prepared to undertake education and training throughout their working lives as a continuing process. The training system, which is of course much wider than the Commission's own programmes, needs to be flexible enough to cope with these demands, and the paper invited views on how this flexibility could be achieved. Following the consultation period and after considering the responses, the Commission will put forward proposals for programmes to carry forward work on Objective 3.

Grants for employers

Support is given to employers to encourage them to recruit and complete the training of redundant apprentices but the Manpower Services Commission is reviewing its policy to take effect from September 1983, that is, for the 1983/1984 Training Year onwards. The need to review this policy has arisen because of the increase in the number of apprentices being made redundant, many of whom have been following training in skills no longer in demand or are situated in areas hit particularly hard by the recession. Under the proposed arrangements, funds would be directed to support the adoption of redundant apprentices by employers in key skill areas, assist in their conversion if they had trained in a skill no longer in demand and, if necessary, help them move to where the jobs are through the use of mobility grants. This programme would be operated through the industrial training organizations and would take effect from 1 September 1983.

Skillcentre Training Agency

The Skillcentre Training Agency (STA), operating as a separate arm within the Manpower Services Commission, assumed financial and managerial control for all Skillcentre operations on 1 April 1983. The effect of this was to disengage the management control of Skillcentres from those parts of the Manpower Services Commission which commission training.

N. Right to just and favourable conditions of work

(article 23 of the Universal Declaration;

*article 7 of the International Covenant on Economic, Social and Cultural Rights)*¹⁴

Remuneration

If the Equal Pay (Amendment) Regulations 1983, which are currently before Parliament, are accepted, these regulations, like the Equal Pay Act, will apply to both men and women. They will, if accepted, amend the Equal Pay Act to provide that, from 1 January 1984, a woman, or a man, has the right to equal treatment in regard to pay and other terms of the contract of employment not only, as at present, when they are engaged on work which is the same or broadly similar to that of a person of the opposite sex, or on work, which, though different, has been given an equal value under a job evaluation scheme, but also when they are engaged on work of equal value.

Safe and healthy working conditions

Under the Health and Safety (Fees for Medical Examinations) Regulations 1983, fees shall be payable to the Health and Safety Executive by an employer for the medical examination of any of his employees.

O. Right to education

(article 26 (1) of the Universal Declaration;

*article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination)*¹⁵

Significant changes have occurred in the Manpower Services Commission's (MSC) training provisions for young people. Growing recognition of the need for foundation training for young school leavers led to the setting up of the Youth Training Scheme (YTS) over a six-month period from April to September 1983. The YTS is an integral part of the Commission's New Training Initiative which sets out a national training strategy. It offers a year's foundation training to young people who have left education for work—both those going into jobs and those remaining unemployed.

P. Promotion of understanding, tolerance and friendship among all nations, racial and ethnic groups

(article 26 (2) of the Universal Declaration;

*article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination)*¹⁶

The Government has continued to encourage discussion about the evolution of the education system in an ethnically and culturally diverse society and to monitor

¹⁴ *Ibid.* (E/1984/7/Add.20).

¹⁵ *Ibid.* (CERD/C/118/Add.7).

¹⁶ *Ibid.* (CERD/C/118/Add.7).

the progress made by local authorities in responding to the special needs of ethnic minority groups. An important spur to the Government's work in this area has been the accumulating evidence that some, though by no means all, ethnic minority children are not achieving their full potential. An increasing number of local education authorities have articulated policy guidelines and have appointed advisers with a view to ensuring that ethnic minority children are not disadvantaged by reason of the failure of educational institutions to take account of their home and family background. This is manifest, for example, in the increasing recognition accorded to mother-tongue languages at the nursery and primary level and in the incorporation of mother-tongue languages into the modern language syllabus in some secondary schools. A government initiative was launched in October 1983 designed to stimulate voluntary sector provision for children under five and their families. It is aimed at helping disadvantaged families, among which are included ethnic minority families with pre-school children, who may have additional needs due to cultural and language differences.

UPPER VOLTA

A. Condemnation of racial segregation and *apartheid*
*(articles 1 and 2 of the Universal Declaration;
article 3 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*¹

The obligations set out in article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination form an integral part of the policy line of the National Revolutionary Council (CNR), and the Head of State in his numerous official statements has always condemned racist and tribal practices in their most diverse and covert manifestations.

The principles of the Upper Voltan people's democratic Revolution are devoted to:

The struggle against discrimination in the field of education;
The elimination of all forms of discrimination against women;
The prevention and punishment of the crime of genocide;
The respect for the status of refugees; etc.

As can be seen, the Revolutionary Government, in conformity with its fundamental principles, excludes racial discrimination from all its actions. This naturally entails the condemnation of racial segregation and the *apartheid* régime.

**B. Right to an adequate standard of living
(right to health; right to adequate housing)**
*(article 25 (1) of the Universal Declaration;
article 5 of the International Convention on the Elimination
of All Forms of Racial Discrimination)*²

Right to health

The National Revolutionary Council has endorsed the Constitution of the World Health Organization (WHO), which states that the enjoyment of health "is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition".

¹ Report submitted by State (CERD/C/105/Add.5).

² *Ibid.* (CERD/C/105/Add.5).

The Revolutionary Government considers that satisfaction of health needs is indissolubly linked to living standards, food, housing conditions, environment and readily available medical services.

The characteristics of the current situation are:

High infant mortality;

Excessive mortality of women in childbirth;

Low life expectancy at birth (32 years in rural areas).

The essential reasons for this situation are:

The persistence of endemo-epidemic diseases;

The inadequate protein and calorie intake;

The inadequate health education, and lack of drinking water and basic sanitation;

The poor health coverage in the country, both quantitatively and qualitatively.

Nevertheless, in spite of these unfavourable factors and the inadequate resources allocated to health, some progress should be noted:

The eradication of smallpox;

The control of endemic diseases, such as yellow fever and leprosy;

The total self-sufficiency in the initial training of paramedical personnel;

The spontaneous participation of the population in seeking solutions for their health problems.

The National Revolutionary Council's general objectives in the health sector are summed up in the policy statement:

“Health for everyone;

“The introduction of assistance and protection for mothers and children;

“A policy of immunization against communicable diseases based on an increase in vaccination campaigns;

“Imparting good health habits to the masses”.

Right to adequate housing:

Together with food and clothing, housing is one of the elements of a minimum living standard to which the National Revolutionary Council is committed.

The policy statement of the Head of State stipulates:

“With regard to housing, which is a crucial area, we must undertake a vigorous policy to put an end to real estate speculation and the exploitation of workers by charging excessively high rents. Major measures must be taken in this area to:

“Establish reasonable rents;

“Undertake rapid district development;

“Develop on a large scale the building of a sufficient number of modern houses accessible to workers”.

C. Right to education; promotion of understanding, tolerance and friendship among all nations, racial and ethnic groups

*(article 26 of the Universal Declaration;
articles 5 and 7 of the International Convention on the Elimination
of All Forms of Racial Discrimination)³*

The Upper Volta has been celebrating since 1972 the International Literacy Day proclaimed by the UNESCO General Conference in 1966.

In 1983, the celebration, which makes the issue more widely known, was preceded by a national week from 1 to 8 September 1983, instituted by the Revolutionary Government. The basic aim of this week was consciousness-raising of the masses, a task which the National Literacy and Adult Education Institute (INAFE) undertook using slogans such as "Let's revitalize our languages by speaking and writing them fluently".

The highlights of the week were:

Lectures in national languages in several districts of the town of Ouagadougou;
Exhibitions of photographs, texts and pictures about literacy campaigns in the Upper Volta and in the world;

A televised round-table on the new strategy for combating illiteracy;

Broadcast interviews with and statements by newly literate people.

There are scheduled transmissions in certain national languages on radio and television; some are given particular attention, principally within the framework of the Languages Commission; structuring these languages should result in their being written down and used in a reformed educational system; three linguistic areas have for the time being been selected to inaugurate the reform of the education system at the pre-school and primary stages;

The Mooré-speaking region;

The Dioula-speaking region;

The Fulfuldé-speaking region.

It should be noted, with regard to school curricula, that the history textbooks are written under the direction of the African Pedagogical Institute (IPAM) by authors who are deeply concerned to convey in each book their experience as teachers but particularly as Africans in conformity with the programmes formulated by the conference of experts; these books have the merit of presenting an African and humanist view of true historical facts which highlights the importance of the contribution of African civilizations to the civilization of mankind.

The teaching at university, particularly at the Ouagadougou University Law School, includes alerting students to the problem of racism so that the attention of young lawyers is drawn to the importance of human rights in general and to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination.

The interaction of cultures is one of the fundamental aspects of humanism; its prerequisite is an attitude of openness and friendship, understanding and sympathy towards one's neighbour, whatever his origin.

³ *Ibid.* (CERD/C/105/Add.5).

In this connection, there are institutions and associations devoted to developing national culture and traditions and to promoting understanding, tolerance and friendship among ethnic groups through periodic gatherings called "cultural and artistic weeks" at which prizes are awarded.

The United Nations Information Centre frequently gives film shows for all those who are interested in United Nations activities in the world.

On the occasion of the week of solidarity with the people of Namibia and its liberation movement SWAPO, the United Nations Information Centre at Ouagadougou invites the public to a meeting of discussion and exchange of information on the problem of Namibia.

The official information channels publicize the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Rights and the United Nations Declaration on the Elimination of All Forms of Racial Discrimination.

The media (press, radio and television) also endeavour to make human rights better known.

VENEZUELA

A. Condemnation of racial segregation and *apartheid*
(articles 1 and 2 of the Universal Declaration;
article 3 of the International Convention on the Elimination
*of All Forms of Racial Discrimination)*¹

In September 1983, the Latin American Regional Conference for Action against *Apartheid* was held at Caracas, Venezuela.

At that Conference, the Caracas Declaration for Action against *Apartheid* was formulated.

**B. Elimination of racial discrimination; development and protection
of certain groups or individuals belonging to them**
(articles 2 and 26 of the Universal Declaration;
article 2 of the International Convention on the Elimination
*of All Forms of Racial Discrimination)*²

The programmes of instruction corresponding to the first and second years of the system of intercultural bilingual education were introduced in October 1982 and September 1983, respectively.

¹ Report submitted by State (CERD/C/118/Add.24).

² *Ibid.* (CERD/C/118/Add.24).

VIET NAM

**Promotion of understanding, tolerance and friendship
among all nations, racial and ethnic groups**
*(article 26 (2) of the Universal Declaration;
article 7 of the International Convention on the Elimination
of All Forms of Racial Discrimination)¹*

Through the Voice of Viet Nam, newspapers and magazines and educational programmes in the schools and universities, anti-racist propaganda, diffusion and education measures are designed to:

- Promote mutual understanding among all the nationalities living on Vietnamese territory and among all the peoples of the world;
- Develop the spirit of solidarity and mutual respect among the nationalities in Viet Nam and between the Vietnamese people and the other peoples of the world; and
- Clarify the humanitarian policy of the Vietnamese State with respect to human rights, and condemn and denounce the policy of racial discrimination and national oppression in South Africa, the Middle East and Latin America.

¹ Report submitted by State (CERD/C/101/Add.5).

YUGOSLAVIA

Right to just and favourable conditions of work

*(article 23 (1) of the Universal Declaration;
article 7 of the International Covenant on Economic, Social and Cultural Rights)*¹

Article 18 of the Labour Inspection Act of the Socialist Republic of Croatia (*“Narodne novine SRH”*, No. 9/83) stipulates that labour inspectors may, without prior notice and at any time, carry out inspections in organizations of associated labour and in private businesses and that matters submitted to them by workers shall be treated as confidential. In other republics and autonomous provinces, amendments to the laws on safety and health at work and on labour inspection are in the process of preparation.

¹ Report submitted by State (E/1984/7/Add.10).

Section B. Trust and Non-Self-Governing Territories

Brunei and St. Christopher and Nevis attained independence in 1983; in other Trust and Non-Self-Governing Territories, progress was made towards that goal.

A. TERRITORIES THAT ATTAINED INDEPENDENCE

1. Brunei

The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples took up the question of Brunei at meetings held on 8 and 14 September 1983 respectively.

On 14 September, the Special Committee took note with satisfaction of the scheduled accession to independence of Brunei on 31 December 1983; it also welcomed the declared intention of the Government, upon attaining independence, to apply for membership in the United Nations.¹

2. St. Kitts-Nevis (St. Christopher and Nevis)

The Special Committee considered the question of St. Kitts-Nevis on 14 September 1983. It took note with satisfaction of the scheduled accession to independence of St. Kitts-Nevis on 19 September 1983; it also welcomed the declared intention of the Government, upon attaining independence, to apply for membership in the United Nations.²

St. Kitts-Nevis acceded to independence as the State of Saint Christopher and Nevis on 19 September 1983.

By its resolution 38/1 of 23 September 1983, the General Assembly decided to admit Saint Christopher and Nevis to membership in the United Nations.

¹ *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 23 (A/38/23)*, chap. XXVIII.

² A/38/23, chap. XXVII.

B. TRUST TERRITORIES

Trust Territory of the Pacific Islands

In its annual report³ the Administering Authority (the United States of America) stated that progress had been made within the Trust Territory on all fronts towards the eventual termination of the Trusteeship Agreement and the full assumption of self-government by the constitutional Government of the Territory, according to the freely expressed wishes of the people.

The Special Committee considered the Trust Territory of the Pacific Islands on 13 October 1983. It adopted a set of conclusions and recommendations contained in the report of its Sub-Committee on Small Territories in which, *inter alia*, it called again upon the Government of the Administering Authority to ensure that its representatives be present at meetings of the Committee; it recalled its previous appeals addressed to the Administering Authority that the people of Micronesia should be given the fullest opportunity to inform and educate themselves about the various options open to them in the exercise of their inalienable right to self-determination and independence; it took due note of the intention of the Administering Authority to seek termination of the Trusteeship Agreement at the earliest possible date; it also reaffirmed its strong conviction that the Administering Authority must ensure that military installations and activities in the Trust Territory do not hinder the population of the Trust Territory from exercising its right to self-determination and independence.

The Special Committee recommended to the General Assembly the adoption of a draft decision on the question of the Trust Territory of the Pacific Islands.⁴

C. NON-SELF-GOVERNING TERRITORIES

1. American Samoa

In May 1983, the Governor of American Samoa transmitted a letter to the Secretary of the Department of the Interior of the United States of America requesting authorization to call a constitutional convention in January 1984 to review the present Constitution and incorporate or adopt various changes. In August 1983, the Department of the Interior granted the Territory permission to hold a constitutional convention.⁵

The Special Committee considered the question of American Samoa on 12 August 1983. It adopted the report of its Sub-Committee containing an account of its consideration of the Territory and approved its conclusions and recommen-

³ T/1863.

⁴ A/38/23, chap. XVIII.

⁵ A/AC.109/767.

dations. It recommended to the General Assembly the adoption of a draft resolution on the question of American Samoa.⁶

The draft was adopted on 7 December 1983 as resolution 38/41, in which the General Assembly, *inter alia*, approved the chapter of the report of the Special Committee on American Samoa; called upon the Government of the United States of America, as the administering Power, to take all necessary steps to expedite the process of decolonization of the Territory; called upon the administering Power to continue to help to strengthen and diversify the economy of American Samoa in the interests of the people of the Territory; urged the administering Power to safeguard the inalienable right of the people of the Territory to the enjoyment of their natural resources.

2. Anguilla

The Special Committee considered the question of Anguilla on 14 September 1983 and decided to transmit the relevant documentation to the General Assembly.⁷

By its decision 38/418 of 7 December 1983, the Assembly decided to defer until its thirty-ninth session consideration of the question of Anguilla.

3. Bermuda

General elections were held in the Territory on 3 February 1983.⁸ During a visit to Barbados in June 1983, the Premier said that the Bermuda Government was preparing a White Paper on independence in order to promote discussion among the people and ascertain their views regarding breaking off the Territory's colonial relationship with the United Kingdom. He said, however, that his Government had not set a specific time-frame for independence.⁹

The Special Committee considered the question of Bermuda on 12 August 1983. It adopted the report of its Sub-Committee on Small Territories containing an account of its consideration of the Territory and endorsed its conclusions and recommendations. It recommended to the General Assembly the adoption of a draft resolution on the question of Bermuda.¹⁰

The draft was adopted on 7 December 1983 as resolution 38/43 in which the Assembly, *inter alia*, approved the chapter of the report of the Special Committee relating to Bermuda; reaffirmed the importance of the need to foster national unity and a national identity and took note of the steps taken by the local authorities in that regard; and reaffirmed its strong conviction that the administering Power must ensure that military bases and installations do not hinder the people of the Territory from exercising their right to self-determination and independence.

⁶ A/38/23, chap. XVI.

⁷ A/38/23, chap. XXV.

⁸ A/AC.109/725.

⁹ A/AC.109/761.

¹⁰ A/38/23, chap. XIX.

4. British Virgin Islands

The Special Committee considered the question of the British Virgin Islands on 12 August 1983. It adopted the report of its Sub-Committee on Small Territories containing an account of its consideration of the Territory and endorsed its conclusions and recommendations. It recommended to the General Assembly the adoption of a draft resolution on the Territory.¹¹

The draft was adopted on 7 December 1983 as resolution 38/44 in which the Assembly, *inter alia*, approved the chapter of the report of the Special Committee relating to the British Virgin Islands; reaffirmed the importance of fostering an awareness among the people of the Territory of the possibilities open to them in the exercise of their right to self-determination; and called upon the administering Power to take all necessary steps to ensure the full and speedy attainment of the objectives of decolonization.

General elections for the nine elected seats of the Legislative Council were held on 11 November 1983. In the 1983 electoral campaign, neither party addressed the question of the future status of the Territory.¹²

5. Cayman Islands

The Special Committee considered the Territory on 12 August 1983. It adopted the report of its Sub-Committee on Small Territories containing an account of its consideration of the Territory and endorsed its conclusions and recommendations. It recommended to the General Assembly the adoption of a draft resolution on the question of the Cayman Islands.¹³

The draft was adopted as resolution 38/45 of 7 December 1983 in which the Assembly, *inter alia*, approved the chapter of the report of the Special Committee relating to the Cayman Islands; the Assembly also reaffirmed the responsibility of the administering Power for the economic and social development of the Territory and urged it to render continuing support, to the fullest extent possible, to the development of programmes of economic diversification which will benefit the people of the Territory.

6. Cocos (Keeling) Islands

The Special Committee considered the question of the Cocos (Keeling) Islands on 14 September 1983. It adopted the report of its Sub-Committee on Small Territories containing an account of its consideration of the Territory and approved the draft consensus contained therein. It recommended to the General Assembly the adoption of a draft decision on the Territory.¹⁴

¹¹ A/38/23, chap. XX.

¹² A/AC.109/764.

¹³ A/38/23, chap. XXI.

¹⁴ A/38/23, chap. XII.

The draft was adopted on 7 December 1983 as decision 38/412 representing the consensus of the members of the Assembly, in which the Assembly, *inter alia*, noted the positive and continuing commitments of the administering Power (Australia) to the political, social and economic advancement of the people of the Territory to enable them to exercise fully their inalienable rights as quickly as possible; it noted in particular that the administering Power has directly discussed with the representatives of the Cocos (Keeling) community the question of the holding of an act of self-determination to determine their future status.

By another decision of 7 December 1983 (decision 38/420) the Assembly authorized the Secretary-General to appoint and dispatch a United Nations mission to visit the Cocos (Keeling) Islands in 1984, and requested him to report on the findings of the Visiting Mission to the Assembly at its thirty-ninth session.

7. East Timor

In February 1983, the International Committee of the Red Cross (ICRC) and the Indonesian Red Cross signed a Protocol of Agreement outlining the procedure to be followed with respect to the departure of persons from the Territory. The Protocol distinguished between "migration" to Australia and "repatriation" to Portugal.¹⁵

In a note to the General Assembly dated 19 August 1983 (A/38/352) the Secretary-General stated that, in view of recent developments regarding the question of East Timor, he did not consider it opportune to submit a substantive report to the Assembly on its efforts to contribute to a comprehensive settlement of the problem at that time. He proposed to submit that report to the thirty-ninth session of the General Assembly.¹⁶

The Special Committee considered the Territory on 2 September 1983. It decided to continue consideration of the item at its next session, subject to any directives which the Assembly might give in that connection at its thirty-eighth session.¹⁷

By its decision 38/402 of 23 September 1983, the General Assembly, *inter alia*, decided to include the item entitled "Question of East Timor" in the provisional agenda of its thirty-ninth session.

8. Falkland Islands (Malvinas)

A new constitution for the Falkland Islands (Malvinas) is reportedly being drawn up by the Foreign and Commonwealth Office based on the recommendations of a Falkland Islands Select Committee. The Committee in turn had, in the early part of 1983, sent out a questionnaire to elicit islander opinion on the constitution of the Islands.¹⁸

¹⁵ A/AC.109/747.

¹⁶ A/AC.109/783.

¹⁷ A/38/23, chap. X.

¹⁸ A/AC.109/788.

The Special Committee considered the Territory on 31 August and 1 September 1983. On 1 September, it adopted a decision on the question of the Falkland Islands (Malvinas).¹⁹

On 16 November 1983, the General Assembly adopted a substantially identical resolution on the question (resolution 38/12) in which, *inter alia*, it reiterated its request to the Governments of Argentina and the United Kingdom to resume negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas); it also requested the Secretary-General to continue his renewed mission of good offices in order to assist the parties in complying with such request, and to take the necessary measures to that end. The Assembly took note of the report of the Secretary-General on the implementation of Assembly resolution 37/9; and requested the Secretary-General to submit a report to it at its next session on the progress made in the implementation of the present resolution.

9. Gibraltar

The Special Committee considered the Territory on 14 September 1983. Taking into account the continuing discussions between the parties concerned, it decided to continue its consideration of the item at its next session, and to transmit the relevant documentation to the Assembly.²⁰

The United Kingdom Secretary of State for Foreign and Commonwealth Affairs and the Minister for External Affairs of Spain held meetings on 6 September 1983 in Madrid; on 26 September and 9 December 1983 in New York.²¹

On 7 December 1983, the General Assembly adopted decision 38/415 in which, *inter alia*, it urged the Governments of Spain and the United Kingdom to make possible the initiation of negotiations as envisaged in the consensus adopted by the Assembly on 14 December 1973, with the object of reaching a lasting solution to the problem of Gibraltar in the light of the relevant resolutions of the Assembly and in the spirit of the Charter of the United Nations.

10. Guam

The Special Committee considered the Territory on 14 September 1983. It adopted the report of its Sub-Committee on Small Territories containing an account of its consideration of Guam and endorsed its conclusions and recommendations. It recommended to the General Assembly the adoption of a draft resolution on the question of Guam.²²

The draft was adopted on 7 December 1983 as resolution 38/42 in which the Assembly, *inter alia*, approved the chapter of the report of the Special Committee

¹⁹ A/38/23, chap. XXVI.

²⁰ A/38/23, chap. XI.

²¹ A/AC.109/780.

²² A/38/23, chap. XVII.

relating to Guam; called upon the administering Power to expedite the process of decolonization in accordance with the expressed wishes of the people of the Territory; reiterated its call upon the administering Power to remove the constraints which limit growth in the economic development of the Territory; and called upon the administering Power in co-operation with the local authorities, to accelerate the transfer of land to the people of the Territory.

11. Montserrat

During his visit to Saint Christopher and Nevis for the independence celebration in September 1983, the Chief Minister of Montserrat stated in a press interview that his Government would seriously consider the question of independence over the next six months and that the Territory could be ready for independence within two and a half years.²³

The Special Committee considered the Territory on 12 August 1983. It adopted the report of its Sub-Committee on Small Territories containing an account of its consideration of the Territory and endorsed its conclusions and recommendations. It recommended to the General Assembly the adoption of a draft resolution on the question of Montserrat.²⁴

The draft was adopted on 7 December 1983 as resolution 38/46 in which the Assembly, *inter alia*, approved the chapter of the report of the Special Committee relating to Montserrat; reiterated that it was the responsibility of the administering Power to create such conditions as would enable its people to exercise freely and without interference their inalienable right to self-determination and independence; and reaffirmed that it was ultimately for the people of Montserrat themselves to determine their future political status. In that connection, the Assembly reiterated its call upon the administering Power to launch, in co-operation with the territorial Government, programmes of political education so that the people of Montserrat might be fully informed of the options available to them in the exercise of their right to self-determination.

12. Namibia

The Secretary-General visited South Africa and Angola in August 1983 for consultations on the early implementation of Security Council resolution 435 (1978) of 29 September 1978. He also paid a brief familiarization visit to Namibia. At the conclusion of his trip, he issued a report,²⁵ in which he stated that his prolonged and intensive consultations had resulted as far as the United Nations Transitional Assistance Group (UNTAG) was concerned, in resolving virtually all the outstanding issues. However, the position of South Africa regarding the issue of the withdrawal of Cuban troops from Angola as a pre-condition for the implementation of Security

²³ A/AC.109/769.

²⁴ A/38/23, chap. XXII.

²⁵ S/15943.

Council resolution 435 (1978) still made it impossible to launch the United Nations plan.²⁶

The Special Committee considered the question of Namibia at various meetings between 1 September and 13 October 1983. On 13 October, it adopted a decision in which the Special Committee, *inter alia*, noted with great concern that the situation in and relating to Namibia continues to deteriorate because of South Africa's refusal to comply with the relevant decisions and resolutions of the United Nations; reaffirmed the inalienable right of the Namibian people to self-determination, freedom and national independence in a united Namibia; reaffirmed that Namibia is the direct responsibility of the United Nations until self-determination and national independence are achieved; it commended the leadership of the South West Africa People's Organization (SWAPO), demanded that South Africa release all Namibian political prisoners, condemned the South African and other foreign economic interests which continue to exploit and plunder the human and natural resources of the Territory, and strongly condemned the repeated acts of aggression perpetrated by South African armed forces against sovereign neighbouring States.²⁷

In its resolution 38/36 A adopted on 1 December 1983 the General Assembly, *inter alia*, reaffirmed once more the inalienable right of the people of Namibia to self-determination and national independence in a united Namibia and the legitimacy of their struggle by all means, including armed struggle, under the leadership of SWAPO. It firmly rejected the persistent attempts by the United States and South Africa to establish any linkage or parallelism between the independence of Namibia and any extraneous issues. By its resolution 38/36 B of the same date, the Assembly, *inter alia*, reiterated that Security Council resolution 435 (1978) was the only basis for a peaceful settlement of the question of Namibia and demanded its immediate and unconditional implementation. It also urged the Security Council to impose comprehensive mandatory sanctions against the racist régime of South Africa under Chapter VII of the Charter of the United Nations in order to ensure the total cessation of all co-operation with that régime.

13. Pitcairn

The Special Committee considered the Territory on 12 August 1983. It adopted the report of its Sub-Committee on Small Territories containing an account of its consideration of the Territory and adopted the draft consensus contained therein. It recommended to the General Assembly the adoption of a draft decision on the question of Pitcairn.²⁸

The draft was adopted as decision 38/414 of 7 December 1983, in which the Assembly, *inter alia*, took note of the willingness of the administering Power to discuss any change of constitutional status with the people of the Territory whenever the latter so desire. It once again called upon the administering Power to take the necessary measures to safeguard the interests of the people of Pitcairn.

²⁶ A/AC.109/784.

²⁷ A/38/23, chap. VIII.

