

Chapter XVIII

Human Rights

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Discrimination

Elimination of racial discrimination

Decade for Action to Combat Racism and Racial Discrimination (1973-1983)

Implementation of the Programme for the Decade

The Commission on Human Rights, the Committee on the Elimination of Racial Discrimination (CERD), the Economic and Social Council and the General Assembly continued in 1982 to follow action taken to implement the Programme for the Decade for Action to Combat Racism and Racial Discrimination, launched by the Assembly in 1973.(8) Preparations continued for the Second World Conference to Combat Racism and Racial Discrimination scheduled for 1983.

As called for in the Programme, the Secretary-General submitted to the Economic and Social Council in March two reports on activities relating to the Decade. His annual report on this topic(3) summarized actions, suggestions and trends emerging from the work of United Nations bodies, specialized agencies and regional inter-governmental organizations, and transmitted information on activities by non-governmental organizations. In the second report with an addendum in April, he summarized replies from Governments on legislative, administrative and other measures they had taken under the Programme. In an August report to the Assembly,(2) he supplied additional information on the topics covered in the two earlier reports.

Action by the Commission on Human Rights. By a resolution of 25 February on implementation of the Programme,(5) the Commission on Human Rights made several recommendations regarding the Second World Conference to Combat Racism and Racial Discrimination (see below).

CERD activities. In March and August, CERD reviewed activities relating to the Decade, including its own participation in seminars and other events.(1) It appointed an observer to participate in the work of the Preparatory Sub-Committee for the Second World Conference to Combat Racism and Racial Discrimination (see below), and reviewed progress in the preparation of two Conference studies.

Economic and Social Council action. On 5 May,(6) the Economic and Social Council took note of the Secretary-General's report on activities relating to the Decade(3) and recommended a draft resolution for adoption by the General Assembly (see below).

The Council's resolution was adopted by 31 votes to 11, with 4 abstentions, as introduced and orally revised by Zaire, on behalf of 10 nations.

Austria, in explanation of its negative vote, stated that the approach taken by the sponsors was unacceptable. France found a number of elements of the text recommended for Assembly action inadmissible. Belgium regarded the introduction of the Middle East problem into the context of the Decade as unacceptable, and Israel objected to paragraph 2 which condemned racism in South Africa and the occupied Arab territories. Belgium, the Federal Republic of Germany and Israel voiced reservations to paragraph 3 because it advocated armed struggle, and objected to paragraph 10. The United States registered its opposition to the financial implications in spite of its policy not to participate in debates relating to the Decade which it did not endorse. The United Kingdom said it had cast a negative vote for reasons similar to those expressed by Belgium; it also objected to the draft's financial implications.

Portugal explained that it had abstained because of paragraphs 3, 8, 10 and 11; it also objected to certain preambular provisions.

Though voting in favour, Argentina, Chile and Fiji objected to the reference to armed struggle and to the paragraph on collaboration with South Africa. Argentina and Chile also reserved their position on the call for sanctions against South Africa, while Fiji had strong reservations on paragraph 2. Reservations on paragraph 10 were voiced by Mexico.

Introducing the draft, Zaire said its adoption by consensus would reflect a renewed common commitment to intensified efforts towards attaining the goals of the Decade as quickly as possible.

General Assembly action. In adopting the text recommended by the Economic and Social Council, the General Assembly, on 3 December,(7) proclaimed that the elimination of racism and racial discrimination and the attainment of the objectives of the Programme and activities for the Decade were of high priority. The Assembly

strongly condemned apartheid and racial discrimination in southern Africa, occupied Arab territories and elsewhere, including the denial of the right to self-determination (see below, under CIVIL AND POLITICAL RIGHTS). It reaffirmed its support for the national liberation struggle against racial discrimination, apartheid, colonialism and foreign domination and for self-determination by all available means, including armed struggle. It called on States to punish by law the dissemination of ideas based on racial superiority or hatred, and to outlaw organizations based on racial hatred and prejudice, including neo-Nazi and Fascist organizations. It invited the international community to strengthen its activities for the Decade.

The Assembly requested that the Security Council consider imposing full mandatory sanctions against South Africa and consider strengthening the arms embargo (see POLITICAL AND SECURITY QUESTIONS, Chapter V). It vigorously condemned collaboration with South Africa by certain Western States, Israel and other States and by transnational corporations and other organizations, and called on Governments to take measures aimed at putting an end to enterprises in that country. It condemned South Africa's aggression against States of the region, expressed solidarity with the front-line States; and reaffirmed the rights of the Namibian people (see TRUSTEESHIP AND DECOLONIZATION, Chapter III). With regard to the Second World Conference to Combat Racism and Racial Discrimination (see below), it asked the Secretary-General to appoint a Conference Secretary-General, invited Member States to cooperate on the Decade's Programme and on Conference preparations, and invited United Nations bodies to contribute to those preparations. The Assembly invited Member States and the United Nations to continue efforts to protect migrant workers and their families (see below).

The resolution was adopted by a recorded vote of 122 to 19, with 5 abstentions. It was approved by the Third (Social, Humanitarian and Cultural) Committee on 27 October by 113 votes to 19, with 5 abstentions.

Austria, explaining its negative vote, stated that it was unable to accept some of the assessments and measures proposed. The United Kingdom again reserved its position on the financial implications and believed it would have been more logical to include in a single text all the provisions relating to the World Conference.

Ireland believed that the political situation in the Middle East should be considered separately from that in southern Africa. The United States said the references to the Arab-Israeli conflict compounded the damage already done by equating Zionism with racism, and if some countries were to be mentioned for trading with South Africa, then

all countries engaging in such trade should be mentioned. The United States also rejected the view that investment by foreign corporations in South Africa was perpetuating the apartheid system or the continued South African presence in Namibia; it regarded as counter-productive the support for armed struggle and the call for sanctions, the latter being within the exclusive competence of the Security Council. With regard to paragraph 12 outlawing the dissemination of ideas based on racial superiority, the United States felt that democratic ends could not be pursued through anti-democratic means.

Speaking for the five Nordic States, Norway said they believed that the Middle East situation and the question of sanctions against South Africa should be dealt with in the competent United Nations organs. The support by the Assembly for armed struggle was inconsistent with the United Nations obligation to seek peaceful solutions, and the fact that certain States were accused arbitrarily was unacceptable.

Abstaining, Japan said it could not accept some concepts underlying the text. Portugal reiterated reservations made in the Council.

The Dominican Republic, which supported the resolution in the Assembly, stated its reservations concerning paragraph 10 singling out certain States for their collaboration with South Africa, as well as paragraph 3 which condoned armed struggle.

Voting in favour, Chile and Uruguay voiced reservations on paragraphs 2, 3, 8 and 10. In addition, Uruguay strongly opposed paragraphs 5 and 12. Turkey could not accept the mention of certain countries in paragraph 10 and in the preamble.

The USSR observed that the resolution, together with other texts adopted by the Third Committee, dealt with the most urgent problems relating to the struggle against racism and colonialism, the realization of the right of peoples to self-determination and the granting of independence to colonial countries and peoples.

Reports. (1)CERD, A/37/18; S-C, (2)A/37/338 & Add.1, (3)E/1982/24 & Add.1, (4)E/1982/25 & Add.1.

Resolutions (1982). (5)Commission on Human Rights (report, E/1982/12); 1982/11, 25 Feb. (6)ESC: 1982/31, 5 May, text following. (7)GA: 37/40, 3 Dec., text following.

Resolution (prior). (8)GA: 3057(XXVIII), annex, 2 Nov. 1973 (YUN 1973, p. 524).

Financial implications. ACABQ report, A/37/7/Add.8; 5th Committee report, A/37/685; S-G statements, A/C.3/37/L.8, A/C.5/37/31, E/1981/L.32 & Corr.1.

Meeting records. ESC: E/1982/SR.10-14, 22, 24 (19 Apr.-5 May). GA: 3rd Committee, A/C.3/37/SR.3, 4-13, 24, 25 (30 Sep.-27 Oct.); 5th Committee, A/C.5/37/SR.39, 45, 46 (19-29 Nov.); plenary, A/37/PV.90 (3 Dec.).

Economic and Social Council resolution 1982/31

5 May 1982

Meeting 24

31-11-4

10-nation draft (E/1982/L.23), orally revised: agenda item 2.

Sponsors: Algeria, Benin, Ethiopia, Kenya, Liberia, Libyan Arab Jamahiriya, Nigeria, Sudan, Yugoslavia, Zaire.

Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination

The Economic and Social Council,

Recalling General Assembly resolution 3057(XXVIII) of 2 November 1973, in which the Assembly proclaimed the Decade for Action to Combat Racism and Racial Discrimination and approved the Programme for the Decade,

Recalling also the other relevant General Assembly resolutions, particularly resolution 34/24 of 15 November 1979, in which the Assembly adopted the four-year programme of activities designed to accelerate progress in the implementation of the Programme for the Decade,

Bearing in mind General Assembly resolution 35/33 of 14 November 1980, in which the Assembly decided to hold in 1983, as an important event of the Decade, a second world conference to combat racism and racial discrimination, and invited the Economic and Social Council to begin the preparatory work for the conference at its first regular session of 1981,

Convinced that effective implementation of the Programme for the Decade will help to promote and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, colour, descent or national or ethnic origin,

Recalling its resolutions 1980/7 of 24 April 1980 and 1981/30 of 6 May 1981,

1. Takes note with satisfaction of the report of the Secretary-General submitted in accordance with General Assembly resolution 3057(XXVIII);

2. Recommends to the General Assembly the adoption of the following draft resolution:

(Text as in General Assembly resolution 37/40 below.)

General Assembly resolution 37/40

3 December 1982 Meeting 90 122-19-5 [recorded vote]

Approved by Third Committee (A/37/595) by vote (113-19-5), 27 October (meeting 24); draft recommended by Economic and Social Council (resolution 1982/31); agenda item 76.

Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination

The General Assembly,

Reaffirming its resolve to bring about the total and unconditional eradication of racism, racial discrimination and apartheid, which still represent serious obstacles to further progress and to the strengthening of international peace and security,

Recalling that, in its resolution 3057(XXVIII) of 2 November 1973 and in the Programme for the Decade for Action to Combat Racism and Racial Discrimination annexed thereto, and in other relevant resolutions, it called upon all peoples, Governments and institutions to continue their efforts to eradicate racism, racial discrimination and apartheid and thus to promote respect for human rights and fundamental freedoms for all, without distinction as to race, colour, descent or national or ethnic origin,

Taking into account the Declaration and the Programme of Action adopted by the World Conference to Combat Racism and Racial Discrimination,

Recalling that, in the programme of activities to be undertaken during the second half of the Decade for Action to Combat Racism and Racial Discrimination, contained in the annex to its resolution 34/24 of 15 November 1979, it called upon all States, United Nations organs and intergovernmental and non-governmental organizations to intensify their efforts to achieve the speediest attainment of the objectives of the Decade, aimed at the complete and final elimination of all forms of racism and racial discrimination,

Expressing its serious concern at the situation prevailing in South Africa and throughout southern Africa as a result of the policies and actions of the apartheid régime, particularly its efforts to perpetuate and strengthen racist domination of the country, its policy of "bantustanization", its brutal repression of opponents of apartheid and its renewed acts of aggression against neighbouring States,

Reaffirming that apartheid is a crime against humanity,

Particularly concerned at the persistence of the illegal occupation of Namibia by the racist minority régime of South Africa,

Disappointed that the talks between the United Nations and the South African racist and illegal occupation régime aimed at reaching

a negotiated settlement of the question of Namibia have thus far failed because of the bad faith of that régime,

Reaffirming that any collaboration with the racist régime of South Africa constitutes a hostile act against the oppressed people of South Africa and a contemptuous defiance of the United Nations and the international community,

Considering that such collaboration strengthens the racist régime, encourages it to persist in its repressive and aggressive policy and seriously aggravates the situation in southern Africa, thus constituting a threat to international peace and security,

Seriously concerned at the fact that the principal Western and other trading partners of South Africa are continuing to collaborate with the racist régime and that their collaboration constitutes the main obstacle to the abolition of that régime and the elimination of the inhuman and criminal system of apartheid,

Alarmed at the persistent collaboration of certain Western States and Israel with the racist régime of South Africa in the nuclear field,

Aware of the constant need to mobilize world public opinion against any political, military, economic and other assistance granted to the racist régime of South Africa,

Aware of the need to promote solutions to the problems of discrimination facing migrant workers and their families,

Recalling its resolution 35/33 of 14 November 1980, in which it decided to hold in 1983 a Second World Conference to Combat Racism and Racial Discrimination, which, while reviewing and assessing the activities undertaken during the Decade, should have as its main purpose the formulation of ways and means and of specific measures aimed at ensuring the full and universal implementation of United Nations resolutions and decisions on racism, racial discrimination and apartheid,

Stressing the importance of attaining the objectives of the Decade, Convinced that the Second World Conference to Combat Racism and Racial Discrimination will make a useful and constructive contribution to the attainment of those objectives,

1. Proclaims that the elimination of all forms of racism and of discrimination based on race and the attainment of the objectives of the Programme for the Decade for Action to Combat Racism and Racial Discrimination and of the programme of activities to be undertaken during the second half of the Decade are matters of high priority for the international community and, therefore, for the United Nations;

2. Strongly condemns the policies of apartheid, racism and racial discrimination pursued in southern Africa, all occupied Arab territories and elsewhere, including the denial of the right of peoples to self-determination and independence;

3. Reaffirms its strong support for the national liberation struggle against racism, racial discrimination, apartheid, colonialism and foreign domination and for self-determination by all available means, including armed struggle;

4. Reaffirms the inalienable right of the Namibian people to self-determination and independence;

5. Vigorously condemns the repeated acts of aggression committed by South Africa against the States of the region, particularly Angola, Botswana, Mozambique, Seychelles and Zambia;

6. Expresses its profound solidarity with the front-line States that are victims of the racist aggression and destabilization attempts of the Pretoria régime;

7. Once again invites all Member States, United Nations organs, specialized agencies, intergovernmental organizations, national liberation movements, anti-apartheid and anti-racist organizations and other solidarity groups to strengthen and enlarge the scope of their activities in support of the objectives of the Programme for the Decade;

8. Again requests the Security Council to consider, as a matter of urgency, the imposition of full mandatory sanctions under Chapter VII of the Charter of the United Nations against the racist régime of South Africa and the strengthening of the embargo on arms, with a view to putting an end to all military and nuclear collaboration with South Africa;

9. Reaffirms the decision by which it approved the Declaration of the International Seminar on the Implementation and Reinforcement of the Arms Embargo against South Africa, held in London from 1 to 3 April 1981 under the auspices of the Special Committee against Apartheid;

10. Vigorously condemns the collaboration of certain, Western States, Israel and other States and of transnational corporations and

other organizations which are maintaining or continuing to increase their collaboration with the racist régime of South Africa, particularly in the political, economic, military and nuclear fields thereby encouraging that régime to persist in its inhuman and criminal policy of brutal oppression of the peoples of southern Africa and in its denial of human rights;

11. Calls once again upon all Governments that have not yet done so to take legislative, administrative and other measures in respect of their nationals and the bodies corporate under their jurisdiction that own enterprises in southern Africa in order to put an end to such enterprises;

12. Calls upon all States to adopt, as a matter of high priority, measures declaring punishable by law any dissemination of ideas based on racial superiority or hatred and outlawing organizations based on racial hatred and prejudice, including neo-Nazi and Fascist organizations and private clubs and institutions established on the basis of racial criteria or propagating ideas of racial discrimination and apartheid;

13. Invites Member States, the organs and bodies of the United Nations system and the specialized agencies to continue their efforts with a view to the protection of the rights of all migrant workers and their families;

14. Takes note with appreciation of the report of the Preparatory Sub-Committee for the Second World Conference to Combat Racism and Racial Discrimination on its first session;

15. Requests the Secretary-General to provide the Preparatory Sub-Committee with all necessary assistance;

16. Further requests the Secretary-General to appoint, after consultation with the regional groups, in 1982, a Secretary-General of the Second World Conference to Combat Racism and Racial Discrimination, who shall have the rank of Assistant Secretary-General and shall be responsible for the organization of the Conference and co-ordination with Member States, organs and bodies of the United Nations, specialized agencies and intergovernmental and non-governmental organizations;

17. Invites Member States to continue to co-operate with the Secretary-General as part of the Programme for the Decade and the preparations for the Conference;

18. Invites the appropriate organs and bodies of the United Nations system to contribute to the preparations for the Conference;

19. Expresses its satisfaction to the Committee on the Elimination of Racial Discrimination, the Special Committee against Apartheid, the United Nations Council for Namibia, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Commission on Human Rights, through its Ad Hoc Working Group of Experts on Southern Africa, for their contribution to the implementation of the Programme for the Decade and invites them to include in their activities the preparations for the Conference;

20. Decides to consider at its thirty-eighth session, as a matter of high priority, the item entitled "Implementation of the Programme for the Decade to Combat Racism and Racial Discrimination".

Recorded vote in Assembly as follows:

In favour: Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Leo People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Lucia, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Upper Volta, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Austria, Bahamas, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Ireland, Israel, Italy, Luxembourg, Netherlands, New Zealand, Norway, Sweden, United Kingdom, United States.

Abstaining: Greece, Japan, Paraguay, Portugal, Spain.

NGO activities

The Economic and Social Council, by a resolution of 4 May 1982,(1) expressed its expectation that non-governmental organizations in consultative status with it would take account in their activities of Council and General Assembly resolutions on apartheid.

Resolution (1982). (1)ESC: 1982/16, 4 May.

Seminar for Asia and the Pacific

The Economic and Social Council, on 4 May 1982,(1) requested the Secretary-General to organize, under the Programme for the Decade, a seminar for the region of the Economic and Social Commission for Asia and the Pacific at Bangkok, Thailand, from 2 to 13 August.

This decision was taken without vote and was introduced by Pakistan, also on behalf of Bangladesh, China, India and Nepal.

The Seminar made several recommendations with regard to recourse procedures and other forms of protection for victims of racial discrimination, together with activities to be undertaken at the national and regional levels.(2)

Decision (1982). (1)ESC: 1982/120, 4 May, text following.

Report. (2)Seminar, ST/HR/SER.A/13.

Financial implications. S-G statement, E/1982/L.33.

Meeting record. ESC: E/1982/SR.22 (4 May).

Economic and Social Council decision 1992/120

Adopted without vote

5-nation draft (E/1982/L.29); agenda item 2.

Sponsors: Bangladesh, China, India, Nepal, Pakistan.

Seminar for the region of the Economic and Social Commission for Asia and the Pacific under the Programme for the Decade for Action to Combat Racism and Racial Discrimination

At its 22nd plenary meeting, on 4 May 1982, the Council, taking into account the recommendation of the Preparatory Sub-Committee for the Second World Conference to Combat Racism and Racial Discrimination that the seminar planned for the region of the Economic and Social Commission for Asia and the Pacific under the Programme for the Decade for Action to Combat Racism and Racial Discrimination should be held well in advance of the World Conference in order for its results to be made available to participants, requested the Secretary-General to take the necessary steps to organize the seminar at the headquarters of the Economic and Social Commission for Asia and the Pacific from 2 to 13 August 1982.

Preparations for the Second World Conference

Work of the Preparatory Sub-Committee. At its first session, held in New York from 15 to 26 March 1982,(3) the Preparatory Sub-Committee for the Second World Conference to Combat Racism and Racial Discrimination recommended that the Conference be held in a developing country. If no offer from a developing country was received, the Conference should be held at Geneva. The tentative dates of the Conference were 1 to 12 August 1983.

The Sub-Committee recommended the Conference's draft provisional agenda and the draft rules of procedure to the Economic and Social Council

for consideration, and made recommendations concerning pre-session and in-session documentation. It asked that the United Nations Secretariat prepare a draft programme of action containing proposals for post-Conference activities.

Action by the Commission on Human Rights. On 25 February 1982,(4) the Commission on Human Rights recommended that the Preparatory Sub-Committee pay particular attention to seminars, round-table meetings and studies conducted during the second half of the Decade, and that the relevant reports and studies be among the basic Conference documents. The Commission urged the Secretary-General to appoint the Conference's Secretary-General as early as possible, and decided that the Chairman of the Commission's 1983 session would represent the Commission at the Conference. The resolution was adopted by a roll-call vote of 34 to none, with 8 abstentions.

Economic and Social Council action. The Economic and Social Council, on 5 May,(5) approved the Conference's draft provisional agenda and draft provisional rules of procedure. It recommended to the General Assembly that all States and the United Nations Council for Namibia be invited to participate in the Conference, and made recommendations on the observers to be invited. It decided that the Conference languages be all six official United Nations languages, and that Conference documentation should include pre-session and in-session documents. It authorized the Preparatory Sub-Committee to meet for one week in March 1983 and to report to the Council in May of that year. It requested the Secretary-General to submit to the Sub-Committee a draft programme of action and invited the Sub-Committee to submit its draft programme to the Conference, through the Council. It recommended that the offer of the Philippines to host the Conference be accepted, with half of the additional cost of holding the Conference there being defrayed from the United Nations regular budget, in accordance with a 1976 Assembly resolution(11) on the first World Conference. The Council recommended that the Conference be held from 1 to 12 August 1983, subject to adjustment after consultations with the Secretary-General.

The Council also recommended a draft resolution for adoption by the Assembly (see below).

The Council resolution was adopted by 38 votes to 1, with 12 abstentions; it was sponsored and orally revised by 13 nations. Paragraph 1 was adopted by a vote, requested by Denmark, of 32 to 10, with 7 abstentions.

Voting against the resolution as a whole because of its financial implications, the United States said it did not participate in the vote on paragraph 1 because of its position of principle on the Decade.

Abstaining on the text as a whole and voting against paragraph 1, Austria and France regretted that efforts to produce a resolution acceptable to all had failed. Australia said that departures from the guidelines for the holding of United Nations conferences away from Headquarters and the resultant financial implications could not be tolerated. Australia, as well as Italy, also had reservations about accepting the Philippine offer.

Denmark objected to paragraph 1 because of the draft provisional agenda's specific reference to the Middle East situation. Similar reservations were voiced by Belgium, Canada, Fiji, the Federal Republic of Germany, Italy, Portugal and the United Kingdom.

Norway expressed the hope that paragraph 1 would be discussed further by the Assembly with a view to achieving consensus; a similar opinion was expressed by Belgium and Canada.

Japan, which abstained in both votes, believed that the goals of the Decade would be achieved only when all Member States were convinced of the appropriateness of activities undertaken in its context; it regretted that the Council had failed to reach a compromise on the Conference preparations.

Chile abstained on paragraph 1 because it felt that certain controversial aspects of the draft provisional agenda could impede the attainment of the objectives of the Decade; however, it had voted in favour of the resolution as a whole in support for the aims of the Conference.

The Philippines, by a letter of 12 April 1982 to the Secretary-General,(1) offered to host the Second World Conference on the condition that the 1976 formula for defraying half of the additional cost from the United Nations regular budget be applied. By a letter of 29 April,(2) the Philippines expressed its agreement to holding the Conference at Manila from 1 to 12 August 1983 with the same stipulation on defraying the cost.

General Assembly action. On 3 December 1982,(7) the General Assembly expressed its appreciation to the Philippines for its offer, but decided to convene the Conference at Geneva from 1 to 12 August 1983. It endorsed the Economic and Social Council resolution of 5 May (see above) and requested the Secretary-General to invite all States and the United Nations Council for Namibia to participate in the Conference, and to invite observers, including those from national liberation movements, United Nations bodies, specialized agencies, and intergovernmental and non-governmental organizations. It requested the Secretary-General to ensure maximum publicity for the Conference and to report in 1983 on its work. It called on States to participate actively in the Conference proceedings and urged them to cooperate in the preparatory work and to consider

setting up national committees. Annexed to the resolution was the Conference's draft provisional agenda.

The resolution was adopted without vote, following its approval in the Third (Social, Humanitarian and Cultural) Committee on 2 November by 124 votes to 2. After informal consultations on the draft recommended by the Economic and Social Council in its resolution of 5 May (see above), the text was orally amended by the Committee Chairman to delete, in the draft provisional agenda, references to specific activities for the Decade which were to be reviewed and evaluated.

Following the Assembly's decision on the financing of the Conference (see below), the resolution was orally amended by Ghana and by Canada. Ghana proposed that, in paragraph 2, the Assembly express its appreciation to the Philippines for, rather than accept, its offer, and that, in paragraph 3, it decided to convene the Conference at Geneva, not at Manila as originally suggested. As proposed by Canada, the provision was deleted by which the Assembly would have agreed that half of the additional cost of holding the Conference in the Philippines would be defrayed from the United Nations regular budget.

By another 3 December resolution,(6) the Assembly noted with appreciation the report of the Preparatory Sub-Committee and requested the Secretary-General to provide the Sub-Committee with all necessary assistance. It requested that the Secretary-General appoint in 1982, after consultation with the regional groups, a Conference Secretary-General, with the rank of Assistant Secretary-General, responsible for organization of the Conference and co-ordination with Member States and other bodies. It invited Member States to co-operate and invited the United Nations system to contribute to the Conference preparations.

In another resolution of the same date,(8) the Assembly took note with appreciation of the contribution of the Committee on the Elimination of Racial Discrimination to the work of the Preparatory Sub-Committee and to the regional seminars held in implementation of the Programme for the Decade. It welcomed the Committee's decision to prepare a study for the Conference on the implementation of articles 4 and 7 of the International Convention on the Elimination of All Forms of Racial Discrimination(10) (on the condemnation of propaganda and organizations based on ideas of racial or ethnic superiority and the eradication of discrimination, and on measures to combat prejudices which lead to racial discrimination, respectively), and reiterated its request that the Committee explore the possibility of preparing a study on the implementation of article 5, subparagraph (e), on economic, social and cultural rights.

In another 3 December resolution,(9) on the status of the International Convention on the Sup-

pression and Punishment of the Crime of Apartheid, the Assembly called on States to participate actively in the Conference and to contribute to achieving effective results.

Letters. Philippines: (1)12 Apr., E/1982/49; (2)29 Apr., E/1982/68.

Report. (3)Preparatory Sub-Committee, E/1982/26.

Resolutions (1982). (4)Commission on Human Rights (report, E/1982/12): 1982/11, 25 Feb. (5)ESC: 1982/32, 5 May, text following. GA, 3 Dec.: (6)37/40, paras. 14-19; (7)37/41, text following; (8)37/46, paras. 13 & 14; (9)37/47, para. 15.

Resolutions (prior). GA: (10)2106 A (XX), annex, 21 Dec. 1965 (YUN 1965, p. 440); (11)31/78, 13 Dec. 1976(YUN 1976, p. 573).

Financial implications. ACABQ report, A/37/7/Add.8; Committee on Conferences observations, A/C.5/37/32/Add.1; 5th Committee report, A/37/685; S-G statements, A/C.3/37/L.10, A/C.5/37/32, E/1981/L.37.

Meeting records. ESC: E/1982/SR.10-14, 22, 24, 25 (19 Apr.-5 May). GA: 3rd Committee, A/C.3/37/SR.3-13, 31 (30 Sep.-2 Nov.); 5th Committee, A/C.5/37/SR.39, 45, 46, 52 (19 Nov.-2 Dec.); plenary, A/37/PV.90 (3 Dec.).

Economic and Social Council resolution 1982/32

5 May 1982 Meeting 25 38-1-12

13-nation draft (E/1982/L.36), orally revised; agenda item 2.

Sponsors: Bangladesh, Bulgaria, Cuba, Ethiopia, India, Iraq, Mexico, Nigeria, Pakistan, Philippines, Syrian Arab Republic, Yugoslavia, Zimbabwe.

