

4. *Recommends* that the General Assembly consider, as a matter of priority, the adoption and publication of the guidelines on the use of computerized personal files.

*14th plenary meeting
25 May 1990*

1990/39. Rights of persons belonging to national, ethnic, religious and linguistic minorities

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1990/45 of 6 March 1990,⁷⁸

1. *Authorizes* an open-ended working group of the Commission on Human Rights to hold no fewer than ten fully serviced meetings during the first two weeks of the forty-seventh session of the Commission to continue work on the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities, through a second reading of the text, with a view to submitting it to the Commission at its forty-seventh session;

2. *Requests* the Secretary-General to provide the working group with all the assistance it may require for the continuation of its work.

*14th plenary meeting
25 May 1990*

1990/40. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1990/47 of 6 March 1990,⁷⁸

1. *Authorizes* an open-ended working group of the Commission on Human Rights to meet for a period of eight working days prior to the forty-seventh session of the Commission in order to continue the elaboration of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;

2. *Requests* the Secretary-General to extend all facilities to the working group for its meetings prior to and during the forty-seventh session of the Commission and, in order to enable it to continue its work on the elaboration of the draft declaration, to transmit the report of the working group that met prior to and during the forty-sixth session, together with the annexes thereto, to all Member States in advance of the next meeting of the working group.

*14th plenary meeting
25 May 1990*

1990/41. Working Group on Situations of the Commission on Human Rights

The Economic and Social Council,

Noting the wish of the Commission on Human Rights to establish a working group to assist it, on a regular basis, in the implementation of Council resolution 1503 (XLVIII) of 27 May 1970,

Noting that, with the approval of the Council, such a working group has been set up annually since 1974 on an *ad hoc* basis,

Recognizing the valuable contribution of the working group, through the years, in the implementation of the procedure set out in Council resolution 1503 (XLVIII),

1. *Authorizes* the Commission on Human Rights to establish a working group consisting of not more than five of its members, with due regard to geographical distribution, to meet for a period not exceeding five working days prior to the sessions of the Commission to examine such particular situations as might be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities under the procedure set out in Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission is seized under that procedure, and to make recommendations to the Commission on the course of action to take in respect of each particular situation;

2. *Decides* that the working group, to be referred to as the Working Group on Situations, shall be constituted as follows:

(a) Before the end of each session, the Chairman of the Commission on Human Rights, in accordance with rule 21 of the rules of procedure of the functional commissions of the Economic and Social Council, and after consultations with the members of each geographical area, shall nominate the members to serve in their personal capacity on the Working Group at its next session;

(b) If necessary, the Chairman or the outgoing Chairman may at any time, in order to fill a vacancy, designate a member from among all Commission members of the same geographical area;

3. *Also decides* that the Working Group on Situations shall hold closed meetings and communicate its recommendations confidentially to the Commission on Human Rights, pursuant to paragraph 8 of Council resolution 1503 (XLVIII).

*14th plenary meeting
25 May 1990*

1990/42. Status of the individual and contemporary international law

The Economic and Social Council,

Taking into account resolution 1989/46 of 1 September 1989 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and Commission on Human Rights resolution 1990/69 of 7 March 1990,⁷⁸

1. *Expresses its gratitude and deep appreciation* to the Special Rapporteur, Ms. Erica-Irene A. Daes, for her

valuable and important study on the status of the individual and contemporary international law;⁸²

2. *Decides* that the study should be published and widely disseminated.

14th plenary meeting
25 May 1990

1990/43. Advisory opinion on the applicability of the Convention on the Privileges and Immunities of the United Nations in the case of rapporteurs and special rapporteurs of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Economic and Social Council,

Having requested, on a priority basis, in its resolution 1989/75 of 24 May 1989, an advisory opinion from the International Court of Justice on the legal question of the applicability of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations in the case of Mr. Dumitru Mazilu as Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. *Expresses its appreciation* to the International Court of Justice for having given the unanimous opinion, on 15 December 1989, that article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations is applicable in the case of the special rapporteur in question;⁸³

2. *Welcomes* the opinion of the Court to the effect that rapporteurs and special rapporteurs of the Sub-Commission must be regarded as experts on mission within the meaning of article VI, section 22, of the Convention.

14th plenary meeting
25 May 1990

1990/44. Infringements of trade union rights in South Africa

The Economic and Social Council,

Recalling its resolution 1989/82 of 24 May 1989, in which it requested the Secretary-General to persist in his efforts to ensure referral of the complaint made by the Congress of South African Trade Unions to the Fact-finding and Conciliation Commission on Freedom of Association of the International Labour Organisation,

Noting that the note verbale dated 1 May 1990 from the Permanent Representative of the Republic of South Africa to the United Nations addressed to the Secretary-General⁸⁴ does not comply with the relevant provisions of Council resolution 1989/82,

Noting also the latest consultations between the Government of South Africa, the Congress of South African

Trade Unions and the National Congress of Trade Unions on future proposed labour legislation,⁸⁵

Having examined the relevant section of the report of the *Ad Hoc* Working Group of Experts on southern Africa of the Commission on Human Rights,⁸⁶

Gravely concerned about the deteriorating and dehumanizing conditions of black workers brought about by the drastic restrictions on their exercise of trade union rights imposed by the Government of South Africa as a result of the Labour Relations Amendment Act, about the abuse of farm workers and the exploitation of child labour in rural areas, as well as about intervention in industrial disputes, including arrests, banning and harassment of trade unionists,

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

1. *Takes note* of the note by the Secretary-General⁸⁷ submitted pursuant to Council resolution 1989/82, circulating the note verbale dated 1 May 1990 from the Permanent Representative of the Republic of South Africa to the United Nations addressed to the Secretary-General;

2. *Also takes note* of the relevant section of the report of the *Ad Hoc* Working Group of Experts on southern Africa of the Commission on Human Rights,⁸⁶

3. *Expresses its concern* about the failure of the Government of South Africa to comply with the provisions of Council resolution 1989/82, notwithstanding the limited steps taken so far, as reflected in the note verbale dated 14 May 1990 from the Permanent Representative of the Republic of South Africa to the United Nations addressed to the Secretary-General;⁸⁵

4. *Demands* the implementation of the provisions of Council resolution 1989/82 by the Government of South Africa;

5. *Requests* the Secretary-General to persist in his efforts to ensure the implementation of paragraph 9 of Council resolution 1989/82;

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

7. *Also requests* the *Ad Hoc* Working Group of Experts, in discharging its mandate, to consult with the International Labour Organisation and the Special Committee against *Apartheid*, as well as with international and African trade union confederations;

8. *Demands once again* the abolition of legislation which impedes the exercise of trade union rights in contravention of international labour standards, the immediate unconditional release of all trade unionists imprisoned for exercising their legitimate trade union rights and the cessation of the persecution of trade unionists and repression of the independent black trade union movement;

9. *Requests* the Secretary-General to submit to the Council, at its first regular session of 1991, for consid-

⁸² E/CN.4/Sub.2/1989/40.

⁸³ See E/1990/15/Add.1.

⁸⁴ E/1990/87, annex.

⁸⁵ See E/1990/87/Add.1, annex.

⁸⁶ E/1990/37, annex.

⁸⁷ E/1990/87.