²⁸ A/38/23, chap. XIV.

14. St. Helena

The Special Committee considered the Territory on 14 September 1983. It adopted the draft decision contained in the report of its Sub-Committee on Small Territories containing an account of its consideration of the Territory. It recommended to the General Assembly the adoption of a draft decision on the question of St. Helena.²⁹

The draft was adopted on 7 December 1983 as decision 38/416 in which the General Assembly, *inter alia*, expressed the hope that the administering Power would continue to implement infrastructure and community development projects aimed at improving the general welfare of the community and to encourage local initiative and enterprise. It noted with concern the presence of a military base on the dependency of Ascension and, in that regard, recalled all the relevant United Nations resolutions and decisions concerning military bases and installations in colonial and Non-Self-Governing Territories.

15. Tokelau

The Special Committee considered the Territory on 12 August 1983. It adopted the report of its Sub-Committee on Small Territories containing an account of its consideration of the Territory and adopted the draft consensus contained therein. It recommended to the General Assembly the adoption of a draft decision on the question of Tokelau.³⁰

The draft was adopted as decision 38/413 of 7 December 1983, in which the Assembly, *inter alia*, welcomed the assurances of the administering Power that it will continue to be guided solely by the wishes of the people of Tokelau as to the future status of the Territory; called upon the administering Power to continue its programme of political education within the context of its efforts to ensure the preservation of the identity and cultural heritage of the people of Tokelau; and expressed the opinion that the administering Power should continue to expand its programme of budgetary support and development aid to the Territory.

The General *Fono* (Council) had one meeting in September 1983, during which it took decisions regarding the day-to-day administration of the Territory as well as the allocation of money from the Community Services Levy.³¹

16. Turks and Caicos Islands

The Special Committee considered the Territory on 12 August 1983. It adopted the report of its Sub-Committee on Small Territories containing an account of its consideration of the Territory and endorsed its conclusions and recommendations. It recommended to the General Assembly the adoption of a draft resolution on the question of the Turks and Caicos Islands.³²

²⁹ A/38/23, chap. XV.

³⁰ A/38/23, chap. XIII.

³¹ A/AC.109/763.

³² A/38/23, chap. XXIII.

The draft was adopted as resolution 38/47 of 7 December 1983, in which the General Assembly, *inter alia*, approved the chapter of the report of the Special Committee relating to the Turks and Caicos Islands; emphasized that greater attention should be paid to diversification of the economy, for the benefit of the people of the Territory; reaffirmed its strong conviction that the administering Power must ensure that military bases and installations do not hinder the people of the Territory from exercising their right to self-determination and independence and urged the administering Power to take all necessary measures to comply fully with the relevant resolutions of the United Nations relating to military bases and installations in colonial and Non-Self-Governing Territories; and requested the administering Power to continue to provide necessary assistance for training qualified local personnel in the skills essential to the development of various sectors of society in the Territory.

17. United States Virgin Islands

It was reported in January 1983 that the territorial Committee of the Progressive Republican Party of the Virgin Islands (PRPVI) had placed on record its consideration that the United States Virgin Islands should not be included on the list of Territories considered by the Special Committee, since it "could in no way be considered a colony of the United States Government".³³

In September 1983, the Senate Committee on Government Operations, Planning and Public Services considered a bill to establish an 11-member commission for greater self-government. Under the bill, the commission would clarify the Territory's status on various issues. The commission would also be required to negotiate with United States officials to obtain the maximum degree of self-government for the people of the Territory as soon as possible. The Committee also considered a resolution for the establishment of a nine-member select committee, drawn from the Legislature, (a) to ascertain the views of the people on the question of status; and (b) to draft a compact of federal relations between the Territory and the administering Power. The Committee approved both proposals and submitted them to the Rules Committee of the Legislature for further consideration.³⁴

The Special Committee considered the Territory on 14 September 1983. It adopted the report of its Sub-Committee on Small Territories containing an account of its consideration of the Territory and endorsed its conclusions and recommendations. It recommended to the General Assembly the adoption of a draft resolution on the question of the United States Virgin Islands.³⁵

The draft was adopted on 7 December 1983 as resolution 38/48 in which the Assembly, *inter alia*, approved the chapter of the report of the Special Committee relating to the United States Virgin Islands; welcomed the enactment by the Congress of the United States of America of the Virgin Islands Alien Adjustment Act; took note of the fact that the Governor of the United States Virgin Islands had introduced legislation to provide for a constitutional convention to discuss political status alter-

³³ A/AC.109/740.

³⁴ A/AC.109/777.

³⁵ A/38/23, chap. XXIV.

natives and had recommended that a referendum on the convention's proposals be held simultaneously with the general election in 1984.

18. Western Sahara

At its nineteenth ordinary session held at Addis Ababa (Ethiopia) from 6 to 12 June 1983, the Assembly of Heads of State and Government of the Organization of African Unity (OAU) adopted a resolution by which it, *inter alia*, took note of the reports of the Implementation Committee of Heads of State on Western Sahara; urged the parties to the conflict, Morocco and the Frente Polisario, to undertake direct negotiations with a view to bringing about a cease-fire to create the necessary conditions for a peaceful and fair referendum without any administrative or military constraints, under the auspices of OAU and the United Nations, and called on the Implementation Committee to ensure the observance of the cease-fire.³⁶

The Special Committee considered the Territory on 2 and 8 September 1983. It decided to give consideration to the item at its next session, subject to any directives which the General Assembly might give in that connection at its thirty-eighth session, and to transmit the relevant documentation to the Assembly.³⁷

On 7 December 1983, the General Assembly adopted resolution 38/40 on the question of Western Sahara. In this resolution, the Assembly, *inter alia*, took note of the resolution adopted by the Assembly of Heads of State and Government of OAU at its nineteenth ordinary session on the subject; requested the Secretary-General to take necessary steps to ensure that the United Nations participates effectively in the organization and conduct of the referendum and to report to the Assembly and the Security Council; urged the Secretary-General to co-operate closely with the Secretary-General of OAU with a view to the implementation of the pertinent decisions of OAU and of the present resolution; and requested the Special Committee to continue to consider the question as a matter of priority.

³⁶ A/AC.109/749.

³⁷ A/38/23, chap. IX.

PART II

**ACTIVITIES OF THE
SUPERVISORY BODIES**

Section A. Practice of the supervisory bodies

A. Committee on the Elimination of Racial Discrimination

INTRODUCTION

The Committee on the Elimination of Racial Discrimination held two regular sessions in 1983. The twenty-seventh session (598th-625th meetings) was held from 7 to 25 March 1983; and the twenty-eighth session (626th-649th meetings) from 11 to 29 July 1983. Both sessions were held at United Nations Headquarters, New York.¹

In accordance with decision 2 (VI) of 21 August 1972 of the Committee concerning co-operation with the International Labour Organisation (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), representatives of both organizations attended the twenty-seventh and twenty-eighth sessions of the Committee.

At the twenty-eighth session, the report of the ILO Committee of Experts on the Application of Conventions and Recommendations, submitted to the sixty-ninth session of the International Labour Conference, was made available to the members of the Committee on the Elimination of Racial Discrimination in accordance with arrangements for co-operation between the two committees. The Committee took note with appreciation of the report of the Committee of Experts, in particular of those sections which dealt with the application of the 1958 Convention (No. 111) concerning discrimination in respect of employment and occupation, the 1957 Convention (No. 107) concerning indigenous and tribal populations, as well as other information in the report relevant to its activities.²

1. MATTERS ARISING OUT OF THE ENTRY INTO FORCE OF ARTICLE 14 OF THE CONVENTION

Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination entered into force on 3 December 1982, following the deposit with the Secretary-General of the tenth declaration made by a State party recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals under that article.³

¹ Report of the Committee on the Elimination of Racial Discrimination, *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 18 (A/38/18)*, para. 3.

² *Ibid.* (A/38/18), paras. 12-13.

³ *Ibid.* (A/38/18), para. 23.

The Committee considered this item at its 622nd to 625th meetings (twenty-seventh session), held on 23, 24 and 25 March 1983, and at its 644th to 646th meetings (twenty-eighth session), on 25 and 26 July 1983. For its discussion at the twenty-seventh session, the Committee had before it the preliminary draft provisional rules of procedure (CERD/C/27/CRP.3) submitted by the Secretary-General. In that document the rules had been grouped into three main categories: (a) General provisions (rules 79-84) dealing with the gathering of information by the Secretary-General on cases brought before the Committee; (b) Procedure for determining admissibility of communications (rules 85-92); and (c) Consideration of communications on their merits (rules 93-96). For its discussion at the twenty-eighth session, the Committee had before it the revised draft provisional rules of procedure (CERD/C/28/CRP.1).⁴

(a) *General provisions (rules 79 to 84)*

This part was considered and adopted by the Committee at its 622nd meeting (twenty-seventh session), on 23 March 1983.⁵

(b) *Procedure for determining admissibility of communications (rules 85 to 92)*

This part was considered, and adopted, by the Committee at its 623rd and 624th meetings (twenty-seventh session), on 24 March 1983, with the exception of some words in subparagraphs (a) and (b) of rule 90.⁶

The remaining parts of rule 90 which had been deferred for adoption from the twenty-seventh session, i.e. the words [emanate from] in subparagraph (a) and the last part of subparagraph (b), were considered by the Committee at its 644th and 645th meetings.⁷

At its 645th meeting (twenty-eighth session), on 25 July 1983, the Committee adopted by consensus the remaining parts of rule 90, retaining the words "emanates from" in subparagraph (a) and the last part of subparagraph (b), with the insertion of the words "in exceptional cases".⁸

(c) *Consideration of communications on their merits (rules 93 to 96)*

At its 624th and 625th meetings (twenty-seventh session), on 24 and 25 March 1983, the Committee began consideration of part C of the preliminary draft provisional rules of procedure. It examined and adopted the text of paragraphs 1 to 4 of rule 93 with some amendments. Paragraphs 5 and 6 of rule 93 were discussed and amendments were proposed to both of them.⁹

⁴ *Ibid.* (A/38/18), para. 24.

⁵ *Ibid.* (A/38/18), para. 26.

⁶ *Ibid.* (A/38/18), para. 34.

⁷ *Ibid.* (A/38/18), para. 48.

⁸ *Ibid.* (A/38/18), para. 52.

⁹ *Ibid.* (A/38/18), para. 43.

At its 645th meeting (twenty-eighth session) on 25 July 1983, the Committee reconsidered paragraphs 5 and 6 of rule 93.¹⁰

At the same meeting, the Committee adopted paragraph 5 of rule 93, by 10 votes to none, with 4 abstentions.

Also at the same meeting, paragraph 6 of rule 93 was adopted by consensus by the Committee.

Rule 94 was adopted by the Committee by consensus at its 646th meeting (twenty-eighth session), on 26 July 1983.

The Committee adopted rule 95 by consensus at its 646th meeting (twenty-eighth session).¹¹

Rule 96 was adopted by the Committee at its 646th meeting by 11 votes to 1, with 1 abstention.¹²

At its 646th meeting (twenty-eighth session), on 26 July 1983, the Committee adopted by consensus the provisional rules of procedure for considering communications from individuals or groups of individuals under article 14 of the Convention, with the amendments and modifications mentioned above. For the text of those rules as adopted by the Committee, see the annex to the present *Yearbook*.¹³

2. CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

(a) *Consideration of reports*

At its twenty-seventh and twenty-eighth sessions, the Committee examined the reports submitted by 36 States parties under article 9 of the Convention. The list of States parties whose reports were examined, together with indications of the type of reports and meetings at which the reports were considered, is included below. The relevant paragraphs of the report, containing a summary of the consideration of each periodic report are also indicated.

<i>State party</i>	<i>Type of report</i>	<i>Document symbol</i>	<i>Meetings at which considered</i>	<i>Date of consideration</i>	<i>Summary of consideration contained in the report,^a paragraphs:</i>
Cyprus	Seventh	CERD/C/91/Add.16	599	8/3/83	82-96
Poland	Seventh	CERD/C/91/Add.19	600	8/3/83	97-108
Ukrainian SSR	Seventh	CERD/C/91/Add.20	600-601	8-9/3/83	109-123
United Republic of Cameroon ...	Fifth/ Sixth	CERD/C/90/Add.1 and 5	602	9/3/83	124-137

¹⁰ *Ibid.* (A/38/18), para. 53.

¹¹ *Ibid.* (A/38/18), paras. 54, 55, 57 and 58.

¹² *Ibid.* (A/38/18), para. 59.

¹³ *Ibid.* (A/38/18), para. 60.

<i>State party</i>	<i>Type of report</i>	<i>Document symbol</i>	<i>Meetings at which considered</i>	<i>Date of consideration</i>	<i>Summary of consideration contained in the report,^a paragraphs:</i>
Morocco	Sixth	CERD/C/90/Add.6	602-603	9-10/3/83	138-147
Yugoslavia	Seventh	CERD/C/91/Add.22	604	10/3/83	148-161
United Kingdom.....	Seventh	CERD/C/91/Add.24	605-606	11/3/83	162-178
Byelorussian SSR	Seventh	CERD/C/91/Add.23	606-607	11 & 14/3/83	179-190
Haiti	Fifth	CERD/C/89/Add.2	607-608	14/3/83	191-200
Lesotho	Fifth/ Sixth	CERD/C/90/Add.2	608	14/3/84	201-206
Venezuela.....	Seventh	CERD/C/91/Add.27	608-609	14-15/3/83	207-216
Bahamas	Third/ Fourth	CERD/C/88/Add.2	610	15/3/83	217-228
Tunisia	Seventh	CERD/C/91/Add.28	610-611	15-16/3/83	229-237
Madagascar	Seventh	CERD/C/91/Add.29	611-612	16/3/83	238-250
Brazil	Seventh	CERD/C/91/Add.25	612-613	16-17/3/83	251-264
Chile.....	Sixth	CERD/C/90/Add.4 and Corr.1	614	17/3/83	265-277
India	Seventh	CERD/C/91/Add.26	614-615	17-18/3/83	278-291
Islamic Republic of Iran	Seventh	CERD/C/91/Add.31	615-616	18/3/83	292-298
Federal Republic of Germany.....	Seventh	CERD/C/91/Add.30	616 and 621	18 & 23/3/83	299-311
France	Sixth	CERD/C/90/Add.3	627-628	12/7/83	312-326
United Republic of Tanzania.....	Fifth	CERD/C/75/Add.10	628	12/7/83	327-336
Fiji	Fifth	CERD/C/89/Add.3	629	13/7/83	337-347
Ghana	Sixth/ Seventh	CERD/C/91/Add.21	629-630	13/7/83	348-358
Pakistan	Seventh	CERD/C/91/Add.3	630-631	13-14/7/83	359-371
Iraq	Sixth	CERD/C/76/Add.5	631-632	14/7/83	372-384
Malta	Sixth	CERD/C/90/Add.8, 9 and 11	632	14/7/83	385-389
Canada.....	Sixth	CERD/C/76/Add.6 and 7	633-634	15/7/83	390-407
Zambia.....	Second/ Third/ Fourth/ Fifth/ Sixth	CERD/C/106/Add.1	634-635	15 & 18/7/83	408-420
Solomon Islands.....	Initial	CERD/C/101/Add.1	635-636	18/7/83	421-430
Sweden	Sixth	CERD/C/106/Add.2	636	18/7/83	431-441
Cuba.....	Sixth	CERD/C/106/Add.3	637-638	19/7/83	442-454
Nicaragua	Second/ Third	CERD/C/103/Add.1 and Corr.1	638-639	19-20/7/83	455-464
China.....	Initial	CERD/C/101/Add.2 and 3	639-640	207/83	465-475

<i>State party</i>	<i>Type of report</i>	<i>Document symbol</i>	<i>Meetings at which considered</i>	<i>Date of consideration</i>	<i>Summary of consideration contained in the report,^a paragraphs:</i>
Togo	Initial/ Second/ Third/ Fourth/ Fifth	CERD/C/75/Add.12	640-641	21/7/83	476-486
Niger	Sixth/ Seventh	CERD/C/91/Add.34	642	21/7/83	487-497
Nigeria	Seventh	CERD/C/91/Add.32 and 35	642-643	21-22/7/83	498-511

^a A/38/18.

(b) *Question of demographic composition*

During the consideration of reports submitted by States parties under article 9 of the Convention, a member observed that the Government of a specific State party had declined to provide information on the demographic composition of its population, as requested in the Committee's guidelines and in its general recommendation IV, on the grounds that any attempt to group the population according to ethnic origin would go against the principles of equality laid down in the Convention. He wondered how legitimate such an argument was and whether or not the Committee had considered what complications might be involved in determining a country's ethnic composition.

The Committee noted that, for the most part, States parties were providing such information in their reports. It was indicated that while some States gathered demographic statistics on the ethnic composition of their populations, others did not take these criteria into account. It was pointed out that in some States with a heterogeneous population it was considered improper to inquire about ethnic origins or skin colours in taking a population census and that there were States in which there were genuinely no ethnic differences. Such States could not be expected to respond in the same way as multi-ethnic States. Members were of the opinion that information on the demographic composition was of relevance to many articles of the Convention and that the Committee could not effectively deal with the problem of racial discrimination without having such information. It was agreed that such information need not be precise demographic statistics but at least percentages of the total population.

The Committee agreed that it should continue to request relevant information on the demographic composition of the States parties, but if a State party replied that it was unable to provide such information and subsequently an ethnic problem arose in that country, the Committee would be correct in pressing for such information.¹⁴

¹⁴ *Ibid.* (A/38/18), paras. 512 to 514.

3. CONSIDERATION OF PETITIONS, REPORTS AND OTHER INFORMATION RELATING TO TRUST AND NON-SELF-GOVERNING TERRITORIES AND TO ALL OTHER TERRITORIES TO WHICH GENERAL ASSEMBLY RESOLUTION 1514 (XV) APPLIES, IN CONFORMITY WITH ARTICLE 15 OF THE CONVENTION

Article 15, paragraph 2 of the Convention reads as follows:

“2. (a) The Committee established under article 8, paragraph 1, of this Convention shall receive copies of the petitions from, and submit expressions of opinion and recommendations on these petitions to, the bodies of the United Nations which deal with matters directly related to the principles and objectives of this Convention in their consideration of petitions from the inhabitants of Trust and Non-Self-Governing Territories and all other Territories to which General Assembly resolution 1514 (XV) applies, relating to matters covered by this Convention which are before these bodies.

“(b) The Committee shall receive from the competent bodies of the United Nations copies of the reports concerning the legislative, judicial, administrative or other measures directly related to the principles and objectives of this Convention applied by the administering Powers within the Territories mentioned in subparagraph (a) of this paragraph, and shall express opinions and make recommendations to these bodies.”

Article 15, paragraph 3, states:

“3. The Committee shall include in its report to the General Assembly a summary of the petitions and reports it has received from United Nations bodies, and the expressions of opinion and recommendations of the Committee relating to the said petitions and reports.”

The Committee considered this item at its 625th meeting (twenty-seventh session), on 25 March 1983, and at its 646th meeting (twenty-eighth session), on 26 July 1983.¹⁵

The opinions and recommendations of the Committee, based on its consideration of copies of reports and other information submitted to it in 1983 under article 15 of the Convention, as adopted by the Committee at its 646th meeting, on 26 July 1983 appear below in Part II, Section B, of the present *Yearbook*.

4. DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION

During the year under review, the Committee considered that item at its 616th to 621st and 625th meetings (twenty-seventh session) held on 18, 21 to 23 and 25 March 1983 and at its 644th meeting (twenty-eighth session) on 25 July 1983.

At its twenty-seventh session, the Committee had before it two draft studies: one on the implementation of article 4 and the other on the implementation of article 7 of the Convention. Those studies had been prepared respectively by the Special Rapporteurs, Messrs. Inglés and Ténékidès, pursuant to a decision of the Committee taken at its twenty-third session. The two studies constituted the Committee's contribution to the Second World Conference to Combat Racism and Racial Discrimination, held at the United Nations Office at Geneva from 1 to 12 August 1983.

¹⁵ *Ibid.* (A/38/18), para. 515.

At the same session, the Committee had also to respond to two invitations: one made by the Secretary-General of the Second World Conference, inviting the Committee to participate at the second Preparatory Sub-Committee for the Second World Conference, New York, 21-25 March 1983; the other made by the Secretary-General in accordance with General Assembly resolution 37/41, inviting the Committee to be represented by observers at the Second World Conference, Geneva, 1-12 August 1983. Accordingly, the Committee, at its 616th meeting, designated one of its members to represent the Committee at the second Preparatory Sub-Committee and, at its 625th meeting, it designated its Chairman, Mr. Inglés and another member to represent the Committee at the Second World Conference.

The draft study on the implementation of article 7 of the Convention was considered by the Committee at its 617th to 620th meetings. In introducing it to the Committee, the Special Rapporteur, Mr. Ténékidès, emphasized the unique character of the provisions contained in that article in the national and international legal order.¹⁶

A number of written amendments, submitted by members and accepted by the Special Rapporteur, were adopted by the Committee.

At its 620th meeting, the Committee adopted the draft study on the implementation of article 7 of the Convention as amended and, subject to final revision by the Special Rapporteur, authorized its transmission, through the Secretary-General, to the Second World Conference.

The Committee then turned to the consideration of the draft study on article 4 of the Convention prepared by the Special Rapporteur, Mr. Inglés. In introducing the study, Mr. Inglés pointed out that he had incorporated the views expressed by the Committee members during and after the twenty-sixth session and hoped that they would find their views accurately reflected in the study.¹⁷

At its 621st meeting, the Committee adopted the draft study on article 4 of the Convention with some amendments and requested the Secretary-General to transmit it on behalf of the Committee to the Second World Conference.¹⁸

B. Human Rights Committee

INTRODUCTION

The Human Rights Committee held three sessions in 1983: the eighteenth session (410th to 436th meetings) was held at United Nations Headquarters, New York, from 21 March to 8 April 1983; the nineteenth session (437th to 464th meetings) was held at the United Nations Office at Geneva from 11 to 29 July 1983; and the twen-

¹⁶ *Ibid.* (A/38/18), paras. 525 to 528.

¹⁷ *Ibid.* (A/38/18), paras. 530 to 532.

¹⁸ *Ibid.* (A/38/18), para. 535.

tieth session (465th to 489th meetings) was held at the United Nations Office at Geneva from 24 October to 11 November 1983.¹⁹

In accordance with rule 89 of its provisional rules of procedure, the Committee established working groups to meet before its eighteenth, nineteenth and twentieth sessions in order to make recommendations to the Committee regarding communications under the Optional Protocol to the International Covenant on Civil and Political Rights.²⁰

1. ORGANIZATIONAL AND OTHER MATTERS

(a) *Question of publicity for the work of the Committee*

At its eighteenth session, the Committee was informed of General Assembly resolution 37/191, which took note, with appreciation, of the request of the Human Rights Committee that its official records should be made available annually in bound volumes, and that the Secretary-General would give careful consideration to the possibility of publishing the annual bound volumes of the documents of the Committee within available resources during the current biennium; that should funds not be available during the current biennium, they should be requested as from the biennium 1983-1985; that, if approved, the publication of the volumes would then commence from 1984; and that it was the intention of the Secretary-General, subject to the availability of funds, to publish the volumes initially in English and French only, as a measure of economy.

The Committee took note with appreciation of the General Assembly resolution on the subject and requested the Secretariat to pursue with due urgency its efforts to have those volumes published as soon as possible.

The Committee exchanged views on the revised text of the working paper containing selected decisions under the Optional Protocol and decided to authorize by consensus the publication of the revised text in its present format.

At its nineteenth session, the Assistant Secretary-General, Centre for Human Rights, informed the Committee that regrettably there were no resources within the present biennium. However, resources had been requested for the biennium 1984-1985 to produce two bound volumes a year. That arrangement would be continued in subsequent programme budgets. He added that continued efforts would be made to cover the outstanding years, having regard to the availability of resources. Members of the Committee expressed their dissatisfaction at the delay in the publication of the annual bound volumes, as the publication was an extremely important means in the Committee's efforts to promote the cause of human rights through the most effective exercise of its functions under the Covenant. Members also indicated that the volumes should commence from the first year of the Committee.²¹

¹⁹ Reports of the Human Rights Committee, *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 40 (A/38/40)*, para. 4; *ibid.*, *Thirty-ninth Session, Supplement No. 40 (A/39/40)*, para. 4.

²⁰ *Ibid.*, *Thirty-eighth Session, Supplement No. 40 (A/38/40)*, para. 11.

²¹ *Ibid.* (A/38/40), paras. 22 to 25.

Members of the Committee have constantly emphasized the need for more publicity to be given both to the text of the Covenant itself (together with the Optional Protocol) and to the work of the Committee in promoting the due observance and enjoyment of the rights and freedoms set forth in the Covenant.

It is important that the text of the Covenant should be available not only in the working languages of the United Nations but in the official languages, and so far as possible other native languages of the States parties. To assist with this process the Centre for Human Rights is compiling a collection of different language texts.

The point is also frequently made in the course of the examination of States' reports that every State party should take steps to bring the Covenant to the attention of the administrative and judicial authorities so that they are aware of the obligations that the State has assumed under it.

An admirable example of ways in which knowledge and understanding of human rights can be promoted was an all-island poster competition for school-children organized by the Sri Lanka Human Rights Centre with the objective of fostering humanitarian attitudes of mutual respect and tolerance and of creating greater awareness of the articles of the Universal Declaration of Human Rights. Arrangements were made in co-operation with the Government of Sri Lanka to have the children's posters, illustrative of human rights, exhibited at the United Nations Office at Geneva while the Committee was examining the report of Sri Lanka.²²

(b) *Action by the General Assembly on the annual report submitted by the Committee under article 45 of the Covenant*

This item was considered by the Committee at its 414th meeting held on 23 March 1983.

Members of the Committee expressed their satisfaction at the interest shown in the Third Committee in the work of the Committee and for the considerable amount of attention which the Third Committee had given to the consideration of the annual report. The draft resolution adopted by the Third Committee at the end of its consideration of the Committee's annual report clearly reflected that interest as well as the appreciation of the Third Committee for the serious and constructive manner in which the Committee was continuing to perform its functions.

It was noted that various individual opinions and suggestions were expressed or made in the Third Committee concerning several issues relating to the work of the Committee and to the obligations of States parties under the Covenant and its Optional Protocol.

Members of the Committee commented on the various opinions and suggestions made in the Third Committee relevant to its work.

Members noted that concern had been voiced in the Third Committee with regard to the difficulties encountered by certain States parties in submitting reports in view of the lack of resources and the proliferation of reporting procedures under various human rights instruments. They emphasized the importance of co-ordination among United Nations organs and considered that the best way to achieve

²² *Ibid.*, *Thirty-ninth Session, Supplement No. 40 (A/39/40)*, paras. 26 to 29.

it was for the Centre for Human Rights to bring together representatives of those organs for short meetings, with a view to considering this matter in the light of the respective experience of their organs.

Members of the Committee agreed that it would be useful if the Secretariat would prepare a document summarizing suggestions made in the Third Committee.

At its nineteenth session, the Assistant Secretary-General, Centre for Human Rights, informed the Committee that steps were being taken to explore the means by which co-ordination could be enhanced, that consultations would be undertaken with the chairmen of the relevant organs and that, financial resources permitting, the possibility would be examined of holding a consultative meeting of these chairmen.²³

(c) *Decision recommending the inclusion of Arabic among the official and working languages of the Human Rights Committee*

At the eighteenth session, the Committee resumed consideration of the proposed introduction of Arabic as an official and working language of the Human Rights Committee.