Second World Conference to Combat Racism and Racial Discrimination

The Economic and Social Council,

Recalling General Assembly resolutions 3057(XXVIII) of 2 November 1973, 33/99 and 33/100 of 16 December 1978, 34/24 of 15 November 1979, 35/33 of 14 November 1980 and 36/8 of 28 October 1981, and its resolution 1990(LX) of 11 May 1976,

Recalling also its decision 206(ORG-77) of 14 January 1977, its resolution 2046(S-III) of 23 February 1977 and its decision 1981/130 of 6 May 1981,

Having considered the report of the Preparatory Sub-Committee for the Second World Conference to Combat Racism and Racial Discrimination on its first session,

Noting with appreciation the offer of the Government of the Philippines to act as host to the Second World Conference to Combat Racism and Racial Discrimination,

Recognizing that the Philippines is one of the countries affected by the current world economic crisis and that, despite this, the Government of the Philippines is willing to make a substantial financial contribution towards the Conference,

1. Approves the draft provisional agenda and the draft provisional rules of procedure of the Second World Conference to Combat Racism and Racial Discrimination;

2. Recommends to the General Assembly that invitations to participate in the Conference should be extended to:

(a) All States;

(b) The United Nations Council for Namibia, in accordance with General Assembly resolution 31/149 of 20 December 1976;

3. Recommends to the General Assembly that the following should be invited to participate in the Conference as observers:

(a) Representatives of national liberation movements recognized in its region by the Organization of African Unity, in accordance with General Assembly resolution 3280(XXIX) of 10 December 1974;

(b) Representatives of organizations that have received a standing invitation from the General Assembly to participate in the sessions and the work of all international conferences convened under its auspices, in accordance with Assembly resolutions 3237(XXIX) of 22 November 1974 and 31/152 of 20 December 1976;

(c) The specialized agencies concerned, as well as interested organs and bodies of the United Nations;

(d) Interested intergovernmental organizations;

(e) The Special Committee against Apartheid;

(f) The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;

(g) The Committee on the Elimination of Racial Discrimination;

(h) The Commission on Human Rights;

(i) The Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories;

(j) Other interested committees of the United Nations;

(k) Non-governmental organizations in consultative status with the Economic and Social Council which have contributed to the achievement of the goals and objectives of the Decade for Action to Combat Racism and Racial Discrimination and to the implementation of the Programme of Action adopted by the first World Conference to Combat Racism and Racial Discrimination, taking into account also their record in the struggle against racism and racial discrimination;

4. Decides that the languages of the Conference shall be Arabic, Chinese, English, French, Russian and Spanish;

5. Decides that the documentation for the Conference shall include pre-session and in-session documents as indicated in paragraphs 63 to 78 of the report of the Preparatory Sub-Committee;

6. Decides to authorize the Preparatory Sub-Committee to hold a second session of one week in March 1983 and to submit its report to the Economic and Social Council at its first regular session of 1983;

7. Requests the Secretary-General to take appropriate steps as soon as possible to start the timely preparation of all the necessary documentation and to ensure that the documentation is available at least six weeks before the beginning of the Conference;

6. Requests the Secretary-General to submit to the Preparatory Sub-Committee for the Second World Conference to Combat Racism and Racial Discrimination a draft programme of action containing proposals for activities to be undertaken after the Conference as a follow-up to the programme of activities adopted for the second half of the Decade and the Programme of Action adopted by the first World Conference, taking into account the above-mentioned documents and the relevant resolutions and decisions of the United Nations regarding racism, racial discrimination and apartheid, and invites the Preparatory Sub-Committee, on the basis of the Secretary-General's draft, to submit to the Conference, through the Economic and Social Council, a draft programme of action;

9. Also requests the Secretary-General to report to the Preparatory Sub-Committee at its second session on the status of the documentation;

10. Recommends that the offer of the Government of the Philippines to act as host to the Conference should be accepted and that the formula decided upon by the General Assembly in its resolution 31/78 of 13 December 1976 regarding the cost involved in holding the first World Conference should apply to that offer;

11. Requests the Secretary-General to consult with the Government of the Philippines concerning arrangements for holding the Conference at Manila;

12. Recommends that the duration of the Conference should be two weeks, from 1 to 12 August 1983, these dates being subject to adjustment contingent upon the consultations with the Secretary-General;

13. Recommends to the General Assembly the adoption of the following draft resolution:

"The General Assembly,

"Recalling its resolution 3057(XXVIII) of 2 November 1973, by which it proclaimed the Decade for Action to Combat Racism and Racial Discrimination,

"Mindful of the Declaration and the Programme of Action adopted by the World Conference to Combat Racism and Racial Discrimination,

"Recalling paragraph 26 of the programme of activities to be undertaken during the second half of the Decade for Action to Combat Racism and Racial Discrimination annexed to its resolution 34/24 of 15 November 1979, by which the Assembly decided that an important feature of the second half of the Decade should be the holding of a second World Conference to Combat Racism and Racial Discrimination,

"Bearing in mind its resolution 35/33 of 14 November 1980, by which it decided to hold in 1983, as an important event of the Decade, a second World Conference to Combat Racism and Racial Discrimination, which, while reviewing and assessing the activities undertaken during

the Decade, should have as its main purpose the formulation of ways and means and of specific measures aimed at ensuring the full and universal implementation of United Nations resolutions and decisions on racism, racial discrimination and apartheid,

"Bearing in mind also the provisions of its resolution 36/8 of 28 October 1981 regarding the preparations for the Second World Conference to Combat Racism and Racial Discrimination,

"Taking note of Economic and Social Council resolution 1982/32 of 5 May 1982, containing recommendations regarding the organization of the Second World Conference to Combat Racism and Racial Discrimination,

"1. Endorses Economic and Social Council resolution 1982/32;

"2. Accepts the offer of the Government of the Philippines to act as host to the Second World Conference to Combat Racism and Racial Discrimination;

"3. Decides to convene the Conference at Manila from 1 to 12 August 1983;

"4. Decides to make an exception to its resolution 2609(XXIV) of 16 December 1969 on the pattern of conferences and agrees that half of the additional cost involved in holding the Conference in the Philippines shall be defrayed from the regular budget of the United Nations;

"5. Requests the Secretary-General to invite as participants in the Conference:

"(a) All States;

"(b) The United Nations Council for Namibia, in accordance with General Assembly resolution 31/149 of 20 December 1976;

"6 Also requests the Secretary-General to invite as observers to the Conference:

"(a) Representatives of national liberation movements recognized in its region by the Organization of African Unity, in accordance with General Assembly resolution 3280(XXIX) of 10 December 1974;

"(b) Representatives of organizations that have received a standing invitation from the General Assembly to participate in the sessions and the work of all international conferences convened under its auspices, in accordance with Assembly resolutions 3237(XXIX) of 22 November 1974 and 31/152 of 20 December 1976;

"(c) The specialized agencies concerned, as well as interested organs and bodies of the United Nations;

"(d) Interested intergovernmental organizations;

"(e) The Special Committee against Apartheid;

"(f) The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;

"(g) The Committee on the Elimination of Racial Discrimination;

"(h) The Commission on Human Rights;

"(i) The Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories;

"(j) Other interested committees of the United Nations;

"(k) Non-governmental organizations in consultative status with the Economic and Social Council which have contributed to the achievement of the goals and objectives of the Decade for Action to Combat Racism and Racial Discrimination and to the implementation of the Programme of Action adopted by the first World Conference, taking into account also their record in the struggle against racism and racial discrimination;

"7. Requests the Secretary-General, as part of the preparatory process, to take adequate steps to ensure that maximum publicity is given to the Conference and, to that end, to allocate the necessary resources from the regular budget;

"8. Calls upon all States to contribute to the success of the Decade for Action to Combat Racism and Racial Discrimination, in particular by their active participation in the Conference;

"9. Urges all States to co-operate with the Secretary-General of the Conference in the preparatory work and to consider the establishment of national committees for publicizing the aims and, eventually, the main results of the Conference;

"10. Requests the Secretary-General to report to the General Assembly at its thirty-eighth session on the work of the Conference;

"11. Decides to consider at its thirty-eighth session, as a matter of high priority, an item entitled 'Second World Conference to Combat Racism and Racial Discrimination.'"

General Assembly resolution 37/41

3 December 1982 Meeting 90 Adopted without vote

Approved by Third Committee (A/37/595) by vote (124-2), 2 November (meeting 31); draft recommended by Economic and Social Council (resolution 1982/32), orally amended in Committee by Chairman following consultations; orally amended in Assembly by Canada and by Ghana: agenda item 76.

Second World Conference to Combat Racism
and Racial Discrimination

The General Assembly,

Recalling its resolution 3057(XXVIII) of 2 November 1973, by which it proclaimed the Decade for Action to Combat Racism and Racial Discrimination,

Mindful of the Declaration and the Programme of Action adopted by the World Conference to Combat Racism and Racial Discrimination,

Recalling paragraph 26 of the programme of activities to be undertaken during the second half of the Decade for Action to Combat Racism and Racial Discrimination, contained in the annex to its resolution 34/24 of 15 November 1979, in which the Assembly decided that an important feature of the second half of the Decade should be the holding of a Second World Conference to Combat Racism and Racial Discrimination,

Bearing in mind its resolution 35/33 of 14 November 1980, in which it decided to hold in 1983, as an important event of the Decade, a Second World Conference to Combat Racism and Racial Discrimination, which, while reviewing and assessing the activities undertaken during the Decade, should have as its main purpose the formulation of ways and means of specific measures aimed at ensuring the full and universal implementation of United Nations resolutions and decisions on racism, racial discrimination and apartheid,

Bearing in mind also the provisions of its resolution 36/8 of 28 October 1981 regarding the preparations for the Conference,

Taking note of Economic and Social Council resolution 1982/32 of 5 May 1982, which contains recommendations regarding the organization of the Conference,

1. Endorses Economic and Social Council resolution 1982/32;
2. Expresses its appreciation to the Government of the Philippines for its offer to act as host to the Second World Conference to Combat Racism and Racial Discrimination;
3. Decides to convene the Conference at Geneva from 1 to 12 August 1983;
4. Recommends the draft provisional agenda for the Conference as contained in the annex to the present resolution;
5. Requests the Secretary-General to invite:
 - (a) All States to participate in the Conference;
 - (b) The United Nations Council for Namibia to participate in the Conference, in accordance with paragraph 3 of General Assembly resolution 32/9 E of 4 November 1977;
6. Further requests the Secretary-General to invite:
 - (a) Representatives of national liberation movements recognized in its region by the Organization of African Unity to participate in the Conference in the capacity of observer, in accordance with General Assembly resolution 3280(XXIX) of 10 December 1974;
 - (b) Representatives of organizations that have received a standing invitation from the General Assembly to participate in the sessions and the work of all international conferences convened under its auspices in the capacity of observers to participate in the Conference in that capacity in accordance with General Assembly resolutions 3237(XXIX) of 22 November 1974 and 31/152 of 20 December 1976;
 - (c) The specialized agencies concerned, as well as interested organs and bodies of the United Nations system, to be represented at the Conference;
 - (d) Interested intergovernmental organizations to be represented by observers at the Conference;
 - (e) The Special Committee against Apartheid to be represented by observers at the Conference;
 - (f) The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to be represented by observers at the Conference;
 - (g) The Committee on the Elimination of Racial Discrimination to be represented by observers at the Conference;
 - (h) The Commission on Human Rights to be represented by observers at the Conference;

(i) The Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories to be represented by observers at the Conference;

(j) Other interested committees of the United Nations to be represented by observers at the Conference;

(k) Non-governmental organizations in consultative status with the Economic and Social Council which have contributed to the achievement of the goals and objectives of the Decade for Action to Combat Racism and Racial Discrimination and to the implementation of the Programme of Action adopted by the first World Conference, taking into account also their record in the field of struggle against racism and racial discrimination, to be represented by observers at the Conference;

7. Requests the Secretary-General, as part of the preparatory process, to take adequate steps to ensure that maximum publicity shall be given to the Conference and, to that end, to allocate the necessary resources from the regular budget;

8. Calls upon all States to contribute to the success of the Decade for Action to Combat Racism and Racial Discrimination, in particular by their active participation in the Conference;

9. Urges all States to co-operate with the Secretary-General of the Conference in the preparatory work and to consider the setting up of national committees for publicizing the aims and, eventually, the main results of the Conference;

10. Requests the Secretary-General to report to the General Assembly at its thirty-eighth session on the work of the Conference;

11. Decides to consider at its thirty-eighth session, as a matter of high priority, an item entitled "Second World Conference to Combat Racism and Racial Discrimination".

ANNEX

Draft provisional agenda for the Second World Conference
to Combat Racism and Racial Discrimination

1. Opening of the Conference.
2. Election of the President.
3. Opening addresses.
4. Adoption of the rules of procedure.
5. Election of other officers.
6. Credentials of representatives to the Conference:
 - (a) Appointment of the Credentials Committee;
 - (b) Report of the Credentials Committee.
7. Adoption of the agenda.
8. Organization of work.
9. Political, historical, economic, social and cultural factors leading to racism, racial discrimination and segregation and apartheid.
10. Review end evaluation of activities undertaken to achieve the goals and objectives of the Decade for Action to Combat Racism and Racial Discrimination at the national, regional and international levels and in implementation of the Programme of Action adopted at the first World Conference to Combat Racism and Racial Discrimination.
11. Main obstacles to the full eradication of racism, racial discrimination and apartheid.
12. Determination of further action-oriented national, regional and international measures to combat all forms of racism, racial discrimination and apartheid:
 - (a) Adoption of legislative, judicial, administrative and other measures at the national level to improve relations among racial groups and to prohibit racial discrimination, including dissemination of ideas based on racial superiority or hatred, and all racist organisations such as Nazi and neo-Nazi organizations;
 - (b) Action in the field of education, culture, research and information and the role of the mass media in the struggle against racism, racial discrimination and apartheid with the aim of combating prejudices which lead to racial discrimination and of promoting understanding, tolerance and friendship among nations and racial or ethnic groups;
 - (c) Measures aimed at ensuring the full and universal implementation of United Nations resolutions and decisions on racism, racial discrimination and apartheid;
 - (d) Universal ratification of, or accession to, the International Convention on the Elimination of All Forms of Racial Discrimination and other existing international instruments adopted under the aegis of the United Nations and the specialized agencies aimed at combating racism, racial discrimination and apartheid;

(e) Drawing up of new international measures to combat racism and racial discrimination;

(f) Continued support and assistance to peoples and movements struggling against racism, racial discrimination and apartheid; and ways and means of denying support to racist régimes and of ensuring their isolation.

13. Adoption of the report and final documents of the Conference.

Conference costs

With regard to the financing of the Second World Conference, the General Assembly agreed on 3 December 1982(1) not to make exception to a 1969 Assembly resolution(3) which stipulated that United Nations bodies could hold sessions away from their headquarters when the Government issuing the invitation agreed to defray the additional costs. The Assembly authorized additional expenditures for the Conference as detailed by the Advisory Committee on Administrative and Budgetary Questions (ACABQ) in a November report.(2)

The decision was adopted without vote, following approval by the Fifth (Administrative and Budgetary) Committee without objection on 29 November; the draft was sponsored by Canada.

ACABQ recommended additional expenditures of \$186,100 for travel and planning missions, public information activities and hospitality, or \$51,200 less than the Secretary-General's estimates. Those expenditures were in addition to the Secretary-General's conference-servicing estimates of \$986,900.

Savings were achieved by holding the Conference at Geneva. According to the Secretary-General's estimates, total costs for holding the Conference at Manila, including public information, travel and other costs, would have been \$2,575,700, or \$1,351,500 more than at Geneva. If the formula under which half the additional cost of holding the Conference away from Headquarters were defrayed from the United Nations regular budget and half by the host Government had been approved, the United Nations share would have been \$1,899,950 and the share of the Philippines, \$675,750.

Decision (1982). (1)GA: 37/422, 3 Dec., text following.

Report. (2)ACABQ A/37/7/Add.8.

Resolution. (3)GA: 2609(XXIV), 16 Dec. 1969 (YUN 1969, p. 834).

Meeting records. GA: 5th Committee, A/C.5/37/SR.39, 45, 46, 47 (19-29 Nov.); plenary, A/37/PV.90 (3 Dec.).

General Assembly decision 37/422

Adopted without vote

Approved by Fifth Committee (A/37/685) without objection, 29 November (meeting 46); draft by Canada (A/C.5/37/L.29); agenda item 76.

Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination

At its 90th plenary meeting, on 3 December 1982, the General Assembly, on the recommendation of the Fifth Committee, decided, in connection with its resolution 37/41 of 3 December 1982, to authorize additional expenditures as detailed in annex II of the ninth report of the Advisory Committee on Administrative and Budgetary Questions, and that no exception should be made to paragraph 10 of General Assembly resolution 2609(XXIV) of 16 December 1969.

Observance of the International Day for the Elimination of Racial Discrimination

As in previous years, the International Day for the Elimination of Racial Discrimination was observed by the Special Committee against Apartheid, at two meetings held on 22 March 1982.(1) Statements were made by the President of the General Assembly, the Secretary-General, other United Nations officials, representatives of the regional groups of States and observers from national liberation movements. The Day commemorated the date (21 March 1960) when 69 demonstrators against the "pass laws" of the apartheid system were killed and 180 others were wounded at Sharpeville, South Africa.

Report. (1)Committee against Apartheid, A/37/22.

Convention on the Elimination of Racial Discrimination

implementation of the Convention

CERD activities. The Committee on the Elimination of Racial Discrimination (CERD), set up under article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination,(5) held two sessions in 1982: the twenty-fifth from 1 to 19 March at Geneva and the twenty-sixth from 2 to 20 August in New York.

At those sessions, CERD devoted three fifths of its meetings to an examination of reports and additional information submitted by 40 States parties under article 9 of the Convention, on measures taken to give effect to the provisions of the Convention (see below). The annual report of CERD to the General Assembly(3) summarized the Committee members' views on each country report and the statements by the representatives of the States parties concerned.

In addition, CERD examined copies of petitions, reports and other information concerning Trust and Non-Self-Governing Territories transmitted to it by the Trusteeship Council (see TRUSTEESHIP AND DECOLONIZATION, Chapter II) 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. CERD submitted to the Assembly recommendations on implementation of the principles and objectives of the Convention in eight Territories: in Africa—Namibia and Western Sahara; in the Caribbean area—the British Virgin Islands, the Cayman Islands and the United States Virgin Islands; and in the Atlantic Ocean—Bermuda, St. Helena and the Turks and Caicos Islands.

During both 1982 sessions, CERD discussed its activities within the framework of the Decade against racial discrimination, and its participation in preparations for the Second World Conference to Combat Racism and Racial Discrimination (see above), including the preparation of studies.

On 17 March,(1) the Committee suggested that, in implementing article 7 of the Convention, States parties should provide information, under the headings of education and teaching, culture, and information, on measures they had taken to combat prejudices leading to racial discrimination and to promote understanding, tolerance and friendship among nations and racial and ethnic groups.

On 19 August,(2) the Committee requested that the Secretary-General, in consultation with the Philippines, explore the possibility of arranging for the Committee's twenty-eighth session to be held at Manila from 11 to 29 July 1983, immediately prior to the Second World Conference. It recommended that the Assembly consider extending the formula in a 1976 resolution on the first World Conference(6) with a view to enabling the Philippines to host the session. Under that formula, half of the additional cost for a conference away from Headquarters would be defrayed from the United Nations regular budget.

General Assembly action. On 3 December 1982,(4) the General Assembly took note of the CERD report, commended the Committee for its contribution to eliminating discrimination, and called on United Nations bodies and administering Powers to provide information on Non-Self-Governing Territories (see TRUSTEESHIP AND DECOLONIZATION, Chapter II). It noted the Committee's efforts to secure the prosperity of minorities and indigenous populations (see below) through implementation of the Convention, called on States parties to the Convention to protect their rights and commended the parties on measures taken for ensuring recourse procedures for victims of racial discrimination. It called for measures to eliminate or prevent discrimination, and invited States parties to furnish information on implementation of the Convention, including information on the demographic composition of their population and on their relations with South Africa.

The Assembly strongly condemned apartheid in South Africa and Namibia and urged Member States to adopt political, economic and other measures to eliminate that policy (see POLITICAL AND SECURITY QUESTIONS, Chapter V, and TRUSTEESHIP AND DECOLONIZATION, Chapter III). It commended CERD for its endeavours to eliminate apartheid, racism and racial discrimination in southern Africa, and to implement resolutions on the liberation and independence of Namibia. It expressed grave concern at the Israeli policy of defiance of the Convention, and called for the respect and preservation of the national and cultural identity of the Palestinian people. It welcomed the Committee's efforts to eliminate discrimination against migrant workers and their families, to promote their rights, and to achieve their full equality and the possibility of preserving their cultural

characteristics (see below). It noted the Committee's contribution to the work of the Preparatory Sub-Committee for the Second World Conference to Combat Racism and Racial Discrimination and to the regional seminars held in implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination (see above). It requested CERD to explore the possibility of preparing for the Conference a study on economic, social and cultural rights, and noted the Committee's request that the Secretary-General explore the possibility of arranging for its July 1983 session to be held at Manila (see above).

The resolution was adopted by a recorded vote of 131 to 2, with 15 abstentions, following its approval in the Third (Social, Humanitarian and Cultural) Committee on 27 October by a recorded vote of 123 to 2, with 13 abstentions. The Committee approved, by recorded votes, paragraph 7 by 98 to 16, with 20 abstentions, and paragraph 12 by 111 to none, with 23 abstentions.

Casting a negative vote, Israel said that paragraph 7 was a clear example of hypocrisy, based on nothing but falsifications and introducing pure politics into what had been created as an instrument for the enhancement of human rights. The United States, which also voted against paragraph 7 and the resolution as a whole, believed that the reference to the Arab-Israeli conflict compounded the damage already done.

A number of countries which abstained on the resolution as a whole, among them Australia, Belgium, Canada, Finland (for the Nordic countries), the Federal Republic of Germany, Ireland, New Zealand and the United Kingdom, also objected to that paragraph. Ireland considered it inappropriate that the Assembly should intervene in relations between CERD and a State party. Chile, Costa Rica and Portugal abstained on the paragraph stating strong reservations. France and the Netherlands, which also abstained, said it dealt with a political problem not within the mandate of CERD. In Uruguay's opinion, political allusions might well have been omitted.

Abstaining on paragraph 12, Austria, Belgium and Portugal voiced reservations. The Federal Republic of Germany and the Netherlands believed the provision went beyond the scope of the Convention.

Though supporting the resolution as whole, Japan said it had abstained on paragraphs 7 and 12 as it was not a party to the Convention. In Italy's view, the Assembly should refrain from judging individual countries, since such action jeopardized the Convention.

Introducing the draft on behalf of 14 nations, Yugoslavia said with regard to paragraph 7 that it reflected the facts described in the CERD report; by respecting paragraph 12, States parties to the

Convention would help CERD carry out its mandate.

Belgium, Portugal and Uruguay, the last two voting in favour of the resolution, also expressed reservations in particular to paragraph 3. The Federal Republic of Germany insisted, in that context, on the division of the responsibilities of the Assembly and the Security Council. Finland, on behalf of the Nordic countries, stressed the importance of such a division. Costa Rica believed that the paragraph could be placed more appropriately in the resolution on the International Convention on the Suppression and Punishment of the Crime of Apartheid.

With regard to paragraph 5, the Federal Republic of Germany felt it distorted the Committee's work. Austria also reserved its position on that paragraph, as well as on paragraph 14 and on the third preambular paragraph.

In addition, the United Kingdom had serious reservations about meeting the additional expenditure of holding the 1983 CERD session at Manila from the United Nations regular budget, as implicitly suggested in paragraph 15. In view of the financial implications, Italy also questioned the advisability of holding a CERD session there.

Decisions (1982). CERD: (1)2(XXV), 17 Mar.; (2)(XXVI), 19 Aug.

Report. (3)CERD, A/37/18.

Resolution (1982). (4)GA: 37/46, 3 Dec., text following.

Resolutions (prior). GA: (5)2106 A (XX), annex, 21 Dec. 1965 (YUN 1965, p. 440); (6)31/78, 13 Dec. 1976 (YUN 1976, p. 573).

Financial implications. S-G statement, A/C.3/37/L.18.

Meeting records. GA: 3rd Committee, A/C.3/37/SR.3-13, 18, 24, 25 (30 Sep.-27 Oct.); plenary, A/37/PV.90 (3 Dec.).

General Assembly resolution 37/46

3 December 1982 Meeting 90 131-2-15 (recorded vote)

Approved by Third Committee (A/37/581) by recorded vote (123-2-13), 27 October (meeting 24); 14-nation draft (A/C.3/37/L.14); agenda item 80) (a).

Sponsors: Angola, Bangladesh, Cape Verde, Cuba, Cyprus, India, Jordan, Madagascar, Nigeria, Pakistan, Sierra Leone, Yugoslavia, Zambia, Zimbabwe.

Report of the Committee on the Elimination of Racial Discrimination

The General Assembly.

Recalling its resolutions 36/12 of 28 October 1981 on the report of the Committee on the Elimination of Racial Discrimination and 37/45 of 3 December 1982 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-fifth and twenty-sixth sessions, submitted under article 9, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination,

Emphasizing the importance for the success of the struggle against all practices of racial discrimination, including vestiges and manifestations of racist ideologies wherever they exist, that all Member States be guided in their internal and foreign policy 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 the continued co-operation of the Committee on the Elimination of Racial Discrimination with the competent specialized agencies, especially the United Nations Educational, Scientific and Cul-

tural Organization and the International Labour Organisation, and with other United Nations bodies,

Noting the decisions adopted and recommendations made by the Committee at its twenty-fifth and twenty-sixth sessions,

1. Takes note with appreciation of the report of the Committee on the Elimination of Racial Discrimination on its twenty-fifth and twenty-sixth 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 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 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 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. Takes note with satisfaction of the efforts of the Committee aimed at securing the prosperity of national or ethnic minorities and indigenous populations through the implementation of the principles and provisions of the Convention;

7. Expresses grave concern at the Israeli policy of defiance of the basic principles and objectives of the Convention, as reflected in the report of the Committee, and calls for the respect and preservation of the national and cultural identity of the Palestinian people;

8. Welcomes 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 and of the possibility to preserve their cultural characteristics;

9. 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;

10. Calls upon all Member States to adopt effective legislative, socio-economic and other necessary measures in order to ensure the elimination or prevention of discrimination based on race, colour, descent or national or ethnic origin;

11. Calls upon the States parties to the Convention to protect fully, by adoption of relevant legislative and other measures, the rights of national or ethnic minorities, as well as rights of indigenous populations;

12. Reiterates its invitation to the States parties to the Convention to furnish 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;

13. Takes note with appreciation of the Committee's contribution to the work of the Preparatory Sub-Committee for the Second World Conference to Combat Racism and Racial Discrimination and to the regional seminars held in implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination;

14. Welcomes the decision of the Committee to contribute to the Second World Conference by preparing a study on the implementation of articles 4 and 7 of the Convention and reiterates its request to the Committee to explore the possibility of also preparing for the Conference a study on the implementation of subparagraph (e) of article 5;

15. Takes note of decision 1(XXVI) of 19 August 1982 of the Committee on the Elimination of Racial Discrimination, in which the Committee requested the Secretary-General, in consultation with the Government of the Philippines, to explore the possibility of arranging for the twenty-eighth session of the Committee to be held at Manila immediately prior to the holding of the Second World Conference to Combat Racism and Racial Discrimination.

Recorded vote in Assembly as follows:

In Favour: Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, France, Gabon, German Democratic Republic, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Australia, Austria, Belgium, Belize,^a Canada, Denmark, Finland, Germany, Federal Republic of Ireland, Luxembourg, Malawi, New Zealand, Norway, Sweden, United Kingdom.

^aLater advised the Secretariat it had intended to vote in favour.

Reports from Governments

At its March and August 1982 sessions, CERD examined reports and additional information submitted by 40 States parties under article 9 of the Convention, on measures they had adopted to give effect to the Convention's provisions.

Representatives of 34 of the 40 reporting States participated in the consideration of their respective reports.

The reports examined were from: Argentina, Australia, Austria, Barbados, Cape Verde, Costa Rica, Czechoslovakia, Ecuador, Egypt, Ethiopia, Fiji, Finland, Gabon, Gambia, German Democratic Republic, Greece, Haiti, Holy See, Hungary, Iceland, Israel, Jordan, Kuwait, Malta, Mauritius, Mexico, Mongolia, Nepal, Norway, Panama, Philippines, Qatar, Republic of Korea, Romania, Spain, Sudan, Tonga, USSR, United Arab Emirates, Uruguay.

On 15 March,(1) CERD, stating that no less than 89 initial or periodic reports were overdue from 62 States, and that 42 of them were overdue from 15 States, invited the General Assembly to take note of the situation and to use its authority to ensure that CERD could more effectively fulfil its obligations under the Convention.

At the end of the August CERD session, 78 reports were still overdue from 48 States, among them 5 initial reports due between 1973 and 1981.

The Assembly, on 3 December 1982,(2) appealed to States parties to the Convention to fulfil their obligations and submit their reports within the appropriate time. It requested the Secretary-General to invite the views and observations of States parties on the causes of the situation; to submit in 1983 an analysis of the replies received, together with suggestions for improving the situation; in preparing his report, to consider the situation in the framework of the reporting obligations of Member States under various other human rights instruments so that he could take

into account similar problems; and to submit his report, together with the records of the Assembly's consideration of the matter, to the 1984 meeting of the States parties.

The resolution was adopted without vote, following similar approval by the Third Committee on 27 October. It was introduced and revised by Italy, also on behalf of Australia, Fiji, Finland, France, Mexico, the Netherlands and the United Kingdom.

Decision (1982). (1)CERD (report. A/37/18): 1(XXV), 15 Mar: Resolution (1982). (2)GA: 37/44, 3 Dec., text following. Meeting records. GA: 3rd Committee, A/C.3/37/SR.3-13, 18, 24 (30 Sep.-27 Oct.); plenary, A/37/PV.90 (3 Dec.).

General Assembly resolution 37/44

3 December 1982 Meeting 90 Adopted without vote

Approved by Third Committee (A/37/581) without vote, 27 October (meeting 24); 8-nation draft (A/C.3/37/L.13/Rev.1); agenda item 80 (a).

Sponsors: Australia, Fiji, Finland, France, Italy, Mexico, Netherlands, United Kingdom.

Report of the Committee on the Elimination of Racial Discrimination: General recommendation VI

The General Assembly.

Taking note of decision 1(XXV) of 15 March 1982 of the Committee on the Elimination of Racial Discrimination entitled "General recommendation VI",

Acknowledging the burden which reporting obligations under international instruments places upon States parties, especially those with limited technical and administrative resources,

Convinced, none the less, that the value of international conventions relies upon the full and conscientious implementation of the obligations undertaken upon ratification or accession,

Noting with concern that many periodic reports due under article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination are outstanding and that in some cases initial reports are several years overdue,

1. Appeals to all States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to fulfil their obligations under article 9 of the Convention and to submit their reports within the appropriate time;

2. Requests the Secretary-General to invite the views and observations of States parties to the Convention on the causes of the situation described in general recommendation VI of the Committee on the Elimination of Racial Discrimination and to submit an analysis of the replies received in a report to the General Assembly at its thirty-eighth session, together with such suggestions as he might wish to make with a view to improving the situation;

3. Also requests the Secretary-General, in preparing his report, to consider the situation described in general recommendation VI of the Committee in the overall framework of reporting obligations that Member States have under the various human rights instruments in order to be able to take into account similar and related problems which may have arisen in compliance with such obligations;

4. Further requests the Secretary-General to submit his report, together with the records of the General Assembly's consideration thereof, to the ninth meeting of the States parties to the Convention, to be held in 1984.

Accessions and ratifications

As at 31 December 1982, there were 117 parties to the International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the General Assembly in 1965.(4) In 1982, five States (Papua New Guinea, Portugal, Solomon Islands, Sri Lanka, Viet Nam) and Namibia (represented by the United Nations Council for Namibia) became parties.(1)

Article 14 of the Convention entered into force on 3 December 1982, following the deposit of the tenth declaration by a State party (Senegal), recognizing the competence of CERD to receive and consider communications from individuals or groups within their jurisdiction claiming to be victims of a violation by the State party concerned of any of the rights set forth in the Convention. The following 10 States parties—Costa Rica, Ecuador, France, Iceland, Italy, the Netherlands, Norway, Senegal, Sweden and Uruguay—had made such declarations.

In his annual report to the General Assembly on the status of the Convention, the Secretary-General listed the States which had signed, ratified, acceded or succeeded to it as at 1 September.(2)

By a resolution of 3 December,(3) the Assembly expressed satisfaction with the increase in the number of States that had ratified or acceded to the Convention. It reaffirmed its conviction that universal adherence to the Convention and implementation of its provisions were necessary to realize the objectives of the Decade for Action to Combat Racism and Racial Discrimination. It requested States that had not become parties to do so and called on parties to consider the possibility of making the declaration provided for in article 14.

The resolution was adopted, without vote, on the recommendation of the Third Committee, which approved the text on 27 October in the same manner. The 28-nation draft was introduced by Belgium. Amendments to the draft, introduced by Uruguay also on behalf of Costa Rica, Ecuador, France, Iceland, Italy, the Netherlands, Norway and Sweden, added a preambular paragraph welcoming the increase in the number of declarations made under article 14 of the Convention, and an operative paragraph calling on States parties to consider the possibility of making such a declaration. The amendments were adopted by 75 votes to 1, with 47 abstentions.

Publication. (1)Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1982 (ST/LEG/SER.E/2), Sales No. E.83.V.6.

Report. (2)S-G, A/37/148.

Resolution (1982). (3)GA: 37/45, 3 Dec., text following.

Resolution (prior). GA: (4)2106 A (XX), annex, 21 Dec. 1965 (YUN 1965, p. 440).