The Committee, after further discussion, adopted a decision recommending the inclusion of Arabic among its official and working languages and requesting the Secretary-General to take the appropriate steps to that end and, in that connection, the Committee was apprised of the financial implications by the Assistant Secretary-General, Centre for Human Rights (for the text of the decision, see section B below).²⁴

(d) *Participation in meetings*

At its eighteenth session, the Committee was informed of the text of a letter addressed to its Chairman from the Assistant Secretary-General, Centre for Human Rights, inviting him to send a representative to a special international seminar to be held at Geneva from 20 June to 1 July 1983 to discuss the experience of different countries in the implementation of international standards on human rights. The seminar was being organized as one of the suggested measures for the celebration of the thirty-fifth anniversary of the Universal Declaration of Human Rights.

The Committee decided, at the recommendation of its Bureau, to designate a former member and Rapporteur of the Committee to represent it at the seminar.

At its nineteenth session, both the Chairman of the Committee, Mr. Mavromatis, and ex-member and Rapporteur, Mr. Lallah, reported to the Committee on their participation, on its behalf, at the International Seminar on the Experience of Different Countries in the Implementation of International Standards on Human Rights, held at Geneva. The Chairman informed the Committee that he had received an invitation addressed to him by the Secretary-General of the Second World Conference to Combat Racism and Racial Discrimination and that he would attend this Conference to be held in Geneva.²⁵

²³ *Ibid.*, *Thirty-eighth Session, Supplement No. 40* (A/38/40), paras. 27 to 29 and 30 to 32.

²⁴ *Ibid.* (A/38/40), paras. 33 and 34.

²⁵ *Ibid.* (A/38/40), paras. 37 to 39.

2. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

(a) *Consideration of reports*

The initial reports submitted by Austria, Nicaragua, Peru, France and Lebanon were considered by the Committee at its eighteenth and nineteenth sessions:

<i>State party</i>	<i>Type of report</i>	<i>Document symbol</i>	<i>Meetings at which considered</i>	<i>Date of consideration</i>	<i>Summary of consideration contained in the report^a paragraphs:</i>
Austria	Initial	CCPR/C/6/Add.7	412, 413, 416 and 417	22 and 24/3/83	178-219
Nicaragua	Initial	CCPR/C/14/Add.2	420, 421, 422, 428 and 429.	28 and 29/3/83 and 4/4/83	220-254
Peru.....	Initial	CCPR/C/6/Add.9	430, 431 and 435	5 and 7/4/83	255-290
France.....	Initial	CCPR/C/22/Add.2	439, 440, 441 and 445	12, 13 and 15/7/83	291-335
Lebanon	Initial	CCPR/C/1/Add.60	442, 443, 444 and 446	14, 15 and 18/7/83	336-373

^a A/38/40.

A major new development which took place during the twentieth session was the beginning of the consideration of second periodic reports.

Under article 40, paragraph 1 (b), of the Covenant and in the light of the Committee's decision on periodicity, States parties are required to submit a second periodic report generally five years from the date of consideration of their initial report or of additional information. The initial guidelines on the contents of such reports were set out in paragraph (a) of the statement on the Committee's duties under article 40 of the Covenant. Paragraph (i) of the statement provided that prior to the meetings with representatives of the reporting States at which the second periodic report would be considered, a working group of three members of the Committee should review the information so far received by the Committee in order to identify those matters which it would seem most helpful to discuss with those representatives. Subsequently, at its twentieth session, the Committee considered a paper submitted by its Working Group on General Comments which contained additional proposals regarding the approach and procedure for consideration of second periodic reports.

The Working Group recommended, *inter alia*, that:

- (i) As an approach to dealing with second periodic reports, the Committee should focus on the progress made in each State party since the time of submission of the initial report. Other focal points in the consideration of periodic reports should be in line with guidelines stressed in paragraph (g) of the statement on the duties of the Human Rights Committee under article 40 of the Covenant and elaborated in the guidelines regarding the form

and contents of reports from States parties under article 40, paragraph 1 (b), of the Covenant;

- (ii) The method for considering second periodic reports need not in principle differ significantly from that followed by the Committee in considering initial reports. However, a different method, whereby replies to questions posed could be expected during the same meeting, would be desirable, provided the States parties' representatives would be willing to do that. It might be even worth while to approach the State party in advance with a view to seeking its acceptance to conduct the dialogue in that way;
- (iii) The Committee should reconstitute the working group at the beginning of the session and charge three members, as indicated in paragraph (i) of the statement, to review the information contained in the second periodic report in order to identify those matters which would seem most helpful to discuss with the representatives of the State concerned.

Although the Committee did not take any formal decision on these recommendations, the approach suggested by the working group was applied by the Committee when, for the first time, it considered the second periodic report of Yugoslavia at its twentieth session. In particular, the Sessional Working Group of Three established by the Committee prepared an informal list inquiring both as to the general progress made since the examination of the initial report, including the response to the Committee's proceedings and promotional activities concerning the Covenant, and as to the state of implementation of specific articles which was discussed and amended in the Committee. In transmitting the list to the representatives of Yugoslavia, it was made clear that individual members might well wish to pose other questions during the course of the proceedings.

Many members felt that this experimental procedure, followed in the consideration of Yugoslavia's second periodic report, was positive. There was general agreement that the specific form of dialogue employed by the Committee on an experimental basis and made possible by the Yugoslav delegation's readiness to cooperate had clearly proven to be very useful.²⁶

The initial reports of El Salvador, Sri Lanka, Guinea and New Zealand and the second periodic report submitted by Yugoslavia were considered by the Committee at its twentieth session.

<i>State party</i>	<i>Type of report</i>	<i>Document symbol</i>	<i>Meetings at which considered</i>	<i>Date of consideration</i>	<i>Summary of consideration contained in the report^a paragraphs:</i>
El Salvador	Initial	CCPR/C/14/Add.5	468, 469, 474 and 485	27/10, 1/11 and 9/11/83	68-94
Sri Lanka	Initial	CCPR/C/14/Add.4 and 6	471, 472, 473 and 477	31/10, 1 and 2/11/83	95-135
Guinea	Initial	CCPR/C/6/Add.5	475, 476, 485 and 486	2 and 9/11/83	136-160

²⁶ *Ibid.*, *Thirty-ninth Session, Supplement No. 40 (A/39/40)*, paras. 58 to 61.

<i>State party</i>	<i>Type of report</i>	<i>Document symbol</i>	<i>Meetings at which considered</i>	<i>Date of consideration</i>	<i>Summary of consideration contained in the report^a paragraphs:</i>
New Zealand...	Initial	CCPR/C/10/Add.10	481, 482 and 487 10/11/83	? and ?/11/83	161-192
Yugoslavia	Second	CCPR/C/28/Add.1	483, 484 and 488	8 and 10/11/83	195-238

^a A/39/40.

(b) *Question of the reports and general comments of the Committee*

At its eighteenth session, the Committee exchanged views on draft general comments relating to articles 14 and 20, as prepared before and during that session by its working group.

At its nineteenth session, the Committee considered the draft general comments as prepared before and during the nineteenth session by its Working Group and adopted the general comments relating to articles 19 and 20 of the Covenant (see Part II, Section B, below). Consideration of the draft relating to article 14 had to be adjourned.

An amended draft proposal in connection with article 40 (1) (b) of the Covenant referring, *inter alia*, to article 4 was introduced, but due to lack of time further discussion was deferred until the next session.²⁷

During its twentieth session the Committee discussed its general comments on article 1 at the 476th and 478th meetings.²⁸

3. CONSIDERATION OF COMMUNICATIONS UNDER THE OPTIONAL PROTOCOL

Since the Committee started its work under the Optional Protocol at its second session in 1977, 147 communications have been placed before it for consideration (124 of these were placed before the Committee from its second to its sixteenth sessions; 23 further communications have been placed before the Committee since then, at its seventeenth, eighteenth and nineteenth sessions). During these seven years, some 305 formal decisions have been adopted. A publication containing a selection of decisions from the first to the sixteenth session, will be published in the near future.

The status of the 147 communications placed before the Human Rights Committee for consideration, so far, is as follows:

- (a) Concluded by views under article 5 (4) of the Optional Protocol: 49
- (b) Concluded in another manner (inadmissible, discontinued, suspended or withdrawn): 64
- (c) Declared admissible, not yet concluded: 12

²⁷ *Ibid.*, *Thirty-eighth Session, Supplement No. 40* (A/38/40), paras. 375 to 377.

²⁸ A/39/40, para. 548.

(d) Pending at pre-admissibility stage (19 thereof transmitted to the State party under rule 91 of the Committee's provisional rules of procedure): 22²⁹

At its eighteenth session, held from 21 March to 8 April 1983, the Human Rights Committee, or its Working Group on Communications, examined 38 communications submitted to the Committee under the Optional Protocol. The Committee concluded consideration of eight cases by adopting its views thereon. These are cases Nos. 16/1977 (*Daniel Monguya Mbenge et al. v. Zaire*); 49/1979 (*Dave Marais, Jr. v. Madagascar*); 74/1980 (*Miguel Ángel Estrella v. Uruguay*); 75/1980 (*Duilio Fanali v. Italy*); 77/1980 (*Samuel Lichtensztejn v. Uruguay*); 80/1980 (*Elena Beatriz Vasilskis v. Uruguay*) 88/1981 (*Gustavo Raúl Larrosa Bequio v. Uruguay*) and 106/1981 (*Mabel Pereira Montero v. Uruguay*). Four communications were declared admissible and five inadmissible. Decisions were taken in six cases under rule 91 of the Committee's provisional rules of procedure requesting information on questions of admissibility from one or both of the parties. Consideration of one case was discontinued. Secretariat action was requested in the remaining 14 cases, mainly for the purpose of obtaining additional information from the authors to allow further consideration by the Committee.

At its nineteenth session, held from 11 to 29 July 1983, the Human Rights Committee, or its Working Group on Communications, examined 48 communications submitted to the Committee under the Optional Protocol. The Committee concluded consideration of six cases by adopting its views thereon. These are cases Nos. 43/1979 (*Adolfo Drescher Caldas v. Uruguay*); 90/1981 (*Luyeye Magana ex-Philibert v. Zaire*); 92/1981 (*Juan Almirati Nieto v. Uruguay*); 105/1981 (*Luis Alberto Estradet Cabreira v. Uruguay*); 107/1981 (*Elena Quinteros Almeida and Maria del Carmen Almeida de Quinteros v. Uruguay*) and 108/1981 (*Carlos Varela Nuñez v. Uruguay*). Four communications were declared admissible and two inadmissible. Decisions were taken in seven cases under rule 91 of the Committee's provisional rules of procedure, requesting information on questions of admissibility from one or both of the parties. Consideration of two cases was suspended. Consideration of nine cases was discontinued (some of which concern in substance the same matter, submitted individually by several alleged victims). Secretariat action was requested in the remaining 18 cases, mainly for the collection of further information.³⁰

At its twentieth session, held from 24 October to 11 November 1983, the Human Rights Committee, or its Working Group on Communications, examined 22 communications submitted to the Committee under the Optional Protocol. The Committee concluded consideration of two cases by adopting its views thereon. These are cases Nos. 83/1981 (*Raúl Noel Martínez Machado v. Uruguay*) and 103/1981 (*Battle Oxandararat Scarrone v. Uruguay*). Decisions were taken in 10 cases under rule 91 of the Committee's provisional rules of procedure, requesting information on questions of admissibility from one or both of the parties. Consideration of six cases was postponed. Secretariat action was requested in the remaining four cases, mainly for the purpose of obtaining additional information from the authors to allow further consideration by the Committee.³¹

²⁹ A/38/40, paras. 382 and 383.

³⁰ A/38/40, paras. 385 and 386.

³¹ A/39/40, para. 565.

Issues considered by the Committee

A summary illustrating the nature and results of the Committee's activities under the Optional Protocol can be found in paragraphs 570 to 625 of the Committee's report to the General Assembly at its thirty-ninth session.³²

C. Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights**I. ORGANIZATIONAL MATTERS**

The 1983 session of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights, established in accordance with Economic and Social Council resolutions 1988 (LX) of 11 May 1976 and 1982/33 of 6 May 1982 and Council decision 1978/10 of 3 May 1978, was held at United Nations Headquarters.³³

The Group of Experts held 24 meetings from 18 April to 5 May 1983.

The following specialized agencies were represented: the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization.³⁴

2. CONSIDERATION OF REPORTS SUBMITTED, IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1988 (LX), BY STATES PARTIES CONCERNING RIGHTS COVERED BY ARTICLES 6 TO 9, 10 TO 12 AND 13 TO 15 OF THE COVENANT

The Group of Experts considered the reports submitted by States parties concerning rights covered by articles 6 to 9 of the Covenant at its 2nd meeting, on 19 April; articles 10 to 12 at its 3rd meeting, on 19 April; and articles 13 to 15 at its 4th to 17th meetings, from 20 to 29 April 1983.

On each report the Group of Experts heard introductory statements by a representative or representatives of the State party whose report was being considered. Comments were then made on the report and introductory statements, and questions were put to the representative or representatives of the State party by the Group of Experts.

The representative or representatives of the State party submitting the report then replied to the questions raised during the consideration of the report.

At the 3rd meeting, the representative of the International Labour Organisation made a general statement on matters relating to its field of competence at the end of the discussion by the Group of Experts of the report of one State party.

³² A/39/40.

³³ E/1983/41, para. 1.

³⁴ E/1983/41, para. 6.

**Reports submitted by States parties concerning rights
covered by articles 6 to 9 of the Covenant**

<i>Report</i>	<i>Date considered</i>	<i>Discussion contained in document</i>
Syrian Arab Republic (E/1978/8/Add.25 and 31) ³⁵	19 April 1983	E/1983/WG.1/SR.2

3. ISSUES ARISING FROM THE CONSIDERATION OF REPORTS
OF STATES PARTIES TO THE COVENANT

The Group of Experts considered issues arising from the consideration of reports of States parties to the Covenant at its 17th and 20th to 24th meetings, on 29 April and from 3 to 5 May.³⁶

After its consideration of those issues, the Group of Experts agreed to bring the following matters to the attention of the Economic and Social Council:

(a) The Council may wish to invite States that have so far neither ratified nor acceded to the International Covenant on Economic, Social and Cultural Rights to do so, pursuant to General Assembly resolution 37/191 of 18 December 1982.

(b) The Council may wish to request States parties to the Covenant to submit reports required under article 16 of the Covenant, in accordance with the programme established by Council resolution 1988 (LX) of 11 May 1976, and to urge States parties which have not yet done so to submit their initial reports and to inform the Group of Experts when those reports would be submitted.

(c) In preparing their reports, Governments of the States parties to the Covenant should comply with the guidelines established by the Secretary-General concerning the form and content of reports, taking into account the relevant resolutions and decisions adopted by the General Assembly and the Economic and Social Council on the control and limitation of documentation, in particular General Assembly resolution 36/117 C of 10 December 1981. States parties should consequently limit their reports to a reasonable length in order to facilitate their consideration by the Group of Experts.

(d) The Economic and Social Council, recalling its resolution 1988 (LX) of 11 May 1976, may wish to call upon States parties to pay attention, in preparing their reports, to the principles laid down in parts I and II, articles 1 to 5, of the Covenant.

(e) The Council may wish to request States parties concerned to include in their reports information on the implementation of the International Covenant on Economic, Social and Cultural Rights in colonial and occupied territories.

(f) States parties are requested to submit balanced reports. Reports should be more than a mere transcription of legislative or administrative measures or a reproduction of detailed statistical data in narrative form. States parties are requested to include in their reports a brief introduction containing the demographic and macro-economic data necessary to make them more accessible for the Group of Experts in its consideration of the reports.

³⁵ E/1983/41, paras. 16 to 19.

³⁶ E/1983/41, para. 22.

(g) Reports of the States parties scheduled for consideration by the Group of Experts should be made available to the members of the Group of Experts at least six weeks before the opening of the session of the Group of Experts. Any reports by States parties received by the Office of the Secretary-General for processing less than 12 weeks before the opening of the session will be made available to the Group of Experts at its session in the following year.

(h) It is recommended that on presenting its report, each State party should send an expert or team of experts on the subjects covered in the report.

(i) The Group of Experts agreed to allocate time during a particular session to reporting States parties to enable them to prepare their responses to questions raised by the members of the Group of Experts.

(j) In so far as the consideration of a report submitted by a State party or the replies given by its representative indicate that additional information would be needed by the Group of Experts in its efforts to assist the Economic and Social Council in fulfilling its responsibilities under the International Covenant on Economic, Social and Cultural Rights, the representative of the reporting State may be requested by the Group of Experts to submit to it, within one year, supplementary information or written replies to specific questions raised by the Group of Experts.

(k) The attention of reporting States is drawn to the views expressed by the members of the Group of Experts during the consideration of their reports, as contained in the summary records, with a view to taking these into account in the preparation of their next periodic report concerning the same articles of the Covenant.

(l) The Economic and Social Council may wish to request the Secretary-General to make summary records available to the members of the Group of Experts during its session.

(m) The Council may wish to request the Secretary-General to give the instructions necessary to ensure that the United Nations press service issues press releases on the proceedings of the Group of Experts.³⁷

D. Group of Three established under the International Convention on the Suppression and Punishment of the Crime of Apartheid

1. ORGANIZATION OF THE SESSION

The Group held its sixth (1983) session at the United Nations Office at Geneva from 24 to 28 January 1983.³⁸

2. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE VII OF THE CONVENTION

The Group undertook the examination of the following reports: third report of Cuba (E/CN.4/1983/24/Add.1); report of Cape Verde (E/CN.4/1983/24/Add.3);

³⁷ E/1983/41, para. 24.

³⁸ *Report of the Group of Three established under the Convention* (E/CN.4/1983/25), para. 6.

report of St. Vincent and the Grenadines (E/CN.4/1983/24/Add.4); third report of Iraq (E/CN.4/1983/24/Add.10); second report of India (E/CN.4/1983/24/Add.6); report of Ecuador (E/CN.4/1983/24/Add.2); second report of Yugoslavia (E/CN.4/1983/24/Add.7); third report of Bulgaria (E/CN.4/1983/24/Add.8); third report of Poland (E/CN.4/1983/24/Add.9); third report of the Ukrainian Soviet Socialist Republic (E/CN.4/1983/24/Add.11); second report of Czechoslovakia (E/CN.4/1983/24/Add.5); report of Peru (E/CN.4/1983/24/Add.12).

The Group undertook the examination of each report in the presence of the representatives of the reporting States who had been invited to attend the meetings of the Group in accordance with the recommendations made by the Group since its 1979 session, with the exception of the reports of Cape Verde and St. Vincent and the Grenadines which were considered without the participation of Government representatives.³⁹

A summary of the consideration of the above-mentioned reports by the Group can be found in paragraphs 11 to 22 of document E/CN.4/1983/25.

³⁹ *Ibid.*, para. 10.

Section B. Relevant decisions, general recommendations, comments and observations of the supervisory bodies

A. Committee on the Elimination of Racial Discrimination

1. CONSIDERATION OF PETITIONS, REPORTS AND OTHER INFORMATION RELATING TO TRUST AND NON-SELF-GOVERNING TERRITORIES AND TO ALL OTHER TERRITORIES TO WHICH GENERAL ASSEMBLY RESOLUTION 1514 (XV) APPLIES, IN CONFORMITY WITH ARTICLE 15 OF THE CONVENTION

The opinions and recommendations of the Committee, based on its consideration of copies of reports and other information submitted to it in 1983 under article 15 of the Convention, as adopted by the Committee at its 646th meeting, on 26 July 1983, are as follows:

“The Committee on the Elimination of Racial Discrimination,

“Having examined the information contained in the documents relating to Trust and Non-Self-Governing Territories and to all other Territories to which General Assembly resolution 1514 (XV) applies, transmitted to it by the Trusteeship Council and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in accordance with the provisions of article 15, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination,

“Wishes to draw the attention of the General Assembly, the Trusteeship Council and the Special Committee to the following opinions and recommendations, in conformity with its obligations under article 15 of the Convention:

“AFRICAN TERRITORIES

“Namibia

“1. The Committee welcomes the accession of Namibia to the International Convention on the Elimination of All Forms of Racial Discrimination, represented by the United Nations Council for Namibia.

“2. The Committee looks forward to receiving the report of the United Nations Council for Namibia directly under article 9 of the Convention concerning the implementation of the Convention in Namibia.

“3. The Committee decides that in the interim period, until Namibia attains full independence, it will continue to take into account the information concerning Namibia furnished to it by other United Nations bodies under article 15 of the Convention.

“4. Pending the attainment by Namibia of its full independence, the Committee reiterates its request to the United Nations to use every possible means to prevent the South African régime from pursuing its policy of *apartheid* in Namibia.

“5. The Committee strongly deplores the fact that the South African régime continues to defy the decisions and resolutions of the United Nations, in particular Security Council resolution 439 (1978) of 13 November 1978, by further intensifying its efforts to enhance the powers of the illegal local administration and by ignoring completely the claims of the vast majority of the population, represented by the South West Africa People’s Organization (SWAPO), which is demanding the total abolition of *apartheid* and the exercise of its inalienable right to self-determination leading to genuine majority rule.

“PACIFIC AND INDIAN OCEAN TERRITORIES

“The Committee finds itself unable to fulfil its functions under article 15 of the Convention since the documents furnished by the competent bodies of the United Nations under that article of the Convention do not contain relevant information. The Committee therefore reiterates again its request to these bodies to furnish it with the material expressly mentioned in article 15 of the Convention, i.e. petitions as well as reports concerning the legislative, judicial, administrative or other matters directly related to the principles and objectives of the Convention applied by the administering Powers within the Territories mentioned in article 15 (2) (b) of the Convention.

“ATLANTIC OCEAN AND CARIBBEAN TERRITORIES,
INCLUDING GIBRALTAR

“*Anguilla*

“The Committee would wish to be provided with the text of the human rights provisions of the new Constitution which came into effect on 1 April 1982.

“*Bermuda*

“The Committee welcomes the fact that the Human Rights Commission began to administer the Human Rights Act from June 1982 to protect Bermudians from discrimination on racial, religious, political and social grounds in employment, business transactions, public services, accommodation and leisure activities. The Committee hopes to receive the text of the Human Rights Act as well as information on the activities of the Commission.

“*Falkland Islands (Malvinas)*

“The Committee, taking into account the situation in the Falkland Islands (Malvinas), welcomes and supports the relevant resolution of the United Nations aimed at finding a peaceful solution of the dispute.

“*St. Helena*

“The Committee has been drawing attention in its previous reports to the continuance of trade between St. Helena and South Africa and calling upon the administering Power promptly to take appropriate measures in compliance with

the pertinent resolutions of the United Nations. It regrets to note, however, that this recommendation has not been heeded. It is a matter of serious concern that the trade between St. Helena and South Africa continues.”¹

2. DECISION ADOPTED BY THE COMMITTEE AT ITS TWENTY-SEVENTH SESSION

“1 (XXVII). Information supplied by Cyprus relating to conditions in Cyprus”

“The Committee on the Elimination of Racial Discrimination,

“Having expressed, in its decision 1 (XXI) of 8 April 1980, its grave concern at the fact that Cyprus, a State party to the International Convention on the Elimination of All Forms of Racial Discrimination, was being prevented from fulfilling its obligations under that Convention in a part of its territory,

“Noting, on the basis of the seventh periodic report of Cyprus, that the hopes expressed on that occasion that a speedy normalization of conditions in Cyprus would be effected, and that refugees and other persons in Cyprus would be enabled to enjoy fully their fundamental human rights without discrimination, have again not been fulfilled,

“Alarmed by the fact that changes in the demographic composition of the population on the part of the territory which is not under the control of the Government of Cyprus, which exclude a considerable part of the population from the enjoyment of their legitimate rights, have been brought about and are continuing,

“Bearing in mind the fact that the Committee is exclusively competent in those matters of international law which are covered by the International Convention on the Elimination of All Forms of Racial Discrimination,

“1. Reiterates its expectation and hope that the Government of Cyprus will, without further delay, be enabled to exercise its full responsibility for the implementation of all its obligations under the Convention on its whole national territory, and that the unacceptable state of affairs in Cyprus, due to the foreign occupation of part of its territory, will finally be brought to an end;

“2. Expresses once again its grave concern and its earnest hope that the General Assembly and other appropriate bodies of the United Nations will take, in accordance with the Charter of the United Nations, the measures required for the implementation of their relevant resolutions and decisions with a view to putting an end to the conditions referred to in the foregoing paragraphs.”

*618th meeting
21 March 1983*

¹ A/38/18, para. 524.

² A/38/18, chap. VIII.

B. Human Rights Committee

1. DECISION RECOMMENDING THE INCLUSION OF ARABIC AMONG THE OFFICIAL AND WORKING LANGUAGES OF THE HUMAN RIGHTS COMMITTEE³

“*The Human Rights Committee,*

“*Aware of the need to achieve greater international co-operation and to promote harmonization of activities in the field of human rights,*

“*Aware of the need for the promotion of civil and political rights in the Arab countries and of the interest of these countries in ensuring the full effectiveness of the work of the Human Rights Committee,*

“*Bearing in mind* General Assembly resolutions 3190 (XXVIII) of 18 December 1973, 34/226 of 20 December 1979 and 35/219 of 17 December 1980 relating to the introduction of Arabic as an official and working language in the General Assembly and its main committees,

“1. *Recommends* the inclusion of Arabic among its official and working languages, and requests the Secretary-General to take the appropriate steps to that end;

“2. *Requests* the Secretary-General to ensure the publication of an official translation into Arabic of the text of the Bill of Rights containing the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol thereto.”

2. GENERAL COMMENTS UNDER ARTICLE 40, PARAGRAPH 4, OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS⁴

General comment 10 (19) (article 19)

1. Paragraph 1 requires protection of “the right to hold opinions without interference”. This is a right to which the Covenant permits no exception or restriction. The Committee would welcome information from States parties concerning paragraph 1.

2. Paragraph 2 requires protection of the right to freedom of expression, which includes not only freedom to “impart information and ideas of all kinds”, but also freedom to “seek” and “receive” them “regardless of frontiers” and in whatever medium, “either orally, in writing or in print, in the form of art, or through any other media” of one’s choice. Not all States parties have provided information concerning all aspects of the freedom of expression. For instance, little attention has so far been given to the fact that, because of the development of modern mass media, effective measures are necessary to prevent such control of the media as would interfere with the right of everyone to freedom of expression in a way that is not provided for in paragraph 3.

³ Adopted by the Committee at its 436th meeting (eighteenth session) on 8 April 1983. See A/38/40, annex V.

⁴ Adopted by the Committee at its 461st and 464th meetings (nineteenth session) held on 27 and 29 July 1983. See A/38/40, annex V1.

3. Many reports of States parties confine themselves to mentioning that freedom of expression is guaranteed under the Constitution or the law. However, in order to know the precise régime of freedom of expression, in law and in practice, the Committee needs in addition pertinent information about the rules which either define the scope of freedom of expression or which set forth certain restrictions, as well as any other conditions which in practice affect the exercise of this right. It is the interplay between the principle of freedom of expression and such limitations and restrictions which determines the actual scope of the individual's right.

4. Paragraph 3 expressly stresses that the exercise of the right to freedom of expression carries with it special duties and responsibilities and, for this reason, certain restrictions on that right are permitted which may relate either to the interests of other persons or to those of the community as a whole. However, when a State party imposes certain restrictions on the exercise of freedom of expression, these may not put in jeopardy the right itself. Paragraph 3 lays down conditions and it is only subject to these conditions that restrictions may be imposed: the restrictions must be "provided by law"; they may only be imposed for one of the purposes set out in subparagraphs (a) and (b) of paragraph 3; and they must be justified as being "necessary" for that State party for one of those purposes.

General comment 11 (19) (article 20)

1. Not all reports submitted by States parties have provided sufficient information as to the implementation of article 20 of the Covenant. In view of the nature of article 20, States parties are obliged to adopt the necessary legislative measures prohibiting the actions referred to therein. However, the reports have shown that in some States such actions are neither prohibited by law nor are appropriate efforts intended or made to prohibit them. Furthermore, many reports failed to give sufficient information concerning the relevant national legislation and practice.

2. Article 20 of the Covenant states that any propaganda for war and any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. In the opinion of the Committee, these required prohibitions are fully compatible with the right of freedom of expression as contained in article 19, the exercise of which carries with it special duties and responsibilities. The prohibition under paragraph 1 extends to all forms of propaganda threatening or resulting in an act of aggression or breach of the peace contrary to the Charter of the United Nations, while paragraph 2 is directed against any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, whether such propaganda or advocacy has aims which are internal or external to the State concerned. The provisions of article 20, paragraph 1, do not prohibit advocacy of the sovereign right of self-defence or the right of peoples to self-determination and independence in accordance with the Charter. For article 20 to become fully effective there ought to be a law making it clear that propaganda and advocacy as described therein are contrary to public policy and providing for an appropriate sanction in case of violation. The Committee, therefore, believes that States parties which have not yet done so should take the measures necessary to fulfil the obligations contained in article 20, and should themselves refrain from any such propaganda or advocacy.

3. VIEWS OF THE HUMAN RIGHTS COMMITTEE UNDER ARTICLE 5, PARAGRAPH 4 OF THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

During its sessions held in 1983, having concluded its consideration of a number of communications submitted to it under the Optional Protocol, and having taken into account all written information made available to it by the authors of the communications and by the States parties concerned, the Human Rights Committee adopted views and decisions under article 5, paragraph 4, of the Optional Protocol. A detailed account of views and decisions adopted can be found in annexes X to XXX of the Committee's report to the General Assembly at its thirty-eighth session⁵, and annexes VII and VIII of its report to the Assembly at its thirty-ninth session.⁶

Responses of the Governments of Canada, Finland and Mauritius to views adopted by the Committee concerning various communications can be found respectively in annexes XXXI, XXXII and XXXIII of the Committee's report to the General Assembly at its thirty-eighth session.⁷

C. Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights

MATTERS REQUIRING ACTION BY OR BROUGHT TO THE ATTENTION
OF THE ECONOMIC AND SOCIAL COUNCIL⁸

The Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights recommends to the Economic and Social Council the adoption of the following draft decisions:

DRAFT DECISION I

"The Economic and Social Council approves the following provisional agenda for 1984 of the Group of Experts.

"Provisional agenda for 1984 of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights

- "1. Consideration of reports submitted in accordance with Council resolution 1988 (LX) by States parties to the Covenant concerning rights covered by articles 6 to 9.

Documentation

Initial report.

Second periodic report.

⁵ A/38/40.

⁶ A/39/40.

⁷ A/38/40.

⁸ E/1983/41, paras. 27 and 28.

- “2. Consideration of reports submitted in accordance with Council resolution 1988 (LX) by States parties to the Covenant concerning rights covered by articles 10 to 12.

Documentation

Italy (E/1980/6/Add.31).

Canada (E/1980/6/Add.32).

- “3. Consideration of reports submitted in accordance with Council resolution 1988 (LX) by States parties to the Covenant concerning rights covered by articles 13 to 15.

Documentation

Guyana (E/1982/3/Add.5).

- “4. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies, in order to assist the Council to fulfil, in particular, its responsibilities under articles 21 and 22 of the Covenant.

- “5. Consideration of the report of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights.”

DRAFT DECISION II

“Bureau for 1984 of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights

“The Economic and Social Council decides that the Bureau for 1984 of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights shall be constituted as follows:

“*Chairman*: Western European and other States;

“*Vice-Chairmen*: African States, Asian States, Eastern European States;

“*Rapporteur*: Latin American States.”

The following is brought to the attention of the Economic and Social Council:

ISSUES ARISING FROM THE CONSIDERATION OF REPORTS
OF STATES PARTIES TO THE COVENANT

The Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights draws the attention of the Economic and Social Council to the issues arising from the consideration of reports of States parties to the Covenant, as discussed in chapter IV of the report on its 1983 session.

D. Group of Three established under the International Convention on the Suppression and Punishment of the Crime of *Apartheid*

CONCLUSIONS AND RECOMMENDATIONS OF THE SIXTH (1983) SESSION OF THE GROUP OF THREE⁹

The Group of Three expresses its appreciation to the representatives of the reporting States for their presence at its meetings and for their participation in its work. The practice of inviting representatives of States parties to the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, to be present at the meetings of the Group when reports submitted by their Governments are considered proved once again to be a useful and constructive contribution to its work and should be continued in the future.

The Group commends those States parties which have submitted periodic reports and urges those States parties which have not yet done so to submit their reports as required under article VII of the Convention as soon as possible.

The Group reiterates its recommendation that the general guidelines regarding the form and contents of reports should be fully taken into account by all States parties when preparing their reports.

The Group expresses concern at the fact that only 69 States have, as at 31 December 1982, become parties to the Convention. Being convinced that the ratification of, or accession to, the Convention on a universal basis and the implementation of its provisions are necessary for its effectiveness, the Group recommends once again to the Commission on Human Rights that it should urge all States which have not yet done so to ratify or to accede to the Convention without delay.

The Group calls upon States parties to provide in their reports more information on the legislative, judicial and administrative measures they have adopted to give effect to the provisions of article IV of the Convention, or on the difficulties which they may have encountered in the implementation of that article.

The Group also calls upon States parties to provide in their reports more information on concrete cases in which measures to prosecute, bring to trial and punish persons responsible for, or accused of, the acts enumerated in article II of the Convention, have been applied under their jurisdiction.

The Group calls upon States parties to identify in their reports, where possible, individuals, organizations, institutions and representatives of States deemed responsible for the crimes enumerated in article II of the Convention, as well as those against whom legal proceedings have been undertaken by the State party to the Convention, with a view to enabling the Commission to continue its progressive updating of the list referred to in article X of the Convention.

The Group wishes to appeal once again to States parties, through the Commission on Human Rights, to strengthen their co-operation at the international level to implement fully in accordance with the Charter of the United Nations the decisions taken by the Security Council and other competent organs of the United Nations aimed at the prevention, suppression and punishment of the crime of *apartheid*, in accordance with article VI of the Convention.

⁹ E/CN.4/1983/25, paras. 23 to 36.

The Group, recalling in particular paragraph 3 of General Assembly resolution 3068 (XXVIII) by which the Convention was adopted, wishes once again to draw the attention of States parties, and intergovernmental and non-governmental organizations, through the Commission on Human Rights, to the desirability of disseminating more information about the Convention and acquainting the public as widely as possible through the information media at their disposal with the implementation of its provisions by States parties as well as the work of the Group of Three established under article IX of the Convention.

The Group wishes to express in particular the importance of measures to be taken in the field of teaching and education for fuller implementation of the Convention and invites the States parties to include ample information on these measures in their reports.

The Group wishes to draw the attention of the States parties to the importance of article XI of the Convention and invites the States parties to include in their reports more information on their implementation of the provisions of this article.

The Group wishes once again to invite States parties, through the Commission on Human Rights, to submit their views on the interim study (E/CN.4/1426) prepared by the *Ad Hoc* Working Group of Experts on southern Africa in accordance with Commission resolution 12 (XXXVI) concerning ways and means of ensuring the implementation of international instruments such as the International Convention on the Suppression and Punishment of the Crime of *Apartheid*.

The Group wishes to request, through the Commission on Human Rights, the international organizations, organs and bodies of the United Nations system to intensify, in accordance with General Assembly resolution 37/47, their activities aimed at publicizing and disseminating material concerning problems of racial discrimination in general and *apartheid* in particular.

The Group wishes to draw attention once again to the importance of strengthening the assistance given to the national liberation movements in southern Africa.

E. Relevant decisions and resolutions of parent bodies

1. COMMISSION ON HUMAN RIGHTS

At its thirty-ninth session in 1983, the Commission on Human Rights adopted the following resolutions and decisions with regard to the International Convention on the Suppression and Punishment of the Crime of *Apartheid* and the International Covenants on Human Rights:

Resolution 1983/12 of 18 February 1983, entitled "Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid"¹⁰

"The Commission on Human Rights,

"Recalling its resolutions 10 (XXXV) of 5 March 1979, 13 (XXXVI) of 26 February 1980, 6 (XXXVII) of 23 February 1981 and 1982/10 of 25 February 1982,

¹⁰ *Official Records of the Economic and Social Council, 1983, Supplement No. 3 (E/1983/13), chap. XXVII, sect. A.*

“*Recalling* its resolution 7 (XXXIV) of 22 February 1978, in which it called upon States parties to the International Convention on the Suppression and Punishment of the Crime of *Apartheid* to submit, in accordance with article VII of the Convention, their first report not later than two years after becoming parties to the Convention and their periodic reports at two-year intervals,

“*Having considered* the report of the Group of three members of the Commission appointed under article IX of the International Convention on the Suppression and Punishment of the Crime of *Apartheid*,

“*Reaffirming* its conviction that ratification of, or accession to, the Convention on a universal basis and implementation of its provisions are necessary for its effectiveness and therefore will contribute to the eradication of the crime of *apartheid*,

“1. *Takes note with appreciation* of the report of the Group of three members of the Commission which was set up under the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, and in particular the conclusions and recommendations contained in that report;

“2. *Commends* those States parties to the International Convention on the Suppression and Punishment of the Crime of *Apartheid* that have submitted periodic reports and calls upon those States parties that have not yet done so to submit their reports as soon as possible, in accordance with article VII of the Convention;

“3. *Again urges* States which have not yet done so to ratify or accede to the Convention without delay;

“4. *Recommends once again* that all States parties should take full account of the general guidelines laid down by the Group of Three in 1978 for the submission of reports;

“5. *Requests once more* the Secretary-General to invite States parties to submit their views and comments on the interim study prepared by the *Ad Hoc* Working Group of Experts on southern Africa in accordance with Commission resolution 12 (XXXVI);

“6. *Further requests again* the Group of Three to examine in accordance with Commission resolution 1982/12 of 25 February 1982 whether the actions of transnational corporations which operate in South Africa come under the definition of the crime of *apartheid*, and whether or not some legal action could be taken under the Convention, and to report to the Commission;

“7. *Calls on* States parties to strengthen their co-operation at the national and the international level in order to implement fully the decisions taken by the Security Council and other competent United Nations bodies with a view to the prevention, suppression and punishment of the crime of *apartheid*, in accordance with article VI of the Convention and with the Charter of the United Nations;

“8. *Draws the attention* of States parties to the desirability of disseminating further information on the Convention, the implementation of its provisions and the work of the Group of Three established under article IX of the Convention;

“9. *Notes* the importance of measures to be taken by States parties in the field of teaching and education for fuller implementation of the International Convention on the Suppression and Punishment of the Crime of *Apartheid*;

“10. *Decides* that the Group of Three shall meet for a period of not more than five days before the fortieth session of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention.”

Resolution 1983/17 of 22 February 1983, entitled “Status of the International Covenants on Human Rights”¹¹

“The Commission on Human Rights,

“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, form the heart of the International Bill of Human Rights,

“Recalling its resolution 1982/18 of 9 March 1982 and General Assembly resolution 37/191 of 18 December 1982,

“Recalling its resolution 1982/42 of 11 March 1982 on development of public information activities in the field of human rights,

“Having considered the report of the Secretary-General on the status 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,

“Noting with appreciation that, following the appeals of the General Assembly and the Commission, more Member States have acceded to the International Covenants on Human Rights and to the Optional Protocol,

“Bearing in mind the important responsibilities of the Economic and Social Council in the implementation of the International Covenant on Economic, Social and Cultural Rights,

“Recognizing the important role of the Human Rights Committee in the implementation of the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as reflected in its report,

“1. *Reaffirms* the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for an observance of human rights and fundamental freedoms;

“2. *Takes due note* of Economic and Social Council resolution 1982/33 of 6 May 1982 concerning the review of the composition, organization and administrative arrangements of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights;

“3. *Appreciates* that the Human Rights Committee continues to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights and the Optional Protocol thereto and takes note of the further decision of the Human Rights Committee on the question of periodicity of reports from States parties under article 40,

¹¹ *Ibid.*

paragraph 1 (b), of the Covenant as well as the adoption by the Committee of further general comments under article 40, paragraph 4, of the Covenant;

“4. *Urges* all States which 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 as well as to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights;

“5. *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;

“6. *Emphasizes* the importance of the strictest compliance by States parties 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 thereto;

“7. *Stresses*, in particular, the obligations of a State party availing itself of the right of derogation from the provisions of the International Covenant on Civil and Political Rights in accordance with article 4, paragraph 1, of the Covenant to inform the other States parties immediately through the intermediary of the Secretary-General of the provisions from which it has derogated and of the reasons by which it was actuated;

“8. *Emphasizes* the importance of States parties sending experts to present their reports under the International Covenants on Human Rights, as well as nominating experts to serve on the implementation committees set up under the Covenants;

“9. *Welcomes* the measures being taken by the Secretary-General to improve the publicity for the work of the Human Rights Committee and urges the Secretary-General to continue to consider the most appropriate steps for the publication of the Committee's documentation and to report on this question to the Commission at its fortieth session;

“10. *Takes note* of paragraph 14 of General Assembly resolution 37/191 in which the Assembly requests the Secretary-General to continue to take all possible steps to ensure that the Centre for Human Rights of the Secretariat is able to assist effectively the Human Rights Committee and the Economic and Social Council in the implementation of their respective functions under the International Covenants on Human Rights;

“11. *Encourages* all Governments to publish 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. *Requests* the Secretary-General to submit to the Commission on Human Rights, at its fortieth session, a report on the status 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, and to include in this report information on the work of the Economic and Social Council and its Sessional

Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights;

“13. *Requests* the Secretary-General to invite the United Nations information centres to increase their activities to make the Covenants better known universally and to report on action taken in this regard in the course of his regular reports to the Commission on public information activities in the field of human rights, including the dissemination of international instruments;

“14. *Decides* to consider at its fortieth session an agenda item entitled ‘Status of the International Covenants on Human Rights.’”

Decision 1983/111 of 11 March 1983 entitled “Composition of the Group of three members of the Commission who are also representatives of States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid to consider reports submitted by States parties in accordance with article VII of the Convention”¹²

“The Commission took note of the announcement by the Chairman that the representatives of Bulgaria, Mexico and Zaire would form the Group of three members of the Commission who are also representatives of States parties to the International Convention on the Suppression and Punishment of the Crime of *Apartheid* to consider reports submitted by States parties in accordance with article VII of the Convention.”

2. ECONOMIC AND SOCIAL COUNCIL

At its first regular session of 1983, the Economic and Social Council adopted the following resolution and decisions with regard to the International Covenant on Economic, Social and Cultural Rights:

Resolution 1983/41 of 27 May 1983 entitled “Implementation of the International Covenant on Economic, Social and Cultural Rights”¹³

“*The Economic and Social Council,*

“*Bearing in mind* its important responsibilities under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights,

“*Recalling* its resolutions 1988 (LX) of 11 May 1976, 1979/43 of 11 May 1979 and 1982/33 of 6 May 1982 and its decision 1981/158 of 8 May 1981,

“*Recalling also* General Assembly resolution 37/191 of 18 December 1982,

“*Having considered* the report of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights,

“*Noting* that, as a result of continuing improvements in the work of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights, consideration of the reports of the States parties is becoming more thorough,

“*Mindful* of the relevant resolutions and decisions adopted by the General Assembly and the Economic and Social Council on the control and limitation of documentation,

¹² *Ibid.* (E/1983/13), chap. XXVII, sect. B.

¹³ E/1983/83.

“1. *Takes note* of the report of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights;

“2. *Invites* States that have thus far neither ratified nor acceded to the International Covenant on Economic, Social and Cultural Rights to do so, pursuant to General Assembly resolution 37/191;

“3. *Calls upon* States parties to the International Covenant on Economic, Social and Cultural Rights to submit reports required under article 16 thereof, in accordance with the programme established by Council resolution 1988 (LX), and urges States parties that have not yet done so to submit their initial reports as soon as possible and, in those instances in which it is not possible to do so, to inform the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights when those reports will be submitted;

“4. *Invites* States parties to the Covenant, in preparing their reports, to comply with the guidelines established by the Secretary-General concerning the form and content of reports;

“5. *Urges* States parties to the Covenant which are submitting reports for consideration by the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights, taking into account paragraph 24 (g) of its report, to be mindful of the importance of submitting their reports twelve weeks before the session of the Group of Experts in order to permit processing by the Secretariat and adequate study by the members of the Group of Experts;

“6. *Requests* the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights to consider including in its report to the Council brief summaries of the consideration of each country report;

“7. *Requests* the Secretary-General to ensure that the summary records of the proceedings of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights are made available to the Council at the time the report of the Group of Experts is considered by the Council;

“8. *Requests* the Secretary-General to ensure that the United Nations press service issues press releases on the proceedings of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights.”

Decision 1983/133 of 27 May 1983 entitled “Provisional agenda for 1984 of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights”¹⁴

“At its 15th plenary meeting, on 27 May 1983, the Council approved the provisional agenda for 1984 of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights set out below.

¹⁴ E/1983/83.

“Provisional agenda for 1984 of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights

- “1. Consideration of reports submitted in accordance with Council resolution 1988 (LX) by States parties to the Covenant concerning rights covered by articles 6 to 9.

Documentation

Initial report.

Second periodic report.

- “2. Consideration of reports submitted in accordance with Council resolution 1988 (LX) by States parties to the Covenant concerning rights covered by articles 10 to 12.

Documentation

Italy (E/1980/6/Add.31).

Canada (E/1980/6/Add.32).

Any other reports received by the Secretary-General.

- “3. Consideration of reports submitted in accordance with Council resolution 1988 (LX) by States parties to the Covenant concerning rights covered by articles 13 to 15.

Documentation

Guyana (E/1982/3/Add.5).

- “4. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies, in order to assist the Council to fulfil, in particular, its responsibilities under articles 21 and 22 of the Covenant.

- “5. Consideration of the report of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights.”

Decision 1983/134 of 27 May 1983 entitled “Bureau for 1984 of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights”¹⁵

“At its 15th plenary meeting, on 27 May 1983, the Council decided that the Bureau for 1984 of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights should be constituted as follows:

“*Chairman*: Western European and other States;

“*Vice-Chairmen*: African States; Asian States; Eastern European States;

“*Rapporteur*: Latin American States.”

3. GENERAL ASSEMBLY

At its thirty-eighth session in 1983, the General Assembly adopted the following resolutions relating to the International Convention on the Elimination of All Forms of Racial Discrimination; the International Convention on the Suppression and Punishment of the Crime of *Apartheid*; and the International Covenants on Human Rights.

¹⁵ E/1983/83.

Resolution 38/18 of 22 November 1983, entitled "Status of the International Convention on the Elimination of All Forms of Racial Discrimination"

"The General Assembly,

"Recalling its resolutions 3057 (XXVIII) of 2 November 1973, 3135 (XXVIII) of 14 December 1973, 3225 (XXIX) of 6 November 1974, 3381 (XXX) of 10 November 1975, 31/79 of 13 December 1976, 32/11 of 7 November 1977, 33/101 of 16 December 1978, 34/26 of 15 November 1979, 35/38 of 25 November 1980, 36/11 of 28 October 1981 and 37/45 of 3 December 1982,

"Expressing its satisfaction at the entry into force, on 3 December 1982, of the competence of the Committee on the Elimination of Racial Discrimination to accept and to examine communications from persons or groups of persons under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination,

"1. Takes note of the report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination;

"2. Expresses its satisfaction at the increase in the number of States that have ratified the Convention or acceded thereto;

"3. Reaffirms once again its conviction that ratification of or accession to the Convention on a universal basis and implementation of its provisions are necessary for the realization of the objectives of the Decade for Action to Combat Racism and Racial Discrimination;

"4. Requests those States that have not yet become parties to the Convention to ratify it or accede thereto;

"5. Calls upon States parties to the Convention to consider the possibility of making the declaration provided for in article 14 of the Convention;

"6. Requests the Secretary-General to continue to submit to the General Assembly annual reports concerning the status of the Convention, in accordance with Assembly resolution 2106 A (XX) of 21 December 1965."

Resolution 38/19 of 22 November 1983 entitled "Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid"

"The General Assembly,

*"Recalling its resolution 3068 (XXVIII) of 30 November 1973, by which it adopted and opened for signature and ratification the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, and its subsequent resolutions on the status of the Convention,*

*"Reaffirming its conviction that *apartheid* constitutes a total negation of the purposes and principles of the Charter of the United Nations, a gross violation of human rights and a crime against humanity, seriously threatening international peace and security,*

*"Convinced that the Declaration and the Programme of Action adopted by the Second World Conference to Combat Racism and Racial Discrimination and their full implementation will contribute to the final eradication of *apartheid* and all other forms of racism and racial discrimination,*

*"Strongly condemning South Africa's continued policy of *apartheid* and its continued illegal occupation of Namibia, as well as its repeated acts of ag-*

gression against sovereign African States, which constitute a manifest breach of international peace and security,

“*Condemning* the continued collaboration of certain States and transnational corporations with the racist régime of South Africa in the political, economic, military and other fields as an encouragement to the intensification of its odious policy of *apartheid*,

“*Underlining* that the strengthening of the existing mandatory arms embargo and the application of comprehensive mandatory economic sanctions under Chapter VII of the Charter are vital in order to compel the racist régime of South Africa to abandon its policy of *apartheid*,

“*Firmly convinced* that the legitimate struggle of the oppressed peoples in southern Africa against *apartheid*, racism and colonialism and for the effective implementation of their inalienable right to self-determination and independence demands more than ever all necessary support by the international community and, in particular, further action by the Security Council,

“*Underlining* that ratification of and accession to the Convention on a universal basis and the implementation of its provisions without any delay are necessary for its effectiveness and would be a useful contribution towards achieving the complete elimination of *apartheid*,

“1. *Takes note* of the report of the Secretary-General on the status of the International Convention on the Suppression and Punishment of the Crime of *Apartheid*;

“2. *Commends* those States parties to the Convention that have submitted their reports under article VII thereof;

“3. *Appeals once again* to those States that have not yet done so to ratify or to accede to the Convention without further delay;

“4. *Expresses its appreciation* of the constructive role played by the Group of Three of the Commission on Human Rights, established in accordance with article IX of the Convention, in analysing the periodic reports of States and in publicizing the experience gained in the international struggle against the crime of *apartheid*;

“5. *Requests* States parties to the Convention to take fully into account the guidelines prepared by the Group of Three;

“6. *Calls upon* all States parties to the Convention to implement fully article IV thereof by adopting legislative, judicial and administrative measures to prosecute, bring to trial and punish, in accordance with their jurisdiction, persons responsible for, or accused of, the acts enumerated in article II of the Convention;

“7. *Requests* the Commission on Human Rights to continue to undertake the functions set out in article X of the Convention and invites the Commission to intensify, in co-operation with the Special Committee against *Apartheid*, its efforts to compile periodically the progressive list of individuals, organizations, institutions and representatives of States deemed responsible for crimes enumerated in article II of the Convention, as well as those against whom or which legal proceedings have been undertaken;

“8. *Requests* the Secretary-General to distribute the above-mentioned list among all States parties to the Convention and all Member States and to bring

such facts to the attention of the public by all the means of mass communication;

“9. *Appeals* to all States, United Nations organs, specialized agencies and international and national non-governmental organizations to step up their activities in enhancing public awareness by denouncing the crimes committed by the racist régime of South Africa;

“10. *Requests* the Secretary-General to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a view to promoting further ratification of or accession to the Convention;

“11. *Requests* the Secretary-General to include in his next annual report under General Assembly resolution 3380 (XXX) of 10 November 1975 a special section concerning the implementation of the Convention.”

Resolution 38/20 of 22 November 1983 entitled “Report of the Committee on the Elimination of Racial Discrimination: reporting obligations of States”

“*The General Assembly,*

“*Recalling* its resolution 37/44 of 3 December 1982,

“*Mindful* of the obligation of all States parties to comply fully with the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, including the timely submission of periodic reports under article 9 of the Convention,

“*Acknowledging once again* the burden which reporting obligations under international instruments place upon States parties, especially those with limited technical and administrative resources,

“*Having examined* the report of the Secretary-General on the reporting obligations of States parties under the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant human rights instruments,

“*Noting* that the report of the Secretary-General emphasizes the inter-relationship of the problems affecting the reporting system under various human rights instruments,

“1. *Takes note with appreciation* of the report of the Secretary-General;

“2. *Requests* the Secretary-General to transmit his report, and an analytical summary of the records of the General Assembly’s consideration thereof, to the ninth meeting of the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination for consideration;

“3. *Invites* the Committee on the Elimination of Racial Discrimination to consider the analysis and recommendations contained in the report of the Secretary-General, taking into account the various suggestions made in the General Assembly and at the ninth meeting of the States parties to the Convention, and to transmit its views and recommendations to the Assembly at its thirty-ninth session.”