Meeting records. GA: 3rd Committee, A/C.3/37/SR.3-13, 18, 24, 25 (30 Sep.-27 Oct.); plenary, A/37/PV.90 (3 Dec.).

General Assembly resolution 37/45

3 December 1982 Meeting 90 Adopted without vote

Approved by Third Committee (A/37/581) without vote, 27 October (meeting 24); 28-nation draft (A/C.3/37/L.7), amended by 9 nations (A/C.3/37/L.17); agenda item 80 (b).

Sponsors of draft: Algeria, Argentina, Australia, Bahamas, Bangladesh, Barbados, Belgium, Bulgaria, Cape Verde, Cuba, Cyprus, Egypt, Germany, Federal Republic of, Ghana, Hungary, India, Morocco, New Zealand, Nigeria, Pakistan, Portugal, Rwanda, Spain, Syrian Arab Republic, Upper Volta, Venezuela, Yugoslavia, Zaire. Sponsors of amendments: Costa Rica, Ecuador, France, Iceland, Italy, Netherlands, Norway, Sweden, Uruguay.

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 and 36/11 of 28 October 1981,

Welcoming the increase in the number of declarations made under article 14 of the Convention,

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 with the increase in the number of States which 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 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.

Measures against nazism and fascism

The Commission on Human Rights, on 11 March 1982,(1) decided to defer until 1983 further discussion and action on measures against Nazi, Fascist and neo-Fascist activities and other ideologies and practices based on racial intolerance, hatred and terror.

As requested by the General Assembly in December 1981,(5) the Secretary-General submitted in April 1982 a report (with an addendum in November) summarizing comments by 22 States and an international organization on problems in regard to this topic and their suggestions on national and international measures to eradicate nazism, fascism and related ideologies.(3)

The Economic and Social Council, on 7 May,(2) took note of the report and decided to transmit it to the Assembly. The decision, orally proposed by the Chairman of the Second (Social) Committee, was adopted without vote, following similar approval by the Committee on 3 May.

General Assembly action. By a resolution of 17 December,(4) the General Assembly condemned all totalitarian or other ideologies and practices, in particular Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror and systematic denial of human rights. It urged States to draw attention to the threats to democratic institutions by those ideologies and practices, and to consider taking measures to prohibit or otherwise deter activities by groups and organizations practising them. The Assembly appealed to States to become parties to relevant human rights instruments and invited them to adopt measures outlawing any dissemination of ideas based on racial superiority or

hatred and of war propaganda. It also called on intergovernmental and non-governmental organizations to initiate or intensify measures against such ideologies and practices, and requested the Secretary-General to ensure that the United Nations Department of Public Information (DPI) paid attention to the dissemination of information exposing those ideologies and practices.

This action was taken without vote, following similar approval by the Third Committee on 9 December. The draft was introduced and orally revised by the German Democratic Republic, on behalf of 13 nations.

One of the revisions took account of a proposal by Belgium, deleting in paragraph 7, on dissemination of information by DPI, reference to proponents of those ideologies.

Decisions (1982). (1) Commission on Human Rights (report, E/1982/12): 1982/105, 11 Mar. (2) ESC: 1982/146, 7 May, text following.

Report. (3) S-G, A/37/188 & Corr.1 & Add.1.

Resolution (1982). (4) GA: 37/179, 17 Dec., text following.

Resolution (prior). (5) GA: 36/162, 16 Dec. 1981 (YUN 1981, p. 876).

Meeting records. ESC: E/1982/SR.29 (7 May). GA: 3rd Committee, A/C.3/37/SR.62, 63, 64, 68-71, 72, 74 (3-10 Dec.); plenary, A/37/PV.110 (17 Dec.).

Economic and Social Council decision 1982/146

Adopted without vote

Approved by Second Committee (E/1982/59) without vote, 3 May (meeting 16); oral proposal by Chairman; agenda item 9.

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

At its 29th plenary meeting, on 7 May 1982, 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.

General Assembly resolution 37/179

17 December 1982

Meeting 110

Adopted without vote

Approved by Third Committee (A/37/745) without vote, 9 December (meeting 72): 13-nation draft (A/C.3/37/L.69), orally amended by Belgium and orally revised; agenda item 12.

Sponsors: Afghanistan, Angola, Bulgaria, Cuba, Czechoslovakia, German Democratic Republic, Hungary, Lao People's Democratic Republic, Nicaragua, Poland, Ukrainian SSR, Viet Nam, Zimbabwe.

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
The General Assembly,

Recalling that the United Nations emerged from the struggle against nazism, fascism, aggression and foreign occupation, and that the peoples expressed their resolve in the Charter of the United Nations to save future generations from the scourge of war,

Bearing in mind the suffering, destruction and death of millions of victims of aggression, foreign occupation, nazism and fascism,

Reaffirming the purposes and principles laid down in the Charter, which are aimed at maintaining international peace and security, developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and achieving international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all,

Emphasizing that all totalitarian or other ideologies and practices, in particular 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, may jeopardize world peace and constitute obstacles to friendly relations between States and to the realization of human rights and fundamental freedoms,

Reaffirming that the prosecution and punishment of war crimes and crimes against peace and humanity, as laid down in General Assembly resolutions 3(I) of 13 February 1946 and 95(I) of 11 December 1946, constitute a universal commitment for all States,

Recalling its resolutions 2331(XXII) of 18 December 1967, 2438(XXIII) of 19 December 1968, 2545(XXIV) of 11 December 1969, 2713(XXV) of 15 December 1970, 2839(XXVI) of 18 December 1971, 34/24 of 15 November 1979, 35/200 of 15 December 1980 and 36/162 of 16 December 1981,

Recalling also the Declaration on Social Progress and Development, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Underlining the importance of the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide and other relevant international instruments.

Acknowledging the fact that a number of States have established legal regulations which are suited to prevent the activities of Nazi, Fascist and neo-Fascist groups and organizations,

Noting again with deep concern that the proponents of Fascist ideologies have, in a number of countries, intensified their activities and are increasingly co-ordinating them on an international scale,

1. Again condemns all totalitarian or other ideologies and practices, in particular 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;

2. Urges all States to draw attention to the threats to democratic institutions by the above-mentioned ideologies and practices and to consider taking measures, in accordance with their national constitutional systems and with the provisions of the Universal Declaration of Human Rights and the International Covenants on Human Rights, to prohibit or otherwise deter activities by groups or organizations or whoever is practising those ideologies;

3. Calls upon the appropriate specialized agencies, as well as intergovernmental and international non-governmental organizations, to initiate or intensify measures against the ideologies and practices described in paragraph 1 above;

4. Invites Member States to adopt, in accordance with their national constitutional systems and with 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;

5. Appeals to all States which 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;

6. Calls once again upon all States to provide the Secretary-General with their comments on this question;

7. Requests the Secretary-General to ensure that the Department of Public Information of the Secretariat pays attention to the dissemination of information exposing the ideologies and practices described in paragraph 1 above;

8. Reiterates its request to the Commission on Human Rights to consider this question at its thirty-ninth session under the title: "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";

9. Requests the Secretary-General to submit a report, through the Economic and Social Council, to the General Assembly at its thirty-

eighth session, in the light of the discussion that will take place in the Commission on Human Rights and on the basis of comments provided by States and international organizations.

Other aspects of discrimination

Implementation of the 1981 Declaration against religious intolerance

The Economic and Social Council, by a decision adopted without vote on 7 May 1982,(1) endorsed an 11 March request(4) of the Commission on Human Rights to the Secretary-General that he disseminate widely, as a matter of priority and in as many languages as possible, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, proclaimed by the General Assembly in November 1981.(9) The Council also endorsed the Commission's request that he issue a pamphlet, in the six official languages of the United Nations, with the Declaration text, together with relevant articles of the 1948 Universal Declaration of Human Rights(7) and the International Covenant on Civil and Political Rights, adopted in 1966.(8)

The Second Committee approved the text, which originated in the Commission, on 3 May, also without vote.

On 10 September,(6) the Sub-Commission on Prevention of Discrimination and Protection of Minorities requested the Secretary-General to submit to it in 1983 information on the problems of discrimination on grounds of religion or belief. Based on that information, it would consider, also in 1983, the updating of a study on discrimination in religious rights and practices, submitted in 1960.(10)

Endorsing the Council's 7 May decision, the General Assembly, on 18 December.(5) invited Governments to ensure wide publicity for the Declaration and requested the Secretary-General to bring the Declaration to the attention of United Nations agencies and bodies for the consideration of measures to implement it. It requested the Commission on Human Rights to consider measures to implement the Declaration and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief, and to report, through the Council, to the Assembly in 1983.

The resolution, was adopted without vote, following similar approval by the Third Committee on 7 December. The text was introduced and orally revised by Ireland, on behalf of 23 nations.

By letters of 16 August(2) and 12 October(3) to the Secretary-General, Israel drew attention to anti-Jewish acts of violence in various countries of Europe and elsewhere.

Decision (1982). (1)ESC: 1982/138, 7 May, text following. Letters. Israel: (2)16 Aug., A/37/392; (3)12 Oct., A/37/542.

Resolution (1982). (4)Commission on Human Rights (report, E/1982/12): 1982/41, 11 Mar. (5)GA: 37/187, 18 Dec., text

following. (6)SCPDPM (report, E/CN.4/1983/4): 1982/28, 10 Sep.

Resolutions (prior). GA: (7)217 A (III), 10 Dec. 1948 (YUN 1948-49, p. 535); (8)2200 A (XXI), annex, 16 Dec. 1966 (YUN 1966, p. 423); (9)36/55, 25 Nov. 1981 (YUN 1981, p. 881).

Yearbook reference. (10)1960, p. 349.

Meeting records. ESC: E/1982/SR.29 (7 May). GA: 3rd Committee, A/C.3/37/SR.47, 50-56, 64, 67 (18 Nov.-7 Dec.); plenary A/37/PV.111 (18 Dec.).

Economic and Social Council decision 1982/138

Adopted without vote

Approved by Second Committee (E/1982/59) without vote, 3 May (meeting 15); draft by Commission on Human Rights (E/1982/12): agenda item 9.

Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission on Human Rights; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

At its 29th plenary meeting, on 7 May 1982, the Council, noting resolution 1982/41 of 11 March 1982 of the Commission on Human Rights, endorsed the Commission's request to the Secretary-General, within the world-wide programme for the dissemination of basic international instruments on human rights, to disseminate widely, as a matter of priority and in as many languages as possible, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. The Council also endorsed the Commission's request to the Secretary-General to issue, as soon as possible, a pamphlet containing the text of the Declaration, together with relevant articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, in the six official languages of the United Nations, and to give the widest dissemination to the pamphlet.

General Assembly resolution 37/187

18 December 1982 Meeting 111 Adopted without vote

Approved by Third Committee (A/37/715) without vote, 7 December (meeting 67); 23-nation draft (A/C.3/37/L.59/Rev.1), orally revised; agenda item 84.

Sponsors: Australia, Austria, Barbados, Canada, Colombia, Costa Rica, Dominican Republic, Fiji, France, Germany, Federal Republic of, Ireland, Italy, Morocco, Netherlands, Norway, Peru, Samoa, Senegal, Suriname, Sweden, Uganda, United States, Uruguay.

Elimination of all forms of religious intolerance

The General Assembly,

Reaffirming its resolution 36/55 of 25 November 1981, in which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Believing that further efforts are required to promote and protect the right to freedom of thought, conscience, religion or whatever belief,

Wishing to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief,

Conscious of the need to implement the provisions of the Declaration,

Desiring that wide publicity be given to the Declaration,

1. Endorses Economic and Social Council decision 1982/138 of 7 May 1982, in which the Council requested the Secretary-General to disseminate widely, as a matter of priority and in as many languages as possible, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to issue a pamphlet containing the text of the Declaration in the six official languages of the United Nations;

2. Invites all Governments to take the necessary measures to ensure wide publicity for the Declaration;

3. Requests the Secretary-General to bring the Declaration to the attention of the appropriate specialized agencies, including the United Nations Educational, Scientific and Cultural Organization, and other appropriate bodies within the United Nations system, for the consideration of measures to implement the Declaration, and to report to the Commission on Human Rights at its thirty-ninth session on the views expressed;

4. Requests the Commission on Human Rights to consider what measures may be necessary to implement the Declaration and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief and to report, through the Economic and Social Council, to the General Assembly at its thirty-eighth session;

5. Decides to include in the provisional agenda of its thirty-eighth 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.

Indigenous populations

The Economic and Social Council, on 7 May 1982,(4) authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group which would meet for up to five working days before the Sub-Commission's annual sessions to review developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous populations, and to analyse information requested by the Secretary-General from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations, particularly those of indigenous peoples. The Group was to submit its conclusions to the Sub-Commission, giving special attention to the evolution of standards concerning the rights of indigenous populations.

The resolution was adopted by 51 votes to none, with 1 abstention, following its approval by the Second Committee on 3 May by 38 votes to none, with 1 abstention. Adoption of the text was recommended on 10 March by the Commission on Human Rights,(3) in accordance with a September 1981 Sub-Commission proposal.(7)

The Working Group on Indigenous Populations met from 9 to 13 August 1982 for its first session(2) and, without making formal recommendations, discussed such matters as the definition of indigenous populations, and the examination and evaluation of standards for their rights. The Group agreed that a definition should be elaborated with or by the indigenous peoples themselves, and that a guide should be prepared containing information relating to their rights, including information on international and national human rights standards and conferences organized by or about indigenous organizations. Under the Working Group's mandate, the Secretary-General should call annually for the submission of information on developments in the field. The Working Group should examine the application of existing human rights standards involving indigenous peoples, with priority given to the most basic rights, including the right to life, freedom from torture, and equality before the law, and with special attention to any situation indicating genocide. The evolution of standards should concern: land and mineral rights; self-management, consultation, participation, self-government or self-determination; freedom of religion and traditional religious practices;

and the right to maintain their own culture, language and way of life.

The Working Group should encourage dialogue among indigenous populations, non-governmental organizations, intergovernmental agencies and Governments; assist in evolving standards; and encourage the establishment of a fund to make possible the participation in the Group of indigenous populations. The Working Group should hold sessions in regions where such populations were found.

At its 1982 session, the Sub-Commission considered part of a final report on discrimination against indigenous populations, (1) submitted by Special Rapporteur José R. Martínez Cobo (Ecuador) in accordance with a September 1981 Sub-Commission request.(7) The first part of the study was submitted in 1981. The part submitted in 1982 dealt with the following: definition of indigenous populations; administrative arrangements; housing; occupation, employment and vocational training; religious rights and practices; and action by United Nations agencies and the Organization of American States.

On 10 September,(5) the Sub-Commission requested the Special Rapporteur to continue his work and to submit in 1983 the last part of the final report as well as conclusions, proposals and recommendations, and invited him to place these at the disposal of the Working Group.

On the same date,(6) the Sub-Commission commended the Working Group on its provisional recommendations. It agreed that there should be continuity in the Group's membership and requested that this be borne in mind when appointing the Group's members. It also agreed with the Group in its preliminary identification of main areas of concern, its decision to emphasize the importance of defining indigenous populations from an international viewpoint, and the special and urgent attention to be paid to cases of genocide or ethnocide. It requested the Group to take account of the final report, particularly the Special Rapporteur's conclusions and recommendations, and decided to request the Commission and the Economic and Social Council to establish a fund to allow for participation of representatives of indigenous populations in the Working Group.

Reports. (1)Special Rapporteur, E/CN.4/Sub.2/1982/2 & Add.1-7;

(2)Working Group on Indigenous Populations, E/CN.4/Sub.2/1982/33.

Resolutions (1982). (3)Commission on Human Rights (report, E/1982/12): 1982/19, 10 Mar. (4)ESC: 1982/34, 7 May, text following. SCPDPM (report, E/CN.4/1983/4), 10 Sep.: (5)1982/29, (6)1982/31.

Yearbook reference. (7)1981, p. 883.

Meeting record. ESC: E/1982/SR.28 (7 May).

Statement. NGO, E/1982/NGO/1.

Economic and Social Council resolution 1982/34

7 May 1982

Meeting 28

51-0-1

Approved by Second Committee (E/1982/59) by vote (38-0-1), 3 May (meeting 15); draft by Commission on Human Rights (E/1982/12); agenda item 9.

Study of the problem of discrimination
against indigenous populations

The Economic and Social Council,

Recalling its resolution 1589(L) of 21 May 1971, resolutions 22(XXXVII) of 10 March 1981 and 1982/19 of 10 March 1982 of the Commission on Human Rights and resolutions 8(XXIV) of 18 August 1971, 5(XXXIII) of 10 September 1980 and 2(XXXIV) of 8 September 1981 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recognizing the urgent need to promote and to protect the human rights and fundamental freedoms of indigenous populations,

Bearing in mind the concerns expressed in this regard at the World Conference to Combat Racism and Racial Discrimination in 1978,

Believing that special attention should be given to appropriate avenues of recourse at the national, regional and international levels in order to advance the promotion and protection of the human rights and fundamental freedoms of indigenous populations,

Mindful of the conclusions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and of the Commission on Human Rights that the plight of indigenous peoples is of a serious and pressing nature and that special measures are urgently needed to promote and protect the human rights and fundamental freedoms of indigenous populations,

1. Authorizes the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations which shall meet for up to five working days before the annual sessions of the Sub-Commission in order to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations, including information requested by the Secretary-General annually from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status, particularly those of indigenous peoples, to analyse such materials, and to submit its conclusions to the Sub-Commission bearing in mind the report of the Special Rapporteur of the Sub-Commission;

2. Decides that the Working Group shall give special attention to the evolution of standards concerning the rights of indigenous populations, taking account of both the similarities and the differences in the situations and aspirations of indigenous populations throughout the world;

3. Requests the Secretary-General to assist the Working Group on Indigenous Populations and make all necessary arrangements to enable it to carry out its functions

Migrant workers

Work continued in 1982 on an international convention on the protection of the rights of all migrant workers and their families, through the Commission on Human Rights, the Working Group on the drafting of the convention and the General Assembly.

Action by the Commission on Human Rights. On 11 March,(4) the Commission on Human Rights, by 39 votes to none, with 3 abstentions, welcomed the progress of the Working Group. It invited Member States to co-operate fully with the Group and expressed the hope that the General Assembly would complete the convention as soon as possible. It requested the Secretary-General to inform the Commission in 1983 of further progress.

Working Group action. The open-ended Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families met at United Nations Headquarters from 10 to 21 May 1982(2) and from 18 October to 16 November,(3) as authorized by the General Assembly in December 1981.(8) During the May session, it concluded its first reading of part

II of the draft convention, concerning the fundamental human rights of all migrant workers and members of their families, on the understanding that the text, which was provisionally agreed upon, would be examined further. Concluding its preliminary consideration of part I related to the convention's scope and definitions, the Group agreed to postpone further consideration of articles 2 and 4 dealing, respectively, with the definition of the term "migrant worker" and the application of the convention to persons who were undocumented or in an irregular situation.

At its October/November session, the Group considered part III of the convention, on additional rights of migrant workers and members of their families in a regular or lawful situation. It completed the first reading of articles 35 to 45 and agreed to postpone consideration of the remaining proposals for part III and the remaining parts of the convention until 1983.

General Assembly action. The General Assembly, on 17 December,(7) took note of the Working Group's report on its October/November session and expressed satisfaction with the substantial progress made. It decided that the Group should hold a two-week meeting in New York immediately after the first regular session of the Economic and Social Council in 1983, and another meeting during the 1983 Assembly session to complete, if possible, elaboration of the convention. It invited the Secretary-General to transmit the Group's report together with the results of the first 1983 meeting, to Governments, United Nations organs and international organizations.

The resolution was adopted without vote, following similar approval by the Third (Social, Humanitarian and Cultural) Committee on 2 December, where it was introduced by Algeria on behalf of 22 nations.

In its resolution of 3 December on implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination,(5) the Assembly invited Member States, the United Nations organs and bodies and the specialized agencies to continue their efforts to protect the rights of all migrant workers and their families.

On the same date,(6) the Assembly welcomed the efforts of the Committee on the Elimination of Racial Discrimination to eliminate all forms of discrimination against migrant workers and their families, to promote their rights, and to achieve their full equality and the possibility of preserving their cultural characteristics.

Other action. The World Assembly on Aging, meeting at Vienna, Austria, from 26 July to 6 August,(1) recommended that measures be taken, particularly through bilateral or multilateral conventions, to guarantee legitimate migrant workers full social coverage in the receiving country, as well as

maintenance of their social security rights, especially with regard to pensions, if they returned to their country of origin. In returning to their countries, they should be afforded special conditions facilitating their reintegration, particularly with regard to housing (see Chapter XX of this section).

Publication. (1)Report of the World Assembly on Aging, Vienna, 26 July to 6 August 1982 (A/CONF.113/31), Sales No. E.82.I.16. Reports. Working Group on convention, (2)A/C.3/37/1, (3)A/C.3/37/7 & Corr.1,2.
Resolutions (1982). (4)Commission on Human Rights (report, E/1982/12): 1982/35, 11 Mar. GA: (5)37/40, para. 13, 3 Dec.; (6)37/46, para. 8, 3 Dec.; (7)37/170, 17 Dec., text following.
Resolution (prior). (8)GA: 36/160, 16 Dec. 1981 (YUN 1981, p. 886).
Financial implications. 5th Committee report, A/37/756; S-G statements, A/C.3/37/L.66, A/C.5/37/72.
Meeting records. GA: 3rd Committee, A/C.3/37/SR.58, 61 (30 Nov., 2 Dec.); 5th Committee, A/C.5/37/SR.61 (9 Dec.); plenary, A/37/PV.110 (17 Dec.).

General Assembly resolution 37/170

17 December 1982 Meeting 110 Adopted without vote

Approved by Third Committee (A/37/745) without vote, 2 December (meeting 61); 22-nation draft (A/C.3/37/L.52 and Corr.1); agenda item 12.

Sponsors: Algeria, Argentina, Bangladesh, Barbados, Cape Verde, Ecuador, Finland, Greece, India, Italy, Jordan, Mali, Mexico, Morocco, Norway Pakistan, Philippines, Portugal, Spain, Sweden, Turkey, Yugoslavia.

Measures to improve the situation and ensure the human rights and dignity of all migrant workers
The General Assembly,

Again reaffirming the permanent validity of the principles and standards embodied in the basic instruments regarding the international protection of human rights, in particular in the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women,

Bearing in mind the principles and standards established within the framework of the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization, and the importance of the task carried out in connection with migrant workers and their families in other specialized agencies and in various organs of the United Nations,

Reiterating that, in spite of the existence of a body of principles and standards already established, there is need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and their families,

Recalling its resolution 34/172 of 17 December 1979, by which it decided to establish a working group open to all Member States to elaborate an international convention on the protection of the rights of all migrant workers and their families,

Recalling also its resolutions 35/198 of 15 December 1980 and 36/160 of 16 December 1981, by which it renewed the mandate of the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families and requested it to continue its work,

Having examined the progress made by the Working Group during its second inter-sessional meeting, held from 10 to 21 May 1982,

Having also examined the report of the Working Group during the current session of the General Assembly,

1. Takes note of the report of the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families and expresses its satisfaction with the substantial progress that the Working Group has so far made in the accomplishment of its mandate;

2. Decides that, in order to enable it to complete its task as soon as possible, the Working Group shall again hold an inter-sessional meeting of two weeks' duration in New York, immediately after the first regular session of 1983 of the Economic and Social Council;

3. Invites the Secretary-General to transmit to Governments the report 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 1983, as well as to transmit the results obtained at that meeting in order that the General Assembly may consider them during its thirty-eighth session;

4. Also invites the Secretary-General to transmit the above-mentioned documents to the competent organs of the United Nations and to international organizations concerned, for their information, so as to enable them to continue their co-operation with the Working Group;

5. Decides that the Working Group shall meet during the thirty-eighth 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.

Protection of minorities

At its February/March 1982 session, the Commission on Human Rights, through an informal working group open to all Commission members, continued work on a draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities. Basing its work on a revised draft prepared by its Chairman/Rapporteur and submitted to the Commission in 1981, the group continued the first reading of the text. It adopted provisionally the preamble of the draft declaration and began consideration of article 1.

The Commission on 11 March,(2) after receiving the working group's report which was appended to the Commission's report,(1) decided to establish at its 1983 session an open-ended working group to continue consideration of the revised draft declaration, originally proposed by Yugoslavia in 1978.(3)

Report. (1)Commission on Human Rights, E/1982/12/Add.1. Resolution (1982). (2)Commission on Human Rights (report, E/1982/12): 1982/38, 11 Mar. Yearbook reference. (3)1978, p. 722.

Draft declaration on the human rights of non-citizens

Work continued in 1982 on the drafting of a declaration on the human rights of individuals who were not citizens of the country in which they lived. A Working Group established by the General Assembly in December 1981,(4) open to all United Nations Members and chaired by Halima Embarek Warzazi (Morocco), held nine meetings between 4 October and 30 November 1982.(1) It provisionally adopted and agreed to six articles, in addition to articles 1 to 5, provisionally adopted by similar groups in 1980(6) and 1981.(7)

The discussion was based mainly on a revised draft declaration presented in 1979(5) by a Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Baroness Elles (United Kingdom), transmitted to the Assembly in 1980 by the Economic and Social Council,(3) and on amendments and proposals submitted by several Governments and by the Group's Chairman in the light of informal consultations.

In 1982, the Group reopened consideration of article 1 (defining the term "alien") and agreed that it would set aside the article in order to allow further consultations. It provisionally adopted article 6, stating that aliens could not be subjected to torture or cruel, inhuman or degrading treatment or punishment, nor could they be subjected to medical or scientific experiments without their free consent; article 7, stating that an alien could be expelled only after a decision had been reached in accordance with law; article 9, stating that no alien should be arbitrarily deprived of his lawfully acquired assets; article 10, stating that any alien should have the right to communicate freely with the consulate or diplomatic mission of the State of which he was a citizen or a national; and a new, unnumbered article, stating the right of any State to establish differences between its nationals and aliens. The Group provisionally agreed on article 8, on aliens' economic and social rights.

By a resolution adopted without vote on 17 December,(2) the Assembly took note of the Working Group's report and of the fact that it had not concluded its task. It requested the Secretary-General to transmit the reports of the 1980, 1981 and 1982 working groups to Governments, United Nations organs and international organizations, and invited them to bring up to date their comments on the subject or to submit new comments by 30 June 1983. It decided to establish, at its 1983 session, an open-ended working group to conclude elaboration of the draft declaration, which it hoped would be adopted at that session.

The Third (Social, Humanitarian and Cultural) Committee approved the text on 2 December, also without vote. The draft was introduced by Morocco, also on behalf of Cyprus, Ghana, Greece, Jordan, Mexico, Pakistan and Spain. An oral amendment by the United States was accepted and orally revised by Morocco on behalf of the sponsors. The United States introduced the paragraph requesting transmittal of the working groups' reports and inviting comments, with Morocco specifying the date of submission. An oral amendment by Sweden, by which the Assembly would have decided to continue in 1983 elaboration of the draft declaration with a view to concluding the task, was rejected by 41 votes to 9, with 6 abstentions.

Report. (1) Working Group on draft declaration, A/C.3/37/8. Resolution (1982). (2) GA: 37/169, 17 Dec., text following. Resolutions (prior). (3) ESC: 1980/29, 2 May 1980 (YUN 1980, p. 882). (4) GA: 36/165, 16 Dec. 1981 (YUN 1981, p. 888). Yearbook references. (5) 1979, p. 816; (6) 1980, p. 867; (7) 1981, p. 888. Financial implication. 5th Committee report, A/37/756; S-G statements, A/C.3/37/L.65, A/C.5/37/71. Meeting records. GA: 3rd Committee, A/C.3/37/SR.58, 61 (30 Nov., 2 Dec.); 5th Committee, A/C.5/37/SR.61 (9 Dec.); plenary, A/37/PV.110 (17 Dec.).

General Assembly resolution 37/169

17 December 1982 Meeting 110 Adopted without vote

Approved by Third Committee (A/37/745) without vote, 2 December (meeting 61); 8-nation draft (A/C.3/37/L.48), orally amended by United States and orally revised; agenda item 12.

Sponsors: Cyprus, Ghana, Greece, Jordan, Mexico, Morocco, Pakistan, Spain.

Question of the international legal protection of the human rights of individuals who are not citizens of the country in which they live

The General Assembly,

Bearing in mind Economic and Social Council resolutions 1790(LIV) of 18 May 1973 and 1871(LVI) of 17 May 1974 concerning the question of the international legal protection of the human rights of individuals who are not citizens of the country in which they live,

Recalling Commission on Human Rights resolutions 8(XXIX) of 21 March 1973, 11(XXX) of 6 March 1974, 16(XXXV) of 14 March 1979 and 19(XXXVI) of 29 February 1980, on the same subject,

Recalling also resolution 9(XXXI) of 13 September 1978 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that the Economic and Social Council, by its resolution 1980/29 of 2 May 1980, decided to transmit to the General Assembly at its thirty-fifth session the text of the draft declaration on the human rights of individuals who are not citizens of the country in which they live, prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Baroness Elles, and amended by the Sub-Commission, together with the comments on the text received from Member States in response to Council decision 1979/36 of 10 May 1979, and recommended that the Assembly should consider the adoption of a declaration on the subject,

Recalling also its resolutions 35/199 of 15 December 1980 and 36/165 of 16 December 1981, by which it decided to establish 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,

Having considered the report of the Working Group,

1. Takes 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;
2. Requests the Secretary-General to transmit to Governments, competent organs of the United Nations system and international organizations concerned the reports of the open-ended working groups established at the thirty-fifth, thirty-sixth and thirty-seventh sessions and to invite them to bring up to date the comments they submitted in accordance with Economic and Social Council decision 1979/36 or to submit new comments on the basis of the above-mentioned reports, by 30 June 1983;
3. Decides to establish, at its thirty-eighth 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;
4. Expresses the hope that a draft declaration on the human rights of individuals who are not citizens of the country in which they live will be adopted by the General Assembly at its thirty-eighth session.

Discrimination in criminal justice

In 1982, a Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Abu Sayeed Chowdhury (Bangladesh), submitted a final report on his study on discriminatory treatment of members of racial, ethnic, religious or linguistic groups at the various levels in the administration of criminal justice. The study, authorized by the Economic and Social Council in 1980,(3) dealt with: police, military, administrative and judicial investigations; arrest; detention; trial and execution of sentences; and ideologies or beliefs contributing

or leading to racism in the administration of criminal justice.(1)

In his conclusions, the Special Rapporteur stated that discriminatory treatment against members of racial, ethnic, religious or linguistic groups was in a number of jurisdictions a fact of life. To provide the necessary safeguards, he recommended that: national legislation recognize the need for special protection for minorities; provision be made for effective remedies, reporting, complaint and investigative procedures, and conciliation machinery and processes; the special needs and circumstances of minority groups be considered in the administration of criminal justice; efforts be made to bring minority groups into government and administration, and to make them officers of criminal justice services, and to protect individuals who were vulnerable to court processes because of their ethnic backgrounds or language difficulties. Further recommendations included formulation of national codes of conduct for law enforcement officials, and of norms for the selection and training of police, arrest and detention, administrative procedures and military law.

By a resolution of 7 September,(2) the Sub-Commission decided to transmit the report to the Commission on Human Rights.

Report. (1)Special Rapporteur. E/CN.4/Sub.2/1982/7.
Resolution (1982). (2)SCPDPM (report, E/CN.4/1983/4): 1982/4, 7 Sep.
Resolution (prior). (3)ESC: 1980/28, 2 May 1980 (YUN 1980, p. 803).

Civil and political rights

Covenant on Civil and Political Rights and Optional Protocol

Accessions and ratifications

As at 31 December 1982, the International Covenant on Civil and Political Rights and the Optional Protocol thereto, which were adopted by the General Assembly in 1966(5) and entered into force in 1976,(6) had been ratified or acceded to by 72 and 28 States, respectively.

Bolivia, Egypt and Viet Nam acceded to the Covenant in 1982. Bolivia also acceded to the Optional Protocol.(1)

The Commission on Human Rights, on 9 March,(2) and the General Assembly, on 18 December,(3) again invited all States that had not done so to become parties to the International Covenants on Human Rights, including the Covenant on Civil and Political Rights and the Optional Protocol, and invited the parties to consider making the declaration under article 41. They emphasized the importance of the strictest compliance by States parties with their obligations under the Covenant and the Optional Protocol.

As at 31 December, 14 parties(8) had made the declaration under article 41 which entered into force in 1979,(7) recognizing the competence of the Human Rights Committee to receive and consider communications to the effect that a State party claimed that another State party was not fulfilling its obligations under the Covenant. During 1982, no party made such a declaration.

In another resolution of 18 December,(4) the Assembly requested the Commission to consider in 1983 and 1984 elaborating a draft of a second optional protocol to the Covenant, on the abolition of the death penalty (see below).

Publication. (1)Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1982 (ST/LEG/SER.E/2), Sales No. E.83.V.6.
Resolutions (1982). (2)Commission on Human Rights (report, E/1982/12): 1982/18, 9 Mar. GA, 18 Dec.: (3)37/191, (4)37/192.
Resolution (prior). (5)GA: 2200 A (XXI), annex, 16 Dec. 1966 (YUN 1966, p. 423).
Yearbook references. (6)1976, p. 609; (7)1979, p. 855; (8)1981, p. 889.

Implementation of the Covenant

The Commission on Human Rights, by a resolution of 9 March 1982 on the International Covenants on Human Rights,(3) expressed appreciation that the Human Rights Committee continued to strive for uniform standards in the implementation of the Covenant on Civil and Political Rights and the Optional Protocol. It noted the Committee's decisions on the periodicity and on guidelines for the form and content of reports from States parties under article 40 on measures adopted to give effect to civil and political rights and progress made in their enjoyment, as well as the Committee's adoption of general comments.

The Committee, established under article 28 of the Covenant,(6) held three sessions during 1982: the fifteenth at United Nations Headquarters from 22 March to 9 April, and the sixteenth and seventeenth at Geneva, from 12 to 30 July and from 11 to 29 October, respectively.

During those sessions, the Committee considered reports and additional information submitted by seven States parties—Australia, Guyana, Iceland, Iran, Mexico, Rwanda and Uruguay—under article 40 of the Covenant. The Committee also concluded consideration of 14 communications, submitted under article 2 of the Optional Protocol by individuals claiming to be victims of violations of civil and political rights, and adopted its views on the merits of those cases. The cases concerned Canada (two), Colombia (three), Finland (one) and Uruguay (eight). The Committee also discussed matters concerning publicity for its work.

On 30 July,(1) the Economic and Social Council authorized the Secretary-General to transmit the Committee's report on its sessions held between

October 1981 and July 1982(2) directly to the General Assembly.

In a resolution of 18 December,(4) the Assembly noted with appreciation the Committee's report and urged States parties to submit their reports as speedily as possible and to provide additional information when requested. It expressed appreciation that the Committee continued to strive for uniform implementation standards. It requested the Secretary-General to keep the 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 to transmit the Committee's annual reports to those bodies.

Elaboration of a second optional protocol to the Covenant, aimed at the abolition of capital punishment (see below), was considered by the Assembly in another resolution of 18 December.(5)

Decision (1982). (1)ESC: 1982/178, para. (b), 30 July Report. (2)Human Rights Committee, A/37/40.
Resolutions (1982). (3)Commission on Human Rights (report, E/1982/12): 1982/18, para. 3, 9 Mar. GA 18 Dec.: (4)37/191. (5)37/192.
Resolution (prior). (6)GA: 2200 A (XXI), annex, 16 Dec. 1966 (YUN 1966, p. 423).

Human Rights Committee documents

The Commission on Human Rights, by a resolution of 9 March 1982 on the International Covenants on Human Rights,(3) welcomed measures taken by the Secretary-General to improve publicity for the work of the Human Rights Committee, and took note of the General Assembly's November 1981 request(5) that the Secretary-General consider more appropriate steps for the publication of the Committee's documentation. It asked that he report to the 1982 Assembly session.

On 18 December,(4) the Assembly noted the request of the Committee that its official records be made available annually in bound volumes, one volume containing the summary records of the Committee's public meetings and a second the Committee's other public documents, including reports of States parties under article 40 of the Covenant. The Assembly requested the Secretary-General to consider making arrangements for the publications within existing resources.

In an October report to the Assembly,(2) the Secretary-General estimated the annual cost of printing the Committee's documentation in two volumes in English, French, Russian and Spanish, by publishers outside the United Nations, at approximately \$146,759. The Committee having first issued documentation in 1977, there was a backlog of five years, amounting to three volumes of summary records and three volumes of other documents.

The Committee Chairman, by a letter of 25 October 1982 to the Secretary-General,(1) stated that the availability of the Committee's public documents in annual bound volumes was necessary for its continuing dialogue with States parties and to facilitate the work of national and non-governmental entities concerned with promoting human rights throughout the world.

Letter. (1)Human Rights Committee Chairman, 25 Oct., A/C.3/37/6.

Report. (2)S-G, A/37/490.

Resolutions (1982). (3)Commission on Human Rights (report, E/1982/12): 1982/18, para. 7, 9 Mar. (4)GA: 37/191, para. 13, 18 Dec.

Resolution (prior). (5)GA: 36/58, 25 Nov. 1981 (YUN 1981, p. 934).

Self-determination of peoples

Action by the Commission on Human Rights. On 25 February 1982,(4) the Commission on Human Rights called on States to implement United Nations resolutions, in particular the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples,(8) and to take steps to enable the peoples of the territories concerned to exercise their right to self-determination. It reaffirmed that colonialism was incompatible with the Declaration (see TRUSTEESHIP AND DECOLONIZATION, Chapter I), the 1948 Universal Declaration of Human Rights(7) and the Charter of the United Nations, and that it posed a serious threat to international peace and security. The Commission condemned the activities of foreign interests which were impeding implementation of the Declaration, particularly with respect to Namibia. It reaffirmed the right to self-determination of the peoples of Namibia and South Africa, and the legitimacy of their struggle, including armed struggle (see below, under HUMAN RIGHTS VIOLATIONS). The Commission reaffirmed that the use of mercenaries against national liberation movements and States was a criminal act, and expressed appreciation of the work on a draft convention against mercenaries (see LEGAL QUESTIONS, Chapter II). It decided to give the right to self-determination high priority in 1983.

This resolution was adopted by a roll-call vote of 32 to 8 (Australia, Canada, Denmark, France, Germany, Federal Republic of, Italy, United Kingdom, United States), with 3 abstentions.

In February, the Commission also adopted resolutions on the self-determination of Afghanistan, Kampuchea, the Palestinian people and Western Sahara (see below).

On 11 March,(1) the Commission decided to postpone action on a draft resolution(2) reaffirming the right of all peoples to determine freely their political status, and stating that the alien subjugation of peoples and their domination, exploitation or foreign occupation constituted a violation of human rights.

General Assembly action. On 3 December,(5) the General Assembly reaffirmed that the realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination was fundamental for the effective guarantee, observance, preservation and promotion of human rights. It declared its firm opposition to foreign military intervention, aggression and occupation, and called for their immediate cessation. It deplored the plight of millions of refugees and displaced persons and reaffirmed their right to return to their homes. It requested the Commission on Human Rights to continue to give special attention to violations of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation.

The resolution was adopted without vote, following similar approval on 27 October by the Third (Social, Humanitarian and Cultural) Committee, where it was introduced by Pakistan on behalf of 17 nations.

Also on 3 December,(6) the Assembly reaffirmed the legitimacy of the struggle, including armed struggle, for independence, territorial integrity, national unity and liberation from colonial and foreign domination and occupation. It urged States, United Nations agencies and organizations to ensure full implementation of the Declaration on colonial countries and to intensify their support to peoples under foreign domination in their struggle for self-determination. It reaffirmed the right of the Namibians, Palestinians and all peoples under foreign colonial domination to self-determination, national independence, territorial integrity, national unity and sovereignty without external interference, and strongly condemned the continued violations of those peoples' human rights and the denial of their national rights. It strongly condemned Governments which did not recognize the right to self-determination and independence of peoples under foreign domination, notably those of Africa and the Palestinians. It demanded the immediate release of children in Namibian and South African prisons, as well as all persons detained or imprisoned as a result of their struggle for self-determination, full respect for their rights, and the observance of prohibitions against torture and cruel, inhuman or degrading treatment.

Under other provisions, the Assembly condemned South Africa's policy of "bantustanization", its massacres, its increased oppression of Namibians, and its use of armed terrorist groups against national liberation movements and neighbouring countries. It strongly reaffirmed its solidarity with those countries and movements and called for increased assistance to the victims of racism and apartheid through their liberation movements. In particular, it strongly condemned South Africa's invasion of Angola and the relations of Western and other countries with

South Africa. The Assembly demanded application of the mandatory arms embargo against South Africa, noted with satisfaction the May 1981 Paris Declaration on Sanctions against South Africa(11) and demanded implementation of its September 1981 resolution on a Namibia settlement.(9) It recommended that the Security Council urgently appeal for clemency on behalf of three South African freedom fighters. The Assembly strongly condemned Israel's aggression against Lebanon and its expansionist activities and continuous bombing of Palestinians, in particular the September 1982 massacre in Beirut, and urged support to the Palestinians (see POLITICAL AND SECURITY QUESTIONS, Chapters V and IX).

The Assembly called on States to outlaw the use of mercenaries, noted again a June 1981 decision of the Organization of African Unity(12) to hold a referendum on Western Sahara (see below) and took note of the contacts between the Comoros and France concerning the Comorian island of Mayotte (see POLITICAL AND SECURITY QUESTIONS, Chapter V).

The resolution, sponsored by Guinea on behalf of the African Group of United Nations Member States, was adopted by a recorded vote of 120 to 17, with 6 abstentions, following its approval by the Third Committee on 27 October by 110 votes to 17, with 7 abstentions.

The Secretary-General submitted to the Assembly in July and November a report(3) on action taken pursuant to a November 1981 Assembly resolution,(10) on implementation of the right to self-determination, summarizing replies from 18 Governments, two intergovernmental organizations and seven non-governmental organizations.

Decision (1982). (1)Commission on Human Rights (report, E/1982/12): 1982/104, 11 Mar.

Draft resolution. (2)Algeria, Australia, Costa Rica, Fiji, Germany, Federal Republic of, E/CN.4/1982/L.21.

Report. (3)S-G, A/37/317 & Add.1.

Resolutions (1982). (4)Commission on Human Rights: 1982/16, 25 Feb. GA, 3 Dec., texts following: (5)37/42; (6)37/43.

Resolutions (prior). GA: (7)217 A (III), 10 Dec. 1948 (YUN 1948-49, p. 535); (8)1514(XV), 14 Dec. 1960 (YUN 1960, p. 49); (9)ES-8/2, 14 Sep. 1981 (YUN 1981, p. 1153); (10)36/52, 24 Nov. 1981 (ibid., p. 1102).

Yearbook references. 1981, (11)p. 165, (12)p. 1193.

Meeting records. GA: 3rd Committee, A/C.3/37/SR.3-13, 18, 24, 25 (30 Sep.-27 Oct.); plenary, A/37/PV.90 (3 Dec.).

General Assembly resolution 37/42

3 December 1982

Meeting 90

Adopted without vote

Approved by Third Committee (A/37/580) without vote, 27 October (meeting 24); 17-nation draft (A/C.3/37/L.9); agenda item 79.

Sponsors: Chile, Costa Rica, Ecuador, Jordan, Kuwait, Malaysia, Morocco, Oman, Pakistan, Papua New Guinea, Philippines, Qatar, Saudi Arabia, Singapore, Somalia, Sudan, Thailand.

Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United

Nations and embodied in the International Covenants on Human Rights, as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514(XV) of 14 December 1960.

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation, which are threatening to suppress, or have already suppressed, the right to self-determination of an increasing number of sovereign peoples and nations,

Further expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their conditions,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation, adopted by the Commission on Human Rights at its thirty-sixth, thirty-seventh and thirty-eighth sessions,

Reiterating its resolutions 35/35 B of 14 November 1980 and 36/10 of 28 October 1981,

Taking note of the note by the Secretary-General of 28 September 1982,

1. Reaffirms 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;

2. Declares its firm opposition to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and of other human rights in certain parts of the world;

3. Calls upon those States responsible to cease immediately their military intervention and occupation of foreign countries and territories, and to cease all acts of repression, discrimination, exploitation and maltreatment, particularly the brutal and inhuman methods reportedly employed for the execution of these acts against the peoples concerned;

4. Deplores the plight of the millions of refugees and displaced persons who have been uprooted by the aforementioned acts and reaffirms their right to return to their homes voluntarily in safety and honour;

5. Requests 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 and occupation;

6. Requests the Secretary-General to report on this issue to the General Assembly at its thirty-eighth session, under the item entitled "Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights".

General Assembly resolution 37/43

3 December 1982 Meeting 90 120-17-6 (recorded vote)

Approved by Third Committee (A/37/580) by vote (110-17-7), 27 October (meeting 241; draft by Guinea, for African Group (A/C.3/37/L.11); agenda item 79.

Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights
The General Assembly,

Recalling its resolutions 2649(XXV) of 30 November 1970, 2955(XXVII) of 12 December 1972, 3070(XXVIII) of 30 November 1973, 3246(XXIX) of 29 November 1974, 3382(XXX) of 10 November 1975, 33/24 of 29 November 1978, 34/44 of 23 November 1979, 35/35 of 14 November 1980 and 36/9 of 28 October 1981, and Security Council resolutions 418(1977) of 4 November 1977 and 437(1978) of 10 October 1978,

Recalling also its resolutions 2465(XXIII) of 20 December 1968, 2548(XXIV) of 11 December 1969, 2708(XXV) of 14 December 1970,

3103(XXVIII) of 12 December 1973 and 3314(XXIX) of 14 December 1974 concerning the use and recruitment of mercenaries against national liberation movements and sovereign States, and also Security Council resolutions 496(1981) of 15 December 1981 and 507(1982) of 28 May 1982,

Recalling further its relevant resolutions on the question of Palestine, in particular resolutions 3236(XXIX) and 3237(XXIX) of 22 November 1974, 36/120 of 10 December 1981 and ES-7/6 of 19 August 1982,

Recalling also its resolutions on the question of Namibia, in particular resolution ES-8/2 of 14 September 1981,

Recalling the resolutions on Namibia adopted by the Council of Ministers of the Organization of African Unity at its thirty-seventh ordinary session, held at Nairobi from 15 to 26 June 1981, particularly resolutions CM/Res.855(XXXVII) and CM/Res.865(XXXVII),

Deeply concerned at the continued terrorist acts of aggression committed by the Pretoria régime against independent African States, in particular Angola, Botswana, Mozambique, Seychelles and Zambia,

Deeply angered by the occupation of part of the territory of Angola by the troops of the racist régime of South Africa,

Recalling the Political Declaration adopted by the First Conference of Heads of State and Government of the Organization of African Unity and the League of Arab States, held at Cairo from 7 to 9 March 1977,

Considering that the denial of the inalienable rights of the Palestinian people to self-determination, sovereignty, independence and return to Palestine and the repeated acts of aggression by Israel against the peoples of the region constitute a serious threat to international peace and security,

Deeply shocked and alarmed at the deplorable consequences of the Israeli invasion of Beirut on 3 August 1982, and recalling all the resolutions of the Security Council, in particular resolutions 520(1982) of 17 September 1982 and 521(1982) of 19 September 1982,

Reaffirming its faith in the importance of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514(XV) of 14 December 1960,

Reaffirming the importance of the universal realization of the right of peoples to self-determination, national sovereignty and territorial integrity and of the speedy granting of independence to colonial countries and peoples as imperatives for the full enjoyment of all human rights,

Reaffirming that "bantustanization" is incompatible with genuine independence, national unity and sovereignty and has the effect of perpetuating the power of the white minority and the racist system of apartheid in South Africa,

Reaffirming the obligation of all Member States to comply with the principles of the Charter of the United Nations and the resolutions of the United Nations regarding the exercise of the right to self-determination by peoples under colonial and foreign domination,

Reaffirming also that the system of apartheid imposed on the South African people constitutes an inadmissible violation of the rights of that people and a constant threat to international security,

Reaffirming the national unity and territorial integrity of the Comoros,

Gravely concerned at the continuation of the illegal occupation of Namibia by South Africa and the continued violations of the human rights of the peoples still under colonial and foreign domination and alien subjugation,

1. Calls upon all States to implement fully and faithfully the resolutions of the United Nations regarding the exercise of the right to self-determination and independence by peoples under colonial and foreign domination;

2. Reaffirms the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and liberation from colonial and foreign domination and foreign occupation by all available means, including armed struggle;

3. Reaffirms the inalienable right of the Namibian people, the Palestinian people and all peoples under foreign and colonial domination to self-determination, national independence, territorial integrity, national unity and sovereignty without outside interference;

4. Notes again with satisfaction resolution AHG/Res.103(XVIII) adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its eighteenth ordinary session, held at Nairobi from 24 to 27 June 1981, and the decisions of its Implementation Committee to organize and conduct a general, free and regular referendum on self-determination in Western Sahara, and welcomes

the willingness of the United Nations to collaborate in the implementation of the process envisaged by the Organization of African Unity;

5. Takes note of the contacts between the Government of the Comoros and the Government of France in the search for a just solution to the integration of the Comorian island of Mayotte into the Comoros in accordance with the resolutions of the Organization of African Unity and the United Nations on this question;

6. Condemns the policy of "bantustanization" and reiterates its support for the oppressed people of South Africa in their just and legitimate struggle against the racist minority régime in Pretoria;

7. Further condemns South Africa for its increased oppression of the Namibian people, for the massive militarization of Namibia and for its armed attacks on the front-line States with the aim of destabilizing their Governments;

8. Strongly condemns the establishment and use of armed terrorist groups by South Africa with a view to pitting them against the national liberation movements and destabilizing the legitimate Governments of southern Africa, thus impeding effective implementation of General Assembly resolution 1514(XV);

9. Strongly reaffirms its solidarity with the independent African countries and liberation movements that are victims of the murderous acts of aggression of the Pretoria régime and of its attempts at destabilization;

10. Strongly condemns once again the invasion and occupation of part of the territory of Angola by troops of the racist Pretoria régime and demands the immediate withdrawal of those troops from Angolan territory;

11. Reaffirms that the practice of using mercenaries against sovereign States and national liberation movements constitutes a criminal act and that the mercenaries themselves are criminals, and calls upon the Governments of all countries to enact legislation declaring the recruitment, financing and training of mercenaries in their territories and the transit of mercenaries through their territories to be punishable offences, and prohibiting their nationals from serving as mercenaries, and to report on such legislation to the Secretary-General;

12. Strongly condemns the continued violations of the human rights of the peoples still under colonial and foreign domination and alien subjugation, the continuation of the illegal occupation of Namibia, and South Africa's attempts to dismember its territory, the perpetuation of the racist minority régime in southern Africa and the denial to the Palestinian people of their inalienable national rights;

13. Also strongly condemns the policies of those Western and other countries whose political, economic, military, nuclear, strategic, cultural and sports relations with the racist minority régime in South Africa encourage that régime to persist in its suppression of the aspirations of peoples to self-determination and independence;

14. Again demands the immediate application of the mandatory arms embargo against South Africa, imposed under Security Council resolution 418(1977), by all countries, particularly by those countries that maintain military and nuclear co-operation with the racist Pretoria régime and continue to supply it with related matériel;

15. Takes note again with satisfaction of the Paris Declaration on Sanctions against South Africa, the Special Declaration on Namibia and the reports of the technical and political commissions adopted by the International Conference on Sanctions against South Africa, held in Paris from 20 to 27 May 1981, convened jointly by the United Nations and the Organization of African Unity;

16. Demands the immediate implementation of General Assembly resolution ES-8/2 on Namibia;

17. Calls for a substantial increase in all forms of assistance given by all States, United Nations organs, specialized agencies and non-governmental organizations to the victims of racism, racial discrimination and apartheid through their national liberation movements recognized by the Organization of African Unity;

18. Strongly condemns those Governments that do not recognize the right to self-determination and independence of all peoples still under colonial and foreign domination and alien subjugation, notably the peoples of Africa and the Palestinian people;

19. Strongly condemns the increasingly widespread massacres of innocent and defenceless people, including women and children, by the racist minority Pretoria régime in its desperate attempt to thwart the legitimate demands of the people;

20. Strongly condemns the massacre of Palestinians and other civilians at Beirut on 17 September 1982;

21. Strongly condemns the expansionist activities of Israel in the

Middle East and the continual bombing of Palestinian civilians, which constitute a serious obstacle to the realization of the self-determination and independence of the Palestinian people;

22. Strongly condemns the Israeli aggression against Lebanon in June 1982, which endangers stability, peace and security in the region, and reiterates its support for the efforts undertaken to implement the resolutions of the Security Council, in particular those demanding the immediate and unconditional withdrawal of Israeli forces from Lebanese territory to internationally recognised boundaries and respect for the sovereignty and territorial integrity of Lebanon;

23. Urges all States, competent organizations of the United Nations system, specialized agencies and other international organizations to extend their support to the Palestinian people through its sole and legitimate representative, the Palestine Liberation Organization, in its struggle to regain its right to self-determination and independence in accordance with the Charter of the United Nations;

24. Demands the immediate and unconditional release of all persons detained or imprisoned as a result of their struggle for self-determination and independence, full respect for their fundamental individual rights and the observance of article 5 of the Universal Declaration of Human Rights, under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment;

25. Recommends that the Security Council should make urgent appeals for clemency to the South African authorities in order that the lives of the three African National Congress freedom fighters sentenced to death on 6 August 1982 may be saved in accordance with General Assembly resolution 37/1 of 1 October 1982;

26. Demands the immediate release of children detained in Namibian and South African prisons;

27. Reiterates its appreciation for the material and other forms of assistance that peoples under colonial rule continue to receive from Governments, United Nations agencies and intergovernmental organizations, and calls for a substantial increase in this assistance;

28. Urges all States, specialized agencies and competent organizations of the United Nations system to do their utmost to ensure the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and to intensify their efforts to support peoples under colonial, foreign and racist domination in their just struggle for self-determination and independence;

29. Requests the Secretary-General to give maximum publicity to the Declaration on the Granting of Independence to Colonial Countries and Peoples and to give the widest possible publicity to the struggle being waged by oppressed peoples for the realization of their self-determination and national independence;

30. Decides to consider this item again at its thirty-eighth session on the basis of the reports that Governments, United Nations agencies and intergovernmental and non-governmental organizations have been requested to submit concerning the strengthening of assistance to colonial territories and peoples.

Recorded vote in Assembly as follows:

In favour: Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burundi, Byelorussian SSR, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Lucia, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Upper Volta, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Australia, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of Iceland, Israel, Italy, Luxembourg, Netherlands, New Zealand, Norway, Sweden, United Kingdom, United States.

Abstaining: Austria, Greece, Ireland, Japan, Portugal, Spain.

Afghanistan

On 25 February 1982, the Commission on Human Rights adopted, by a roll-call vote of 32 to 7 (Bul-

garia, Byelorussian SSR, Cuba, Ethiopia, Poland, Syrian Arab Republic, USSR), with 4 abstentions, a resolution on the situation in Afghanistan⁽¹⁾ by which it reaffirmed its most profound concern that the people of Afghanistan continued to be denied their right to self-determination and to determine their own Government and choose their economic, political and social system free from outside intervention, subversion, coercion or constraint. The Commission called for the immediate withdrawal of foreign troops, for a political settlement on the basis of full respect for Afghanistan's independence, sovereignty, territorial integrity and non-aligned status, and strict observance of the principle of non-intervention and non-interference.

The Commission urged all concerned to work towards a settlement ensuring that the Afghan people would determine their destiny free from outside interference, and to co-operate with the Secretary-General in his efforts to resolve the situation. The Commission appealed for humanitarian assistance to Afghan refugees and affirmed their right to return home. It decided to consider the Afghanistan situation in 1983 with high priority (see POLITICAL AND SECURITY QUESTIONS, Chapter VI).

By a resolution of 8 September,⁽²⁾ adopted by 14 votes to 3, with 3 abstentions, the Sub-Commission on Prevention of Discrimination and Protection of Minorities expressed its solemn view that the withdrawal of foreign forces from Afghanistan was essential for restoring human rights. It urged the Secretary-General, in seeking a political settlement, to widen his consultations and include representatives of all parties concerned. It invited the Commission to urge all parties concerned to co-operate with him. It invited him to bring to the attention of the Sub-Commission in 1983 any reports to the General Assembly or any of its committees on the use of illegal weapons in Afghanistan or against the Afghan people. It recommended that the Commission in 1983 give priority to the Afghanistan situation.

Resolutions (1982). (1) Commission on Human Rights (report, E/1982/12): 1982/14, 25 Feb. (2) SCPDPM (report, E/CN.4/1983/4): 1982/21, 8 Sep.

Kampuchea

Communications. On 12 January 1982,⁽³⁾ Democratic Kampuchea transmitted to the Commission on Human Rights two letters it had submitted to the General Assembly in November and December 1981,⁽¹²⁾ alleging the use of chemical weapons by Vietnamese authorities in Kampuchea.

By a letter dated 12 February,⁽⁵⁾ Democratic Kampuchea took exception to statements, transmitted on 8 February by Viet Nam to the Commission Chairman,⁽⁷⁾ by the Vietnamese Foreign Ministry and the Foreign Ministry of the People's

Republic of Kampuchea rejecting Assembly resolutions and the July 1981 International Conference on Kampuchea.⁽¹³⁾

On 16 July,⁽⁶⁾ Democratic Kampuchea transmitted to the President of the Economic and Social Council a proclamation of Prince Norodom Sihanouk, stating the formulation of a coalition Government of Democratic Kampuchea on 22 June.

Review. Material on the human rights situation in Kampuchea,⁽¹¹⁾ reviewed during 1981 by a member of the Sub-Commission on discrimination and minorities, Asbjorn Eide (Norway), was transmitted to the 1982 Commission on Human Rights session, as requested by the Sub-Commission in September 1981.⁽¹⁴⁾ In his review, Mr. Eide stated that the documentation from the Government of Democratic Kampuchea for the most part described alleged atrocities in the conduct of anti-guerrilla warfare by Vietnamese forces. The documents submitted by Viet Nam, and through it by the Government of the People's Republic of Kampuchea, contained further evidence of the brutalities of the Khmer Rouge during 1975-1978, including mass murders, and their long-term effect. The review stated that the documents submitted by non-governmental organizations substantiated the allegations made by both sides; it concluded, however, that no final judgement on their veracity could be passed and that, unless the situation was normalized, there was not much hope that human rights could be satisfactorily realized. What the human rights organs of the United Nations could do was to express their views on what seemed to be required from a human rights perspective, including implementation of the right to self-determination of the Kampuchians, with everyone equally entitled to participate. To that end, the review recommended: that a political process be set in motion by which the Kampuchians could freely choose their own representatives, safeguarded by the United Nations and without outside interference; that all foreign forces be withdrawn and all local armed conflict be brought to a halt, under United Nations supervision; that the right of all Kampuchean refugees to return be unconditionally accepted; and that the international community, through the United Nations, pledge to provide interim assistance required for the new Kampuchean authorities to safeguard the basic social and economic rights.

By a letter of 27 January,⁽⁴⁾ Democratic Kampuchea objected to a statement in the review that the Kampuchians were the victims of a "nebulous legal situation", where the United Nations continued to recognize a régime it condemned and which did not appear to have any serious hold on the country, and did not recognize a régime it condemned just as much but which controlled the territory.

Action by the Commission on Human Rights. On 25 February 1982,(9) the Commission on Human Rights reiterated its condemnation of gross and flagrant violations of human rights in Kampuchea. It expressed its conviction that the withdrawal of all foreign forces, the restoration and preservation of Kampuchea's independence, sovereignty and territorial integrity, the right of the Kampuchians to determine their own destiny and the commitment by all States to non-interference and non-intervention in Kampuchea's internal affairs were the principal components of any just and lasting solution to the Kampuchea problem. The Commission reaffirmed that the persistence of foreign occupation was the primary violation of human rights in Kampuchea and prevented the people from exercising their right to self-determination. It called again for a cessation of hostilities and immediate and unconditional withdrawal of foreign forces, in order to allow the Kampuchians to decide their own future through free elections under United Nations supervision.

The Commission called on all parties to join in the search for a comprehensive solution and requested the Secretary-General to exercise his good offices to contribute to a settlement. The Commission requested the Sub-Commission to report in 1983 on the practices of the foreign forces affecting the human rights of the Kampuchians. It decided to keep the situation under review in 1983 as a high priority matter and recommended that the Economic and Social Council consider the situation.

The resolution was adopted by a roll-call vote of 28 to 8 (Bulgaria, Byelorussian SSR, Cuba, Ethiopia, India, Poland, Syrian Arab Republic, USSR), with 5 abstentions.

By a statement of 12 April 1982, transmitted by Viet Nam on 16 April,(8) the Vice-President of the Council of Ministers and Minister for Foreign Affairs of the People's Republic of Kampuchea rejected the resolution, saying that by feigning to know nothing about the real situation and by allowing genocidal criminals to lead it astray with a view to camouflaging their monstrous crimes, the Commission placed itself at the service of those criminals.

Economic and Social Council action. Endorsing the resolution of the Commission on Human Rights, the Economic and Social Council, on 7 May 1982,(1) expressed concern over the continuing activities of foreign forces in Kampuchea and welcomed the Secretary-General's efforts to achieve a peaceful solution. The decision was adopted by a recorded vote, requested by Thailand, of 38 to 8, with 3 abstentions, following its approval by a recorded vote of 36 to 7, with 3 abstentions, by the Second (Social) Committee on 3 May, where the 20-nation text was introduced by Thailand.