Resolution 38/21 of 22 November 1983 entitled "Report of the Committee on the Elimination of Racial Discrimination"

"The General Assembly,

"Recalling its resolutions 37/46 of 3 December 1982 on the report of the Committee on the Elimination of Racial Discrimination and 38/18 of 22 November 1983 on the status of the International Convention on the Elimination of All Forms of Racial Discrimination, as well as its other relevant resolutions on the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination,

"Having considered the report of the Committee on the Elimination of Racial Discrimination on its twenty-seventh and twenty-eighth sessions, submitted under article 9, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination,

"Emphasizing that it is important for the success of the struggle against all instances of racial discrimination, including vestiges and manifestations of racist ideologies wherever they exist, that all Member States be guided in their internal and foreign policies by the basic provisions of the Convention,

"Mindful of the obligation of all States parties to comply fully with the provisions of the Convention,

"Welcoming all States that have ratified or acceded to the Convention, including Namibia, which acceded to the Convention on 11 December 1982, represented by the United Nations Council for Namibia,

"Welcoming also the continued co-operation of the Committee with the competent specialized agencies, especially with the United Nations Educational, Scientific and Cultural Organization and the International Labour Organization, and other United Nations bodies,

"Taking note of the decisions adopted and the recommendations made by the Committee at its twenty-seventh and twenty-eighth sessions,

"1. Takes note with appreciation of the report of the Committee on the Elimination of Racial Discrimination on its twenty-seventh and twenty-eighth sessions;

"2. Commends the Committee for its contribution to the elimination of all forms of discrimination based on race, colour, descent, or national or ethnic origin, wherever it exists;

"3. Strongly condemns the policy of apartheid in South Africa and Namibia as the most abhorrent form of racial discrimination and urges all Member States to adopt effective political, economic and other measures in order to secure the elimination of that policy and to achieve the full implementation of the relevant resolutions of the General Assembly, the Security Council and other United Nations bodies;

"4. Calls upon the United Nations bodies concerned to ensure that the Committee is supplied with all relevant information on all the Territories to which General Assembly resolution 1514 (XV) of 14 December 1960 applies and urges the administering Powers to co-operate with these bodies by providing all the necessary information in order to enable the Committee to discharge fully its responsibilities under article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination;

“5. *Commends* the Committee for its continuous endeavours towards the elimination of the policy of *apartheid*, racism and racial discrimination in southern Africa and the implementation of the United Nations resolutions relating to the liberation and independence of Namibia;

“6. *Welcomes* the efforts of the Committee aimed at the elimination of all forms of discrimination against national or ethnic minorities, persons belonging to such minorities and indigenous populations, wherever such discrimination exists, and the attainment of the full enjoyment of their human rights through the implementation of the principles and provisions of the Convention;

“7. *Welcomes further* the efforts of the Committee aimed at the elimination of all forms of discrimination against migrant workers and their families, the promotion of their rights on a non-discriminatory basis and the achievement of their full equality, including the freedom to maintain their cultural characteristics;

“8. *Calls upon* all Member States to adopt effective legislative, socio-economic and other necessary measures in order to ensure the prevention or elimination of discrimination based on race, colour, descent or national or ethnic origin;

“9. *Further calls upon* the States parties to the Convention to protect fully, by the adoption of the relevant legislative and other measures, in conformity with the Convention, the rights of national or ethnic minorities and persons belonging to such minorities, as well as the rights of indigenous populations;

“10. *Commends* the States parties to the Convention on the measures taken to ensure, within their jurisdiction, the availability of appropriate recourse procedures for the victims of racial discrimination;

“11. *Reiterates its invitation* to the States parties to the Convention to provide the Committee, in accordance with its general guidelines, with information on the implementation of the provisions of the Convention, including information on the demographic composition of their population and on their relations with the racist régime of South Africa;

“12. *Takes note with appreciation* of the contribution of the Committee towards the achievement of the goals of the Decade to Combat Racism and Racial Discrimination, as well as its contribution to the Second World Conference to Combat Racism and Racial Discrimination in preparing studies on the implementation of particular articles of the Convention;

“13. *Appeals* to the States parties to take fully into consideration their obligation under the Convention to submit their reports in due time.”

Resolution 38/116 of 16 December 1983 entitled “International Covenants on Human Rights”

“The General Assembly,

“Recalling its resolutions 33/51 of 14 December 1978, 34/45 of 23 November 1979, 35/132 of 11 December 1980, 36/58 of 25 November 1981 and 37/191 of 18 December 1982,

“Taking note of the report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the Inter-

national Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights,

“Noting with appreciation that, following its appeal, more Member States have acceded to the International Covenants on Human Rights,

“Recognizing the important role of the Human Rights Committee in the implementation of the International Covenant on Civil and Political Rights and the Optional Protocol thereto,

“Taking into account the useful work of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights,

“Bearing in mind the important responsibilities of the Economic and Social Council in relation to the International Covenants on Human Rights,

“Taking note of Economic and Social Council decision 1983/184 of 29 July 1983, in which the Council invited the General Assembly to consider at its thirty-eighth session the possibility of scheduling the meetings of the Human Rights Committee so that the Committee’s report could be submitted to the Assembly through the Council at its first regular session,

“1. Takes note with appreciation of the report of the Human Rights Committee on its seventeenth, eighteenth and nineteenth sessions, and expresses its satisfaction at the serious and constructive manner in which the Committee is continuing to perform its functions;

“2. Expresses its appreciation to those States parties to the International Covenant on Civil and Political Rights that have extended their co-operation to the Human Rights Committee in submitting their reports under article 40 of the Covenant and urges States parties that have not yet done so to submit their reports to the Committee as speedily as possible;

“3. Urges those States parties to the International Covenant on Civil and Political Rights that have been requested by the Human Rights Committee to provide additional information to comply with that request;

“4. Commends those States parties to the International Covenant on Economic, Social and Cultural Rights that have submitted their reports under article 16 of the Covenant and urges States that have not yet done so to submit their reports as soon as possible and, in those instances in which it is not possible to do so, to inform the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights as to when those reports will be submitted;

“5. Notes with appreciation that the majority of States parties to the International Covenant on Civil and Political Rights, and an increasing number of States parties to the International Covenant on Economic, Social and Cultural Rights, have been represented by experts for the presentation of their reports, thereby assisting the Human Rights Committee and the Economic and Social Council in their work, and hopes that all States parties to both Covenants will arrange such representation in future;

“6. Again invites 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, as well as to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights;

"7. *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;

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

"9. *Requests* the Secretary-General to continue to keep the Human Rights Committee informed of the activities of the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women and also to transmit the annual reports of the Human Rights Committee to those bodies;

"10. *Requests* the Secretary-General to submit to the General Assembly at its thirty-ninth session a report on the status 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;

"11. *Urges* the Secretary-General to take further positive steps to ensure that adequate publicity and other arrangements are made to enable the Human Rights Committee and the Economic and Social Council to carry out effectively, within existing resources, their respective functions under the International Covenants on Human Rights;

"12. *Also urges* the Secretary-General to expedite arrangements for publication of the official public records of the Human Rights Committee in bound volumes, starting with its first session, as indicated in General Assembly resolution 37/191;

"13. *Requests* the Secretary-General to continue to take all possible steps to ensure that the Centre for Human Rights of the Secretariat is able to assist effectively the Human Rights Committee and the Economic and Social Council in the implementation of their respective functions under the International Covenants on Human Rights, taking into account General Assembly resolutions 3534 (XXX) of 17 December 1975 and 31/93 of 14 December 1976."

Resolution 38/117 of 16 December 1983 entitled "Reporting obligations of the States parties to the International Covenants on Human Rights"

"The General Assembly,

"Recalling its resolution 37/44 of 3 December 1982,

"Mindful of the obligation of all States parties to the International Covenants on Human Rights to comply fully with their provisions, including articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, which require the submission of periodic reports in accordance with the programme established by the Economic and Social Council,

"Having considered the report of the Secretary-General, in which he indicates that a large number of delays occur in the submission of reports on the implementation of the International Covenant on Economic, Social and Cultural Rights,

“*Noting* that the report of the Secretary-General emphasizes the inter-relationship of problems affecting the reporting system under various human rights instruments,

“1. *Takes note with appreciation* of the report of the Secretary-General;

“2. *Reiterates* the importance it attaches to the reporting systems established by the International Covenants on Human Rights;

“3. *Requests* the Secretary-General to transmit his report to the Economic and Social Council, which is entrusted with the consideration of the reports of States parties to the International Covenant on Economic, Social and Cultural Rights under article 16 thereof;

“4. *Requests* the Economic and Social Council and its Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights to consider the suggestions contained in the report of the Secretary-General with a view to improving the situation regarding the submission of reports under the Covenant;

“5. *Requests* the Secretary-General to consider the possibility of convening, in accordance with the suggestion contained in the report of the Human Rights Committee and within existing resources, a meeting of the Chairmen of the bodies entrusted with the consideration of reports submitted under the relevant human rights instruments in order to consider the report of the Secretary-General, taking into account the results of General Assembly resolution 38/20 of 22 November 1983 and of the present resolution;

“6. *Requests* the Secretary-General to inform the General Assembly at its thirty-ninth session of the views and suggestions expressed at the above-mentioned meeting, if it is convened.”

PART III

INTERNATIONAL DEVELOPMENTS

Section A. United Nations Organs

Introduction

The United Nations organs whose work in the field of human rights is summarized here are: the General Assembly, the Economic and Social Council, the Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities.

During the period under review, human rights matters were dealt with at various sessions of those organs as follows:

General Assembly, thirty-eighth session (20 September-20 December 1983 and 26 June 1984);

Economic and Social Council, first regular session of 1983 (3-27 May 1983);

Commission on Human Rights, thirty-ninth session (31 January-11 March 1983);

Sub-Commission on Prevention of Discrimination and Protection of Minorities, thirty-sixth session (15 August-9 September 1983).

A. Elimination of racial discrimination. Decade for Action to Combat Racism and Racial Discrimination

At its thirty-ninth session in January-March 1983, the Commission on Human Rights considered the question of the implementation of the Programme for the Decade. By its resolution 1983/13 of 18 February 1983¹ it recommended to the Preparatory Sub-Committee of the Second World Conference to consider recommending to the Conference the inclusion in the programme of activities to be undertaken at the end of the Decade for Action to Combat Racism and Racial Discrimination of a study of ways and means to ensure the full and universal implementation of United Nations resolutions and decisions on racism, racial discrimination and *apartheid*; it decided to consider the outcome of the Second World Conference to Combat Racism and Racial Discrimination at its fortieth session.

During its first regular session in 1983, the Economic and Social Council, by its decision 1983/113 of 24 May 1983, transmitted to the Conference the report of the Preparatory Sub-Committee together with the relevant summary records of the Council.

¹ *Official Records of the Economic and Social Council, Thirty-ninth Session, 1983, Supplement No. 3 (E/1983/13), chap. XXVII A.*

In another decision taken on 27 May 1983, the Council, noting Commission on Human Rights resolution 1983/13 of 18 February 1983, endorsed the Commission's decision to designate its Chairman and the Chairman of the *Ad Hoc* Working Group of Experts on southern Africa to represent the Commission at the Second World Conference to Combat Racism and Racial Discrimination, to be held at Geneva from 1 to 12 August 1983.

Consequently, the Second World Conference to Combat Racism and Racial Discrimination met at the Palais des Nations, Geneva, from 1 to 12 August 1983. In its recommendations, the Conference suggested various measures in order to achieve the goal of contributing to the realization of the objectives of the International Convention on the Elimination of All Forms of Racial Discrimination; it also recommended the selfless efforts of the people of South Africa and Namibia under the leadership of their national liberation movements for national independence and the establishment of a non-racial democratic society. It also reaffirmed the legitimacy of the struggle and called upon the international community to increase its moral, political and material support to these peoples.²

The General Assembly also considered the question of the implementation of the programme for the Decade for Action to Combat Racism and Racial Discrimination at its thirty-eighth session. By its resolution 38/14 of 22 November 1983, the Assembly, *inter alia*, invited Governments, United Nations bodies, the specialized agencies and other intergovernmental organizations, as well as interested non-governmental organizations in consultative status with the Economic and Social Council, to participate in the observance of the Second Decade by intensifying and extending their efforts to ensure the rapid elimination of racism and racial discrimination; and decided to consider on an annual basis an item entitled "Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination".

By its resolution 38/15 adopted on the same day, the Assembly expressed its satisfaction at the serious and constructive work undertaken at the Second World Conference to Combat Racism and Racial Discrimination; appealed to all Governments, United Nations organs, the specialized agencies and other intergovernmental organizations, as well as the concerned non-governmental organizations in consultative status with the Economic and Social Council, to participate in the observance of the Second Decade to Combat Racism and Racial Discrimination by intensifying and extending their efforts towards ensuring the rapid eradication of racism and racial discrimination; and decided to consider at its thirty-ninth session concrete action to be undertaken during the Second Decade.

B. Measures against ideologies and practices based on racial intolerance, hatred and terror

The question of measures to be taken against all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences, was considered by the Com-

² A/CONF.119/26.

mission on Human Rights at its thirty-ninth session. By its resolution 1983/28 of 7 March, 1983³ the Commission appealed to all States that have not yet done so to ratify or to accede to the International Covenants on Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, and the International Convention on the Suppression and Punishment of the Crime of *Apartheid*; and noted that the fortieth anniversary of the conclusion of the Second World War will occur in 1985 and should serve to mobilize the efforts of the world community in its struggle against such ideologies and practices.

By its decision 1983/158 of 27 May 1983⁴ the Council took note of the report of the Secretary-General on measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror and decided to transmit it to the General Assembly at its thirty-eighth session.

By its resolution 38/99 of 16 December 1983,⁵ the Assembly, *inter alia*, noted that the fortieth anniversary of the conclusion of the Second World War will occur in 1985 and should serve to mobilize the efforts of the world community in its struggle against such ideologies and practices; and invited Member States to adopt, in accordance with their national constitutional systems and the provisions of the Universal Declaration of Human Rights and the International Covenants on Human Rights, as a matter of high priority, measures declaring punishable by law any dissemination of ideas based on racial superiority or hatred and of war propaganda, including Nazi, Fascist and neo-Fascist ideologies; and requested the Secretary-General to submit a report, through the Economic and Social Council, to the General Assembly at its thirty-ninth session, in the light of the discussion that will take place in the Commission on Human Rights on the basis of comments provided by States and international organizations.

C. Elimination of all forms of religious intolerance

By its resolution 1983/40 of 9 March 1983,⁶ the Commission on Human Rights requested the Secretary-General:

(a) To incorporate in his report to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-sixth session the views of the appropriate specialized agencies, including the United Nations Educational, Scientific and Cultural Organization, and of other appropriate bodies within the United Nations system and non-governmental organizations on measures to implement the Declaration;

(b) To hold within the framework of the advisory services programme in the period 1984-1985 a seminar on the encouragement of understanding, tolerance and

³ E/1983/13, chap. XX.

⁴ E/1983/83, *Supplement No. 1*.

⁵ A/38/47, *Supplement No. 47*.

⁶ E/1983/13; E/CN.4/1983/60, chap. XXVII A.

respect in matters relating to freedom of religion or belief; also requested the Secretary-General to report to the Commission at its fortieth session on measures taken to implement the present resolution and on any developments relating to it and decided to consider this matter further at its fortieth session under the agenda item "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief".

By its decision 1983/150 of 27 May 1983,⁷ the Council, noting Commission on Human Rights resolution 1983/40 of 9 March 1983, endorsed the Commission's request to the Secretary-General to hold within the framework of the advisory services programme in the period 1984-1985 a seminar on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief.

By its resolution 38/110 of 16 December 1983, the General Assembly, noting the Council decision 1983/150, requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to report, through the Economic and Social Council, to the General Assembly at its thirty-ninth session; it decided to include in the provisional agenda of its thirty-ninth session the item entitled "Elimination of all forms of religious intolerance" and to consider the report of the Commission on Human Rights in the context of that item.

D. Human rights of national, ethnic, religious and linguistic minorities

By its resolution 1983/53 of 10 March 1983,⁸ the Commission decided to consider at its fortieth session the agenda item "Rights of persons belonging to national, ethnic, religious and linguistic minorities", and to establish at its fortieth session an open-ended working group to continue consideration of the revised draft declaration proposed by Yugoslavia, taking into account all relevant documents.

By its resolution 1983/151 of 27 May 1983,⁹ the Council, noting Commission on Human Rights resolution 1983/53 of 10 March 1983, endorsed the Commission's decision to establish at its fortieth session an open-ended working group to continue consideration of the revised draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities proposed by Yugoslavia, taking into account all relevant documents.

E. Studies relating to prevention of discrimination and protection of minorities

I. STATUS OF THE INDIVIDUAL AND CONTEMPORARY INTERNATIONAL LAW

By its resolution 1983/17 adopted on 5 September 1983,¹⁰ the Sub-Commission on Prevention of Discrimination and Protection of Minorities expressed its deep appreciation to the Special Rapporteur entrusted with the mandate of undertaking a

⁷ E/1983/83, *Supplement No. 1*.

⁸ E/1983/13; E/CN.4/1983/60, chap. XIX.

⁹ E/1983/83, *Supplement No. 1*.

¹⁰ E/CN.4/1984/3; E/CN.4/Sub.2/1983/43, chap. XI.

study on the "status of the individual and contemporary international law" for the work she had accomplished so far in connection with this study; it also recommended to the Commission on Human Rights for adoption its draft resolution XI¹¹ by which the Commission would recommend to the Economic and Social Council to adopt a resolution in which the Council requested the Special Rapporteur to continue her work on the above-mentioned study with a view to submitting, if possible, her final report to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-sixth session.

2. DISCRIMINATION IN THE ADMINISTRATION OF CRIMINAL JUSTICE

At its thirty-sixth session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities had before it the final report of its Special Rapporteur on the study on discriminatory treatment of members of racial, ethnic, religious or linguistic groups at the various levels in the administration of criminal justice, such as police, military, administrative and judicial investigations, arrest, detention, trial and execution of sentences, including the ideologies or beliefs which contribute or lead to racism in the administration of justice.¹² By its resolution 1983/4 of 24 August 1983¹³ the Sub-Commission expressed its thanks to the Special Rapporteur for his excellent work and decided to transmit the report to the Commission on Human Rights.

3. PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE

At the 8th meeting, on 18 August 1983, in accordance with resolution 1983/33 of the Economic and Social Council, the Sub-Commission appointed Mr. Benjamin Whitaker (United Kingdom) as Special Rapporteur with the mandate to revise, as a whole, and update the Study on the question of the Prevention and Punishment of the Crime of Genocide (E/CN.4/Sub.2/416).

4. RIGHT OF EVERYONE TO LEAVE ANY COUNTRY

At its thirty-sixth session the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted, on 31 August 1983, resolution 1983/5,¹⁴ in which it recalled the Study of Discrimination in Respect of the Rights of Everyone to Leave any Country, including His Own, and to Return to His Country,¹⁵ submitted to the Sub-Commission at its fifteenth session in 1963 by the Special Rapporteur, Mr. José D. Ingles (Philippines), and the draft principles respecting this right adopted by the Sub-Commission at the same session.

By this resolution, the Sub-Commission requested the Special Rapporteur to prepare an analysis of current trends and developments in respect of the right of everyone to leave any country, including his own, and to return to his country, and to have the possibility to enter other countries, without discrimination or hindrance,

¹¹ *Ibid.*, chap. I A.

¹² E/CN.4/1984/3; E/CN.4/Sub.2/1983/43, chap. IV.

¹³ *Ibid.*, chap. XXI A.

¹⁴ E/CN.4/1984/3; E/CN.4/Sub.2/1983/43, chap. XXI A.

¹⁵ United Nations publications, Sales No. E.64.XIV.2.

especially of the right to employment, taking into account the need to avoid the phenomenon of the brain drain from developing countries and the question of recompensing those countries for the loss incurred, and to study in particular the extent of restrictions permissible under article 12, paragraph 3, of the International Covenant on Civil and Political Rights.

5. DRAFT PRINCIPLES ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS

At its thirty-sixth session, the Sub-Commission by its resolution 1983/40¹⁶ adopted on 7 September 1983, expressed its deep appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes (Greece), for the work she has so far accomplished in connection with the important elaboration of a study on draft principles on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, and requested the Special Rapporteur, to continue her work on the above-mentioned study with a view to submitting, if possible, her final report to the Sub-Commission at its thirty-seventh session.

F. Question of the violation of human rights

1. STUDY OF SITUATIONS WHICH REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS

At its thirty-sixth session, the Sub-Commission, in its resolution 1983/8¹⁷ adopted on 31 August 1983, requested the Commission to recommend to all Governments to support efforts made in order to favour the attainment of peace so that Nicaragua be assured its right to self-determination and its development without any external interference, especially by sustaining the efforts made by the Contadora Group.

At its thirty-ninth session, the Commission on Human Rights adopted the decision 1983/110¹⁸ on 28 February 1983 in which it decided, subject to the approval of the Economic and Social Council, to set up a working group composed of five of its members to meet for one week prior to its fortieth session to examine such particular situations as might be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-sixth session under Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission was seized.

At its first regular session of 1983, the Council by its decision 1983/153¹⁹ on 27 May 1983, approved the decision of the Commission on Human Rights, in its decision 1983/110 of 28 February 1983, to set up a working group composed of five of its members to meet for one week prior to the fortieth session to examine such particular situations as might be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-sixth session

¹⁶ E/CN.4/1984/3; E/CN.4/Sub.2/1983/43, chap. XXI A.

¹⁷ E/CN.4/1984/3; E/CN.4/Sub.2/1983/43, chap. XXI A.

¹⁸ E/1983/13; E/CN.4/1983/60, chap. XXVII B.

¹⁹ E/1983/83, *Supplement No. 1*.

under Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission is seized.

2. VIOLATION OF HUMAN RIGHTS IN SOUTHERN AFRICA, REPORTS OF THE *Ad Hoc* WORKING GROUP OF EXPERTS OF THE COMMISSION ON HUMAN RIGHTS WITH RESPECT TO SOUTHERN AFRICA

At its thirty-ninth session in 1983, the Commission on Human Rights examined four reports submitted to it by the *Ad Hoc* Working Group of Experts on southern Africa: a report on policies and practices which violate human rights in South Africa and Namibia;²⁰ a report on *apartheid* as a collective form of slavery;²¹ a report containing additional information on the effects of the policy of *apartheid* on black women and children in South Africa;²² and a report on torture and ill-treatment of detainees by the racist régime of South Africa in 1982.²³

By its resolution 1983/9²⁴ of 18 February 1983, the Commission requested the *Ad Hoc* Working Group to continue to bring to the attention of the Chairman of the Commission on Human Rights, for whatever action he may deem appropriate, cases of particularly serious violations which may come to its attention during its inquiries; it also requested the Secretary-General to renew his invitation to all State Members of the United Nations to submit their views and comments on the interim study on the international penal tribunal so as to enable the *Ad Hoc* Working Group to continue its study and to submit a report to the Commission at its fortieth session.

By resolution 1983/10 also adopted on 18 February 1983,²⁵ the Commission reaffirmed the inalienable rights of the Namibian people to self-determination and independence and the rights enshrined in the Universal Declaration of Human Rights and other relevant international instruments; it also reaffirmed that the Namibian people can legitimately exercise their right to self-determination and independence only under conditions determined by the United Nations in accordance with Security Council resolutions 435 (1978) and 439 (1978); and it also requested the *Ad Hoc* Working Group of Experts to continue to study, as a matter of priority, the policies and practices which violate human rights in Namibia and to submit a report to the Commission at its fortieth session.

The Economic and Social Council, by its decision 1983/135²⁶ of 27 May 1983, noting Commission on Human Rights resolution 1983/9 of 18 February 1983, endorsed the Commission's decisions to renew the mandate of the *Ad Hoc* Working Group of Experts, to request the Group to submit a report on its findings to the Commission at its forty-first session at the latest, and to submit a progress report to the Commission at its fortieth session. The Council also endorsed the Commission's decisions to authorize the *Ad Hoc* Working Group to organize in 1984 a seminar to consider the most effective means of reinforcing the Commission's efforts to

²⁰ E/CN.4/1983/10.

²¹ E/CN.4/1983/37.

²² E/CN.4/1983/38.

²³ A/AC.115/L.586.

²⁴ E/1983/13; E/CN.4/1983/60, chap. XXVII A.

²⁵ E/1983/13; E/CN.4/1983/60, chap. IV.

²⁶ E/1983/83, *Supplement No. 1*.

eliminate *apartheid*, racism and racial discrimination and to authorize the Chairman of the *Ad Hoc* Working Group of Experts to participate in conferences, symposia, seminars or other events connected with the action against *apartheid* organized under the auspices of the Special Committee against *Apartheid* and the United Nations Council for Namibia. It requested the Secretary-General to provide every assistance within available resources to enable the *Ad Hoc* Working Group of Experts to discharge its responsibilities in accordance with paragraphs 17 and 18 of Commission resolution 1983/9 and with its terms of reference.

By its decision 1983/136²⁷ of 27 May 1983, the Council, noting Commission on Human Rights resolution 1983/9 of 18 February 1983, and pursuant to the Commission's request contained in paragraph 22 of that resolution, decided to transmit that resolution to the General Assembly, the Security Council, the Special Committee against *Apartheid* and the United Nations Council for Namibia.

The General Assembly also considered at that session the report of the Special Committee against *Apartheid*,²⁸ and adopted, on 7 December 1983, resolution 38/50 condemning those Western States and all other States, as well as the transnational corporations, which continue their investments in, and supply of armaments and oil and nuclear technology, to the racist régime of South Africa, thus buttressing it and aggravating the threat to world peace.

3. QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

The Commission on Human Rights at its thirty-ninth session adopted a number of resolutions concerning the violation of human rights in the occupied Arab territories. By its resolution 1983/1 A of 15 February 1983²⁹ the Commission, *inter alia*, called upon Israel to take immediate steps for the return of the displaced Arab inhabitants to their homes and property in Palestine and the other Arab territories occupied since June 1967; reiterated its call to all States, in particular the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, in accordance with article 1 of that Convention, and to international organizations and specialized agencies, not to recognize any changes carried out by Israel in the occupied territories, including Jerusalem, and to avoid taking any action or extending any aid which might be used by Israel in its pursuit of the policies of annexation and colonization or any other policies and practices referred to in the present resolution; it requested the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations and the international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its fortieth session.

By its resolution 1983/1 B of 15 February 1983,³⁰ the Commission reaffirmed that the Geneva Convention relative to the Protection of Civilian Persons in Time of War is applicable to all the Arab territories occupied by Israel since 1967, including

²⁷ *Ibid.*

²⁸ A/38/47, *Supplement No. 47*.

²⁹ E/1983/13; E/CN.4/1983/60, chap. XXVII A.

³⁰ *Ibid.*

Jerusalem; called upon Israel to abide by and respect the obligations arising from the Charter of the United Nations and other instruments and rules of international law, in particular the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, in Palestine and other Arab territories occupied since 1967, including Jerusalem; it urged once more all States parties to that Convention to exert all efforts in order to ensure respect for and compliance with the provisions thereof in all the Arab territories occupied by Israel since 1967, including Jerusalem and requested the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations, the international humanitarian organizations and non-governmental organizations.

By its resolution 1983/2³¹ also adopted on 15 February 1983, the Commission reaffirmed its determination that all provisions of the Hague Convention of 1907 and the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 continue to apply to the Syrian territory occupied by Israel since 1967, and called upon parties thereto to respect their obligations under these instruments in all circumstances, called upon Israel, the occupying Power, to rescind forthwith its decision of 14 December 1981 to impose its laws, jurisdiction and administration on the Syrian Golan Heights, and firmly emphasizes the overriding necessity of the total and unconditional withdrawal by Israel from all Palestinian and Syrian territories occupied since 1967, including Jerusalem, which is an essential prerequisite for the establishment of a comprehensive and just peace in the Middle East and decided to place on the provisional agenda of its fortieth session as a matter of high priority the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine".

By its resolution 1983/3 of 15 February,³² the Commission, *inter alia*, condemned Israel's aggression and practices against the Palestinian people in the occupied Palestinian territories and outside these territories, particularly Palestinians in Lebanon, as a result of the Israeli invasion of Lebanon which claimed the lives of thousands of Lebanese and Palestinian civilians; reaffirmed the inalienable right of the Palestinians to return to their homes and property, from which they have been displaced and uprooted by Israel, and called for their return in the exercise of their right to self-determination.

4. QUESTION OF HUMAN RIGHTS IN CHILE

The Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted at its thirty-sixth session on 5 September 1983 resolution 1983/19³³ by which it recommended to the Commission on Human Rights that it urge the Chilean authorities to respect and promote human rights, in accordance with the international instruments to which Chile is a party, and to co-operate with the Special Rapporteur of the Commission.

At its thirty-ninth session the Commission on Human Rights by its resolution 1983/38³⁴ of 8 March 1983, *inter alia*, commended the Special Rapporteur for his

³¹ E/1983/13; E/CN.4/1983/60, chap. XXVII A.