The USSR, also on behalf of Bulgaria, the Byelorussian SSR and Poland, objected to the text as an inadmissible interference in the internal affairs of Kampuchea, aimed at diverting the Council's attention from the real human rights problems; human rights violations in Kampuchea no longer existed and it was the imperialist enemies of the Kampuchians who wished to deny them their right to self-determination.

Voting in favour, China said the text was consonant with the situation in Kampuchea where human rights were violated by foreign occupation.

By a letter of 12 July, (2) 15 States, including Viet Nam, stated that they considered the presence of persons claiming to represent Kampuchea in the Council under the name of Democratic Kampuchea to be illegal; the legitimate representative was the People's Republic of Kampuchea.

Sub-Commission action. By a resolution of 8 September,(10) adopted by 12 votes to 5, with 2 abstentions, the Sub-Commission on discrimination and minorities requested that further material on human rights in Kampuchea, reviewed by Mr. Eide, be transmitted to the Commission on Human Rights in 1983. The Sub-Commission endorsed the call for an immediate withdrawal of all foreign forces, and called on the Commission to affirm the need for a political solution based on the self-determination of the Kampuchians and on respect for human rights. It invited the Commission to urge all concerned to ensure, following the withdrawal of foreign forces: that the Kampuchians chose their own representatives to a constitutional assembly; that all foreign States publicly declared their intention not to interfere with the internal political process; that the right of the Kampuchian refugees to return be recognized; and that the United Nations offered its expert services in the field of human rights and fundamental freedoms. It recommended that the Commission call for a pledge by all foreign States not to intervene with armed forces.

Decision (1982). (1)ESC: 1982/143, 7 May, text following. Letters. (2)Bulgaria, Byelorussian SSR, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Hungary, Mongolia, Nicaragua, Poland, Syrian Arab Republic, Ukrainian SSR, USSR, Viet Nam: 12 July, E/1982/107. Democratic Kampuchea: (3)12 Jan., E/CN.4/1982/3; (4)27 Jan., E/CN.4/1982/7; (5)12 Feb., E/CN.4/1982/15; (6)16 July, E/1982/108. Viet Nam: (7)8 Feb., E/CN.4/1982/10; (8)16 Apr., A/37/201 (E/1982/51). Resolutions (1982). (9)Commission on Human Rights (report, E/1982/12): 1982/13, 25 Feb. (10)SCPDPM (report, E/CN.4/1983/4): 1982/22, 8 Sep. Review. (11)SCPDPM member, transmitted by Secretariat note, E/CN.4/1491. Yearbook references. 1981, (12)p. 73, (13)p. 241, (14)p. 897. Meeting records. ESC: E/1982/SR.28, 29 (7 May).

Economic and Social Council decision 1982/143
7 May 1982 Meeting 29 38-83 (recorded vote)
Approved by Second Committee (E/1982/59) by recorded vote (36-7-3), 3 May (meeting 15); 20-nation draft (E/1982/C.2/L.10); agenda item 9.

Sponsors: Australia, Belgium, Canada, Fiji, Germany, Federal Republic of, Italy, Japan, Malaysia, Netherlands, New Zealand, Pakistan, Philippines, Portugal, Samoa, Singapore, Solomon Islands Sudan, Thailand, United Kingdom, Zaire.

The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation

At its 29th plenary meeting, on 7 May 1982, the Council endorsed resolution 1982/13 of 25 February 1982 of the Commission on Human Rights, in which the Commission, inter alia, reaffirmed that the primary violation of human rights in Kampuchea at present was the persistence of foreign occupation, which prevented the people of Kampuchea from exercising their right to self-determination. The Council reaffirmed its decision 1981/154 of 8 May 1981, and endorsed the call for the withdrawal of all foreign forces from Kampuchea, as contained in the Declaration on Kampuchea adopted by the International Conference on Kampuchea on 17 July 1981, in order to allow the people of Kampuchea to exercise their fundamental freedoms and human rights, including the right to decide their own future through free and fair elections under United Nations supervision, without outside interference, subversion or coercion. The Council expressed its grave concern over the continuing activities of the foreign forces in Kampuchea, resulting in the loss of life and property of Kampuchean and forcing large numbers of Kampuchean civilians to flee their homes. The Council welcomed the continuing efforts of the Secretary-General aimed at achieving a peaceful solution to the situation in South-East Asia and endorsed the Commission's call to all parties concerned to join in the efforts to seek a comprehensive solution to the Kampuchean problems within the framework of the Declaration on Kampuchea of 17 July 1981, which was endorsed by the General Assembly in its resolution 36/5 of 21 October 1981, and to co-operate in the work of the Ad Hoc Committee of the International Conference on Kampuchea. The Council noted with appreciation the recent visit to the area by the Special Representative of the Secretary-General.

Recorded vote in Council as follows:

In favour: Argentina, Australia, Austria, Bahamas, Bangladesh, Belgium, Brazil, Canada, Chile, China, Colombia, Denmark, Fiji, France, Germany, Federal Republic of, Greece, Italy, Japan, Kenya, Liberia, Malawi, Nepal, Nigeria, Norway, Pakistan, Peru, Portugal, Saint Lucia, Sudan, Swaziland, Thailand, Tunisia, United Kingdom, United Republic of Cameroon, United States, Venezuela, Yugoslavia, Zaire.

Against: Benin, Bulgaria, Byelorussian SSR, Ethiopia, India, Nicaragua, Poland, USSR.

Abstaining: Burundi, Mali, Mexico.

Palestinians

By a resolution of 11 February 1982,(1) adopted by a roll-call vote of 24 to 8 (Australia, Canada, Denmark, Germany, Federal Republic of, Italy, Netherlands, United Kingdom, United States), with 10 abstentions, the Commission on Human Rights reaffirmed the inalienable right of the Palestinian people to self-determination without external interference and to establish a fully independent and sovereign State of Palestine. It reaffirmed their inalienable right to return to their homes and property, from which they had been displaced by Israel, and called for their return in the exercise of their right to self-determination. It recognized their right to regain their rights by all means in accordance with the United Nations Charter; reaffirmed that their future could only be decided with their full participation, through their representative, the Palestine Liberation Organization (PLO); and urged the international community to support them through PLO. It expressed strong opposition to all partial agreements and separate treaties, which it declared to be without validity in determining the future of the

Palestinians and of the Palestinian territories occupied by Israel since 1967, including Jerusalem, and strongly rejected the continuation of negotiations on the question of "autonomy" within the framework of the "Camp David accords". The Commission requested the Secretary-General to make available to it and to its Sub-Commission on discrimination and minorities the reports, studies and publications prepared by the Special Unit on Palestinian Rights of the United Nations Secretariat.

In a resolution of 8 September(2) dealing mainly with Israeli policy in the occupied territories (see below, under HUMAN RIGHTS VIOLATIONS), the Sub-Commission recommended that the Commission call for the full exercise of the inalienable rights of the Palestinians to return to their homes and property, to self-determination without external interference and to establish their own sovereign and independent State.

Resolutions (1982). (1)Commission on Human Rights (report, E/1982/12): 1982/3, 11 Feb. (2)SCPDPM (report, E/CN.4/1983/4): 1982/18, para. 1 (g), 8 Sep.

Western Sahara

By a resolution of 25 February 1982 on Western Sahara,(1) the Commission on Human Rights welcomed the decisions of the Organization of African Unity (OAU) and the United Nations to organize throughout the territory a referendum on self-determination (see TRUSTEESHIP AND DECOLONIZATION, Chapter IV). It urged that the two parties to the conflict, Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro, enter into direct negotiations with a view to concluding a cease-fire, an indispensable prerequisite for the referendum. It decided to follow closely the situation in Western Sahara and to consider the question as a matter of high priority in 1983.

This resolution was adopted by a roll-call vote of 27 to 3 (Senegal, United States, Zaire), with 13 abstentions.

By its resolution of 3 December on the right to self-determination,(2) the General Assembly noted again with satisfaction the June 1981 OAU decision(3) to organize a free referendum and welcomed the willingness of the United Nations to collaborate.

Resolutions (1982). (1)Commission on Human Rights (report, E/1982/12): 1982/15, 25 Feb. (2)GA: 37/43, para. 4, 3 Dec. Yearbook reference. (3)1981, p. 1193.

Rights of detained persons

A sessional Working Group on the human rights of persons subjected to any form of detention or imprisonment, established by a Sub-Commission decision of 19 August,(1) by 14 votes to 2, with 5 abstentions, held four meetings in August under the chairmanship of Benjamin Charles George Whitaker (United Kingdom).(3)

The Working Group's suggestions served as the basis for a Sub-Commission resolution of 7 September, adopted by 8 votes to 1, with 4 abstentions.⁽⁴⁾ The Sub-Commission considered it desirable that the law set out clearly the grounds for detention, whether on suspicion of criminal activities or on preventive grounds for security reasons, and that it require the grounds to be made known to the persons concerned in specific terms at the time of arrest. The Sub-Commission deemed it important that the names of detainees be announced publicly, and that those arrested or detained be entitled to visits by their families and a lawyer of choice within 24 hours and regularly thereafter. It recommended that Governments adopt legislation whereby those arrested or detained should be tried within a fixed period or released from detention pending further proceedings.

The Sub-Commission considered that incommunicado detention should be discouraged and be forbidden for periods exceeding 24 hours from the time of arrest. It recommended that detainees be examined, preferably by a doctor of their choice, within 48 hours after arrest and regularly thereafter, and considered that they should have access to their defence lawyers, who should be free from fear of arrest for defending their clients. The Sub-Commission recommended that the option of education be made available to prisoners. Detained persons should have the right to be produced before an independent magistrate and asked if they had complaints. To be admissible, confession must be made only before an independent legal person such as a magistrate. There should be independent inspections, without prior notice, of places of detention and interrogation centres. In principle, trials should not be in camera, except when they involved State secrets or when witnesses were frightened to testify in public. The Sub-Commission urged that military jurisdiction be limited to military offences and personnel and not be waived even in states of emergency; persons before military tribunals should have independent legal defenders and the right to appeal to a civilian court against severe sentences.

The Secretary-General was requested to submit to the Sub-Commission in 1983 a preliminary survey of maximum detention periods under existing national laws and under the decisions of international organs. He was requested to invite the international community to submit information on such issues as: arrest and detention on vague grounds or without grounds; the duration of pre-trial detention; procedural guarantees for preventive detention, especially under states of emergency; incommunicado detention; extraterritorial abduction; and suicides in detention. The Sub-Commission proposed that a special study be

made on how to give effect to the concepts of international habeas corpus and anticipatory bail.

Other provisions of the resolution dealt with capital punishment, extrajudicial executions, and hearings on torture and other cruel, inhuman or degrading treatment or punishment (see below). The Sub-Commission decided that a greater number of meetings be devoted to the Working Group in 1983.

The Sub-Commission decided without vote on 31 August 1982⁽²⁾ to request the Secretary-General to forward to the Commission on Human Rights, for transmission to the Government of Malawi, a text stating the Sub-Commission's concern about allegations that Orton Chirwa and his wife faced a capital charge of treason, before a court not composed of legally trained judges and without right of representation. The Sub-Commission also expressed concern about indications that they had been arrested in Zambia by Malawi police. It urged for a public enquiry into the circumstances of the arrest and for a trial before the high court.

Recommendations on the rights of detained persons in specific circumstances were made in two studies submitted to the Sub-Commission: a study on human rights in states of emergency (see below, under OTHER HUMAN RIGHTS QUESTIONS) and the final report on discriminatory treatment of members of racial, ethnic, religious or linguistic groups in the administration of criminal justice (see above, under DISCRIMINATION).

Decisions (1982). SCPDPM (report, E/CN.4/1983/4): (1)1982/4, 19 Aug.; (2)1982/8, 31 Aug.

Report (3) Working Group on Detention, E/CN.4/Sub.2/1982/34 & Corr.1.

Resolution (1982). (4) SCPDPM: 1982/10, 7 Sep.

Capital punishment

The Sub-Commission on Prevention of Discrimination and Protection of Minorities, in a resolution of 7 September 1982⁽³⁾ on the human rights of detained persons (see above), recommended that the United Nations communicate with Governments to avert or postpone carrying out capital punishment immediately after sentencing without allowing the person sentenced proper time or opportunity for appeal.

The General Assembly, on 18 December,⁽²⁾ requested the Commission on Human Rights to consider in 1983 and 1984 elaboration of a draft second optional protocol to the International Covenant on Civil and Political Rights aimed at the abolition of the death penalty. The Assembly decided to resume at its own session in 1983 consideration of the subject.

The resolution was adopted without vote, following its approval by the Third (Social, Humanitarian and Cultural) Committee on 7 December, by a recorded vote, requested by Sierra Leone, of 52 to 23, with 53 abstentions. The revised text

was introduced by the Federal Republic of Germany on behalf of 21 nations.

The Secretary-General reported in September on replies he had received from 16 Governments containing their observations and comments on the elaboration of a second optional protocol,(1) in pursuance of a November 1981 Assembly resolution.(4)

Report. (1)S-G, A/37/407 & Add.1.

Resolution (1982). (2)GA: 37/192, 18 Dec., text following.

(3)SCPDPM (report, E/CN.4/1983/4): 1982/10, para. 14, 7 Sep.

Resolution (prior). (4)GA: 36/59, 25 Nov. 1981 (YUN 1981, p. 900).

Meeting records GA: 3rd Committee, A/C.3/37/SR.47, 50-53, 55, 56, 64, 67 (18 Nov.-7 Dec.); plenary, A/37/PV.111 (18 Dec.).

General Assembly resolution 37/192

18 December 1982 Meeting 111 Adopted without vote

Approved by Third Committee (A/37/718) by recorded vote (52-23-53). 7 December (meeting 67); 21-nation draft (A/C.3/37/L.60/Rev.1) agenda item 87.

Sponsors: Austria, Cape Verde Costa Rica, Denmark, Dominican Republic, France, Germany, Federal Republic of, Greece, Honduras, Iceland, Italy, Luxembourg, Netherlands, Nicaragua, Norway, Panama, Portugal, Solomon Islands, Spain, Sweden, Uruguay.

Capital punishment

The General Assembly,

Recalling its decision 35/437 of 15 December 1980 and its resolution 36/59 of 25 November 1981 concerning the idea of elaborating a draft of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,

1. Takes note of the report of the Secretary-General;
2. Requests the Commission on Human Rights to consider the idea of elaborating a draft of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, at its thirty-ninth and fortieth sessions, taking into account the documents considered by the General Assembly on this subject as well as the views of Governments thereon, and to submit a report, through the Economic and Social Council, to the Assembly at its thirty-ninth session;
3. Decides to resume at its thirty-ninth session, under the item entitled "International Covenants on Human Rights", consideration of the idea of elaborating a draft of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, with a view to considering what steps may be taken in this area.

Summary executions

Action by the Committee on crime. At its March 1982 session,(1) the Committee on Crime Prevention and Control recommended to the Commission for Social Development for approval and submission to the Economic and Social Council a draft resolution strongly condemning and deploring the practice of summary executions in various parts of the world and its apparent increase. By the text, the Council would strongly condemn and deplore the lack of non-observance in certain cases of minimum legal guarantees and safeguards, which could lead to sham trials and arbitrary executions. It would request the Secretary-General to make available to the Committee in 1984 a report on the progress of the work by the Commission on Human Rights and its Sub-Commission.

The Council would decide that the Committee should further study the question of death penalties that did not meet the acknowledged minimum legal guarantees and safeguards, and would welcome the Committee's intention that this issue be discussed at the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held in 1985. The Council would request the Secretary-General to continue to obtain information on the development of legal provisions, the actual practice relating to the death penalty, and the arbitrary character of some executions, and to make his next report on capital punishment available to the 1985 Congress.

Economic and Social Council action. On 7 May 1982,(3) the Economic and Social Council strongly deplored the increasing number of summary or arbitrary executions in various parts of the world. It decided to appoint for one year a special rapporteur to examine such executions and requested the Chairman of the Commission on Human Rights to appoint an individual of recognized international standing. It considered that the Special Rapporteur might seek and receive information from Governments and intergovernmental and non-governmental organizations. It urged Governments and the Secretary-General to assist the Special Rapporteur; requested the Special Rapporteur to submit a report to the Commission in 1983 on the occurrence and extent of the practice of such executions, together with conclusions and recommendations; and requested the Commission to consider that year the question as a matter of high priority.

The resolution was adopted without vote, following similar approval by the Second (Social) Committee on 3 May. The text was recommended by the Commission on Human Rights on 11 March.(2)

Sub-Commission action. On 7 September,(6) the Sub-Commission on Prevention of Discrimination and Protection of Minorities expressed deep concern at the increasing number of summary or arbitrary executions often taking place on a massive scale. It endorsed the Council's request to Governments to assist the Special Rapporteur in preparing his report, and recommended that the Commission adopt effective measures to prevent such executions.

By a resolution of the same date on human rights of detained persons (see above), the Sub-Commission recommended that the United Nations take strong and effective measures to prevent extrajudicial executions and, in particular, that the Commission and its Special Rapporteur take steps to prevent summary or arbitrary executions.(5)

General Assembly action. Welcoming the Council's resolution of 7 May, the General Assembly on 17 December(4) requested all Governments

to co-operate with and assist the Special Rapporteur in preparing his report, and requested the Commission on Human Rights to recommend action to combat and eventually eliminate summary or arbitrary executions.

The resolution was adopted without vote, following similar approval on 9 December by the Third Committee, where it was introduced by Denmark on behalf of 10 nations.

Report (1)Committee on crime, E/CN.5/1983/2. Resolutions (1982). (2)Commission on Human Rights (report, E/1982/12): 1982/29, 11 Mar. (3)ESC: 1982/35, 7 May, text following. (4)GA: 37/182, 17 Dec., text following SCPDPM (report, E/CN.4/1983/4), 7 Sep.: (5)1982/10, para. 15; (6)1982/13.

Meeting records. ESC: E/1982/SR.28 (7 May). GA: 3rd Committee, A/C.3/37/SR.64, 65-71, 72 (6-9 Dec.); plenary, A/37/PV.110 (17 Dec.).

Economic and Social Council resolution 1982/35

7 May 1982 Meeting 28 Adopted without vote

Approved by Second Committee (E/1982/59) without vote, 3 May (meeting 15); draft by Commission on Human Rights (E/1982/12); agenda item 9.

Summary or arbitrary executions

The Economic and Social Council,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights, in which it is stated that every human being has the inherent right to life, that this right shall be protected by law and that no one shall be arbitrarily deprived of his life,

Recalling General Assembly resolution 34/175 of 17 December 1979, in which the Assembly reaffirmed that mass and flagrant violations of human rights are of special concern to the United Nations and urged the Commission on Human Rights to take timely and effective action in existing and future cases of mass and flagrant violations of human rights,

Further recalling resolution 8(XXIII) of 16 March 1967 of the Commission on Human Rights concerning the question of violations of human rights and fundamental freedoms in any part of the world,

Mindful of General Assembly resolution 36/22 of 9 November 1981, in which the Assembly condemned the practice of summary executions and arbitrary executions,

Bearing in mind resolution 5, on extra-legal executions, of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Deeply alarmed about the occurrence of summary or arbitrary executions, including extra-legal executions, that are widely regarded as being politically motivated,

Convinced of the need to deal urgently with the question of summary or arbitrary executions,

1. Strongly deplors the increasing number of summary or arbitrary executions taking place in various parts of the world;

2. Decides, therefore, to appoint for one year a special rapporteur to examine the questions related to summary or arbitrary executions;

3. Requests the Chairman of the Commission on Human Rights, after consultations within the Bureau, to appoint an individual of recognized international standing as special rapporteur;

4. Considers that the special rapporteur in carrying out his mandate may seek and receive information from Governments, specialized agencies and other intergovernmental organizations, as well as non-governmental organizations in consultative status with the Economic and Social Council;

5. Requests the special rapporteur to submit a comprehensive report to the Commission on Human Rights at its thirty-ninth session on the occurrence and extent of the practice of such executions, together with his conclusions and recommendations;

6. Urges all Governments to co-operate with and assist the special rapporteur in the preparation of his report;

7. Requests the Secretary-General to provide all necessary assistance to the special rapporteur;

8. Requests the Commission on Human Rights to consider the question of summary or arbitrary executions as a matter of high priority at its thirty-ninth session under the agenda 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".

General Assembly resolution 37/182

17 December 1982 Meeting 110 Adopted without vote

Approved by Third Committee (A/37/745) without vote, 9 December (meeting 72); 10-nation draft (A/C.3/37/L.76); agenda item 12.

Sponsors: Belgium, Costa Rica, Cyprus, Denmark, Finland, Greece, Netherlands, Norway, Portugal, Sweden.

Summary or arbitrary executions

The General Assembly,

Recalling the provisions of the Universal Declaration of Human Rights, which states that every human being has the inherent right to life, liberty and security of person and that everyone shall be entitled to a fair and public hearing by an independent and impartial tribunal established by law,

Recalling also its resolution 34/175 of 17 December 1979, in which it reaffirmed that mass and flagrant violations of human rights are of special concern to the United Nations and urged the Commission on Human Rights to take timely and effective action in existing and future cases of mass and flagrant violations of human rights,

Recalling further its resolution 36/22 of 9 November 1981, in which it condemned the practice of summary or arbitrary executions,

Deeply alarmed at the occurrence on a large scale of summary or arbitrary executions, including extra-legal executions,

Taking note of resolution 1982/13 of 7 September 1982 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in which the Sub-Commission recommended that effective measures should be adopted to prevent the occurrence of summary or arbitrary executions,

Convinced of the need for appropriate action to combat and eventually eliminate this practice, which represents a flagrant violation of the most fundamental human right, the right to life,

1. Welcomes Economic and Social Council resolution 1982/35 of 7 May 1982, in which it was decided to appoint for one year a special rapporteur to examine the questions related to summary or arbitrary executions and to submit to the Commission on Human Rights, at its thirty-ninth session, a comprehensive report on the occurrence and extent of the practice of such executions, together with his conclusions and recommendations;

2. Requests all Governments to co-operate with and to assist the Special Rapporteur of the Commission on Human Rights in the preparation of his report;

3. Requests the Commission on Human Rights at its thirty-ninth session, on the basis of the report of the Special Rapporteur to be prepared in conformity with Economic and Social Council resolution 1982/35, to make recommendations concerning appropriate action to combat and eventually eliminate the practice of summary or arbitrary executions.

Treatment of prisoners and detainees

Draft principles

A working group open to all members of the General Assembly's Sixth (Legal) Committee, established by the Committee on 6 October 1982, continued work on a draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. The Assembly had decided in December 1981 to establish such a group,(2) to continue work begun by a Sixth Committee working group in September 1981,(6) after an open-ended working group of the Third Committee had in 1980(5) begun reviewing a draft

adopted in 1978 by the Sub-Commission on Prevention of Discrimination and Protection of Minorities.(4)

Working group action. The 1982 working group, chaired by Luigi Ferrari Bravo (Italy), held nine meetings between 12 October and 23 November. Following the examples of previous groups, it continued a first reading of the principles on the understanding that it would reconsider the texts once definitions had been accepted. Taking up where the earlier groups had left off, the working group provisionally adopted three further principles and a part of one other, which were set out in its report.(3)

The approved principles stated that anyone arrested must be informed, at the time of the arrest, of the reasons for it and of the charges (principle 9, formerly principle 10). A detained person and his counsel must receive prompt and full communication of any order of detention and the reasons for it (paragraph 2 of principle 10, formerly principle 9). The reasons for and time of the arrest must be recorded and communicated to the person or his counsel; the same must be done with regard to the time of taking the arrested person to a place of custody and of his first appearance before a judicial or other authority, the identity of the law enforcement officials involved, and precise information about the place of custody (principle 11). An arrested, detained or imprisoned person must be provided promptly with information on and an explanation of his rights (principle 12).

General Assembly action. Noting the report of the working group, the General Assembly on 16 December(1) decided to establish in 1983 a working group of the Sixth Committee to expedite finalization of the draft principles. It requested that the Secretary-General circulate the reports of the 1980, 1981 and 1982 working groups to Member States, which it invited to update previous comments or submit new ones.

The decision was adopted without vote, following similar approval by the Sixth Committee on 3 December. It was introduced by Sweden, also on behalf of Egypt, and was orally amended by the Committee and working group Chairmen. An amendment by the working group Chairman specified that the 1983 working group was of the Sixth Committee, while according to an amendment by the Committee Chairman, the working group should be established at the Assembly's 1983, rather than 1982, session.

Decision (1982). (1)GA: 37/427, 16 Dec., text following.
Decision (prior). (2)GA: 36/426, 10 Dec. 1981 (YUN 1981, p. 901).
Report. (3)Working group, A/C.6/37/L.16.
Yearbook references. (4)1978, p. 698; (5)1980, p. 842; (6)1981, p. 900.
Meeting records. GA: 6th Committee, A/C.6/37/SR.61, 62 (2, 3 Dec.); plenary, A/37/PV.107 (16 Dec.).

General Assembly decision 37/427

Adopted without vote

Approved by Sixth Committee (A/37/701 and Corr.1) without vote, 3 December (meeting 62); 2-nation draft (A/C.6/37/L.22), orally amended by Committee and working group Chairmen; agenda item 129.

Sponsors: Egypt, Sweden.

Draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

At its 107th plenary meeting, on 16 December 1982, the General Assembly, on the recommendation of the Sixth Committee:

(a) Took note with appreciation of the report of the Working Group on the Draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, established in accordance with General Assembly decision 36/426 of 10 December 1981 to elaborate a final version of the draft Body of Principles, a task which it has not been able to conclude;

(b) Decided that an open-ended working group of the Sixth Committee would be established at the outset of its thirty-eighth session with a view to expediting the finalization of the draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment;

(c) Requested the Secretary-General to circulate to Member States the reports of the open-ended Working Groups established at the thirty fifth, thirty-sixth and thirty-seventh sessions and to invite them to update the comments they submitted in accordance with Economic and Social Council resolution 1979/34 of 10 May 1979 or submit new comments on the basis of the above-mentioned reports;

(d) Decided to include in the provisional agenda of its thirty-eighth session the item entitled "Draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment".

Principles of Medical Ethics

The General Assembly, by a resolution of 18 December 1982,(2) adopted 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. It called on Governments to give those Principles the widest possible distribution, and invited inter-governmental and non-governmental organizations to bring them to the attention of the widest possible group of individuals, especially in the medical and paramedical field.

The Principles, annexed to the resolution, stated that prisoners and detainees had the same rights as others to the protection of their physical or mental health and treatment of disease. It was in contravention of medical ethics for health personnel to participate in torture or other cruel treatment, to be involved with prisoners or detainees in any relationship other than medical, to assist in interrogation, and to certify prisoners fit for punishment that might adversely affect their health. Participation of health personnel in restraining prisoners was not in conformity with medical ethics unless it was necessary for health or safety reasons. The final principle stated that there might be no derogation from the Principles on any ground, including public emergency.

The text was adopted without vote, following similar approval on 9 December by the Third Committee, where it was introduced by the Netherlands on behalf of 13 nations.

The Principles, in the form of a draft Code of Medical Ethics, had been endorsed by the Executive Board of the World Health Organization in 1979.(4) The revised draft Principles, annexed to a November 1981 Assembly resolution,(3) were finalized in 1982 on the basis of further comments and suggestions from Member States. Those received from 21 Governments were transmitted by the Secretary-General in June, September and November.(1)

Report. (1)S-G, A/37/264 & Add.1.2.

Resolution (1982). (2)GA: 37/194, 18 Dec., text following.

Resolution (prior). (3)GA: 36/61, 25 Nov. 1981 (YUN 1981, p. 904).

Yearbook reference. (4)1979, p. 843.

Meeting records. GA: 3rd Committee, A/C.3/37/SR.47, 50-53, 55, 56, 64, 72 (18 Nov.-9 Dec.); plenary, A/37/PV.111 (18 Dec.).

General Assembly resolution 37/194

18 December 1982 Meeting 111 Adopted without vote

Approved by Third Committee (A/37/727) without vote, 9 December (meeting 72); 13-nation draft (A/C.3/37/L.79/Rev.1); agenda item 88 (b).

Sponsors: Australia, Austria, Canada, Costa Rica, Dominican Republic, Fiji, Greece, Ireland, Italy, Netherlands, New Zealand, Norway, United States.

Principles of Medical Ethics

The General Assembly,

Recalling its resolution 31/85 of 13 December 1976, in which it invited the World Health Organization to prepare a draft code of medical ethics relevant to the protection of persons subjected to any form of detention or imprisonment against torture and other cruel, inhuman or degrading treatment or punishment,

Expressing once again its appreciation to the Executive Board of the World Health Organization which, at its sixty third session, in January 1979, decided to endorse the principles set forth in a report entitled "Development of codes of medical ethics" containing, in an annex, a draft body of principles prepared by the Council for International Organizations of Medical Sciences and entitled "Principles of medical ethics relevant to the role of health personnel in the protection of persons against torture and other cruel, inhuman or degrading treatment or punishment",

Bearing in mind Economic and Social Council resolution 1981/27 of 6 May 1981, in which the Council recommended that the General Assembly should take measures to finalize the draft Principles of Medical Ethics at its thirty-sixth session,

Recalling its resolution 36/61 of 25 November 1981, in which it decided to consider the draft Principles of Medical Ethics at its thirty-seventh session with a view to adopting them,

Alarmed that not infrequently members of the medical profession or other health personnel are engaged in activities which are difficult to reconcile with medical ethics,

Recognizing that throughout the world significant medical activities are increasingly being performed by health personnel not licensed or trained as physicians, such as physician-assistants, paramedics, physical therapists and nurse practitioners,

Recalling with appreciation the Declaration of Tokyo of the World Medical Association containing the Guidelines for Medical Doctors concerning Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in relation to Detention and Imprisonment, adopted by the twenty-ninth World Medical Assembly, held at Tokyo in October 1975,

Noting that in accordance with the Declaration of Tokyo measures should be taken by States and by professional associations and other bodies, as appropriate, against any attempt to subject health personnel or members of their families to threats or reprisals resulting from a refusal by such personnel to condone the use of torture or other forms of cruel, inhuman or degrading treatment,

Reaffirming the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, unanimously adopted by the General Assembly in its resolution 3452(XXX) of 9 December 1975, in which it

declared any act of torture or other cruel, inhuman or degrading treatment or punishment an offence to human dignity, a denial of the purposes of the Charter of the United Nations and a violation of the Universal Declaration of Human Rights,

Recalling that, in accordance with article 7 of the Declaration adopted in resolution 3452(XXX), each State shall ensure that the commission of all acts of torture, as defined in article 1 of that Declaration, or participation in, complicity in, incitement to or attempt to commit torture are offences under its criminal law,

Convinced that under no circumstances should a person be punished for carrying out medical activities compatible with medical ethics, regardless of the person benefiting therefrom, or be compelled to perform acts or to carry out work in contravention of medical ethics, but that, at the same time, contravention of medical ethics for which health personnel, particularly physicians, can be held responsible should entail accountability,

Desirous of setting further standards in this field which ought to be implemented by health personnel, particularly physicians, and by Government officials,

1. Adopts 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, set forth in the annex to the present resolution;

2. Calls upon all Governments to give the Principles of Medical Ethics, together with the present resolution, the widest possible distribution, in particular among medical and paramedical associations and institutions of detention or imprisonment, in an official language of the State;

3. Invites all relevant intergovernmental organizations, in particular the World Health Organization, and non-governmental organizations concerned to bring the Principles of Medical Ethics to the attention of the widest possible group of individuals, especially those active in the medical and paramedical field.