³² *Ibid.*

³³ E/CN.4/1984/3; E/CN.4/Sub.2/1983/43, chap. XXI A.

³⁴ *Ibid.*, chap. XXVII A.

report on the situation of human rights in Chile, prepared in accordance with resolution 1982/25 of the Commission on Human Rights; it urged the Chilean authorities to put an end to the state of emergency under which serious and constant violations of human rights are occurring, and to re-establish the principle of legality, democratic institutions and the effective enjoyment and exercise of rights and fundamental freedoms, in accordance with the commitments entered into by Chile in various international instruments; it also decided to extend the mandate of the Special Rapporteur for a year and requested him to report on the subsequent development of the situation of human rights in Chile to the General Assembly at its thirty-eighth session, and to the Commission on Human Rights at its fortieth session.

At its first regular session of 1983, the Council by its decision 1983/149 on 27 May 1983,³⁵ noting Commission on Human Rights resolution 1983/38 of 8 March 1983, endorsed the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Chile for a year and requested the Secretary-General to ensure that sufficient financial resources and staff are provided for the implementation of Commission resolution 1983/38.

At its thirty-eighth session the General Assembly had before it the report of the Special Rapporteur on the human rights situation in Chile.³⁶ In its resolution 38/102 adopted on 16 December 1983, the Assembly reiterated its grave concern at the persistence of and increase in serious and systematic violations of human rights in Chile, as described in the report of the Special Rapporteur; it reiterated its appeal to the Chilean authorities to put an end to intimidation and persecution, as well as arbitrary detentions and imprisonment in secret places and the practice of torture and other forms of cruel, inhuman or degrading treatment which have resulted in unexplained deaths, and to respect the right of persons to life and physical integrity; and it invited the Commission on Human Rights to study in depth the report of the Special Rapporteur at its fortieth session and to take the most appropriate steps for the effective restoration of human rights and fundamental freedoms in Chile, including the extension of the mandate of the Special Rapporteur for one more year, and requested the Commission to report, through the Economic and Social Council to the General Assembly at its thirty-ninth session.

5. OTHER MATTERS RELATING TO VIOLATIONS OF HUMAN RIGHTS

Bolivia

At its thirty-ninth session, the Commission on Human Rights had before it a study by the Special Envoy,³⁷ prepared in accordance with resolution 34 (XXXVII) adopted by the Commission on 11 March 1981. By its resolution 1983/33 of 8 March 1983³⁸ the Commission noted with satisfaction the determination of the constitutional Government of Bolivia to take the necessary measures to ensure that a

³⁵ E/1983/83, *Supplement No. 1*.

³⁶ A/38/47, *Supplement No. 47*.

³⁷ E/CN.4/1983/22.

³⁸ E/1983/13; E/CN.4/1983/60, chap. XXVII A.

thorough investigation of all past violations of human rights is undertaken with a view to establishing responsibility through due process of law; requested the Secretary-General to provide advisory services and other forms of appropriate human rights assistance as may be requested by the constitutional Government of Bolivia; decided to conclude its consideration of the human rights situation in Bolivia established in its resolution 34 (XXXVII).

Commission draft decision 12,³⁹ requesting the Secretary-General to provide advisory services and other forms of appropriate human rights assistance as may be requested by the constitutional Government of Bolivia, was endorsed by the Economic and Social Council decision 1983/146 of 24 May 1983.

Cyprus

At its thirty-ninth session, the Commission on Human Rights had before it a report by the Secretary-General,⁴⁰ prepared pursuant to Commission decision 1982/102.

By its decision 1983/107 of 8 March 1983⁴¹ the Commission decided that the debate under agenda item 12 (a), entitled "Question of human rights in Cyprus", should be postponed to the fortieth session of the Commission and be given due priority at that session, it being understood that action required by previous resolutions of the Commission on this subject should continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation.

East Timor

At its thirty-sixth session the Sub-Commission on Prevention of Discrimination and Protection of Minorities, by its resolution 1983/26 of 6 September 1983,⁴² recalled that, in its resolution 1982/20, the Sub-Commission deplored the fact that the gravity of the situation of the people of East Timor was not being given sufficient attention by a large part of the international community; it requested the Secretary-General to intensify his efforts to promote all contacts calculated to encourage all the parties concerned to arrive at a stable solution, with due regard for the interests of the people of East Timor and recommended that the Commission on Human Rights, at its fortieth session, should continue to consider with attention the evolution of the situation of human rights and fundamental freedoms in East Timor.

At its thirty-ninth session, the Commission by its resolution 1983/8 on 16 February 1983⁴³ declared that the people of East Timor must be enabled freely to determine their own future on the basis of the relevant General Assembly resolutions and the relevant United Nations human rights instruments; it expressed its deepest concern at the suffering of the people of East Timor as a result of the situation now prevailing in the Territory and called upon all parties concerned to facilitate the entry

³⁹ *Ibid.*, chap. I B.

⁴⁰ E/CN.4/1983/23.

⁴¹ E/1983/13; E/CN.4/1983/60, chap. XXVII B.

⁴² E/CN.4/1984/3; E/CN.4/Sub.2/1983/43, chap. XXI A.

⁴³ E/1983/13; E/CN.4/1983/60, chap. XXVII A.

into the Territory of international aid to alleviate the suffering of the people of East Timor.

El Salvador

At its thirty-sixth session the Sub-Commission on Prevention of Discrimination and Protection of Minorities had before it the report of the Special Representative on the situation of human rights in El Salvador.⁴⁴

By its resolution 1983/18 adopted on 5 September 1983⁴⁵ the Sub-Commission expressed the view that the situation of armed confrontation in El Salvador must be considered as falling within the scope of article 3 of the Geneva Conventions of 12 August 1949 and the Protocol II to these Conventions, which assure protection to all people, combatants and non-combatants, injured combatants and all civil populations including refugees in the countryside, women and children, and national and international humanitarian bodies, called on all parties to participate in the effort to move the country towards democracy and requested the Secretary-General to report to the Sub-Commission at its thirty-seventh session on the work of the Special Representative of the Commission and on the deliberations of the Commission relating thereto.

At its thirty-ninth session, the Commission, by its resolution 1983/29 adopted on 8 March 1983,⁴⁶ *inter alia*, expressed its deepest concern that, as noted in the report of the Special Representative, violations of human rights of the most serious nature continue in El Salvador and that as a result the people of El Salvador continue to suffer, and deplored that appeals for the cessation of violence made by the General Assembly, the Commission and the international community in general, have not been heeded; urged the competent authorities in El Salvador to establish the conditions necessary to enable the judiciary to uphold the rule of law and urged further the judiciary to prosecute and punish those responsible for acts of violence and for violations of human rights and fundamental freedoms; and decided to consider the question of human rights in El Salvador at its fortieth session as a matter of high priority.

By its decision 1983/144 adopted on 27 May 1983,⁴⁷ the Council, noting Commission on Human Rights resolution 1983/29 of 8 March 1983, endorsed the Commission's decision to extend the mandate of the Special Representative on the situation of human rights in El Salvador for another year and to request him to submit his report on further developments in the situation of human rights in El Salvador to the General Assembly at its thirty-eighth session and to the Commission on Human Rights at its fortieth session, and requested the Secretary-General to give all necessary assistance to the Special Representative of the Commission.

At its thirty-eighth session the General Assembly had before it an interim report⁴⁸ by the Special Representative. In its resolution 38/101 adopted on 16

⁴⁴ E/CN.4/1983/20.

⁴⁵ E/CN.4/1984/3; E/CN.4/Sub.2/1983/43, chap. XXI A.

⁴⁶ E/1983/13; E/CN.4/1983/60, chap. XXVII A.

⁴⁷ E/1983/83, *Supplement No. 1*.

⁴⁸ A/38/47, *Supplement No. 47*.

December 1983, the Assembly, *inter alia*, expressed its deep concern at reports which prove that government forces regularly resort to bombarding urban areas in El Salvador that are not military objectives, and its concern for the fate of several hundred thousand displaced persons who are currently located in camps in which they are subjected to abuse and in which not even the minimum conditions of internment, in terms of either humane treatment or material needs, are observed; reiterated its appeal to all Salvadorian parties in the conflict to co-operate fully and not to interfere with the activities of humanitarian organizations dedicated to alleviating the suffering of the civilian population, wherever these organizations operate in the country; and decided to keep under consideration, during its thirty-ninth session, the situation of human rights and fundamental freedoms in El Salvador, in order to examine this situation anew in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

Guatemala

At its thirty-ninth session, the Commission on Human Rights adopted on 8 March 1983 resolution 1983/37⁴⁹ in which it reiterated its profound concern at the continuing reports of massive violations of human rights taking place in Guatemala, particularly reports of violence against non-combatants, widespread repression, and killing and massive displacement of rural and indigenous people; urged the Government of Guatemala to take effective measures to ensure that all its authorities and agencies, including its security forces, fully respect the human rights and fundamental freedoms of its citizens and equally urged all parties concerned to respect the rights of non-combatants and decided to continue the examination of the situation of human rights and fundamental freedoms in Guatemala at its fortieth session.

Taking into account that in resolution 1982/31 of 11 March 1982 the Commission, by its decision 1983/103 of 4 March 1983,⁵⁰ decided to continue the examination of the situation of human rights and fundamental freedoms in Guatemala.

At its thirty-sixth session the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 1983/12 adopted on 5 September 1983,⁵¹ *inter alia*, insisted that the Government take appropriate measures to ensure that the security forces comply with the norms of humanitarian law, applicable to armed conflicts of a non-international character; urged, in this respect, the Government of Guatemala to facilitate the entrance of international humanitarian bodies into Guatemala, to assist victims of the conflict and expressed the hope that the Special Rapporteur, in carrying out the mandate of the Commission will take due account of all the information that has been submitted to the Sub-Commission which it will forward to him, as well as any other relevant data furnished him.

The General Assembly also considered the matter at its thirty-eighth session and adopted on 16 December 1983 resolution 38/100⁵² in which, *inter alia*, it requested the Government of Guatemala to investigate and clarify the fate of persons who have disappeared and are still unaccounted for, including those reported to have been

⁴⁹ E/1983/13; E/CN.4/1983/60, chap. XXVII A.

⁵⁰ *Ibid.*, chap. XXVII B.

⁵¹ E/CN.4/1984/3; E/CN.4/Sub.2/1983/43, chap. XXI A.

⁵² A/38/47, *Supplement No. 47*.

tried by the special tribunals; it appealed also to all parties concerned in Guatemala to ensure the application of the relevant norms of international humanitarian law applicable in armed conflicts of a non-international character to protect the civilian population and to seek an end to all acts of violence; and decided to continue its examination of the situation of human rights and fundamental freedoms in Guatemala at its thirty-ninth session.

Iran (Islamic Republic of)

By its resolution 1983/34 of 8 March 1983,⁵³ the Commission on Human Rights expressed its profound concern at the continuing grave violations of human rights and fundamental freedoms in the Islamic Republic of Iran as reflected in the report of the Secretary-General, and particularly at the evidence of summary and arbitrary executions, torture, detention without trial, religious intolerance and persecution, in particular of the Baha'is, and the lack of an independent judiciary and other recognized safeguards for a fair trial; requested the Secretary-General or his representative to continue direct contacts with the Government of the Islamic Republic of Iran on the grave human rights situation prevailing in that country, including the situation of the Baha'is and decided to continue its consideration of the human rights situation in the Islamic Republic of Iran at its fortieth session.

The Sub-Commission on Prevention of Discrimination and Protection of Minorities also considered the question at its thirty-sixth session. By its resolution 1983/14 adopted on 5 September 1983,⁵⁴ it, *inter alia*, expressed its profound concern at the reports of continuing grave violations of human rights and fundamental freedoms in the Islamic Republic of Iran and noted the continuing efforts of the Secretary-General as mandated by the Commission on Human Rights in its resolution 1983/34 to bring about an improvement in the human rights situation in the Islamic Republic of Iran through his direct contacts with the Government concerned, and expressed the hope that the direct contacts of the Secretary-General will be successful.

The Economic and Social Council, by its decision 1983/47 adopted on 27 May 1983,⁵⁵ noting Commission on Human Rights resolution 1983/34 of 8 March 1983, endorsed the Commission's request that the Secretary-General or his representative continue direct contacts with the Government of the Islamic Republic of Iran on the grave human rights situation prevailing in that country, including the situation of the Baha'is, and that the Secretary-General or his representative submit to the Commission at its fortieth session a comprehensive report on the direct contacts and the human rights situation in the Islamic Republic of Iran, including conclusions and suggestions regarding the respect for human rights and fundamental freedoms in that country.

Poland

At its thirty-ninth session, the Commission on Human Rights, in its resolution 1983/30, adopted on 8 March 1983,⁵⁶ *inter alia*, reaffirmed the right of the Polish

⁵³ E/1983/13; E/CN.4/1983/60, chap. XXVII A.

⁵⁴ E/CN.4/1984/3; E/CN.4/Sub.2/1983/43, chap. XXI A.

⁵⁵ E/1983/83, *Supplement No. 1*.

⁵⁶ E/1983/13; E/CN.4/1983/60, chap. XXVII A.

people to pursue its political, social and cultural development, free from outside interference; decided to request the Secretary-General or a person designated by him to update and complete the thorough study of the human rights situation in Poland requested in its resolution 1982/26, based on such information as he may deem relevant, including comments and materials the Government of Poland may wish to provide, and to present a comprehensive report to the Commission at its fortieth session and decided to continue its consideration of the situation of human rights and fundamental freedoms in Poland at its fortieth session.

By its decision 1983/145 of 24 May 1983,⁵⁷ the Economic and Social Council noting Commission on Human Rights resolution 1983/30 of 8 March 1983, endorsed the Commission's decision to request the Secretary-General or a person designated by him to update and complete the thorough study of the human rights situation in Poland requested in Commission resolution 1982/26 of 10 March 1982, based on such information as he may deem relevant including comments and materials the Government of Poland may wish to provide, and to present a comprehensive report to the Commission at its fortieth session.

Mass exoduses

At its thirty-ninth session, the Commission on Human Rights had before it the study on human rights and mass exoduses prepared by its Special Rapporteur.⁵⁸

By its resolution 1983/35 adopted on 8 March 1983⁵⁹ the Commission recognized the important contribution the Special Rapporteur's study can make to the development of international thinking on the pressing problem of mass exoduses and their causes; invited the Secretary-General in his report pursuant to General Assembly resolution 37/186 to propose, on the basis of his consideration of these recommendations as well as such opinions as Governments have submitted and may submit, the deliberations of the Commission at its thirty-ninth session and of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees, effective international co-operative arrangements to address and alleviate those root causes of mass movements of population related to violations or suppression of human rights, taking into account existing organs, skills and resources in the United Nations system and decided to keep under review at its fortieth session the problem of human rights and mass exoduses.

The General Assembly also considered the matter at its thirty-eighth session. In its resolution 38/103 adopted on 16 December 1983⁶⁰ the Assembly, *inter alia*, invited Governments to intensify their co-operation and assistance in world-wide efforts to address the increasingly serious problem of mass exoduses; requested the Secretary-General to follow closely developments on this question, to take into consideration all the further comments of Member States, including those expressed at the thirty-eighth session of the General Assembly and at the fortieth session of the Commission on Human Rights, and to keep under review the recommendations of

⁵⁷ E/1983/83, *Supplement No. 1*.

⁵⁸ E/CN.4/1503.

⁵⁹ E/1983/13; E/CN.4/1983/60, chap. XXVII A.

⁶⁰ A/38/47, *Supplement No. 47*.

the Special Rapporteur; and decided to consider the question of human rights and mass exoduses at its thirty-ninth session.

Summary or arbitrary executions

In its resolution 1983/36 of 8 March 1983⁶¹ the Commission on Human Rights recommended its draft resolution VI⁶² for adoption by the Economic and Social Council.

Upon this draft resolution further endorsed by Council resolution 1983/36 of 27 May 1983,⁶³ the Economic and Social Council requested the Special Rapporteur to review his report in the light of the information received, taking particularly into account any new information, including relevant internal legislation, provided by concerned Governments as well as views expressed in the Commission on Human Rights at its thirty-ninth session and to submit a report to the Commission at its fortieth session, and decided that the Commission on Human Rights should consider the question of summary or arbitrary executions as a matter of high priority at its fortieth session under the item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

By its resolution 38/96 adopted on 16 December 1983,⁶⁴ the General Assembly requested the Commission on Human Rights at its fortieth session, on the basis of the report of the Special Rapporteur to be prepared in conformity with Economic and Social Council resolutions 1982/35 and 1983/36, to make recommendations concerning appropriate action to combat and eventually eliminate the practice of summary or arbitrary executions.

G. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in southern Africa

At its thirty-eighth session the Commission on Human Rights, having considered the updated⁶⁵ report prepared by the Special Rapporteur of the Sub-Commission on the adverse consequences of assistance to the racist régime in South Africa for the enjoyment of human rights, reiterated, in its resolution 1983/11 of 18 February 1983,⁶⁶ its request to call upon the Governments of the countries where the banks, transnational corporations and other organizations named and listed in the revised report are based to take effective action to put a stop to their trading, manufacturing and investing activities in the territory of South Africa as well as on the territory of Namibia illegally occupied by the racist Pretoria régime; to welcome the decision of the Sub-Commission on Prevention of Discrimination and Protection

⁶¹ E/1983/13; E/CN.4/1983/60, chap. XXVII A.

⁶² E/1983/83, *Supplement No. 1*.

⁶³ *Ibid.*

⁶⁴ A/38/47, *Supplement No. 47*.

⁶⁵ E/CN.4/Sub. 2/1982/10.

⁶⁶ E/1983/13; E/CN.4/1983/60, chap. XXVII A.

of Minorities to mandate Mr. Ahmed Khalifa, Special Rapporteur, to continue to update the list, subject to annual review, and to submit, through the Sub-Commission, the revised report to the Commission and to decide to consider the revised report at its fortieth session within the framework of the agenda item "The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in South Africa".

The Commission's decision to mandate the Special Rapporteur to continue updating the list and submit the revised report to the Commission was further endorsed by the Economic and Social Council decision 1983/137 adopted on 27 May 1983.⁶⁷

At its thirty-sixth session the Sub-Commission by its resolution 1983/6 adopted on 31 August 1983⁶⁸ invited, in accordance with resolution 8 (XXXVII) of the Commission on Human Rights and decision 1981/141 of the Economic and Social Council of 8 May 1981, the Special Rapporteur, Mr. Ahmed Khalifa:

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

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

H. The right of peoples to self-determination

At its thirty-ninth session, on 15 February 1983, the Commission on Human Rights adopted resolution 1983/3,⁶⁹ by which it, *inter alia*, called upon all States to implement fully and faithfully the resolutions of the United Nations, in particular General Assembly resolution 1514 (XV), and to take all the necessary steps to enable the dependent peoples of the territories concerned to exercise fully and without further delay their inalienable right to self-determination and independence; reaffirmed the inalienable right of the people of Namibia to self-determination, freedom and national independence in a united Namibia, including Walvis Bay and the offshore islands, in accordance with the Charter of the United Nations and as recognized in General Assembly resolutions 1514 (XV) and 2145 (XXI) of 27 October 1966, as well as in subsequent resolutions of the Assembly relating to Namibia, and the legitimacy of their struggle by all means at their disposal, including armed struggle, against the illegal occupation of their Territory by South Africa; condemned the policies of those western and other countries whose political, economic, military, nuclear, strategic, cultural and sports relations with the racist minority régime of South

⁶⁷ E/1983/83, *Supplement No. 1*.

⁶⁸ E/CN.4/1983/3; E/CN.4/Sub.2/1983/43, chap. XXI A.

⁶⁹ E/1983/13; E/CN.4/1983/60, chap. XXVII A.

Africa encourage that régime to persist in its suppression of the aspirations of peoples to self-determination and independence and decided to include in the provisional agenda of its fortieth session the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to give it high priority consideration.

The General Assembly also considered the question of the universal realization of the right of peoples to self-determination at its thirty-eighth session. By its resolution 38/16 of 22 November 1983,⁷⁰ the Assembly, *inter alia*, reaffirmed that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights; deplored the plight of the millions of refugees and displaced persons who have been uprooted by acts of repression, discrimination, exploitation and maltreatment and reaffirmed their right to return to their homes voluntarily in safety and honour; and requested the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation.

Afghanistan

By its resolution 1983/7 adopted on 16 February 1983,⁷¹ the Commission on Human Rights, *inter alia*, called for the immediate withdrawal of the foreign troops from Afghanistan; affirmed the right of the Afghan refugees to return to their homes in safety and honour and urged all concerned to work towards a settlement which would ensure that the Afghan people would determine their destiny free from outside interference and which would enable the Afghan refugees to return to their homes.

Democratic Kampuchea

By its resolution 1983/5 adopted on 15 February 1983,⁷² the Commission on Human Rights, *inter alia*, reaffirmed that the continuing occupation of Democratic Kampuchea by foreign forces deprives the people of Kampuchea of the exercise of their right to self-determination and constitutes the primary violation of human rights in Kampuchea at present; it requested the Secretary-General of the United Nations to continue to monitor closely the developments in Kampuchea and to intensify efforts, including the use of his good offices, to bring about a comprehensive political settlement and the restoration of fundamental human rights in Kampuchea; and recommended that the Economic and Social Council at its first regular session of 1983 continue to consider and, in particular, to undertake appropriate measures towards the early implementation of relevant recommendations with a view to achieving the full enjoyment of the fundamental human rights and freedoms particularly the right to self-determination, of the Kampuchean people.

⁷⁰ A/38/47, *Supplement No. 47*.

⁷¹ E/1983/13; E/CN.4/1983/60, chap. XXVII A.

⁷² *Ibid.*

By its decision 1983/155 of 27 May 1983,⁷³ the Economic and Social Council endorsed resolution 1983/5 of the Commission; it also noted with appreciation the efforts of the *Ad Hoc* Committee of the International Conference on Kampuchea and requested that the Committee continue its work, pending the reconvening of the Conference.

Palestine

In its resolution 1983/4 adopted on 15 February 1983,⁷⁴ the Commission on Human Rights, *inter alia*, reaffirmed the inalienable right of the Palestinian people to self-determination without external interference and the establishment of a fully independent and sovereign State of Palestine and to return to their homes and property, from which they have been displaced and uprooted by Israel, and called for their return in the exercise of their right to self-determination. It requested the Secretary-General to make available to the Commission on Human Rights and to the Sub-Commission on Prevention of Discrimination and Protection of Minorities the reports, studies and publications prepared by the Division for Palestinian Rights.

Western Sahara

In its resolution 1983/6 adopted on 25 February 1983,⁷⁵ the Commission on Human Rights reaffirmed the inalienable right of the people of Western Sahara to self-determination and independence in accordance with the Charter of the United Nations, the Charter of the Organization of African Unity and the objectives of General Assembly resolution 1514 (XV), as well as with the relevant resolutions of the General Assembly and the Organization of African Unity; it reiterated its appeal to the two parties to the dispute, Morocco and the *Frente Popular para la Liberación de Sanguía el-Hamra y de Río de Oro (Frente Polisario)* to enter into direct negotiations with a view to concluding a cease-fire, which is an indispensable prerequisite for the organization of the referendum on self-determination and it decided to follow closely the development of the situation in Western Sahara and to consider this question within the framework of the agenda item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" at its fortieth session, as a matter of high priority.

I. Question of human rights of persons subjected to any form of detention or imprisonment; torture and other cruel, inhuman or degrading treatment or punishment—United Nations Voluntary Fund for Victims of Torture

At its thirty-sixth session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities invited, on 6 September 1983, by its resolution 1983/28,⁷⁶ the Government of Paraguay to consider ending the state of siege, in order to encourage the promotion of, and respect for human rights in the country.

⁷³ E/1983/83, *Supplement No. 1*.

⁷⁴ E/1983/13; E/CN.4/1983/60, chap. XXVII A.

⁷⁵ *Ibid.*

⁷⁶ E/CN.4/1984/3; E/CN.4/Sub.2/1983/43, chap. XXI A.

At its 4th meeting held on 16 August 1983, the Sub-Commission had decided to establish a working group.

In its resolution 1983/19 of 22 February 1983,⁷⁷ the Commission expressed its gratitude and appreciation to those Governments which have already contributed to the United Nations Voluntary Fund for Victims of Torture; it called upon all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund, and requested the Secretary-General to transmit to all Governments the Commission's appeal for contributions to the Fund.

At its thirty-ninth session the Commission on Human Rights by its resolution 1983/48 adopted on 9 March 1983⁷⁸ and submitted to the Economic and Social Council, authorized a meeting of an open-ended working group for a period of one week prior to the fortieth session of the Commission on Human Rights to complete the work on a draft convention against torture and other cruel, inhuman or degrading treatment or punishment and requested the Secretary-General to transmit to the Commission on Human Rights at its fortieth session all relevant material relating to the draft convention.

By its resolution 1983/38, adopted on 27 May 1983,⁷⁹ the Economic and Social Council endorsed Commission on Human Rights resolution 1983/48 of 9 March 1983.⁸⁰

At its thirty-eighth session, the General Assembly, in its resolution 38/119 adopted on 16 December 1983⁸¹ requested the Commission on Human Rights to complete, at its fortieth session, as a matter of the highest priority, the drafting of a convention against torture and other cruel, inhuman or degrading treatment or punishment, with a view to submitting a draft, including provisions for the effective implementation of the future convention to the General Assembly at its thirty-ninth session; and decided to include in the provisional agenda of its thirty-ninth session the item entitled "Torture and other cruel, inhuman or degrading treatment or punishment".

J. Enforced or involuntary disappearances of persons

At its thirty-ninth session, the Commission on Human Rights adopted, on 22 February 1983, resolution 1983/20⁸² by which it took note of the report of the Working Group established to examine questions relevant to enforced or involuntary disappearances of persons.⁸³ It decided to extend for one year the Working Group's mandate, as laid down in Commission on Human Rights resolution 20 (XXXVI), and to retain the present membership of the Working Group for the same period of

⁷⁷ E/1983/13; E/CN.4/1983/60, chap. XXVII A.

⁷⁸ *Ibid.*

⁷⁹ E/1983/83, *Supplement No. 1*.

⁸⁰ E/1983/13; E/CN.4/1983/60, chap. XXVII A.

⁸¹ A/38/47, *Supplement No. 47*.

⁸² E/1983/13; E/CN.4/1983/60, chap. XXVII A.

⁸³ E/CN.4/1983/14.

time, and requested the Working Group to submit to the Commission, at its fortieth session, a report on its work, together with its conclusions and recommendations, and to bear in mind the obligation to discharge its mandate with discretion, so as, *inter alia*, to protect persons providing information, or to limit the dissemination of information provided by Governments.

The Sub-Commission was requested to continue studying the most effective means for eliminating enforced or involuntary disappearances of persons, with a view to making general recommendations to the Commission at its thirty-ninth session.

The General Assembly also considered the question at its thirty-eighth session and adopted, on 16 December 1983, resolution 38/94⁸⁴ in which it expressed its appreciation to the Working Group for the work it has done and to those Governments that have co-operated with it and appealed to all Governments to provide the Working Group and the Commission on Human Rights with the full co-operation warranted by their strictly humanitarian objectives and their working methods based on discretion.