ANNEX

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

Principle 1

Health personnel, particularly physicians, charged with the medical care of prisoners and detainees have a duty to provide them with protection of their physical and mental health and treatment of disease of the same quality and standard as is afforded to those who are not imprisoned or detained.

Principle 2

It is a gross contravention of medical ethics, as well as an offence under applicable international instruments, for health personnel, particularly physicians, to engage, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment.*

Principle 3

It is a contravention of medical ethics for health personnel, particularly physicians, to be involved in any professional relationship with prisoners or detainees the purpose of which is not solely to evaluate, protect or improve their physical and mental health.

Principle 4

It is a contravention of medical ethics for health personnel, particularly physicians:

(a) To apply their knowledge and skills in order to assist in the interrogation of prisoners and detainees in a manner that may adversely affect the physical or mental health or condition of such prisoners or detainees and which is not in accordance with the relevant international instruments;

(b) To certify, or to participate in the certification of, the fitness of prisoners or detainees for any form of treatment or punishment that may adversely affect their physical or mental health and which is not in accordance with the relevant international instruments, or to participate in any way in the infliction of any such treatment or punishment which is not in accordance with the relevant international instruments.

Principle 5

It is a contravention of medical ethics for health personnel, particularly physicians, to participate in any procedure for restraining a prisoner or detainee unless such a procedure is determined in accordance with purely medical criteria as being necessary for the protection of the physical or mental health or the safety of the prisoner or detainee himself, of his fellow prisoners or detainees, or of his guardians, and presents no hazard to his physical or mental health.

Principle 6

There may be no derogation from the foregoing principles on any ground whatsoever, including public emergency.

*See the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 3452(XXX), annex), article 1 of which states:

"1. For the purpose of this Declaration, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners.

"2. Torture constitutes an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment".

Article 7 of the Declaration states:

"Each State shall ensure that all acts of torture as defined in article 1 are offences under its criminal law. The same shall apply in regard to acts which constitute participation in, complicity in, incitement to or an attempt to commit torture."

Particularly the Universal Declaration of Human Rights (resolution 217 A (III)), the International Covenants on Human Rights (resolution 2200 A (XXI), annex), the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 3452(XXX), annex) and the Standard Minimum Rules for the Treatment of Prisoners (First United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report by the Secretariat (United Nations publication, Sales No. 1956.IV.4), annex IA)

Torture and other cruel treatment

Draft convention on the prohibition of torture

Work continued in 1982 in the Commission on Human Rights on a draft convention against torture and other cruel, inhuman or degrading treatment or punishment.

A working group open to all Commission members, meeting at Geneva from 25 to 29 January and during the Commission's session until 4 March, provisionally adopted three articles and revised or adopted portions of several others which it had considered in 1979,(6) 1980(7) and 1981.(8) The newly approved articles provided for a definition of torture (article 1), extradition for acts of torture or attempts to commit torture (article 8) and for compensation to the victims of torture (article 14, provisionally agreed to in 1981). The working group did not complete work on articles relating to prosecution of individuals alleged to have committed or attempted to commit torture (article 7) and to the establishment of State jurisdiction over acts of or attempts to commit torture (article 5, paragraph 2), nor did it complete work on provisions for implementing the future convention. Sixteen draft articles were transmitted to the Commission in the group's report, which was reproduced in the Commission's report to the Economic and Social Council.(1)

Economic and Social Council action. The Council, on 7 May 1982,(3) authorized a meeting

of an open-ended working group for one week prior to the 1983 session of the Commission on Human Rights to complete work on the draft convention. The resolution was adopted without vote, following its approval in the Second (Social) Committee on 3 May in the same manner. Adoption of the resolution had been recommended by the Commission on 11 March.(2)

Sub-Commission action. By a resolution of 7 September(5) on the human rights of detained persons (see above), the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided that the Working Group on Detention in 1983 should hear and receive information on torture or cruel, inhuman or degrading treatment or punishment, unless the Commission established a system for examining such information. It decided that such hearings should be conducted annually except for States becoming parties to a convention against torture.

General Assembly action. Welcoming the Economic and Social Council's resolution, the General Assembly on 18 December(4) requested the Commission on Human Rights to complete the drafting of the convention as a matter of high priority in 1983, including provisions for its implementation.

The Assembly adopted the resolution, without vote, on the recommendation of the Third Committee, which similarly approved on 7 December a 19-nation draft introduced by Sweden.

Report. (1)Working Group, E/1982/12/Add.1.

Resolutions (1982). (2)Commission on Human Rights (report, E/1982/12): 1982/44, 11 Mar. (3)ESC: 1982/38, 7 May, text following. (4)GA: 37/193, 18 Dec., text following. (5)SCPDPM (report, E/CN.4/1983/4): 1982/10, paras. 17 & 18, 7 Sep.

Yearbook references. (6)1979, p. 841; (7)1980, p. 845; (8)1981, p. 901.

Meeting records. ESC: E/1982/SR.28 (7 May). GA: 3rd Committee, A/C.3/37/SR.47, 50-53, 55, 56, 64, 67(18 Nov.-7 Dec.); plenary, A/37/PV.111 (18 Dec.).

Economic and Social Council resolution 1982/38

7 May 1982 Meeting 28 Adopted without vote

Approved by Second Committee (E/1982/59) without vote, 3 May (meeting 15); draft by Commission on Human Rights (E/1982/12); agenda item 9.

Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular torture and other cruel, inhuman or degrading treatment or punishment
The Economic and Social Council.

Recalling General Assembly resolution 36/60 of 25 November 1981, by which the Commission on Human Rights was requested to complete as a matter of highest priority, at its thirty-eighth session, the drafting of a convention against torture and other cruel, inhuman or degrading treatment or punishment, and Economic and Social Council resolution 1981/37 of 8 May 1981 by which the Council authorized a meeting of an open-ended working group for a period of one week prior to the thirty-eighth 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,

Considering that it was not found possible to complete the work on the draft convention during the thirty-eighth session of the Commission on Human Rights,

Taking note of resolution 1982/44 of 11 March 1982 of the Commission on Human Rights,

1. Authorizes a meeting of an open-ended working group for a period of one week prior to the thirty-ninth 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;

2. Requests the Secretary-General to transmit to the Commission on Human Rights at its thirty-ninth session all relevant material relating to the draft convention.

General Assembly resolution 37/193

18 December 1982 Meeting 111 Adopted without vote
Approved by Third Committee (A/37/727) without vote, 7 December (meeting 67);
19-nation draft (A/C.3/37/L.49); agenda item 88.

Sponsors: Australia, Austria, Canada, Costa Rica, Denmark, Ecuador, Finland, Ghana, Greece, Iceland, India, Italy, Netherlands, Nicaragua, Norway, Portugal, Senegal, Spain, Sweden.

Torture and other cruel, inhuman or
degrading treatment or punishment

The General Assembly,

Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452(XXX) of 9 December 1975,

Bearing in mind article 7 of the International Covenant on Civil and Political Rights,

Recalling also its resolution 32/62 of 8 December 1977, in which it requested the Commission on Human Rights to draw up a draft convention against torture and other cruel, inhuman or degrading treatment or punishment, in the light of the principles embodied in the Declaration, and its resolution 32/63 of 8 December 1977,

Recalling further that the Sixth United Nations Congress on the Prevention of Crime and Treatment of Offenders, in its resolution 11 of 5 September 1980, expressed the belief that the draft convention should be finalized at the earliest possible time,

Considering that it was not found possible to complete the work on the draft convention during the thirty-eighth session of the Commission on Human Rights,

1. Welcomes Economic and Social Council resolution 1982/38 of 7 May 1982, by which the Council authorized a meeting of an open-ended working group of the Commission on Human Rights for a period of one week prior to the thirty-ninth session of the Commission to complete the work on a draft convention on torture and other cruel, inhuman or degrading treatment or punishment;

2. Requests the Commission on Human Rights to complete as a matter of highest priority, at its thirty-ninth session, the drafting of a convention on 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-eighth session;

3. Decides to include in the provisional agenda of its thirty-eighth session the item entitled "Torture and other cruel, inhuman or degrading treatment or punishment".

Unilateral declarations

AS at 30 September 1982, the Secretary-General had received, in accordance with a 1980 General Assembly resolution,(2) unilateral declarations against torture and other cruel, inhuman or degrading treatment from France, Rwanda, Saint Vincent and the Grenadines, and Sri Lanka. He transmitted the four declarations in a November 1982 report to the Assembly.(1)

Report. (1)S-G. A/37/263.

Resolution. (2)GA: 35/178, 15 Dec. 1980 (YUN 1980, p. 849).

UN Voluntary Fund for Victims of Torture

As at 31 December 1982, six countries (Cyprus, Denmark, Finland, Netherlands, Norway,

Sweden) had contributed \$421,066 to the United Nations Voluntary Fund for Victims of Torture (originally the United Nations Trust Fund for Chile, redesignated by the General Assembly in December 1981(3)).

On 11 March 1982,(2) the Commission on Human Rights called for favourable responses to requests for contributions to the Fund, and requested the Secretary-General to transmit this appeal to Governments.

The Secretary-General reported to the Assembly(1) that, on 11 November, he had appointed four members of the Fund's Board of Trustees for a three-year term, and that consideration was being given to the appointment of a fifth member. Consultations with the Board were being conducted to determine a suitable date for the Board's first session.

Report. (1)S-G. A/37/618.

Resolution (1982). (2)Commission on Human Rights (report, E/1982/12): 1982/43, 11 Mar.

Resolution (prior). (3)GA: 36/151, 16 Dec. 1981 (YUN 1981, p. 906).

Detention on grounds of mental illness

The Commission on Human Rights, on 19 February 1982,(3) requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider at its August/September session, as a matter of priority, a report on the protection of persons detained on grounds of mental ill-health or suffering from mental disorder, prepared by the Sub-Commission's Special Rapporteur, Mrs. Erica-Irene A. Daes (Greece). The Commission asked the Sub-Commission to submit its views and recommendations, including a draft body of guidelines, principles and guarantees, in 1983 when it would consider the Sub-Commission's report as a priority.

The Special Rapporteur's final report, submitted to the Sub-Commission in August 1982,(1) in accordance with a September 1981 Sub-Commission request,(6) contained a draft body of guidelines, principles and guarantees.

A sessional working group, established by the Sub-Commission on 19 August 1982, reported in September(2) that it had undertaken a first reading of the draft body. The group agreed that its work could only be of a preliminary nature in 1982 and that it would proceed in 1983 to a thorough analysis of each provision.

On 10 September 1982,(5) the Sub-Commission recommended that the Commission recommend to the Economic and Social Council adoption of a resolution requesting the Special Rapporteur to supplement her final report, taking into account the views of the Sub-Commission and the Commission and including any new replies from Governments or specialized agencies. Under the resolution, the Sub-Commission would be re-

quested to establish a sessional working group to examine the principles, guidelines and guarantees elaborated by the Special Rapporteur, and to submit a revised final report to the Commission in 1984.

By a resolution of 18 December 1982,(4) adopted without vote, the General Assembly urged the Commission and, through it, the Sub-Commission to continue and expedite consideration of the protection of those detained on grounds of mental ill-health, with a view to submitting recommendations in 1984.

This text, introduced by the United Kingdom on behalf of 19 nations, was approved without vote by the Third (Social, Humanitarian and Cultural) Committee on 7 December.

Reports. (1)Special Rapporteur, E/CN.4/Sub.2/1982/16; (2)Working group E/CN.4/Sub.2/1982/17.

Resolutions (1982) (3)Commission on Human Rights (report, E/1982/12); 1982/6, 19 Feb. (4)GA: 37/188, 18 Dec., text following. (5)SCPDPM (report, E/CN.4/1983/4): 1982/34, 10 Sep.

Yearbook reference. (6)1981, p. 906.

Meeting records. GA: 3rd Committee, A/C.3/37/SR.47, 50-53, 55, 56, 64, 67 (18 Nov.-7 Dec.); plenary, A/37/PV.111 (18 Dec.).

General Assembly resolution 37/188

18 December 1982 Meeting 111 Adopted without vote

Approved by Third Committee (A/37/716) without vote, 7 December (meeting 67); 19-nation draft (A/C.3/37/L.56); agenda item 85.

Sponsors: Bolivia, Chad, Costa Rica, Cyprus, Fiji, Gambia, Ghana, Italy, Mexico, Morocco, Netherlands, Nigeria, Norway, Panama, Senegal, Singapore, Sweden, United Kingdom, Upper Volta.

Implications of scientific and technological developments for human rights

The General Assembly,

Recalling its resolution 33/53 of 14 December 1978, in which it requested the Commission on Human Rights to urge the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake, as a matter of priority, a study of the question of the protection of those detained on the grounds of mental ill-health, with a view to formulating guidelines,

Recalling also its resolutions 35/130 B of 11 December 1980 and 36/56 B of 25 November 1981, in which it welcomed and noted with satisfaction the work being undertaken by the Sub-Commission and requested the Commission on Human Rights to continue its consideration of this question in the light of the action being taken by the Sub-Commission, with a view to submitting a report to the General Assembly at its thirty-eighth session, through the Economic and Social Council,

Recalling further Commission on Human Rights resolution 1982/6 of 19 February 1982, in which the Commission requested the Sub-Commission, at its thirty-fifth session, to consider the question as a matter of high priority, with a view to submitting its views and recommendations, including a draft body of guidelines, principles and guarantees, to the Commission at its thirty-ninth session,

Noting that the Commission on Human Rights will not be in a position to submit a report to the General Assembly at its thirty-eighth session through the Economic and Social Council, as requested in Assembly resolution 36/56 B, because it was impossible for the Sub-Commission to conclude at its thirty-fifth session its consideration of the draft body of guidelines, principles and guarantees,

Reaffirming its conviction that detention of persons in mental institutions on account of their political views or on other non-medical grounds is a violation of their human rights,

Noting with satisfaction the progress made by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its consideration of the draft body of guidelines, principles and guarantees submitted to it,

Urges the Commission on Human Rights and, through it, the Sub-Commission on Prevention of Discrimination and Protection of Minorities to continue and expedite their consideration of this question with a view to the Commission submitting its views and recommendations to the General Assembly at its thirty-ninth session, through the Economic and Social Council.

Case of Ziad Abu Eain

By a January 1982 report on the question of human rights relating to the case of the Palestinian Ziad Abu Eain,(1) the Secretary-General transmitted information from Israel and the United States on steps taken to implement a December 1981 General Assembly resolution deploring his extradition from the United States to Israel and demanding his release.(2)

By a note verbale of 31 December 1981, annexed to the report, Israel stated that Mr. Abu Eain was accused of having planted a bomb in a market (on 14 May 1979 at Tiberias, Israel), causing death to two young boys and wounding 36 passers-by. He would be tried before a civil court of law and would be entitled to all the safeguards under Israeli law. As the bringing to justice of an individual accused of criminal offences was within the domestic jurisdiction of the prosecuting State, the Assembly resolution was in violation of the Charter of the United Nations.

By a note verbale of 4 January 1982, the United States called "demonstrably false" the Assembly's assertions that Mr. Abu Eain had been illegally detained in the United States and that the sole basis for probable cause against him was one statement in Hebrew; the United States, therefore, would take no action to implement the resolution. Appended to the note was a memorandum of decision by the United States Deputy Secretary of State on Mr. Abu Eain's extradition.

Report. (1)S-G, A/36/855.

Resolution. (2)GA: 36/171, 16 Dec. 1981 (YUN 1981, p. 910).

Disappearance of persons

Working Group report. The five-member Working Group on Enforced or Involuntary Disappearances, established in 1980,(9) met at Geneva on 22 February 1982 to review information received since its November/December 1981 session.(10) In a report of the same date,(2) the Group informed the Commission on Human Rights that two of its members had visited Mexico from 11 to 13 January 1982 to establish contacts with government authorities and domestic organizations directly concerned with enforced or involuntary disappearances, in order to acquire a balanced account of the 43 reports on such disappearances. The Government stated that it was prepared to reopen closed files or carry out new investigations, and subsequently transmitted information on five reportedly missing persons.

In addition, the group had received information from El Salvador (23 reportedly missing persons),

Honduras (one), Nicaragua (10), the Philippines (two), Uganda (one) and Uruguay (four). With regard to disappearances, since the end of the Group's sixth session on 7 December 1981, the Group had transmitted reports to the Governments of El Salvador (62 missing persons), Guatemala (six) and Honduras (three).

Action by the Commission on Human Rights. Expressing appreciation to the Working Group, the Commission on Human Rights, on 10 March 1982,(4) extended the Group's mandate for another year and requested the Group to submit in 1983 a report with conclusions and recommendations. It requested the Group to discharge its mandate with discretion, to protect persons providing information, or to limit dissemination of information provided by Governments. The Commission renewed its request to the Secretary-General to appeal to Governments to co-operate with the Group in a spirit of complete confidence. It requested the Sub-Commission to continue studying the means for eliminating enforced or involuntary disappearances, with a view to making recommendations to the Commission in 1983, when it would again consider the question.

Economic and Social Council action. On 7 May 1982,(1) the Economic and Social Council approved the Commission's decision to extend the Working Group's mandate for a year, and requested the Secretary-General to continue to provide the Group with necessary assistance.

The decision was adopted without vote, following similar approval by the Second (Social) Committee on 3 May. The text originated in the Commission.

Sub-Commission action. On 7 September,(7) the Sub-Commission on Prevention of Discrimination and Protection of Minorities reiterated the right of families to know the fate of their relatives, strongly appealed for the reappearance of all detainees held in secret detention and expressed its conviction that, in view of the persistence of violations resulting from the many cases of disappearances, the extension of the Working Group's mandate was indispensable. It urged the Commission to give special attention to the protection of persons, including relatives, who actively sought the whereabouts of missing persons and who provided information on them. It recommended that the Commission give careful consideration to obtaining more information on the whereabouts or fate of missing persons, and decided to consider the question as a matter of the highest priority in 1983.

Also on 7 September,(8) the Sub-Commission recommended that the Commission recommend to the Economic and Social Council adoption of a resolution requesting the General Assembly to invite the International Law Commission to take into account when elaborating the draft code of

offences against the peace and security of mankind (see LEGAL QUESTIONS, Chapter II) the comments by Sub-Commission members on the question of missing and disappeared persons. The Secretary-General would be requested to inform the Sub-Commission in 1983 of consideration given to this item by the Commission, the Council and the Assembly.

Working Group action (May-December). The Working Group on disappearances held its seventh, eighth and ninth sessions in 1982 (Geneva, 24-28 May, 27 September-1 October, 6-10 December) and adopted on 10 December a report to the Commission on Human Rights.(3)

Since the extension of its mandate on 10 March, the Working Group had received individual reports of some 2,430 disappearances. The Group transmitted more than 20 reports each of enforced or involuntary disappearances to Argentina, Bolivia, Cyprus, El Salvador, Guatemala, Honduras, Indonesia, Mexico, Nicaragua, the Philippines and Uruguay. A smaller number of allegations of disappearances had been received from Brazil, Chile, Ethiopia, Guinea, Iran, Lebanon, Lesotho, Morocco, Peru, the Syrian Arab Republic and Zaire. During its 1982 sessions, the Group met with representatives of Argentina, Bolivia, Cyprus, El Salvador, Guatemala, Iran, Morocco, Nicaragua, the Philippines and Zaire, and with a number of organizations concerned by reports of disappearances. The Group did not receive replies to requests for information on cases in South Africa and Namibia.

The report stated that the observance of the rule of law would preclude disappearances. In the absence of this, the Commission should encourage government inquiries to solve specific cases, and should support the reorganization of government procedures which would facilitate rapid responses to allegations of a disappearance.

General Assembly action. On 17 December,(5) the General Assembly welcomed the Commission's decision to extend the Working Group's mandate and expressed appreciation to the Group for its work and to the Governments that had co-operated with it. It called on the Commission to continue to study the question as a matter of priority and to take any step it deemed necessary to the pursuit of the Working Group's task. The Assembly appealed to all Governments to co-operate fully with the Working Group and the Commission, and renewed its request that the Secretary-General continue to provide the Group with the necessary assistance.

The resolution was adopted without vote, following its similar approval by the Third (Social, Humanitarian and Cultural) Committee on 9 December, where it was introduced and orally revised by France, on behalf of 10 nations.

By a resolution of the same date,⁽⁶⁾ the Assembly invited the Working Group to follow developments and to assist the Committee on Missing Persons in Cyprus in its work.

Decision (1982). (1)ESC: 1982/131, 7 May, text following. Reports. Working Group, (2)E/CN.4/1492/Add.1, (3)E/CN.4/1983/14. Resolutions (1982). (4)Commission on Human Rights (report, E/1982/12); 1982/24, 10 Mar. GA, 17 Dec.:⁽⁵⁾ 37/180, text following⁽⁶⁾ 37/181, para. 1. SCPDPM (report, E/CN.4/1983/4), 7 Sep.:⁽⁷⁾ 1982/5, ⁽⁸⁾ 1982/12. Yearbook references, ⁽⁹⁾ 1980, p. 843; (10) 1981, p. 912. Meeting records. ESC: E/1982/SR.28 (7 May). GA: 3rd Committee, A/C.3/37/SR.62, 63, 64, 65-71, 72 (3-9 Dec.); plenary, A/37/PV.110 (17 Dec.).

Economic and Social Council decision 1982/131

Adopted without vote

Approved by Second Committee (E/1982/59) without vote, 3 May (meeting 15); draft by Commission on Human Rights (E/1982/12); agenda item 9.

Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular the question of missing and disappeared persons

At its 28th plenary meeting, on 7 May 1982, the Council, noting resolution 1982/24 of 10 March 1982 of the Commission on Human Rights, approved the Commission's decision to extend for one year the term of the mandate of the Working Group on Enforced or Involuntary Disappearances, as laid down in Commission resolution 20(XXXVI) of 29 February 1980, and requested the Secretary-General to continue to provide the Working Group with all necessary assistance, in particular the staff and resources it required to perform its functions in an effective and expeditious manner, and if necessary to make arrangements to ensure the continuity of the Secretariat's work.

General Assembly resolution 37/180

17 December 1982 Meeting 110 Adopted without vote

Approved by Third Committee (A/37/745) without vote, 9 December (meeting 72); 10-nation draft (A/C.3/37/L.70), orally revised; agenda item 12.

Sponsors: Austria, Costa Rica, France, Germany, Federal Republic of, Greece, Italy, Mexico, Senegal, Sweden, United Kingdom.

Question of enforced or involuntary disappearances

The General Assembly,

Recalling its resolution 33/173 of 20 December 1978, entitled "Disappeared persons", and its resolution 36/163 of 16 December 1981 on the question of enforced or involuntary disappearances,

Bearing in mind Commission on Human Rights resolution 1982/24 of 10 March 1982, by which the Commission decided to extend for one year the term of the mandate of the Working Group on Enforced or Involuntary Disappearances, and Economic and Social Council decision 1982/131 of 7 May 1982, by which the Council approved the Commission's decision,

Convinced that the action taken, in consultation with the Governments concerned, to promote the implementation of the provisions of General Assembly resolution 33/173 and other United Nations resolutions relevant to the plight of missing or disappeared persons should be continued,

Expressing its emotion at the anguish and sorrow of the families concerned, who should know the fate of their relatives,

1. Welcomes the decision of the Commission on Human Rights to extend for one year the term of the mandate of the Working Group on Enforced or Involuntary Disappearances, as laid down in Commission resolution 1982/24;

2. Expresses its appreciation to the Working Group for the work it has done and to those Governments that have co-operated with it;

3. Calls upon the Commission on Human Rights to continue to study this question as a matter of priority and to take any step it may deem necessary to the pursuit of the task of the Working Group when it considers the report to be submitted by the Group at its thirty-ninth session:

4. Appeals 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;

5. Renews its request to the Secretary-General to continue to provide the Working Group with all necessary assistance.

Slavery

Action by the Commission on Human Rights. The Commission on Human Rights, on 10 March 1982,⁽⁵⁾ following an invitation by the Government of Mauritania, authorized the Sub-Commission on discrimination and minorities to send a delegation of not more than two persons, to be appointed by the Sub-Commission Chairman in consultation with the Government, to Mauritania to study the situation and ascertain the country's needs with regard to the question of slavery and the slave trade.

The Commission requested the United Nations Department of Public Information to take measures to create greater awareness of the existence of slavery and slavery-like institutions and practices, and to mobilize international action for their eradication. The Commission requested the Secretary-General to transmit statements submitted to the Working Group on Slavery by the Anti-Slavery Society for the Protection of Human Rights, the Minority Rights Group and the International Abolitionist Federation containing allegations of slavery-like practices in certain countries, together with the Working Group's recommendations, to the Governments concerned and to intergovernmental organizations and agencies. It requested him to call on States parties to international conventions on slavery and the traffic in persons to submit regular reports on the situation in their countries, and to call on other States, intergovernmental and non-governmental organizations, United Nations agencies and the International Criminal Police Organization (INTERPOL) to supply relevant information.

The Commission appealed to Member States to take action against prostitution (see Chapter XIX of this section) and the slavery-like practice of apartheid (see below, under HUMAN RIGHTS VIOLATIONS).

The Commission's resolution was adopted by 34 votes to none, with 9 abstentions.

Economic and Social Council action. On 7 May,⁽¹⁾ the Economic and Social Council endorsed the Commission's decision to authorize a delegation to visit Mauritania.

This action was taken without vote, following similar approval by the Second Committee on 3 May. The text was recommended by the Commission on Human Rights.

On 27 August,⁽²⁾ the Sub-Commission authorized its Chairman to appoint Marc Bossuyt (Belgium) and Mohamed Yousif Mudawi (Sudan) to visit Mauritania.

Working Group on Slavery. During its eighth session at Geneva from 9 to 12 August,⁽⁴⁾ the Sub-Commission's Working Group on Slavery reviewed developments in slavery and the slave trade, debt bondage, the sale of children and exploitation of child labour, traffic in persons and prostitution, apartheid and colonialism. The Working Group recommended that allegations of slavery and other practices be brought to the attention of the States concerned for their comments, and that these States be invited to participate in the Group's discussions. States should be urged to take concrete measures against debt bondage, exploitation of child labour and the sale of children.

Recommendations for United Nations activities included: the United Nations and specialized agencies should assist Governments requesting help; the United Nations Educational, Scientific and Cultural Organization should assist in educational and information campaigns; the United Nations Development Programme (UNDP) and the United Nations Centre for Social Development and Humanitarian Affairs (CSDHA), in particular, should be urged to co-operate in combating problems including prostitution and the sale of children; and CSDHA should be requested to study the problem of street children in the context of International Youth Year, 1985. Studies on the sale of children and on female circumcision should be carried out. In order to combat apartheid, South Africa should be isolated economically, politically and diplomatically.

Sub-Commission action. A report on slavery and on national and international action to counteract it⁽³⁾ was submitted to the Sub-Commission by Special Rapporteur Benjamin Charles George Whitaker (United Kingdom) on 14 July. The report, updating a report prepared in 1966,⁽⁸⁾ made a series of recommendations, most of which were included in a 7 September 1982 Sub-Commission resolution.⁽⁶⁾

Expressing its appreciation to the Special Rapporteur for his study, the Sub-Commission requested him to present it to the Commission on Human Rights in 1983. It recommended that the Commission transmit the report to United Nations agencies, in particular to the subsidiary organs of the Economic and Social Council and UNDP, requesting them to submit comments to the Secretary-General for transmission to the Special Rapporteur. The Sub-Commission recommended that the Commission recommend to the Council that the report be given the widest possible distribution, including in Arabic.

By another resolution of the same date,⁽⁷⁾ the Sub-Commission requested the Commission to appeal to Member States to sign or ratify conventions relevant to slavery, or to explain in writing why they were unable to do so. It suggested that the United Nations and its agencies offer assistance

to eliminate conditions conducive to slavery; UNDP should help in rehabilitating freed slaves, and the Economic and Social Council and its subsidiary bodies should monitor and set targets for ensuring the success of the work on slavery. UNDP and other agencies should be invited to inform the Working Group about including in their technical assistance programmes activities designed to eliminate slavery-like practices. National police forces and INTERPOL should be asked to co-operate in the fight against slavery-like practices.

The Sub-Commission considered that persons on the list of slavery experts should become more closely involved in the work on slavery by United Nations bodies, including attending meetings and accompanying assistance missions. It recommended that the Centre for Human Rights be given the resources to assist in attaining the Organization's goals in the field of slavery. Regional seminars with a practical orientation should be organized to speed effective reforms, non-governmental organizations should assist the United Nations in its work, sources of information on slavery should be expanded and improved, United Nations representatives should regularly report instances of slavery and a study on debt bondage should be undertaken without delay. Legal aid should be provided to slavery victims.

The Sub-Commission requested the Secretary-General to transmit to Governments, organizations and agencies allegations of slavery-like practices submitted to the Working Group on Slavery, and to ensure that States participated fully in the Group's work. It recommended that working groups be established in consultation with the Commission on the Status of Women to protect better the human rights of women and children. It recommended that a study of forms of exploitation of women be made and requested that a study on female sexual mutilation be prepared.

The Sub-Commission urged that the International Labour Office be requested to continue its study of indentured labour in South African mines, and that more concrete measures, including sanctions, be taken against the apartheid régime.

Decision (1982). (1)ESC: 1982/129, 7 May, text following.

⁽²⁾SCPDP (report, E/CN.4/1983/4): 1982/7, 27 Aug. Reports. ⁽³⁾Special Rapporteur, E/CN.4/Sub.2/1982/20 & Add.1; ⁽⁴⁾Working Group on Slavery, E/CN.4/Sub.2/1982/21 & Corr.1.

Resolution (1982). ⁽⁵⁾Commission on Human Rights (report, E/1982/12): 1982/20, 10 Mar. SCPDP, 7 Sep.: ⁽⁶⁾1982/9, ⁽⁷⁾1982/15.

Yearbook reference. ⁽⁸⁾1966, p. 478.