K. Draft Code of Medical Ethics

In its resolution 38/118 of 16 December 1983,⁸⁵ the General Assembly recalling its resolution 37/194 of 18 December 1982 by which it adopted the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, called upon all Governments to give the Principles of Medical Ethics the widest possible distribution, in particular among medical and paramedical associations and institutions of detention or imprisonment, in an official language of the State.

L. Slavery and the slave trade

By its resolution 1983/25 of 4 March 1983,⁸⁶ the Commission on Human Rights recommended to the Economic and Social Council that the report prepared by Mr. Benjamin Whitaker, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "Updating of the Report on Slavery submitted to the Sub-Commission in 1966"⁸⁷ should be printed and given the widest possible distribution, including distribution in Arabic.

Pursuant to the resolution of the Commission on Human Rights, the Economic and Social Council, in its decision 1983/143 of 27 May 1983,⁸⁸ decided that the report prepared by Mr. Benjamin Whitaker, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "Updating of the Report on Slavery submitted to the Sub-Commission in 1966"

⁸⁴ A/38/47, *Supplement No. 47*.

⁸⁵ *Ibid.*

⁸⁶ E/1983/13; E/CN.4/1983/60, chap. XXVII A.

⁸⁷ E/CN.4/Sub.2/1982/20 and Add.1.

⁸⁸ E/1983/83, *Supplement No. 1*.

should be printed and given the widest possible distribution, including distribution in Arabic.

At its thirty-sixth session the Sub-Commission by its resolution 1983/13 adopted on 5 September 1983⁸⁹ requested the Secretary-General to call upon States parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 to submit regular reports on the situation in their countries, as provided for under the Conventions, and to call upon other States, intergovernmental organizations, relevant agencies of the United Nations and non-governmental organizations concerned and the International Criminal Police Organization (Interpol) to supply relevant information to the Working Group on Slavery, also requested in the light of the provisions of article 4 of the Universal Declaration of Human Rights, the competent United Nations bodies and specialized agencies concerned to offer States such co-ordinated legal, technical, administrative, educational, financial and other practical assistance as is desirable to eliminate conditions conducive to slavery and slavery-like situations and invited the International Labour Organisation, the Food and Agriculture Organization of the United Nations and the United Nations Educational, Scientific and Cultural Organization to participate actively in the work of the Working Group.

By its resolution 1983/1 of 31 August 1983,⁹⁰ the Sub-Commission recommended to the Commission for adoption draft resolution I⁹¹ upon which the Commission would recommend to the Economic and Social Council to authorize the Sub-Commission to appoint Mrs. H. Embarek Warzazi and Mr. M. Y. Mudawi to carry out and present a study on all aspects of the problem of female sexual mutilation, including the current extent and causes of the problem and how it might best be remedied and to request Mrs. Warzazi and Mr. Mudawi to submit a preliminary report to the Sub-Commission at its thirty-seventh session and a final report at its thirty-eighth session.

M. Rights of the child

QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD

A pre-sessional working group on the draft convention on the rights of the child was held prior to the thirty-ninth session of the Commission on Human Rights. By its resolution 1983/52 of 10 March 1983,⁹² the Commission decided to continue at its next session its work on the draft. In its draft resolution IX,⁹³ the Commission recommended to the Economic and Social Council that it authorize a meeting of an open-ended working group for a period of one week prior to the fortieth session of the Commission on Human Rights to facilitate and speed up the completion of the

⁸⁹ E/CN.4/1984; E/CN.4/Sub.2/1983/43, chap. I A.

⁹⁰ *Ibid.*, chap. XXI A.

⁹¹ *Ibid.*, chap. I A.

⁹² E/1983/13; E/CN.4/1983/60, chap. XXVII A.

⁹³ *Ibid.*, chap. I A.

work on a draft convention on the rights of the child. This recommendation was endorsed by Council resolution 1983/39 of 27 May 1983.⁹⁴

By its resolution 38/114 of 16 December 1983,⁹⁵ the General Assembly, *inter alia*, requested the Commission on Human Rights to give the highest priority at its fortieth session to the question of completing the draft convention and to make every effort to submit it, through the Economic and Social Council, to the General Assembly at its thirty-ninth session, as the Commission's tangible contribution to the commemoration of the twenty-fifth anniversary of the Declaration of the Rights of the Child.

N. Human rights of disabled persons

By its resolution 1983/15 of 5 September 1983,⁹⁶ the Sub-Commission on Prevention of Discrimination and Protection of Minorities, *inter alia*, requested that the Secretary-General again invite concerned non-governmental organizations, in consultation with disabled persons, to investigate human rights problems of disabled persons and submit the findings to him for his report to the Sub-Commission at its thirty-seventh session; welcomed the decision of the General Assembly, in its resolution 37/53, to proclaim the period 1983-1992 United Nations Decade of Disabled Persons and requested that the Commission on Human Rights invite Governments, in consultation with disabled persons, to identify human rights problems of disabled persons in their jurisdictions and to provide descriptions of those problems, along with plans to alleviate them, to the Sub-Commission in accordance with Sub-Commission resolution 1982/1, for consideration at its thirty-seventh session.

O. International legal protection of the human rights of individuals who are not citizens of the country in which they live

The open-ended Working Group established under General Assembly resolution 36/165⁹⁷ for the purpose of concluding the elaboration of a draft declaration on the human rights of individuals who are not citizens of the country in which they live, continued during the thirty-eighth session of the Assembly.

By its resolution 38/87 adopted on 16 December 1983,⁹⁸ the General Assembly took note of the report of the Working Group and of the fact that, although the Working Group has done useful work, it has not had sufficient time to conclude its task and decided to establish, at its thirty-ninth session, an open-ended working group for the purpose of concluding the elaboration of the draft declaration on the human rights of individuals who are not citizens of the country in which they live.

⁹⁴ E/1983/83, *Supplement No. 1*.

⁹⁵ A/38/47, *Supplement No. 47*.

⁹⁶ E/CN.4/1984/3; E/CN.4/Sub.2/1983/43, chap. XXI A.

⁹⁷ A/38/47, *Supplement No. 47*.

⁹⁸ *Ibid.*

P. Indigenous populations

At its thirty-ninth session, the Commission on Human Rights in its resolution 1983/23 of 4 March 1983⁹⁹ decided:

(a) To request the Sub-Commission on Prevention of Discrimination and Protection of Minorities to suggest appropriate means designed to ensure that the activities of the Working Group shall be better known in every country so as to ensure the broadest possible participation of representative observers from indigenous populations;

(b) To request the Sub-Commission to make more specific proposals regarding the possible establishment of a fund as referred to above, including applicable criteria for the administration of such a fund, as well as appropriate standards for making such a fund available to those who may be considered to be eligible;

(c) To request the Secretary-General to provide the Sub-Commission with suggestions as to how such a fund may be administered;

and requested the Sub-Commission to include an account of its activities undertaken pursuant to the present resolution in the report on its thirty-sixth session to the Commission at its fortieth session.

The Working Group on Indigenous Populations held its second session from 8 to 13 August 1983. By its resolution 1983/37 of 6 September 1983,¹⁰⁰ the Sub-Commission on Prevention of Discrimination and Protection of Minorities having examined the report of the Working Group at its second session,¹⁰¹ endorsed the Plan of Action drawn up by the Group for its future work, as contained in annex 1 to the report; recommended that the report of the Working Group should be made available to the Commission on Human Rights at its fortieth session as well as subsequent sessions and requested the Working Group, at its third session in 1984, to examine further the question of criteria for the administration of a possible fund to allow representatives of indigenous populations to travel to Geneva for participation in the meeting of the Working Group.

By its resolution 1983/33 adopted on the same day,¹⁰² the Sub-Commission, having examined the report submitted by the Special Rapporteur containing the supplementary part of the final report relating to the study of the problem of discrimination against indigenous populations,¹⁰³ asked the Special Rapporteur to submit to the Sub-Commission at its thirty-seventh session in 1984 the conclusions, proposals and recommendations of the study, which, despite his efforts, could not be considered this year.

⁹⁹ E/1983/13; E/CN.4/1983/60, chap. XXVII A.

¹⁰⁰ E/CN.4/1984/3; E/CN.4/Sub.2/1983/43, chap. XXI A.

¹⁰¹ E/CN.4/Sub.2/1983/22.

¹⁰² E/CN.4/1984/3; E/CN.4/Sub.2/1983/43, chap. XXI A.

¹⁰³ E/CN.4/Sub.2/1983/21 and Add.1 to 8.

Q. Human rights of migrant workers

At its thirty-ninth session the Commission on Human Rights, by its resolution 1983/45 of 9 March 1983,¹⁰⁴ *inter alia*, welcomed once more the progress being made by the open-ended Working Group on the discharge of its mandate and requested the Secretary-General to inform the Commission at its fortieth session on the further progress attained in this regard, under the agenda item "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

The Working Group on migrant workers held an intersessional meeting from 31 May to 10 June 1983.

By its resolution 38/86 of 16 December 1983, the General Assembly took note of the reports of the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families¹⁰⁵ and expressed its satisfaction with the substantial progress that the Working Group had so far made in the accomplishment of its mandate; it decided that, in order to enable it to complete its task as soon as possible, the Working Group should again hold an inter-sessional meeting of two weeks' duration in New York, immediately after the first regular session of 1984 of the Economic and Social Council; it invited the Secretary-General to transmit to Governments the reports of the Working Group so as to allow the members of the Group to continue their task during the inter-sessional meeting to be held in the spring of 1984, as well as to transmit the results obtained at that meeting in order that the General Assembly may consider them during its thirty-ninth session and decided that the Working Group should meet during the thirty-ninth session of the General Assembly, preferably at the beginning of the session, to continue and, if possible, to complete the elaboration of an international convention on the protection of the rights of all migrant workers and their families.

R. The role of youth in the promotion and protection of human rights

At its thirty-ninth session, the Commission on Human Rights, in its resolution 1983/46 adopted on 9 March 1983,¹⁰⁶ emphasized the important role of young people in their countries' political, economic and social development. The Commission called upon all States to take appropriate legislative, administrative and other action for the exercise by youth of all their human rights and fundamental freedoms, including the right to education and the right to work, with a view to creating conditions for the active participation of young people in the formulation and implementation of programmes for the economic and social development of their countries; confirmed its decision to examine at its forty-first session, as a matter of priority, the question of the exercise by youth of all their human rights and fundamental freedoms, including the right to education and the right to work.

The Sub-Commission on Prevention of Discrimination and Protection of Minorities had before it, at its thirty-sixth session, a preliminary report¹⁰⁷ by two of

¹⁰⁴ E/1983/13; E/CN.4/1983/60, chap. XXVII A.

¹⁰⁵ A/38/47, *Supplement No. 47*.

¹⁰⁶ E/1983/13; E/CN.4/1983/60, chap. XXVII A.

¹⁰⁷ E/CN.4/Sub.2/1983/30.

its members on conscientious objection to military service. By its resolution 1983/22 of 5 September 1983,¹⁰⁸ the Sub-Commission decided to transmit the report to the Commission on Human Rights, requested the Commission to study the recommendations contained in paragraphs 154 to 168 of that report and to make appropriate recommendations to the Economic and Social Council; and further requested the Commission to recommend to the Economic and Social Council that the report by Mr. Eide and Mr. Mubanga-Chipoya be printed and given the widest possible distribution.

At its thirty-eighth session the General Assembly adopted three resolutions on youth and human rights. In its resolution 38/22 of 22 November 1983,¹⁰⁹ the Assembly, *inter alia*, requested the Advisory Committee to make every effort to implement the tasks entrusted to it by decisions of the General Assembly and by recommendations of the five regional meetings devoted to the International Youth Year and to submit the report on its third session to the General Assembly at its thirty-ninth session with practical proposals on specific ways and means for the observance, in 1985, of the International Youth Year in an appropriate organizational framework within the United Nations. In its resolution 38/23 adopted on the same day,¹¹⁰ the Assembly called upon all States, all governmental and non-governmental organizations and the interested bodies of the United Nations and specialized agencies to pay continuous attention to the implementation of General Assembly resolutions 36/29 and 37/49 relating to efforts and measures aimed at the promotion of human rights and their enjoyment by youth, particularly the right to education and vocational training and to work, with a view to resolving the problem of youth unemployment; in its resolution 38/26 also adopted on the same day¹¹¹ the Assembly, *inter alia*, called upon Member States, specialized agencies and other intergovernmental organizations, in co-operation with youth organizations in consultative status with the Economic and Social Council and other youth organizations concerned, to continue to promote actively the full and effective implementation of the guidelines and additional guidelines adopted by the General Assembly in its resolutions 32/135 and 36/17, in particular through informing young people of relevant policies and programmes and encouraging them to participate in the preparation and implementation of these policies and programmes.

S. Human rights and scientific and technological developments

At its thirty-ninth session the Commission on Human Rights adopted a number of resolutions relating to the question of human rights and scientific and technological developments.

By its resolution 1983/41 of 9 March 1983,¹¹² the Commission invited all Member States and relevant international organizations to submit to the Secretary-General their views on the most effective ways and means of using the results of

¹⁰⁸ E/CN.4/1984/3; E/CN.4/Sub.2/1983/43, chap. XXI A.

¹⁰⁹ A/38/47, *Supplement No. 47*.

¹¹⁰ *Ibid.*

¹¹¹ *Ibid.*

¹¹² E/1983/13; E/CN.4/1983/60, chap. XXVII A.

scientific and technological developments for the promotion and realization of human rights and fundamental freedoms and requested the Secretary-General to prepare a report on the basis of comments provided by States, relevant international organizations and other sources, and to submit it to the Commission on Human Rights at its fortieth session.

By its resolution 1983/42 of the same date,¹¹³ the Commission stressed the importance of the implementation by all States of the provisions and principles contained in the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, in order to promote human rights and fundamental freedoms under conditions of scientific and technological progress and requested once again the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake as a matter of priority a study on the use of the achievements of scientific and technological progress to ensure the right to work and development.

Finally, the Commission adopted, on the same day, resolution 1983/43¹¹⁴ by which it reaffirmed that all peoples and all individuals have an inherent right to life, and that the safeguarding of this foremost right is an essential condition for the enjoyment of the entire range of economic, social and cultural as well as civil and political rights; it also called upon all States to take effective measures with a view to prohibiting by law any propaganda for war.

By its resolution 1983/44 of 9 March 1983,¹¹⁵ the Commission invited the Economic and Social Council, to request the Special Rapporteur to supplement her final report containing the body of principles, guidelines and guarantees as well as the summary compilation of replies received from Governments and specialized agencies, taking into account the basic views expressed in the Sub-Commission and in the Commission on Human Rights, and to include in the report any new replies from Governments or specialized agencies that might be transmitted in the mean time.

At its thirty-sixth session, the Sub-Commission by its resolution 1983/39 of 7 September 1983,¹¹⁶ expressed its grateful appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes, for her excellent and valuable report¹¹⁷ on the above-mentioned topic; it decided, that the study on "Human Rights and Scientific and Technological Developments—Principles, guidelines and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder" should be published and given the widest possible distribution in all the official languages of the United Nations and requested the Sub-Commission to establish a Sessional Working Group and to allocate to it appropriate time and facilities for a further examination as a matter of high priority, of the draft body of principles, guidelines and guarantees, annexed to the above-mentioned study¹¹⁸ and

¹¹³ *Ibid.*

¹¹⁴ *Ibid.*

¹¹⁵ *Ibid.*

¹¹⁶ E/CN.4/1984/3; E/CN.4/Sub.2/1983/43, chap. XXI A.

¹¹⁷ E/CN.4/Sub.2/1983/17 and Add.1.

¹¹⁸ *Ibid.*

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

The General Assembly also examined the question of human rights and scientific and technological developments at its thirty-eighth session. In its resolution 38/111 of 16 December 1983,¹¹⁹ it again urged the Commission on Human Rights and, through it, the Sub-Commission on Prevention of Discrimination and Protection of Minorities to expedite their consideration of the draft body of principles guidelines and guarantees, so that the Commission can submit its views and recommendations, including a draft body of principles, guidelines and guarantees, to the General Assembly at its fortieth session, through the Economic and Social Council. By its resolution 38/112 of the same date¹²⁰ the General Assembly invited those Member States, specialized agencies and other organizations of the United Nations system that have not yet done so to submit their information pursuant to General Assembly resolution 35/130 A of 11 December 1980; and requested the Commission on Human Rights to pay special attention, in its consideration of the item entitled "Human rights and scientific and technological developments", to the question of the implementation of the provisions of the Declaration, taking into consideration the information submitted by Member States, specialized agencies and other organizations of the United Nations system pursuant to General Assembly resolution 35/130 A.

By its resolution 38/113 of the same date¹²¹ it reaffirmed that all peoples and all individuals have an inherent right to life and that the safeguarding of this cardinal right is an essential condition for the enjoyment of the entire range of economic, social and cultural, as well as civil and political, rights and called upon all States, appropriate organs of the United Nations, specialized agencies and intergovernmental and non-governmental organizations concerned to take the necessary measures to ensure that the results of scientific and technological progress are used exclusively in the interests of international peace, for the benefit of mankind and for promoting and encouraging universal respect for human rights and fundamental freedoms.

T. The realization of economic, social and cultural rights

1. RIGHT TO DEVELOPMENT

By its resolution 1983/15 of 22 February 1983,¹²² the Commission commended the report of the Working Group of Governmental Experts on the Right to Development¹²³ and decided to consider this question as a matter of high priority at its fortieth session, with a view to taking a decision on the work undertaken on the draft declaration submitted by the Working Group.

¹¹⁹ A/38/47, *Supplement No. 47*.

¹²⁰ *Ibid.*

¹²¹ *Ibid.*

¹²² E/1983/13; E/CN.4/1983/60, chap. XXVII A.

¹²³ E/CN.4/1983/11.

By its resolution 1983/139 of 27 May 1983,¹²⁴ the Economic and Social Council, endorsed the Commission's decision to reconvene the Working Group of Governmental Experts on the Right to Development with its original mandate in order to allow it to elaborate, on the basis of its report and all the documents already submitted or to be submitted, a draft declaration on the right to development. The Council also endorsed the Commission's request to the Working Group to hold two meetings of two weeks each at Geneva, the first in June 1983 and the second in November/December 1983, and requested the Secretary-General to provide all necessary assistance to the Working Group.

At its thirty-sixth session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, by its resolution 1983/35 of 6 September 1983,¹²⁵ recommended to the Commission for adoption draft resolution XV,¹²⁶ by which the Commission recommended that the Economic and Social Council should arrange for the study on the New International Economic Order and the Promotion of Human Rights to be published and given the widest possible distribution in all the official languages of the United Nations.

By its resolution 1983/38 also adopted on 6 September 1983,¹²⁷ the Sub-Commission requested the Secretary-General to include, in its report referred to in paragraph 2 of this resolution, information on the results achieved in response to requests by the Commission on Human Rights that technical assistance be made available to certain States to assist them in ensuring full respect for human rights.

At its thirty-ninth session the General Assembly, in its resolution 38/24 of 22 November 1983,¹²⁸ *inter alia*, requested the Commission on Human Rights to continue to consider at its fortieth session the question of popular participation in its various forms as an important factor in the full realization of all human rights.

2. RIGHT TO EDUCATION

At its thirty-eighth session, the General Assembly by its resolution 38/23 of 22 November 1983,¹²⁹ *inter alia*, requested the Advisory Committee for the International Youth Year to give full attention to resolutions 36/29 and 37/49 and to all relevant international human rights instruments in the preparation for and in the course of the International Youth Year, in particular in elaborating its recommendations concerning the Year; and invited national co-ordinating committees or other organs of co-ordination for the International Youth Year to give appropriate priority in activities to be undertaken prior to and during the Year to the implementation and the enjoyment by youth of human rights, particularly the right to education and to work.

¹²⁴ E/1983/83, *Supplement No. 1*.

¹²⁵ E/CN.4/1984/3; E/CN.4/Sub.2/1983/43, chap. XXI A.

¹²⁶ *Ibid.*, chap. XV.

¹²⁷ E/CN.4/1984/3; E/CN.4/Sub.2/1983/43, chap. XXI A.

¹²⁸ A/38/47, *Supplement No. 47*.

¹²⁹ *Ibid.*

U. Further promotion and encouragement of human rights and fundamental freedoms

1. PROGRAMME AND METHOD OF WORK OF THE COMMISSION AND ITS SUB-COMMISSION

In its resolution 1983/51 of 10 March 1983,¹³⁰ the Commission took note with appreciation that the report of the open-ended working group established during its thirty-ninth session contains a number of ideas which merit consideration by the Commission and decided, *inter alia*, to continue at its fortieth session its ongoing work on the overall analysis with a view to further promotion and encouragement of human rights and fundamental freedoms, including the question of programmes and methods of work of the Commission and alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms.

By its decision 1983/152 of 27 May 1983¹³¹ the Council, noting Commission on Human Rights decision 1983/109 of 10 March 1983, decided to authorize 20 fully-serviced additional meetings, including summary records, for the Commission's fortieth session and endorsed the Commission's request to the Chairman of the Commission at its fortieth session to make every effort to organize the work of the session within the normal allotted time, the additional meetings authorized to be utilized only if such meetings prove to be absolutely necessary.

2. CREATION OF A POST OF HIGH COMMISSIONER FOR HUMAN RIGHTS

By its resolution 1983/51 of 10 March 1983,¹³² the Commission noted also that differing views were expressed, *inter alia*, on the questions of the intersessional role of the Bureau, emergency sessions of the Commission, the creation of a post of United Nations High Commissioner for Human Rights, the possible review of the Commission's terms of reference, the long-term programme of work of the Commission, and the usefulness of the working group.

At its thirty-sixth session, the Sub-Commission considered the question of the mandate of a High Commissioner for Human Rights.¹³³

3. PUBLIC INFORMATION ACTIVITIES IN THE FIELD OF HUMAN RIGHTS

At its thirty-ninth session, the Commission on Human Rights had before it a report by the Secretary-General concerning the measures taken to enhance public information activities in the field of human rights.¹³⁴ In its resolution 1983/50 of 10 March 1983,¹³⁵ the Commission, *inter alia*, requested the Secretary-General, in the light of the commemoration of the thirty-fifth anniversary of the Universal Declaration of Human Rights, to give special attention to ways of facilitating the stimu-

¹³⁰ E/1983/13; E/CN.4/1983/60, chap. XXVII A.

¹³¹ E/1983/83, *Supplement No. 1*.

¹³² E/1983/13; E/CN.4/1983/60, chap. XXVII A.

¹³³ E/CN.4/1984/3; E/CN.4/Sub.2/1983/43.

¹³⁴ E/1983/13; E/CN.4/1983/60, chap. XXVII A.

¹³⁵ *Ibid.*

lation of public interest in the promotion and encouragement of universal respect for and observance of human rights, and to report thereon to the Commission at its fortieth session.

V. Advisory services in the field of human rights

By its resolution 1983/48 of 19 March 1983,¹³⁶ the Commission on Human Rights requested the Secretary-General to continue his contacts with the Government of Uganda in order to provide, within the framework of the programme of advisory services, all appropriate assistance to help the Government of Uganda to take measures to continue guaranteeing the enjoyment of human rights and fundamental freedoms, paying particular attention to the areas spelled out in Commission resolution 1982/37 and Economic and Social Council decision 1982/139 and decided to review this question at its fortieth session under the agenda item "Advisory services in the field of human rights" in the light of the report of the Secretary-General on the implementation of the present resolution.

¹³⁶ *Ibid.*

Section B. Specialized agencies

A. Food and Agriculture Organization of the United Nations (FAO)

To assist Member States in the implementation of the Convention and the World Conference on Agrarian Reform and Rural Development (WCARRD), Principles and Resolutions, FAO has advised countries on national policies to advance rural women's rights and initiated studies and projects to sustain equitable access to rural services. For instance, FAO has reviewed national legislation affecting rural women and obstacles to effective implementation of the principle of full integration. This has been completed during the past several years by WCARRD Inter-Agency Policy Review Missions in six countries. A national study on rural women's legal rights has been undertaken in one African country and a review of national legislation and improved implementation strategies completed in two African countries.

These initiatives have been further endorsed by FAO intergovernmental meetings. For instance, the FAO Committee on Agriculture, at its seventh session (21-30 March 1983) recognized that the obstacles to women's advancement include legal, economic, social, traditional and cultural factors. The Committee urged that 'efforts be made to provide women with legal rights equal to men for land ownership, access to credit and banking services and membership and decision-making responsibilities in farmers' organizations and co-operatives. With respect to this, the Committee asked that consideration be given to continuing studies upon the legal status of women and effective implementation of laws to protect them'.¹

B. International Labour Organisation (ILO)

1. *General.* Most of the activities of the International Labour Organisation have a bearing on the recognition and promotion of human rights, as defined in the Universal Declaration of Human Rights. A general review of these activities in 1983 may be found in Part II of the Report of the Director-General to the 70th Session of the International Labour Conference, 1984.

2. *Adoption of international labour standards.* At its 69th Session, in 1983, the International Labour Conference adopted the following instruments: Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159); Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983 (No. 168); Maintenance of Social Security Rights Recommendation, 1983 (No. 167).

¹ Contribution made by the Organization.

3. *Ratification of Conventions.* During 1983, 138 ratifications of international labour Conventions were registered bringing the total to 5,137 at 31 December 1983. At that date the numbers of ratifications of certain key Conventions dealing with trade union rights, forced labour, equality and employment were as follows:

<i>Convention</i>	<i>Number of ratifications</i>
Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).....	97
Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	113
Workers' Representatives Convention, 1971 (No. 135)	41
Rural Workers' Organisations Convention, 1975 (No. 141)	24
Labour Relations (Public Service) Convention, 1978 (No. 151).....	15
Forced Labour Convention, 1930 (No. 29).....	128
Abolition of Forced Labour Convention, 1957 (No. 105)	109
Equal Remuneration Convention, 1951 (No. 100).....	105
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	106
Employment Policy Convention, 1964 (No. 122)	69

4. *Committee of Experts on the Application of Conventions and Recommendations.* The Committee of Experts held its 53rd Session in March 1983. Its main report, containing in particular comments arising out of the examination of reports on ratified Conventions, was published as Report III (Part 4A) of the International Labour Conference, 69th Session. The Committee also made a general survey (Report III (Part 4B)) concerning the implementation of certain instruments relating to freedom of association, the right to organize, collective bargaining and rural workers' organizations (Conventions Nos. 87, 98, 141; Recommendation No. 149).

5. *Representations and complaints concerning the observance of ratified Conventions.*

(a) The Commission of Inquiry set up in 1982 to examine the observance by the Dominican Republic and Haiti of certain Conventions dealing with forced labour, trade union rights and the protection of wages in connection with the employment of Haitian workers on sugar plantations in the Dominican Republic presented its report in May 1983—see ILO *Official Bulletin*, vol. LXVI, 1983, Series B, Special Supplement. In November 1983, the Governing Body took note of statements by the two Governments concerned, and noted that the implementation of the recommendations made by the Commission of Inquiry would be followed by the Committee of Experts on the Application of Conventions and Recommendations.

(b) In May-June 1983 the Governing Body appointed a Commission of Inquiry to examine complaints concerning the observance by Poland of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

(c) The Governing Body examined a representation by the Norwegian Federation of Trade Unions concerning the observance by Norway of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and approved conclusions on the case in March 1983—See ILO *Official Bulletin*, vol. LXVI, 1983, Series B, No. 1, pp. 170-179.