Meeting record. ESC: E/1982/SR.28 (7 May).

Economic and Social Council decision 1982/129

Adopted without vote

Approved by Second Committee (E/1982/59) without vote, 3 May (meeting 15); draft by Commission on Human Rights (E/1982/12); agenda item 9.

Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism

At its 28th plenary meeting, on 7 May 1982, the Council, noting resolution 1982/20 of 10 March 1982 of the Commission on Human Rights, endorsed the Commission's decision, pursuant to an invitation by the Government of Mauritania, to authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to send a delegation not exceeding two persons, to be appointed by the Chairman of the Sub-Commission in consultation with the Government of Mauritania, to visit Mauritania in order to study the situation and ascertain the country's needs with regard to the question of slavery and the slave trade.

Conscientious objectors

A June 1982 report submitted to the Sub-Commission on discrimination and minorities by Special Rapporteurs Asbjorn Eide (Norway) and Chama L. C. Mubanga-Chipoya (Zambia) analysed the concept and dimensions of conscientious objection to military service,⁽¹⁾ as well as relevant international standards. The preliminary report, prepared at a September 1981 Sub-Commission request,⁽³⁾ examined information from Governments and intergovernmental and non-governmental organizations on grounds recognized as valid for conscientious objection, procedures used for obtaining the status of conscientious objector, the question of alternative service, and the status of conscientious objectors in countries where such objection was not permitted.

The Sub-Commission, on 10 September,⁽²⁾ by 9 votes to 4, with 3 abstentions, requested the Special Rapporteurs to prepare a final report based on comments received on their preliminary report, and to develop principles with a view to: recognizing the right to refuse service in military or police forces used to enforce apartheid, to pursue wars of aggression, or to engage in any other illegal warfare; recognizing the right to refuse such service on grounds of conscience or deeply held personal conviction and to offer instead service in the social or economic field; and urging Member States to grant asylum or safe transit to persons compelled to leave their country because of conscientious objection. The Sub-Commission decided to consider the question again in 1983.

Report. ⁽¹⁾Special Rapporteurs, E/CN.4/Sub.2/1982/24.

Resolution (1982). ⁽²⁾SCPDPM (report, E/CN.4/1983/4): 1982/30, 10 Sep.

Yearbook reference ⁽³⁾1981, p. 913.

Freedom of movement

The Sub-Commission on discrimination and minorities, on 8 September 1982,⁽¹⁾ by 11 votes to 2, with 6 abstentions, requested Mr. Mubanga-Chipoya to prepare an analysis of trends and developments concerning the right of everyone to leave any country, including his own, and to return to his country. This included the possibility of entering other countries without discrimination or hindrance, especially with regard to the right to

employment, while taking into account the need to avoid the "brain drain" from developing countries (see Chapter XII of this section) and the question of recompensing those countries for losses incurred. The study was to consider in particular the extent of restrictions permissible under the International Covenant on Civil and Political Rights, including those provided by law and those necessary to protect national security, public order, public health or morals or the rights and freedoms of others. The Rapporteur was to present recommendations in 1984.

Resolution (1982). ⁽¹⁾SCPDPM (report, E/CN.4/1983/4): 1982/23, 8 Sep.

Independence of the judicial system

The Sub-Commission on discrimination and minorities decided on 17 August 1982⁽¹⁾ to defer consideration of the question of the independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers, until 1983, when L. M. Singhvi (India), the Special Rapporteur, would submit his final report.

Decision (1982). ⁽¹⁾SCPDPM (report, E/CN.4/1983/4): 1982/1, 17 Aug.

Economic, social and cultural rights

Covenant on Economic, Social and Cultural Rights

Accessions and ratifications

As at 31 December 1982, the International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly in 1966⁽²⁾ and in force since 1976,⁽³⁾ had been ratified or acceded to by 75 States (Bolivia, Egypt, Solomon Islands and Viet Nam having adhered in 1982).⁽¹⁾

Publication ⁽¹⁾Multilateral Treaties Deposited with the Secretary-General : Status as at 31 December 1982 (ST/LEG/SER.E/2), Sales No. E.83.V.6.

Resolution. ⁽²⁾2200 A (XXI), annex, 16 Dec. 1966 (YUN 1966, p. 419).

Yearbook reference. ⁽³⁾1976, p. 609.

Implementation of the Covenant

At its fourth session, held in New York from 5 to 23 April 1982, the Economic and Social Council's Sessional Working Group (of Governmental Experts) on the Implementation of the International Covenant on Economic, Social and Cultural Rights⁽⁴⁾ considered 23 reports from 20 States parties on their implementation of specific provisions of the Covenant. On each report, the Group heard statements by, and put questions to, the respective State representative. Under a programme

established by the Council in 1976,⁽⁶⁾ reports required under the Covenant were to be submitted in three biennial cycles or stages, each stage covering a related group of articles.

For the first stage (due 1 September 1977), the Working Group examined reports submitted in 1982 by Barbados, Canada, Italy, the United Kingdom and Yugoslavia, concerning rights covered by articles 6 to 9 of the Covenant (the right to work and to favourable conditions of work, the rights of trade unionists and the right to social security). At the request of the Syrian Arab Republic, the Working Group deferred consideration of that State's report.

The Working Group considered second-stage reports (due 1 September 1979) on rights covered by articles 10 to 12 (protection of the family, mothers and children, an adequate living standard, and physical and mental health) from Barbados, Bulgaria, Panama, Spain and the Ukrainian SSR.

Reports relating to the third stage (due 1 September 1981) on rights covered by articles 13 to 15 (education, including compulsory education, and participation in cultural life) were received from Australia, the Byelorussian SSR, the Federal Republic of Germany, Hungary, Japan, Mexico, Mongolia, Norway, Romania, Sweden, the United Kingdom, the Ukrainian SSR and, the USSR. Consideration of reports from the German Democratic Republic, Guyana and the Libyan Arab Jamahiriya was deferred at the request of those States.

The Secretary-General submitted to the Council a note listing the reports received from States on rights covered by articles 13 to 15.⁽¹⁾ In February, he transmitted the first report of the United Nations Educational, Scientific and Cultural Organization dealing with rights covered by those articles,⁽³⁾ and in March the fifth report of the International Labour Organisation on the situation in certain countries with regard to articles 6 to 9.⁽²⁾

In considering the reports, the Working Group observed that some laws of States, especially those in the social security field, had become complicated to the degree that beneficiaries were at a great disadvantage in determining their entitlements and how to obtain them. With regard to improving the quality of reports, the Working Group recommended that they: contain up-to-date statistics accurately reflecting the degree to which the Covenant had been implemented; explain coordination between central and local authorities; deal with equal treatment of women; indicate where divergencies existed between laws of States and the Covenant; be submitted in a timely manner; be circulated in the official languages of the United Nations six weeks in advance of meetings;

and conform to guidelines established by the Secretary-General (annexed to his note transmitting State reports on articles 13 to 15).

Later in the year, the Group received reports on rights covered by articles 13 to 15 from Czechoslovakia, Denmark, Poland, Senegal and Spain.

On 18 December,⁽⁵⁾ the General Assembly commended those States parties that had submitted reports and urged those that had not to submit reports as soon as possible.

Note. ⁽¹⁾S-G, E/1982/3 & Add.I-22.

Reports. ⁽²⁾Committee of Experts on Application of Conventions and Recommendations of ILO, transmitted by S-G note, E/1982/41; ⁽³⁾Committee on Conventions and Recommendations of Executive Board of UNESCO, transmitted by S-G note, E/1982/10; ⁽⁴⁾Working Group, E/1982/56 & Corr.1.

Resolution (1982). ⁽⁵⁾GA: 37/191, para. 4, 18 Dec. Resolution (prior). ⁽⁶⁾ESC: 1988(LX), 11 May 1976 (YUN 1976, p. 615).

Organizational questions concerning the Working Group

Change of name, membership and organization of work

In 1982, the Economic and Social Council renamed the Working Group the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights. While the Group's character and composition remained unchanged, the Council decided on the following: the Group's members would in future be elected by the Council; all States parties to the Covenant would be eligible, whether or not they were members of the Council; the Group's sessions could be prolonged if necessary and would begin two weeks, rather than one week, before the beginning of the first regular Council session; and members would be elected for three years, instead of being nominated every year by the President, on the basis of recommendations by the regional groups of Member States.

The Commission on Human Rights, by a resolution of 9 March⁽³⁾ on the status of the International Covenants on Human Rights, took note of a May 1981 Council decision⁽¹⁾ to review in 1982 the composition, organization and administrative arrangements of the Working Group.

The Group reviewed these matters at its meetings on 21 and 22 April⁽²⁾ but was unable to reach consensus due to differing points of view and lack of time.

On 6 May,⁽⁴⁾ the Council renamed the Working Group and decided to elect the 15 members from among the States parties to the Covenant for a three-year term. One third of the Group's membership, comprising one member from each regional group, would be renewed each year. Persons designated by Governments to represent them

in the Group would be experts with recognized competence in the human rights field. The Group would meet annually for three weeks, to be extended by the Council if required. It would report to the Council and make suggestions and recommendations based on its consideration of reports by States parties to the Covenant and by specialized agencies. The Council would review the composition, organization and administrative arrangements of the Group at its first regular session of 1985, and every three years thereafter.

The revised resolution was adopted by a roll-call vote, requested by the United Kingdom, of 29 to 3, with 7 abstentions. It was orally revised by France for the 10 sponsors. An oral proposal by India, accepted by the sponsors, that Group members be elected by those Council members also States parties to the Covenant, was rejected by a roll-call vote of 16 to 14, with 7 abstentions.

The Byelorussian SSR cast a negative vote saying it provided for changes in existing arrangements which would not facilitate implementation of the Covenant. The USSR voted against the text finding some of its provisions ambiguous.

Supporting the resolution, the Federal Republic of Germany expressed the hope that, despite difficulties in adopting it, it would be used by the Council and the Group to guide them in a spirit of understanding and co-operation.

Introducing the revised draft, France said it had deemed it necessary to enhance the Group's effectiveness so that the Council could perform its supervisory role effectively.

The General Assembly, on 18 December,⁽⁵⁾ took note of the Council's resolution.

Decision. ⁽¹⁾ESC: 1981/162, 8 May 1981 (YUN 1981. p. 919). Report. ⁽²⁾Working Group, E/1982/56 & Corr.1. Resolutions (1982). ⁽³⁾Commission on Human Rights (report, E/1982/12): 1982/18, para. 2, 9 Mar. ⁽⁴⁾ESC: 1982/33, 6 May, text following. ⁽⁵⁾GA: 37/191, para. 5, 18 Dec. Financial implications S-G statement, E/1982/L.38. Meeting records. ESC: E/1982/SR.20-22, 24, 25, 27(3-6 May).

Economic and Social Council resolution 1982/33

6 May 1982 Meeting 27 29-3-7 (roll-call vote)

10-nation draft (E/1982/L35/Rev.1), orally revised; agenda item 8.

Sponsors: France, Germany, Federal Republic of Italy, Japan, Libyan Arab Jamahiriya, Netherlands, Norway, Peru, United Kingdom, Venezuela.

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
The Economic and Social Council.

Recalling its resolution 1988(LX) of 11 May 1976, by which it noted the important responsibilities placed upon the Economic and Social Council by the International Covenant on Economic, Social and Cultural Rights, in particular those resulting from articles 21 and 22 of the Covenant, and expressed its readiness to fulfil those responsibilities,

Recalling its decision 1978/10 of 3 May 1978, by which it decided to establish a Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights, for the purpose of assisting the Council in the consideration of reports submitted by States parties to the Covenant in accordance with Council

resolution 1988(LX), and determined the composition of the Working Group.

Recalling also its resolution 1979/43 of 11 May 1979, by which it approved the methods of work of the Sessional Working Group, and its decision 1981/158 of 8 May 1981, by which it incorporated certain changes in, and modified the methods of work of, the Sessional Working Group,

Recalling further its resolution 1980/24 of 2 May 1980, by which it noted that the Sessional Working Group, established in accordance with Council decision 1978/10, had encountered certain difficulties in discharging its responsibilities under the arrangements and requested the Secretary-General to solicit the views of members of the Council and all States parties to the Covenant on the future composition, organization and administrative arrangements of the Sessional Working Group and to submit a report thereon, together with any comments he might wish to make, to the Council at its organizational session for 1981, in order to assist the Council in reviewing its decision 1978/10,

Recalling its decision 1981/162 of 8 May 1981, by which it decided to review the composition, organization and administrative arrangements of the Sessional Working Group at its first regular session of 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,

Decides that:

(a) The Working Group established by Economic and Social Council decision 1978/10 and modified by Council decision 1981/158 shall be renamed "Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights" (hereinafter referred to as "the Group of Experts");

(b) The fifteen members of the Group of Experts shall be elected by the Economic and Social Council from among the States parties to the International Covenant on Economic, Social and Cultural Rights, in accordance with the geographical distribution established by the Council in paragraph (a) of its decision 1978/10, under the following conditions;

- (i) The members of the Group of Experts shall be elected for a term of three years and shall be eligible for re-election at the end of their terms;
- (ii) One third of the membership of the Group of Experts, comprising one member from each regional group, shall be renewed each year;
- (iii) The first elections shall take place during the resumed second regular session of 1982 of the Economic and Social Council and the confirmation of the experts designated by Member States to represent them in the Group of Experts shall take place at the organizational session for 1983 of the Council: immediately after the first elections, the President of the Council shall choose by lot the name of one member from each regional group whose term shall expire at the end of one year and the name of another member from each regional group whose term shall expire at the end of two years;
- (iv) The terms of office of members elected to the Group of Experts shall begin on 1 January following their election and shall expire on 31 December following the election of members that are to succeed them as members of the Group of Experts;
- (v) Subsequent elections shall take place each year during the first regular session of the Council;
- (vi) Each Member State elected to the Group of Experts shall designate, in consultation with the Secretary-General and subject to confirmation by the Council, a qualified person to represent that Member State in the Group of Experts;
- (vii) The person so designated by his or her Government shall be an expert with recognized competence in the field of human rights;

(c) The Group of Experts shall meet annually for a period of three weeks, beginning two weeks before the first regular session of the Council; the duration of each session may be extended by the Council at its organizational session, if required, taking into account the number of reports to be examined by the Group of Experts in the course of its following session;

(d) At the end of each of its sessions, the Group of Experts shall submit to the Economic and Social Council a report on its activities and shall make suggestions and recommendations of a general nature

based on its 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;

(e) The Secretary-General shall provide the Group of Experts with summary records of its proceedings; those summary records shall be made available to the Council at the same time as the report of the Group of Experts; the Secretary-General shall also provide the Group of Experts with appropriate conference facilities;

(f) The Economic and Social Council shall review the composition, organization and administrative arrangements of the Group of Experts at its first regular session of 1985, and subsequently every three Years, taking into account the principle of equitable geographical distribution and the increase in the number of States parties to the Covenant;

(g) The procedures and methods of work established by the resolutions and decisions referred to in the preamble to the present resolution shall remain in force in so far as they are not modified by the present resolution.

Roll-call vote in Council as follows:

In favour: Australia, Austria, Bahamas, Bangladesh, Belgium, Canada, Denmark, Fiji, France, Germany, Federal Republic of, Greece, India, Iraq, Italy, Japan, Libyan Arab Jamahiriya, Mexico, Nigeria, Norway, Pakistan, Peru, Portugal, Romania, Tunisia, United Kingdom, United States, Venezuela, Yugoslavia, Zaire.
Against: Bulgaria, Byelorussian SSR, USSR.
Abstaining: Argentina, Benin, China, Nepal, Poland, Thailand, United Republic of Cameroon.

Work programme for 1983

On 3 May 1982,⁽¹⁾ the Economic and Social Council approved without vote the Working Group's provisional agenda for 1983, which called for consideration of reports by States parties on rights covered by articles 6 to 9, 10 to 12 and 13 to 15.

This decision had been recommended by the Working Group on 23 April.⁽²⁾

Decision (1982). (1)ESC: 1982/118, 3 May, text following.

Report. ⁽²⁾Working Group, E/1982/56 & Corr.1.
Meeting record. ESC: E/1982/SR.20 (3 May).

Economic and Social Council decision 1982/118

Adopted without vote

Draft by Working Group (E/1982/56 and Corr.1); agenda item 8.

Provisional agenda for 1983 of the Sessional Working Group (of Governmental Experts) on the Implementation of the International Covenant on Economic, Social and Cultural Rights

At its 20th plenary meeting, on 3 May 1982, the Council approved the provisional agenda for 1983 of the Sessional Working Group (of Governmental Experts) on the Implementation of the International Covenant on Economic, Social and Cultural Rights set out below:

Provisional agenda for 1983 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
Syrian Arab Republic (E/1978/8/Add.25 and 31)
Any other reports received by the Secretary-General
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
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)
Libyan Arab Jamahiriya (E/1982/3/Add.6)

German Democratic Republic (E/1982/3/Add.15 and Corr.1)

Any other reports received by the Secretary-General

4. 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.

Right to development

Working Group activities. In 1982, the Working Group of Governmental Experts on the Right to Development, established by the Commission on Human Rights in 1981,⁽¹⁶⁾ continued considering the scope and content of the individual and collective right to development, national and international means to ensure realization of the economic, social and cultural rights contained in various international instruments, and the obstacles encountered by developing countries in their efforts to secure the enjoyment of human rights.

The 15-member Working Group held three sessions in 1982 at Geneva (18-22 January, 28 June-9 July, 22 November-3 December). In January,⁽⁶⁾ it agreed on preparation of a draft declaration. In June/July, it considered guidelines and provisions for the preamble, and in November/December, it began to examine proposals for the operative part which, it decided, should comprise three main parts: principles and objectives, means, and general provisions. The proposals were appended to the Group's report to the Commission.⁽⁷⁾

Action by the Commission on Human Rights. By a resolution of 9 March,⁽⁸⁾ adopted by 41 votes to none, with 1 abstention, the Commission on Human Rights noted with satisfaction the recommendations of the Working Group and requested it to submit proposals for a draft declaration in 1983. The Commission reiterated the need to create conditions for the full promotion and protection of the human rights of individuals and peoples. It expressed deep concern at the situation with regard to the attainment of the objectives of a new international economic order and its adverse effects on the full achievement of human rights, in particular the right to development. It reaffirmed the right of all nations to pursue freely their economic and social development and to exercise full sovereignty over their natural resources, and reiterated the need to ensure the realization of work, education, health and proper nourishment as a necessity for the full enjoyment of human rights. The Commission reaffirmed that foreign occupation, colonialism, apartheid, racism and the denial of the right to self-determination were serious impediments to economic and social progress. It noted the recommendations of the August 1981 seminar on relations between human rights, peace and development,⁽¹⁷⁾ as well as the second part of the Secretary-General's study on the regional and national dimensions of the right to development as a human right.⁽¹⁵⁾

The study suggested that regional arrangements for the promotion and protection of human rights should receive more attention, among them the recognition in regional instruments of the right to development and the stationing of human rights officers at the regional commissions.

Economic and Social Council action. On 7 May 1982,⁽³⁾ the Economic and Social Council approved the Commission's request that the Working Group hold two meetings of two weeks each at Geneva in 1982. It decided that the Group's members should continue to receive travel expenses and subsistence allowances, which should not constitute a precedent for other bodies. The decision was to be brought to the attention of the General Assembly.

The decision, recommended by the Commission, was adopted without vote, following similar approval by the Second (Social) Committee on 3 May. The text was orally amended by India to include the provision on payment of travel expenses and subsistence allowances, with the directive that this would not constitute a precedent. The Committee Chairman orally proposed that the decision be brought to the attention of the Assembly.

Sub-Commission action. On 7 September,⁽¹²⁾ the Sub-Commission on discrimination and minorities emphasized the importance of promoting full respect for human rights by accelerating the development process. It urged bilateral and multilateral development co-operation agencies to make available to States the resources and expertise required to contribute to the strengthening of the rule of law in the development process, and requested the Secretary-General to report on technical assistance available for that purpose.

Another resolution of the same date ⁽¹⁴⁾ dealt with a study on the new international economic order and the promotion of human rights,⁽⁵⁾ authorized in 1980.⁽⁴⁾ The Sub-Commission requested the Special Rapporteur, Raúl Ferrero (Peru), to submit the last part of his final report in 1983. The Secretary-General was requested to transmit the report to the Working Group on the right to development.

Also on 7 September, ⁽¹³⁾ the Sub-Commission recommended that the Commission on Human Rights recommend to the Economic and Social Council that it authorize preparation of a study on the right to adequate food as a human right (see below).

General Assembly action. On 18 December, ⁽¹¹⁾ the General Assembly commended the Commission on Human Rights and its Working Group for their continuing efforts in the study of the right to development. It considered that the promotion and protection of human rights should be accompanied by efforts to establish a new international economic order, and affirmed that everyone had

the right to participate in, and benefit from, the development process.

The Assembly did not act on a series of amendments sponsored by 10 nations,⁽¹⁾ among them one to replace "a" with "the" new international economic order; under another, the Assembly would have commended the Commission and its Working Group for their efforts in elaborating a draft declaration on (instead of commending them for their efforts in the study of) the right to development. In addition, a new paragraph would have been added reaffirming that the right to development was an inalienable human right belonging to all persons and peoples.

In another resolution of the same date, ⁽¹⁰⁾ the Assembly expressed deep concern at the situation with regard to the achievement of the objectives and goals for the establishment of the new international economic order and its adverse effects on the full realization of human rights, in particular the right to development. It reaffirmed that international peace and security were essential elements of that right, which it declared to be an inalienable human right. The Assembly emphasized that the United Nations should give attention not only to the human rights aspects of development but also to the developmental aspects of human rights. It requested the Commission to promote the right to development, taking into account the results of its Working Group, and welcomed the Commission's decision that the Group continue its work on a draft declaration.

An amendment, one of a set submitted by six nations,⁽²⁾ which would have had the Assembly recognize that a central purpose of development should be the realization of the potentialities of the human person in harmony with the community, was not acted on by the Assembly.

In a resolution of 3 December,⁽⁹⁾ the Assembly requested that the Commission consider in 1983 the question of popular participation as an important factor in development and in the realization of human rights, taking into account the results of the International Seminar on Popular Participation held in May 1982 (see Chapter XIII of this section). It requested that the Commission submit, through the Economic and Social Council, suggestions for the more complete realization of human rights.

Also in December, the Assembly adopted resolutions on the proposed establishment of a new international economic order and on a new international human order (see Chapter I of this section).

Amendments not acted upon. (1) Algeria, Argentina, Bolivia, Cuba, Ethiopia, India, Indonesia, Pakistan, Panama, Yugoslavia, A/37/L.56; (2) Australia, Belgium, Greece, Ireland, Italy, Netherlands, A/37/L.57.

Decision (1982). (3) ESC: 1982/141, 7 May, text following.

Decision (prior). (4) ESC: 1980/126, 2 May 1980 (YUN 1980, p. 880).

Reports. (5) Special Rapporteur, E/CN.4/Sub.2/1982/19/Rev.1 & Rev.1/Add.1; Working Group, (6)E/CN.4/1489, (7)E/CN.4/1983/11.

Resolutions (1982). (8) Commission on Human Rights (report, E/1982/12); 1982/17, 9 Mar. GA: (9)37/55, paras. 5-7. 3 Dec.; (10)37/199, (11)37/200, 18 Dec. SCPDPM (report, E/CN.4/1983/4), 7 Sep.: (12)1982/6, (13)1982/7, (14)1982/8.

Study. (15)S-G, E/CN.4/1488.

Yearbook references. 1981, (16)p. 922, (17)p. 973.

Meeting record. ESC: E/1982/SR.29 (7 May).

Economic and Social Council decision 1982/141

Adopted without vote

Approved by Second Committee (E/1982/59) without vote, 3 May (meeting 16); draft by Commission on Human Rights (E/1982/12), orally amended by India and Chairman; agenda item 9.

Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

At its 29th plenary meeting, on 7 May 1982, the Council, noting resolution 1982/17 of 9 March 1982 of the Commission on Human Rights:

(a) Approved the Commission's request to the Working Group of Governmental Experts on the Right to Development to hold two meetings of two weeks each at Geneva, the first in June/July 1982 and the second in September/October 1982;

(b) Decided that the members of the Working Group of Governmental Experts should continue to be paid travel expenses and subsistence allowances relating to sessions of the Working Group by the United Nations, in conformity with the implementation of Council decision 1981/149 of 8 May 1981;

(c) Further decided that that should not constitute a precedent for other similar bodies and that the present decision should be brought to the attention of the General Assembly at its thirty-seventh session.

Trade union rights

The Ad Hoc Working Group of Experts on Southern Africa submitted to the Commission on Human Rights in January 1982 a progress report(1) on human rights violations in South Africa and Namibia, including those of black workers, and a report(2) on infringements of the rights of black trade unions there (see below, under HUMAN RIGHTS VIOLATIONS).

Reports. Group of Experts, (1)E/CN.4/1485, (2)E/CN.4/1486.

Puerto Rico

A report of the Panel of the Fact-Finding and Conciliation Commission on Freedom of Association of the International Labour Organisation (ILO), concerning a complaint of infringements of trade union rights in Puerto Rico, was transmitted to the Economic and Social Council on 2 February 1982.(3) The complaint, presented by the World Federation of Trade Unions in 1977, had been transmitted by the Council to the ILO Commission in 1978.(2)

On 7 May 1982,(1) the Council took note of the report which concluded that the allegations made by the complainant were without foundation.

The decision was adopted without vote, following similar approval by the Second (Social) Com-

mittee on 3 May. The text was proposed orally by the Committee Chairman and amended by the United States to add the report's conclusion.

Decision (1982). (1)ESC: 1982/144, 7 May, text following.

Decision (prior). (2)ESC: 1978/41, 21 July 1978 (YUN 1978, p. 730).

Report. (3)ILO Fact-Finding and Conciliation Commission, transmitted by Secretariat note, E/1982/7.

Meeting record. ESC: E/1982/SR.29 (7 May).

Economic and Social Council decision 1982/144

Adopted without vote

Approved by Second Committee (E/1982/59) without vote, 3 May (meeting 16); oral proposal by Chairman, orally amended by United States; agenda item 9.

Report of the Panel of the Fact-Finding and Conciliation Commission on Freedom of Association appointed by the Governing Body of the International Labour Office to examine the complaints of alleged infringements of trade union rights in the United States/Puerto Rico

At its 29th plenary meeting, on 7 May 1982, the Council, recalling its resolution 277(X) of 17 February 1950 and its decision 1978/41 of 21 July 1978, took note of the report of the Panel of the Fact-Finding and Conciliation Commission on Freedom of Association appointed by the Governing Body of the International Labour Office, which concluded that the allegations of infringements of trade union rights made by the complainant were without foundation.

Right to education

A report on activities to implement the right to education in the framework of the draft medium-term plan for 1984-1989 of the United Nations Educational, Scientific and Cultural Organization (UNESCO), prepared by the UNESCO Director-General, was transmitted to the General Assembly by the Secretary-General in October 1982,(1) in accordance with a December 1981 Assembly resolution.(3)

On 17 December 1982,(2) the Assembly took note of the conclusions in the report, commended UNESCO for including in its medium-term plan on a permanent basis the issue of the implementation of the right to education, and invited it to continue its efforts to promote that right. The Assembly invited all States to consider adopting measures to ensure full implementation of the right to universal education. Specialized agencies were invited to co-operate with UNESCO to ensure high priority for education. The Assembly appealed in particular to the developed countries to support the efforts of developing countries to educate and train national personnel.

The resolution was adopted without vote, following similar approval on 9 December by the Third (Social, Humanitarian and Cultural) Committee, where it was introduced by Romania on behalf of 56 nations.

The Economic and Social Council's Sessional Working Group (of Governmental Experts) on the Implementation of the International Covenant on Economic, Social and Cultural Rights considered reports by States parties on their implementation of rights concerning education (see above).

Report. (1)UNESCO Director-General, transmitted by S-G note. A/37/521.
 Resolution (1982). (2)GA: 37/178, 17 Dec., text following.
 Resolution (prior). (3)GA: 36/152, 16 Dec. 1981 (YUN 1981, p. 925).
 Meeting records. GA: 3rd Committee, A/C.3/37/SR.62, 63, 64, 65-71, 72-74 (3-10 Dec.); plenary, A/37/PV.110 (17 Dec.).

General Assembly resolution 37/178

17 December 1982 Meeting 110 Adopted without vote

Approved by Third Committee (A/37/745) without vote, 9 December (meeting 72); 56-nation draft (A/C.3/37/L.64); agenda item 12.

Sponsors: Bangladesh, Barbados, Bhutan, Bolivia, Bulgaria, Cape Verde, Central African Republic, Colombia, Congo, Costa Rica, Cuba, Cyprus, Dominican Republic, Ecuador, Egypt, Ethiopia, Gabon, Guinea, Guinea-Bissau, Guyana, Hungary, Indonesia, Jordan, Liberia, Libyan Arab Jamahiriya, Madagascar, Mali, Mauritius, Morocco, Mozambique, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Philippines, Poland, Qatar, Romania, Rwanda, Senegal, Somalia, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Turkey, Upper Volta, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire.