(d) The Governing Body received a representation by the Belgian General Federation of Labour concerning the observance by Belgium of several Conventions relating to freedom of association, hours of work, night work, and social security. The questions relating to freedom of association were referred to the Committee on Freedom of Association. In May 1983, the Governing Body established a committee to examine the other questions raised in the representation.

(e) The Governing Body received a representation from the National Trade Union Co-ordinating Council of Chile concerning the observance by Chile of several Conventions relating to hours of work, employment and forced labour. In June 1983 the Governing Body established a committee to examine this representation.

6. *Governing Body Committee on Freedom of Association.* The Committee held three meetings in 1983 and submitted 11 reports to the Governing Body containing conclusions in 98 cases—see 222nd to 232nd Reports, ILO *Official Bulletin*, vol. LXVI, 1983, Series B, Nos. 1 to 3. Missions were carried out by representatives of the Director-General to several countries in connection with complaints pending before the Committee—to Suriname in August 1983, to Turkey in September 1983, and to Nicaragua in December 1983.

7. *Tripartite African Seminar on Freedom of Association.* This seminar was held in Tunis in September 1983 to examine the situation and problems of workers' and employers' organizations in Africa in the light of ILO principles and standards on freedom of association.

8. *Special studies of the trade union situation and industrial relations system in selected European countries.* These studies have been undertaken in response to resolutions adopted by ILO European Regional Conferences. In 1983 two studies, relating to Hungary and Norway, were completed—see *Trade Union Situation and Labour Relations in Hungary* and *Trade Union Situation and Labour Relations in Norway*, ILO, 1984.

9. *Activities concerning apartheid and promotion of equality in southern Africa.* A further *Special Report on the Application of the Declaration concerning the Policy of Apartheid in South Africa*, as updated by the International Labour Conference in 1981, was presented to the Conference at its 69th Session (June 1983). It reviewed developments in South Africa and at the international level and information from Governments of other States and employers' and workers' organizations on measures taken by them against *apartheid*. The report was examined by the Conference Committee on *Apartheid*—for the Committee's conclusions, see ILO *Official Bulletin*, vol. LXVI, 1983, Series A, No. 2, pp. 103 and 104. The ILO continued its programme of assistance to front-line States, national liberation movements, and black workers and their trade unions in South Africa. These activities cover vocational training and rehabilitation, employment planning, rural development training, workers' education, and assistance to migrant workers in southern Africa.

10. *Situation of workers of Arab territories occupied by Israel.* A further mission was carried out in March 1983 by representatives of the Director-General to examine the situation of workers of the Arab occupied territories, including ways of developing assistance for them. Missions also took place to other countries in the region for consultations with Government, employer and worker circles and with Pakistani representatives. The report on these missions was published as Appendix

III to the report of the Director-General to the 69th Session of the International Labour Conference.

11. *Regional tripartite seminars on non-discriminatory employment practices.* Two regional tripartite seminars were held, in Bangkok, Thailand, in April 1983 and in Lima, Peru, in October 1983, to discuss a draft guide to non-discriminatory employment practices.

12. *Child labour.* Part I of the Report of the Director-General to the 69th Session of the International Labour Conference was devoted to an examination of the problems of child labour and of the measures to be taken both at the national level and by the Organisation to combat such practices.

C. United Nations Educational, Scientific and Cultural Organization (UNESCO)

1. EXAMINATION OF CASES AND QUESTIONS CONCERNING THE EXERCISE OF HUMAN RIGHTS COMING WITHIN UNESCO'S COMPETENCE

The Committee on Conventions and Recommendations met in private sessions at UNESCO headquarters from 16 to 24 May and 12 to 19 September 1983 in order to examine communications which had been transmitted to it in accordance with decision 104 EX/3.3 of the Executive Board.

At its spring session, the Committee was seized with 56 communications of which 45 were examined from the standpoint of their admissibility and 11 were examined as to their substance. Of the 45 communications examined as to their admissibility, none was declared admissible, 11 were declared inadmissible, 11 were struck off the list since they were considered by the Committee as having been settled. The examination of the remaining communications was suspended. The Committee presented its report to the Executive Board at its 116th session.

At its autumn session, the Committee had before it 47 communications of which 41 were examined as to their admissibility and 6 were examined from the standpoint of their substance. Of the 41 communications examined as to their admissibility, none was declared admissible, 4 were declared inadmissible and 4 were struck off the list since they were considered by the Committee as having been settled. The examination of the remaining communications was suspended. The Committee presented its report on its examination of these communications to the Executive Board at its 117th session.

2. RESPECT FOR HUMAN RIGHTS. STUDIES ON THE VARIOUS FORMS OF HUMAN RIGHTS VIOLATIONS

The deliberations of the Meeting of Experts on the Analysis of the Bases and Forms of Individual and Collective Action by which Violations of Human Rights can be Combated (Freetown, Sierra Leone, 3-7 March 1981) led to the publication of a work entitled *Violations des droits de l'homme : quel recours, quelle résistance* (Human rights violations: what recourse, what resistance), which appeared in French in 1983.

A financial contribution was made to the art exhibition against *apartheid* held in Paris in December 1983 at the Fondation nationale des arts graphiques et plastiques and organized by World Artists against *Apartheid* in co-operation with the United Nations Special Committee against *Apartheid*. The exhibition catalogue refers to the contribution made by UNESCO.

Co-operation with the specialized organs of the United Nations and with the specialized agencies has been strengthened, as has co-operation with universities, research centres and non-governmental organizations. In addition, the International Commission of Jurists has prepared a comparative study, with UNESCO's financial assistance, on the principles proclaimed by the Universal Declaration on Human Rights and the South African reality. The study was published in French in 1983.

3. TRAINING AND TEACHING IN THE FIELD OF HUMAN RIGHTS. IMPLEMENTATION OF THE PLAN FOR THE DEVELOPMENT OF HUMAN RIGHTS TEACHING

(a) *Preparation of teaching materials*

A textbook for human rights teaching at university level entitled *International Dimensions of Human Rights* was published in French in 1978 and appeared in Portuguese in 1983. This book describes international and regional procedures at present existing for the promotion and protection of human rights and explains how they operate. An updated English version was published by the Greenwood Press in 1983. Other language versions are now being prepared.

In addition, UNESCO has published a booklet entitled *Human Rights: Questions and Answers*. This booklet, illustrated with drawings, provides answers to the main questions about the meaning of the rights mentioned in the Universal Declaration of Human Rights and about the instruments which exist to guarantee respect for them. In the first instance, five thousand copies were printed in English and French and a further two thousand have been produced in Spanish. Preparations are being made for a reprint of the same number of copies. It was translated into Finnish and published by the Finnish National Commission in 1983. In conjunction with the Austrian and German National Commissions, a German-language version will be published in 1984.

With regard to human rights teaching for particular professional groups, a manual for medical students, entitled *Le médecin et les droits de l'homme*, has been written by Mr. Maurice Torelli and published with the assistance of UNESCO.

(b) *Development of national, regional and international institutions for teaching and research relating to human rights*

In February 1983, a regional seminar for Latin America was held in San José, Costa Rica, in co-operation with the Inter-American Institute of Human Rights, to encourage multidisciplinary research in human rights and to draw up a better strategy for human rights teaching in the region. The discussions were chiefly concerned with the contribution which the social sciences could make to the analysis of human rights problems in Latin America.

UNESCO has also taken part in the organization of seminars under the auspices of university or professional associations. It thus assisted the International Associ-

ation of Catholic Lawyers in the organization of a meeting on African refugees (Dakar, Senegal, January 1983).

UNESCO is giving encouragement to the setting up of procedures and systems that will facilitate the exchange of information and the findings of research and foster co-operation between those involved in human rights teaching and research.

Pursuant to the proposals made at the meeting on international documentation concerned with human rights (March 1980), a series of surveys was undertaken on documentation concerning human rights in various regions of the world (western and eastern Europe, North America, Asia and Latin America). These surveys aimed at identifying relevant collections of documents at various libraries and specialized institutes, enumerating the specific subjects covered, and indicating how the information collections could be consulted (classification systems and user services).

4. HUMAN RIGHTS TEACHING AT THE PRIMARY AND SECONDARY LEVELS

The inter-regional experimental project on the study of contemporary world problems, of which one of the three themes was human rights, that was well under way in 1982, was completed. Each of the nine participating Member States² submitted a national report describing the action taken, the results obtained and problems encountered. A synopsis of these reports was prepared and served as a working document for the International Congress on the occasion of the thirtieth anniversary of the Associated Schools Project which took place in Sofia, Bulgaria from 12 to 16 September 1983. All of the reports confirmed the success of the project at the national level. They underlined the impact of the project on both secondary school students and teachers and how it effectively contributed to sensitizing the former to the major issues of our time, i.e., human rights, the establishment of a New International Economic Order and Disarmament. Much interest and enthusiasm was shown by students in carrying out research and preparing visual materials on the themes studied, e.g. paintings, wall charts, posters, etc. As for the teachers, they felt that the project helped them to increase their own knowledge and understanding of the questions under study and helped to improve their teaching abilities. With regard to problems encountered, the two main ones cited were time and materials. Some countries felt that more time would have been useful to prepare, introduce and assess the activities on such complex matters. The availability of resource material in the various national languages was also mentioned as an obstacle. However, in helping the countries launch activities, UNESCO provided them with a large number of relevant publications, booklets, documents, etc., which were produced by UNESCO, as well as other United Nations bodies, and this material was deemed to be most useful. A slide set and cassette on the project were prepared by UNESCO and can be made available upon request.

As for human rights activities implemented at the primary school level of education, some of them were described in the publication *Education for International Co-operation and Peace at the Primary School Level* which was published in 1983 in both English and Spanish.

² Asia: India, Philippines and Thailand; Europe: Czechoslovakia, Federal Republic of Germany and United Kingdom; Latin America: Argentina, Chile and Colombia.

The year 1983 marked the thirtieth anniversary of the Associated Schools Project and on this occasion, the already mentioned International Congress was held, of which one of the objectives was to elaborate elements for a medium-term strategy (1984-1985) for the further development of the Project. One of the targets retained was the contribution of Associated Schools towards the UNESCO Plan for the Teaching of Human Rights (1981-1987).

Intergovernmental Conference on Education for International Understanding, Co-operation and Peace and Education Relating to Human Rights and Fundamental Freedoms, with a View to Developing a Climate of Opinion Favourable to the Strengthening of Security and Disarmament (UNESCO House, 12-20 April 1983)

The need to promote the teaching of human rights was underlined throughout the Conference referred to above which was attended by over 500 participants from 122 Member States. The Conference resulted in the adoption of 21 recommendations of which one dealt uniquely with the teaching of human rights and reads as follows:

“Recommendation No. 5. Teaching of human rights

“The Intergovernmental Conference,

“*Mindful* that education relating to human rights is an essential and indispensable part of education for international understanding, co-operation and peace,

“*Recalling* Article I of the Constitution of UNESCO, which states that ‘the purpose of the Organization is to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations,

“*Recalling* the recommendations of the International Congress on the Teaching of Human Rights, convened by UNESCO in Vienna in 1978,

“*Considering* that resolutions 3/03 and 3/04 and the Seven-Year Plan for the Development of the Teaching of Human Rights, adopted by the twenty-first session of the General Conference of UNESCO, specify important steps for promoting the teaching of human rights and for the implementation of the UNESCO Recommendation concerning education for international understanding, co-operation and peace and education relating to human rights and fundamental freedoms,

“*Noting* that an Expert Meeting on the Teaching of Human Rights was held in Strasbourg in 1982,

“*Recommends* that Member States, in accordance with resolutions 3/03 and 3/04 take the necessary steps for the implementation of the Seven-Year Plan for the Development of the Teaching of Human Rights and the promotion of human rights by teaching and research, and in particular:

“within the framework of the constitutional provisions in force, promote the teaching of human rights as an integral part of international education at all levels of their educational systems, in school and out-of-school education as well as in the training of relevant professional groups, while pro-

moting an open-minded attitude to other cultures by means of a variety of practical teaching aids;

“interlink the activities carried out with different age-groups for the teaching of human rights and intercultural teaching, so that such teaching forms a coherent whole, spanning the different stages of education;

“foster exchanges and contacts between human rights research work carried out at higher education level and teaching work carried out at the other levels of education and, in particular, encourage their training and research institutions and establishments to welcome approaches from teachers at all levels and all those working in the education system;

“consider teacher training in particular as an important starting-point for promoting the teaching of human rights;

“encourage the development of suitable teaching and learning aids which help to foster a better appreciation by everyone of human rights, fundamental freedoms and the rights of peoples;

“promote, on the basis of appropriate pedagogical and scientific research, a form of human rights teaching in which—even for the very youngest children—the necessary cognitive element will be combined with experience of human rights as a practical reality;

“develop appropriate domestic mechanisms for the teaching of human rights and to facilitate in this field the exchange of experiences across frontiers;

“show their interest in the development of human rights teaching and information by making adequate contributions to the ‘Voluntary Fund for the Development of Knowledge of Human Rights through Teaching and Information’, as established by 20 C/Resolutions 3/1.5 and 2.3/2, adopted by the General Conference;

“*Recommends* that the Director-General, in the framework of the programme and budget approved by the General Conference:

“continue to regard the teaching of human rights—as indicated in the UNESCO Seven-Year Plan on the Teaching of Human Rights and in resolutions 3/03 and 3/04 of the rights of peoples and fundamental freedoms—as one of the main priorities of Major Programmes XII and XIII of UNESCO’s Medium-Term Plan, and consequently include programme actions and adequate budgetary provisions in the biennial programmes;

“to disseminate the texts of internationally agreed standards for the promotion and protection of human rights and information on mechanisms for their implementation;

“to support Member States and non-governmental organizations in the translation into national languages of compilations of existing international human rights instruments and of information on mechanisms for their implementation;

“ensure a continuous and systematic documentation and exchange of experience among experts engaged in this field, e.g. by a wider dissemination of UNESCO’s periodical ‘Teaching Human Rights’;

- “arrange studies and expert meetings on specific problems of human rights education;
- “support Member States in planning national programmes for the promotion of the teaching of human rights;
- “assist non-governmental organizations active in the field of human rights education.”

5. PUBLIC INFORMATION ACTIVITIES

During 1982-1983 a large amount of public information material in the form of posters, brochures and flyers has been distributed to all Member States on the themes of human rights. Altogether a total of over 95,000 items were thus distributed, of which the three most popular titles clearly proved to be: the “Universal Declaration of Human Rights”, the “Declaration of the Rights of the Child” and the booklet “Human Rights: Questions and Answers”.

Most of the 2,600 UNESCO Clubs established in over 80 countries, celebrate Human Rights Day every year. In Italy for example, the Florence UNESCO Centre organizes every year a series of public round-tables during which debates take place on the various aspects of human rights, and which culminate on 10 December in a solemn meeting held at the famous “Palazzo Vecchio”. The celebration of Human Rights Day took on a particular importance in 1983 for the thirty-fifth anniversary of the proclamation of the Universal Declaration. In addition to those meetings already mentioned, Clubs throughout the world launched essay and speech competitions on the subject of human rights, the results of which were made known on 10 December.

Among the many other activities undertaken in the framework of human rights, mention can be made of the national seminar run in 1983 by the UNESCO Club at the University of Costa Rica on the theme “El hombre contemporaneo y sus derechos”, and the fact that a group of French Clubs have launched a campaign aimed at convincing mayors to put the Universal Declaration up in their townhalls. So far over 500 mayors have reacted favourably.

ANNEX

**Provisional rules of procedure of the Committee
on the Elimination of Racial Discrimination.
XVIII. Procedure for considering communi-
cations from individuals or groups of individuals
under article 14 of the Convention**

A. General provisions

COMPETENCE OF THE COMMITTEE

Rule 80

1. The Committee shall be competent to receive and consider communications and exercise the functions provided for in article 14 of the Convention only when at least 10 States parties are bound by declarations recognizing the competence of the Committee in conformity with paragraph 1 thereof.
2. The Secretary-General shall transmit to the other States parties copies of the declarations deposited with him by States parties recognizing the competence of the Committee.
3. Consideration of communications pending before the Committee shall not be affected by the withdrawal of a declaration made under article 14 of the Convention.
4. The Secretary-General shall inform the other States parties of the name, composition and functions of any national legal body which has been established or indicated by a State party, in conformity with paragraph 3 of article 14.

NATIONAL BODIES

Rule 81

The Secretary-General shall keep the Committee informed of the name, composition and functions of any national legal body established or indicated under paragraph 2 of article 14 as competent to receive and consider petitions from individuals or groups of individuals claiming to be victims of a violation of any of the rights set forth in the Convention.

CERTIFIED COPIES OF REGISTERS OF PETITIONS

Rule 82

1. The Secretary-General shall keep the Committee informed of the contents of all certified copies of the registers of petitions filed with him in accordance with paragraph 4 of article 14.

2. The Secretary-General may request clarifications from the States parties concerning the certified copies of the registers of petitions emanating from the national legal bodies responsible for such registers.
3. The contents of the certified copies of the registers of petitions transmitted to the Secretary-General shall not be publicly disclosed.

RECORD OF COMMUNICATIONS RECEIVED BY THE SECRETARY-GENERAL

Rule 83

1. The Secretary-General shall keep a record of all communications which are or appear to be submitted to the Committee by individuals or groups of individuals claiming to be victims of a violation of any of the rights set forth in the Convention and who are subject to the jurisdiction of a State party bound by a declaration under article 14.
2. The Secretary-General may, if he deems it necessary, request clarification of the author of a communication as to his wish to have his communication submitted to the Committee for consideration under article 14. In case of doubt as to the wish of the author, the Committee shall be seized of the communication.
3. No communication shall be received by the Committee or included in a list under rule 85 below if it concerns a State party which has not made a declaration as provided for in paragraph 1 of article 14.

INFORMATION TO BE CONTAINED IN A COMMUNICATION

Rule 84

1. The Secretary-General may request clarification from the author of a communication concerning the applicability of article 14 to his communication, in particular:
 - (a) The name, address, age and occupation of the author and the verification of his identity;
 - (b) The name(s) of the State party or States parties against which the communication is directed;
 - (c) The object of the communication;
 - (d) The provision or provisions of the Convention alleged to have been violated;
 - (e) The facts of the claim;
 - (f) Steps taken by the author to exhaust domestic remedies, including pertinent documents;
 - (g) The extent to which the same matter is being examined under another procedure of international investigation or settlement.
2. When requesting clarification or information, the Secretary-General shall indicate an appropriate time-limit to the author of the communication with a view to avoiding undue delays in the procedure.
3. The Committee may approve a questionnaire for the purpose of requesting the above-mentioned information from the author of the communication.

4. The request for clarification referred to in paragraph 1 of the present rule shall not preclude the inclusion of the communication in the list provided for in rule 85, paragraph 1, below.
5. The Secretary-General shall inform the author of a communication of the procedure that will be followed and that the text of his communication shall be transmitted confidentially to the State party concerned in accordance with paragraph 6 (a) of article 14.

TRANSMISSION OF COMMUNICATIONS TO THE COMMITTEE

Rule 85

1. The Secretary-General shall summarize each communication thus received and shall place the summaries, individually or in composite lists of communications, before the Committee at its next regular session, together with the relevant certified copies of the registers of petitions kept by the national legal body of the country concerned and filed with the Secretary-General in compliance with paragraph 4 of article 14.
2. The Secretary-General shall draw the attention of the Committee to those cases for which certified copies of the registers of petitions have not been received.
3. The contents of replies to requests for clarification and relevant subsequent submissions from either the author of the communication or the State party concerned shall be placed before the Committee in a suitable form.
4. An original case file shall be kept for each summarized communication. The full text of any communication brought to the attention of the Committee shall be made available to any member of the Committee upon request.

B. Procedure for determining admissibility of communications

METHOD OF DEALING WITH COMMUNICATIONS

Rule 86

1. In accordance with the following rules, the Committee shall decide as soon as possible whether or not a communication is admissible in conformity with article 14 of the Convention.
2. The Committee shall, unless it decides otherwise, deal with communications in the order in which they have been placed before it by the Secretariat. The Committee may, if it deems appropriate, decide to consider jointly two or more communications.

ESTABLISHMENT OF A WORKING GROUP

Rule 87

1. The Committee may, in accordance with rule 61, set up a Working Group to meet shortly before its sessions, or at any other convenient time to be decided by the Committee in consultation with the Secretary-General, for the purpose of making recommendations to the Committee regarding the fulfilment of the conditions of ad-

missibility of communications laid down in article 14 of the Convention and assisting the Committee in any manner which the Committee may decide.

2. The Working Group shall not comprise more than five members of the Committee. The Working Group shall elect its own officers, develop its own working methods, and apply as far as possible the rules of procedure of the Committee to its meetings.

MEETINGS

Rule 88

Meetings of the Committee or its Working Group during which communications under article 14 of the Convention will be examined shall be closed. Meetings during which the Committee may consider general issues such as procedures for the application of article 14 may be public if the Committee so decides.

INABILITY OF A MEMBER TO TAKE PART IN THE EXAMINATION OF A COMMUNICATION

Rule 89

1. A member of the Committee shall not take part in the examination of a communication by the Committee or its Working Group:

(a) If he has any personal interest in the case; or

(b) If he has participated in any capacity in the making of any decision on the case covered by the communication.

2. Any question which may arise under paragraph 1 above shall be decided by the Committee without the participation of the member concerned.

WITHDRAWAL OF A MEMBER

Rule 90

If, for any reason, a member considers that he should not take part or continue to take part in the examination of a communication, he shall inform the Chairman of his withdrawal.

CONDITIONS FOR ADMISSIBILITY OF COMMUNICATIONS

Rule 91

With a view to reaching a decision on the admissibility of a communication, the Committee or its Working Group shall ascertain:

(a) That the communication is not anonymous and that it emanates from an individual or group of individuals subject to the jurisdiction of a State party recognizing the competence of the Committee under article 14 of the Convention;

(b) That the individual claims to be a victim of a violation by the State party concerned of any of the rights set forth in the Convention. As a general rule, the communication should be submitted by the individual himself or by his relatives or designated representatives; the Committee may, however, in exceptional cases accept to consider a communication submitted by others on behalf of an alleged victim when it appears that the victim is unable to submit the communication himself, and the author of the communication justifies his acting on the victim's behalf;

(c) That the communication is compatible with the provisions of the Convention;

(d) That the communication is not an abuse of the right to submit a communication in conformity with article 14;

(e) That the individual has exhausted all available domestic remedies, including, when applicable, those mentioned in paragraph 2 of article 14. However, this shall not be the rule where the application of the remedies is unreasonably prolonged;

(f) That the communication is, except in the case of duly verified exceptional circumstances, submitted within six months after all available domestic remedies have been exhausted, including, when applicable, those indicated in paragraph 2 of article 14.

ADDITIONAL INFORMATION, CLARIFICATIONS AND OBSERVATIONS

Rule 92

1. The Committee or the Working Group established under rule 87 may request, through the Secretary-General, the State party concerned or the author of the communication to submit additional written information or clarifications relevant to the question of admissibility of the communication.

2. Such requests shall contain a statement to the effect that the request does not imply that a decision has been reached on the question of admissibility of the communication by the Committee.

3. A communication may not be declared admissible unless the State party concerned has received the text of the communication and has been given an opportunity to furnish information or observations as provided in paragraph 1 of this rule, including information relating to the exhaustion of domestic remedies.

4. The Committee or the Working Group may adopt a questionnaire for requesting such additional information or clarifications.

5. The Committee or the Working Group shall indicate a deadline for the submission of such additional information or clarification.

6. If the deadline is not kept by the State party concerned or the author of a communication, the Committee or the Working Group may decide to consider the admissibility of the communication in the light of available information.

7. If the State party concerned disputes the contention of the author of a communication that all available domestic remedies have been exhausted, the State party is required to give details of the effective remedies available to the alleged victim in the particular circumstances of the case.

INADMISSIBLE COMMUNICATIONS

Rule 93

1. When the Committee decides that a communication is inadmissible, or its consideration is suspended or discontinued, the Committee shall transmit its decisions as soon as possible, through the Secretary-General, to the petitioner and to the State party concerned.

2. A decision taken by the Committee, in conformity with paragraph 7 (a) of article 14, that a communication is inadmissible, may be reviewed at a later date by the Committee upon a written request by the petitioner concerned. Such written request shall contain documentary evidence to the effect that the reasons for inadmissibility referred to in paragraph 7 (a) of article 14 are no longer applicable.

C. Consideration of communications on their merits

METHOD OF DEALING WITH ADMISSIBLE COMMUNICATIONS

Rule 94

1. After it has been decided that a communication is admissible, in conformity with article 14, the Committee shall transmit, confidentially, through the Secretary-General, the text of the communication and other relevant information to the State party concerned without revealing the identity of the individual unless he has given his express consent. The Committee shall also inform, through the Secretary-General, the petitioner of the communication of its decision.
2. The State party concerned shall submit within three months to the Committee written explanations or statements clarifying the case under consideration and the remedy, if any, that may have been taken by that State party. The Committee may indicate, if it deems it necessary, the type of information it wishes to receive from the State party concerned.
3. In the course of its consideration, the Committee may inform the State party of its views on the desirability, because of urgency, of taking interim measures to avoid possible irreparable damage to the person or persons who claim to be victim(s) of the alleged violation. In doing so, the Committee shall inform the State party concerned that such expression of its views on interim measures does not prejudge either its final opinion on the merits of the communication or its eventual suggestions and recommendations.
4. Any explanations or statements submitted by a State party pursuant to this rule may be transmitted, through the Secretary-General, to the petitioner of the communication who may submit any additional written information or observations within such time-limit as the Committee shall decide.
5. The Committee may invite the presence of the petitioner or his representative and the presence of representatives of the State party concerned in order to provide additional information or to answer questions on the merits of the communication.
6. The Committee may revoke its decision that a communication is admissible in the light of any explanations or statements submitted by the State party. However, before the Committee considers revoking that decision, the explanations or statements concerned must be transmitted to the petitioner so that he may submit additional information or observations within the time-limit set by the Committee.

OPINION OF THE COMMITTEE ON ADMISSIBLE COMMUNICATIONS
AND THE COMMITTEES SUGGESTIONS AND RECOMMENDATIONS

Rule 95

1. Admissible communications shall be considered by the Committee in the light of all information made available to it by the petitioner and the State party concerned. The Committee may refer the communication to the Working Group in order to be assisted in this task.
2. The Committee or the Working Group set up by it to consider a communication may at any time, in the course of the examination, obtain through the intermediary of the Secretary-General any documentation that may assist in the disposal of the case from United Nations bodies or the specialized agencies.
3. After consideration of an admissible communication, the Committee shall formulate its opinion thereon. The opinion of the Committee shall be forwarded, through the Secretary-General, to the petitioner and to the State party concerned, together with any suggestions and recommendations the Committee may wish to make.
4. Any member of the Committee may request that a summary of his individual opinion be appended to the opinion of the Committee when it is forwarded to the petitioner and to the State party concerned.
5. The State party concerned shall be invited to inform the Committee in due course of the action it takes in conformity with the Committee's suggestions and recommendations.

SUMMARIES IN THE COMMITTEE'S ANNUAL REPORT

Rule 96

The Committee shall include in its annual report a summary of the communications examined and, where appropriate, a summary of the explanations and statements of the States parties concerned and of its own suggestions and recommendations.

PRESS COMMUNIQUÉS

Rule 97

The Committee may also issue communiqués, through the Secretary-General, for the use of information media and the general public regarding the activities of the Committee under article 14 of the Convention.

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