The right to education

The General Assembly,

Recalling its resolutions 34/170 of 17 December 1979, 35/191 of 15 December 1980 and 36/152 of 16 December 1981 on the right to education,

Recalling the International Covenant on Economic, Social and Cultural Rights, adopted by its resolution 2200 A (XXI) of 16 December 1966, which recognizes the right of everyone to education,

Bearing in mind the importance of the Convention against Discrimination in Education, adopted on 14 December 1960 by the General Conference of the United Nations Educational, Scientific and Cultural Organization,

Reaffirming the paramount importance of the implementation of the right to education for the full development of the human personality and for the enjoyment of other fundamental human rights and freedoms,

Recognizing that for the effective implementation of the right to education the eradication of illiteracy has a particular priority and urgency,

Convinced that the educational process could bring a substantial contribution to social progress, national development, mutual understanding and co-operation among peoples and to strengthening peace and international security,

Recalling that the establishment of the new international economic order requires effective support for the improvement and expansion of educational systems and for the training of specialized personnel and qualified cadres for the economic development of developing countries,

Convinced of the topicality and urgency of the provisions on education contained in the International Development Strategy for the Third United Nations Development Decade,

Recalling that, since its establishment, the United Nations Educational, Scientific and Cultural Organization has constantly striven for the effective realization of the right to education and equality of educational opportunities for all, without distinction as to race, colour, sex, language, religion, political or other opinion, national or social origin, economic status or birth, and that, for many years past, activities directed towards securing the right to education and the extension and improvement of educational and training systems in member States, more particularly in the developing countries, have occupied a central place in that organization's programme,

Aware of the important contribution of the United Nations Educational, Scientific and Cultural Organization to the implementation of the International Development Strategy for the Third United Nations Development Decade with a view to fostering full implementation of the right to education,

Taking note with satisfaction of the interest shown by the Executive Board of the United Nations Educational, Scientific and Cultural Organization in the implementation of General Assembly resolutions 34/170, 35/191 and 36/152,

1. Takes note of the conclusions contained in the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization on the right to education;

2. Commends the United Nations Educational, Scientific and Cultural Organization for including on a permanent basis, in its medium-term plan, the issue of the implementation of the right to education;

3. Again invites all States to consider the adoption of appropriate legislative, administrative and other measures, including material guarantees, in order to ensure full implementation of the right to universal education through, inter alia, free and compulsory primary education, universal and gradually free-of-charge secondary education, equal access to all educational facilities and the access of the young generation to science and culture;

4. Invites all States to give all necessary attention to defining and determining in a more precise manner the means for implementing the provisions concerning the role of education in the International Development Strategy for the Third United Nations Development Decade;

5. Invites all specialized agencies to co-operate with the United Nations Educational, Scientific and Cultural Organization to ensure education a high priority in the implementation of various programmes and projects within the framework of the International Development Strategy for the Third United Nations Development Decade;

6. Appeals once again to all States, in particular the developed countries, to support actively, through fellowships and other means, including the general increasing of resources for education and training, the efforts of the developing countries in the education and training of national personnel needed in industry, agriculture and other economic and social sectors;

7. Expresses its thanks to the Director-General of the United Nations Educational, Scientific and Cultural Organization for his report on the right to education, submitted in accordance with General Assembly resolution 36/152;

8. Invites the United Nations Educational, Scientific and Cultural Organization to continue its intensive efforts for the promotion at the universal level of the right to education and to inform the General Assembly, in appropriate forms, of the progress achieved in this field.

Right to food

On 7 September 1982,(1) the Sub-Commission on Prevention of Discrimination and Protection of Minorities recommended that the Commission on Human Rights recommend to the Economic and Social Council that it authorize the Sub-Commission to request Asbjorn Eide (Norway) to prepare a study on the right to adequate food as a human right. The Special Rapporteur should take into account relevant work by the United Nations system and consult with its organs and agencies and non-governmental organizations. He should give special attention to the normative content of the right to food and its significance in relation to the establishment of the new international economic order.

The Special Rapporteur would be requested to submit a preliminary report to the Sub-Commission in 1983 and a final report in 1984.

Resolution (1982). (1)SCPDPM (report, E/CN.4/1983/4): 1982/7, 7 Sep.

Advancement of human rights

On 18 December 1982,(3) the General Assembly again requested the Commission on Human Rights to continue work on alternative approaches and ways for improving the enjoyment of human rights and fundamental freedoms. It affirmed that

efforts by the United Nations and its Members to promote civil and political rights as well as economic, social and cultural rights should continue. Emphasizing the contribution of international and national stability to the human rights of peoples and individuals, the Assembly considered it necessary that Members promote international co-operation based on respect for each State's independence, including the right to choose its own socio-economic and political system. It reaffirmed the necessity to promote the right to education, work, health and proper nourishment through national and international measures, including the establishment of the new international economic order.

The Assembly also reaffirmed the importance of Member States' adherence to international human rights instruments, and said that standard-setting work within the United Nations should be encouraged and that the international community should accord priority to the search for solutions to violations of human rights of peoples and individuals. It emphasized that the United Nations should give attention to the developmental aspects of human rights and requested the Commission to promote the right to development (see above, under ECONOMIC, SOCIAL AND CULTURAL RIGHTS).

The resolution was adopted by a recorded vote of 113 to 1, with 26 abstentions, following its approval by the Third (Social, Humanitarian and Cultural) Committee on 1 December by a recorded vote of 104 to 1, with 24 abstentions. The draft was orally revised in Committee by the sponsors, taking into account an oral proposal by Morocco. By this revision, paragraph 10, which would have emphasized the need to ensure economic and political stability at the national and international levels for the full enjoyment of human rights, was changed to state that such stability would contribute to their full enjoyment.

In another resolution of 18 December,⁽⁴⁾ the Assembly affirmed that all human rights were indivisible and interrelated and that the promotion of one category of rights should never exempt States from the promotion of others. It emphasized that foreign occupation, colonialism, apartheid, racism and racial discrimination and the denial of the right to self-determination were serious impediments to peace and development. The Assembly recognized the purpose of development to be realization of individual potentialities in harmony with the community and stressed Governments' duty to secure the rights of the vulnerable or disadvantaged. It requested the Secretary-General to include an overview of trends and problems in his study on international conditions and human rights, requested by the Assembly in December 1981 for submission in 1983.⁽⁷⁾

The Assembly noted that mass and flagrant violations in one State might threaten the peace and development of neighbouring States, and reaffirmed that violations were of concern to the United Nations wherever they occurred. It considered that efforts to promote human rights should be accompanied by efforts to establish a new international economic order and affirmed everyone's right to participate in development. The Assembly requested Member States to consider adhering to human rights conventions and urged all States to co-operate with the Commission in studying human rights violations. The Commission was requested to continue its efforts to improve the United Nations capacity to act in cases of serious violations, bearing in mind the proposals for a draft mandate of a High Commissioner for Human Rights. The Secretary-General was requested to take measures to strengthen the United Nations Centre for Human Rights (see below).

Adopted by a recorded vote of 81 to 38, with 20 abstentions, the orally revised draft had been approved by the Third Committee on 1 December by a recorded vote of 75 to 30, with 22 abstentions. Five of the paragraphs were approved in Committee by separate recorded votes: the eleventh preambular paragraph by 61 to 23, with 40 abstentions; the eighteenth preambular paragraph by 55 to 25, with 37 abstentions; operative paragraph 11 by 69 to 17, with 33 abstentions; paragraph 12 by 65 to 32, with 26 abstentions; and paragraph 13 by 70 to 24, with 28 abstentions.

A set of amendments for each resolution was submitted to the Assembly, which, on 18 December, by a recorded vote of 80 to 52, decided to take no action on them. Australia, Belgium, Greece, Ireland, Italy and the Netherlands proposed 10 amendments to the first resolution,⁽²⁾ four of them calling for the addition of preambular paragraphs by which the Assembly would have: recognized that human rights violations, wherever they existed, were of concern to the United Nations; emphasized that lack of peace or constraints on development did not exempt a State from its obligation to ensure respect for human rights; borne in mind that mass and flagrant human rights violations might threaten international peace and development; and stated its awareness of the need to allocate resources to strengthen the Centre for Human Rights.

Other amendments would have added new operative paragraphs to have the Assembly: emphasize that promotion of certain human rights could not justify the denial of others; urge States to co-operate with the Commission in studying human rights violations; recognize that a central purpose of development should be the realization of individual potentialities in harmony with the community; request the Commission to continue

in 1983 its efforts to improve the capacity of the United Nations to act in cases of serious human rights violations; and request the Secretary-General to take measures to strengthen the Centre for Human Rights. Finally, in paragraph 4, the Assembly would have affirmed the need for intensified rather than continued efforts by the United Nations and its Members to promote human rights.

A set of 19 amendments to the second resolution was submitted by 10 nations.(1) Those affecting the preamble would have had the following effect: to add a reference to the equal rights of large and small nations (first paragraph); to add freedom from want as another primary aim of international co-operation (third paragraph); to delete the word "social" from a phrase stating that social development must be based on respect for the dignity of man (fifth paragraph); to state that mass and flagrant human rights violations might threaten "international peace and development" rather than "the peace and development of neighbouring States, of a region or of the international community as a whole" (ninth paragraph); to specify that "mass and flagrant" human rights violations rather than simply human rights violations were of concern to the United Nations wherever they occurred (tenth paragraph); to delete the eleventh paragraph; to allocate "adequate" rather than "additional" resources to the Centre for Human Rights (eighteenth paragraph); and to reaffirm rather than recall a 1977 Assembly resolution (stating the indivisibility and interdependence of human rights and according high priority to solutions for mass and flagrant violations)(6) (nineteenth paragraph).

Other amendments in this set would have modified several operative paragraphs: to add to a clause listing serious impediments to peace and development mention of aggression and the threat or use of force against the territorial integrity or political independence of any State (paragraph 3); to reword paragraph 6 to state that development's ultimate aim was the improvement of the population's well-being and a distribution of the benefits; and to delete the words "a duty to take special measures" from paragraph 9. A paragraph reaffirming the right to development as an inalienable right of all individuals and peoples would have been added (see above, under ECONOMIC, SOCIAL AND CULTURAL RIGHTS). Other amendments would have emphasized the new international economic order and the right to development, stressed the search for solutions for mass and flagrant violations, and requested adequate resources for the Centre for Human Rights.

Introducing the motion to take no action on the amendments, Singapore described the two resolutions as complementary and compatible, whose

balance would be upset by the proposed amendments.

Introducing the first resolution on behalf of 23 nations, Cuba expressed the opinion that balance had been achieved by reiterating the indivisibility and interdependence of human rights; Cuba said the right to development was inalienable and international peace was essential to its realization, and declared necessary the achievement of the objectives of the new international economic order for the full realization of human rights.

Explaining its negative vote, the United States termed the resolution an attempt to shift attention from individual to collective rights. It also voiced reservations on the provisions concerning the right to development, as did Australia, Austria, Canada, Finland (for the Nordic States), the Federal Republic of Germany, the Netherlands and the United Kingdom, which abstained.

Also abstaining, Ireland said the resolution concentrated excessively on collective and economic and social rights at the expense of individual and civil and political rights. Canada regarded both types of rights as inseparable. Australia, Italy, New Zealand and Turkey expressed concern at what they perceived to be the resolution's lack of balance between individual and collective aspects of human rights. France said it was unable to agree to giving some categories of human rights precedence over others. Sweden agreed with Costa Rica's contention that, as a declaration on the right to development, the resolution was an attempt to undermine the 1948 Universal Declaration of Human Rights(5) and could be used as a pretext for not promoting the individual's human rights. Turkey considered that the resolution should stress the independence of human rights from all other factors.

Voting in favour, Brazil hoped that the resolution would not interfere with the prerogatives of States concerning adherence to international instruments. Greece agreed with its basic principles but stated that it lacked balance and should have included other aspects of human rights.

Panama, on the other hand, considered the lack of progress in eliminating poverty and injustice to be indicative of an approach emphasizing the rights of the individual to the detriment of those of the group. Tunisia felt that the right of individuals to development was hampered by material insecurity, underdevelopment and political instability; it hoped that the discussion of the right to development could be pursued in all United Nations bodies. By voting in favour, Morocco said, it showed its belief in both collective and individual rights.

Introducing the second resolution, also on behalf of Australia, Belgium, Greece, Italy and the

Netherlands, Ireland said its purpose was to chart a general course for the United Nations in promoting and protecting human rights.

Argentina, Ethiopia, India and Yugoslavia explained that, although the resolution contained positive elements, they felt compelled to vote against it because they had not been allowed for procedural reasons to express their views as contained in the amendments. A similar view was expressed by Cuba. Pakistan said it would have liked to amend the resolution to protect and promote human rights in a comprehensive manner. Bulgaria stated that the resolution took a unilateral approach, was unbalanced and inconsistent with many international instruments and tried to prejudice the work of the Commission. The Byelorussian SSR, terming the resolution's objectives diffuse, said it contained no specific proposals for solving human rights problems. The USSR categorically opposed the text as being designed to cancel out important provisions relating to the international economic order and the 1977 Assembly resolution on the interdependence of human rights.(6) In India's view, a number of paragraphs bore no relation to any international instrument or Assembly resolution.

Indonesia, which abstained in the Committee but cast a negative vote in the Assembly, and the Philippines, which abstained, stated difficulties in particular with paragraphs 11 and 12, as well as paragraph 2.

Though voting in favour, Chile expressed the belief that the resolution detracted from the importance of the right to development; it further objected that the Commission on Human Rights was portrayed as non-discriminatory, whereas Chile believed that the Commission treated cases selectively, on political grounds.

Turkey believed that the balance between individual and collective rights, and civil and political rights and economic and social rights, was well maintained in the resolution. The United States regarded the text as a constructive approach to improving the enjoyment of human rights. Canada, Finland (for the Nordic countries) and the United Kingdom believed that the text offered a broad and comprehensive approach.

Amendments not acted upon. (1)Algeria, Argentina, Bolivia, Cuba, Ethiopia, India, Indonesia, Pakistan, Panama, Yugoslavia, A/37/L.56; (2)Australia, Belgium, Greece, Ireland, Italy, Netherlands, A/37/L.57.

Resolutions (1982). GA, 18 Dec., texts following: (3)37/199, (4)37/200.

Resolutions (prior). GA: (5)217 A (III), 10 Dec. 1948 (YUN 1948-49, p. 535); (6)32/130, 16 Dec. 1977 (YUN 1977, p. 734); (7)36/133, 14 Dec. 1981 (YUN 1981, p. 928).

Meeting records. GA: 3rd Committee, A/C.3/37/SR.38-40, 49, 59-61 (10 Nov.-2 Dec.); plenary, A/37/PV.110, 111 (17, 18 Dec.).

General Assembly resolution 37/199

18 December 1982 Meeting 111 113-1-26 (recorded vote)

Approved by Third Committee (A/37/693) by recorded vote (104-1-24), 1 December (meeting 60); 23-nation draft (A/C.3/37/L.31/Rev.1), orally revised; agenda item 94.

Sponsors: Algeria, Angola, Argentina, Bangladesh, Benin, Cape Verde, Cuba, Democratic Yemen, Ethiopia, Guinea-Bissau, Guyana, India, Libyan Arab Jamahiriya, Madagascar, Nicaragua, Pakistan, Panama, Romania, Syrian Arab Republic, Uganda, Viet Nam, Yugoslavia, Zimbabwe.

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

The General Assembly,

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

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

Emphasizing the importance of the Universal Declaration of Human Rights and of the International Covenants on Human Rights in promoting respect for and observance of human rights and fundamental freedoms,

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

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

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

Reiterating also its profound conviction that all human rights and fundamental freedoms are indivisible and interdependent and that equal attention and urgent consideration should be given to the implementation, promotion and protection of both civil and political rights and economic, social and cultural rights,

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

Welcoming the report of the Working Group of Governmental Experts on the Right to Development, established by the Commission on Human Rights, and the progress it has made to date,

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

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

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

Recognizing also that co-operation among all nations on the basis of respect for the independence and sovereignty of each State, including the right of each people to choose its own socio-economic system, is essential for the promotion of peace and development,

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

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

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

1. Reiterates its request that the Commission on Human Rights continue its current work on the overall analysis with a view to further

promoting and improving human rights and fundamental freedoms, including the question of the Commission's programme and working methods, and on the overall analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms, in accordance with the provisions of General Assembly resolution 32/130 and the concepts set forth therein, bearing in mind also other relevant texts;

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

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

4. Affirms that the efforts of the United Nations and its Member States to promote and to protect civil and political rights as well as economic, social and cultural rights should continue;

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

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

7. Declares that the right to development is an inalienable human right;

8. Emphasizes that the United Nations should give attention not only to the human rights aspects of development but also to the developmental aspects of human rights;

9. Considers it necessary that all Member States promote international co-operation on the basis of respect for the independence and sovereignty of each State, including the right of each people to choose its own socio-economic and political system, with a view to resolving international problems of an economic, social and humanitarian character;

10. Emphasizes that economic and political stability at the national and international levels will contribute to the full enjoyment, promotion and observance of the human rights of peoples and individuals;

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

12. Requests the Commission on Human Rights to take the necessary measures to promote the right to development, taking into account the results achieved by the Working Group of Governmental Experts on the Right to Development, and welcomes the decision of the Commission, in its resolution 1982/17 of 9 March 1982, that the Working Group should continue its work with the aim of presenting as soon as possible a draft resolution on the right to development;

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

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Samoa, Sao Tome and

Principe, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: United States.

Abstaining: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of Iceland, Ireland, Israel, Italy, Jamaica, Japan, Luxembourg, Malawi, Netherlands, New Zealand, Norway, Paraguay, Portugal, Saudi Arabia, Spain, Sweden, Turkey, United Kingdom.

General Assembly resolution 37/200

18 December 1982 Meeting 111 81-38-20 (recorded vote)

Approved by Third Committee (A/37/693) by recorded vote (75-30-22), 1 December (meeting 60): 6-nation draft (A/C.3/37/L.41), orally revised; agenda item 94. Sponsors: Australia, Belgium, Greece, Ireland, Italy, Netherlands.

Further promotion and protection of human rights and fundamental freedoms

The General Assembly,

Aware that in the Charter of the United Nations the peoples of the United Nations declared their determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and to promote social progress and better standards of life in larger freedom,

Conscious that it is a purpose of the United Nations and the duty of all Member States to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

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

Aware that efforts to promote and protect human rights at the international level should be accompanied by efforts to establish a new international economic order,

Aware also that the promotion and protection of human rights are necessary conditions for the development of the human personality, whether in its individual or its social aspects, and that social development must be based on respect for the dignity of man from which all human rights derive their justification,

Considering that the advancement of development objectives is related to the promotion of harmonious relations within and among states,

Considering also that the great resources which would be released by disarmament could contribute significantly to the development of all States, especially those which are at present least developed,

Bearing in mind that the maintenance of international peace and security is vital for social and economic progress and for the full realization of human rights,

Bearing in mind also that mass and flagrant violations of human rights in one State may threaten the peace and development of neighbouring States, of a region or of the international community as a whole,

Recognizing that violations of human rights, wherever they exist, are of concern to the United Nations,

Emphasizing that the absence of peace or development can never exempt a State from its obligation to ensure respect for the human rights of its nationals and of other persons within its jurisdiction,

Reaffirming that everyone is entitled to all the rights and freedoms set forth in the Universal Declaration of Human Rights, without distinction of any kind, as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

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

Considering that regional arrangements for the promotion and protection of human rights can make a major contribution to the effective enjoyment of human rights and fundamental freedoms and that the exchange of information and experience in this field among the regions and within the United Nations system could be improved,

Underlining the obligation that Governments have to promote and protect human rights and to carry out the responsibilities that they have

undertaken under various international instruments in the field of human rights.

Acknowledging the progress achieved by the international community in the promotion and protection of human rights and fundamental freedoms, particularly with respect to the setting of standards,

Acknowledging also the valuable efforts of the Commission on Human Rights in the study of violations of human rights and fundamental freedoms in any part of the world,

Aware of the need to allocate additional resources, including staff, to the Centre for Human Rights of the Secretariat,

Recalling its resolutions on this question, in particular its resolution 32/130 of 16 December 1977,

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

2. Notes that mass and flagrant violations of human rights in one State may threaten the peace and development of neighbouring States, of a region or of the international community as a whole;

3. Emphasizes that foreign occupation, colonialism, apartheid, racism and racial discrimination and the denial of the right to self-determination of peoples and of all universally recognized human rights are serious impediments to peace and development;

4. Reaffirms that violations of human rights, wherever they exist, are of concern to the United Nations;

5. Considers that efforts to promote and protect human rights at the international level should be accompanied by efforts to establish a new international economic order;

6. Recognizes that the realization of the potentialities of the human person in harmony with the community should be seen as the central purpose of development;

7. Affirms that everyone has the right to participate in, as well as to benefit from, the development process;

8. Commends the Commission on Human Rights and its ad hoc working group, established by the Commission pursuant to its resolution 36(XXXVII) of 11 March 1981, for their continuing efforts in the study of the right to development;

9. Stresses that Governments have a duty to take special measures to secure the human rights of vulnerable or disadvantaged groups of individuals;

10. Requests Member States that have not yet done so to consider ratifying or acceding to the various conventions in the field of human rights;

11. Urges all States to co-operate with the Commission on Human Rights in its study of violations of human rights and fundamental freedoms in any part of the world;

12. Requests the Commission on Human Rights at its thirty-ninth session to continue its efforts to improve the capacity of the United Nations system to take urgent action in cases of serious violations of human rights, bearing in mind the proposals submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on possible terms of reference for the draft mandate of a High Commissioner for Human Rights;

13. Requests the Secretary-General to take appropriate measures to strengthen the Centre for Human Rights of the Secretariat;

14. Also requests the Secretary-General, in the light of the thirty-fifth anniversary of the Universal Declaration of Human Rights, to include in the updated study on international conditions and human rights, which the General Assembly, in its resolution 36/133 of 14 December 1981, requested him to submit to it at its thirty-eighth session, an overview of trends in the field of human rights with emphasis on the problems still being encountered;

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

Recorded vote in Assembly as follows:

In favour: Australia, Austria, Bahamas, Barbados, Belgium, Botswana, Burma, Burundi, Canada, Central African Republic, Chad, Chile, Colombia, Costa Rica, Cyprus, Democratic Kampuchea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Finland, France, Gabon, Gambia, Germany, Federal Republic of, Ghana, Greece, Guatemala, Honduras, Iceland, Ireland, Israel,

Italy, Ivory Coast, Jamaica, Japan, Kenya, Lebanon, Lesotho, Liberia, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Nepal, Netherlands, New Zealand, Norway, Papua New Guinea, Paraguay, Peru, Portugal, Samoa, Senegal, Singapore, Solomon Islands, Somalia, Spain, Sudan, Suriname, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, United Republic of Cameroon, United Republic of Tanzania, United States, Upper Volta, Uruguay, Venezuela.

Against: Afghanistan, Algeria, Angola, Argentina, Benin, Bolivia, Bulgaria, Byelorussian SSR, Cape Verde, Congo, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Guyana, Hungary, India, Indonesia, Iran, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Mongolia, Mozambique, Nicaragua, Pakistan, Panama, Poland, Romania, Sao Tome and Principe, Syrian Arab Republic, Ukrainian SSR, USSR, Viet Nam, Yugoslavia, Zambia,^a Zimbabwe.

Abstaining: Bahrain, Bangladesh, Bhutan, Brazil, China, Guinea, Iraq, Jordan, Malawi, Niger, Nigeria, Oman, Philippines, Qatar, Saudi Arabia, Sierra Leone, Sri Lanka, United Arab Emirates, Yemen, Zaire.

^aLater advised the Secretariat it had intended to vote in favour.

UN machinery

Commission on Human Rights

Work programme

Action by the Commission on Human Rights. An informal open-ended working group of the Commission on Human Rights, similar to the one set up for the first time in 1981,⁽⁵⁾ held five meetings between 11 February and 3 March 1982 on the question of the programme and work methods of the Commission.⁽³⁾

On 11 March,⁽⁴⁾ the Commission, noting the group's report, recommended that the Economic and Social Council consider rescheduling the Commission's annual session—and, if necessary, the Sub-Commission's session—to later in the year. It decided to consider in 1983 the establishment of an informal group of 10 of its members to examine the possibility of rationalizing its 1984 agenda, the elaboration of its programme and work methods, the question of a time-limit on statements, and the organization and functioning of open-ended working groups. It decided to establish one such group to continue the overall analysis and to keep under consideration the proposal for the creation of the post of United Nations High Commissioner for Human Rights (see below).

Economic and Social Council action. On 7 May 1982,⁽¹⁾ the Economic and Social Council decided without vote to consider at its second 1982 session the possible rescheduling of the Commission's annual session to later in the year. This decision was approved without vote by the Second (Social) Committee on 3 May, on an oral proposal by its Chairman.

By a decision of 28 July,⁽²⁾ orally proposed by its Secretary, the Council decided to consider the question at its second 1983 session, in the context of its consideration of the draft calendar of conferences and meetings for 1984-1985.

Decisions (1982). ESC: (1)1982/145, 7 May, text following; (2)1982/156, 28 July, text following.

Report. (3) Working Group. E/1982/12/Add.1.

Resolution (1982). (4) Commission on Human Rights (report, E/1982/12): 1982/40, 11 Mar.

Yearbook reference. (5)1981, p. 926.

Meeting records. ESC: E/1982/SR.29, 49 (7 May, 28 July).

Economic and Social Council decision 1982/145

Adopted without vote

Approved by Second Committee (E/1982/59) without vote, 3 May (meeting 16): oral proposal by Chairman: agenda item 9.

Scheduling of the annual session of the
Commission on Human Rights

At its 29th plenary meeting, on 7 May 1982, the Council, taking note of resolution 1982/40 of 11 March 1982 of the Commission on Human Rights, in which, *inter alia*, the Commission recommended to the Economic and Social Council that it should consider the possibility of rescheduling the annual session of the Commission on Human Rights and, if necessary, of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, with a view to enabling the Commission to meet later in the year, decided to consider the matter at its second regular session of 1982.

Economic and Social Council decision 1982/156

Adopted without vote

Oral proposal by Council Secretary; agenda item 6.

Scheduling of the annual session of the
Commission on Human Rights

At its 49th plenary meeting, on 28 July 1982, the Council, in pursuance of its decision 1982/145 of 7 May 1982 and of resolution 1982/40 of 11 March 1982 of the Commission on Human Rights, decided to consider the question of rescheduling the annual session of the Commission on Human Rights at the second regular session of 1983 of the Council, in the context of its consideration of the draft calendar of conferences and meetings for the biennium 1984-1985.

Report on the 1982 session

On 7 May 1982,(1) the Economic and Social Council took note of the report of the Commission on Human Rights on its thirty-eighth session,(2) held at Geneva from 11 February to 12 March. The decision, recommended by the Commission, was adopted without vote, following similar approval by the Second Committee on 3 May.

Decision (1982). (1)ESC: 1982/142, 7 May, text following.

Report (2)Commission on Human Rights, E/1982/12. Meeting record. ESC: E/1982/SR.29 (7 May).

Economic and Social Council decision 1982/142

Adopted without vote

Approved by Second Committee (E/1982/59) without vote, 3 May (meeting 16): draft by Commission on Human Rights (E/1982/12); agenda item 9.

Report of the Commission on Human Rights

At its 29th plenary meeting, on 7 May 1982, the Council took note of the report of the Commission on Human Rights on its thirty-eighth session.

Sub-Commission on discrimination and minorities

Terms of reference and activities

On 10 March 1982,(1) the Commission on Human Rights called on the Sub-Commission on Prevention of Discrimination and Protection of Minorities to be guided in the fulfilment of its duties by relevant resolutions of the Commission, the Economic and Social Council and the General Assembly. It requested the Sub-Commission to take into account comments and suggestions made during the Commission's consideration of the Sub-Commission's report on its 1981 session, and to attach to future reports a list of studies under

preparation with information on their legislative authority and the timetable for completion.

It also considered that, when alternates were temporarily appointed in place of members, they must have the requisite expertise and qualifications. The appointment of a government official, it added, might sometimes not be in keeping with the character of the Sub-Commission as a body of experts.

Resolution (1982). (1)Commission on Human Rights (report, E/1982/12): 1982/23, 10 Mar.

Establishment of the Centre for Human Rights

On 18 December 1982,(3) acting without vote, the General Assembly, recalling a 1980 resolution(7) requesting the Secretary-General to keep under consideration the Secretariat's services relating to human rights, took note of his decision to redesignate the Division of Human Rights as the Centre for Human Rights effective 28 July 1982. Introduced and orally revised by Ireland and sponsored also by Italy and Senegal, the decision had been similarly approved by the Third (Social, Humanitarian and Cultural) Committee on 1 December.

Also on 18 December, in a resolution on the advancement of human rights,(5) the Assembly requested the Secretary-General to take measures to strengthen the Centre. The Third Committee had approved this provision on 1 December by a recorded vote of 70 to 24, with 28 abstentions. A proposed amendment would have reworded this paragraph to request the Secretary-General to ensure that adequate resources were made available to the Centre.(1)

Two amendments relating to the Centre(2) were also proposed to a second Assembly resolution of the same date on the advancement of human rights.(4) They would have inserted a new preambular paragraph expressing awareness of the need to allocate appropriate resources to strengthen the Centre and a new operative paragraph requesting the Secretary-General to take measures to strengthen it.

On 18 December, the Assembly decided to take no action on the proposed amendments (see above).

In a resolution of 21 December, relating to the United Nations programme budget for 1982-1983,(6) the Assembly approved the reclassification of the head of the Centre to Assistant Secretary-General.

Amendments not acted upon. (1)Algeria, Argentina, Bolivia, Cuba, Ethiopia, India, Indonesia, Pakistan, Panama, Yugoslavia, A/37/L.56; (2)Australia, Belgium, Greece, Ireland, Italy, Netherlands, A/37/L.57.

Decision (1982). (3)GA: 37/437, 18 Dec., text following.

Resolution (1982). GA: (4)37/199, 18 Dec.; (5)37/200, para. 13, 18 Dec.; (6)37/237, sect. XII, para. (b) (ii), 21 Dec.

Resolution (prior). (7)GA: 35/194, 15 Dec. 1980 (YUN 1980, p. 872).

Meeting records. GA: 3rd Committee, A/C.3/37SR.49, 59, 60 (22 Nov.-1 Dec.); plenary, A/37/PV.111 (18 Dec.).

General Assembly decision 37/437

Adopted without vote

Approved by Third Committee (A/37/693) without vote, 1 December (meeting 60); 3-nation draft (A/C.3/37/L.42), orally revised; agenda item 94.

Sponsors: Ireland, Italy, Senegal.

Centre for Human Rights

At its 111th plenary meeting, on 18 December 1982, the General Assembly, on the recommendation of the Third Committee, recalling its resolution 35/194 of 15 December 1980, in which it requested the Secretary-General to keep under consideration the question of the services of the Secretariat concerned with human rights, with a view to redesignating the Division of Human Rights as a Centre for Human Rights when he deemed it appropriate, took note of the decision of the Secretary-General to redesignate the Division of Human Rights as the Centre for Human Rights.

Proposed post of UN

High Commissioner for Human Rights

The establishment of a post of United Nations High Commissioner for Human Rights, proposed for the first time in 1965 by Costa Rica,(9) was discussed again in 1982 by the Commission on Human Rights, its Sub-Commission on Prevention of Discrimination and Protection of Minorities and the General Assembly.

Action by the Commission on Human Rights. On 10 March,(4) the Commission on Human Rights requested the Sub-Commission to submit a first study on possible terms of reference for the mandate of a High Commissioner in 1983, when it would resume consideration of the matter. The Commission, which took up the matter in accordance with a December 1981 request by the General Assembly,(8) adopted its resolution by a roll-call vote of 29 to 8 (Bulgaria, Byelorussian SSR, Cuba, Ethiopia, Philippines, Poland, Syrian Arab Republic, USSR), with 6 abstentions.

On 11 March,(5) in a resolution on its future work programme (see above), the Commission decided to inform the Assembly, through the Economic and Social Council, that it intended to continue consideration of the proposal for a High Commissioner.

Sub-Commission action. On 10 September,(7) by 10 votes to 6, with 4 abstentions, the Sub-Commission submitted proposals to the Commission on the possible terms of reference for a High Commissioner. It suggested that he should have the following functions and responsibilities: to promote and protect human rights; to give special attention to ensuring civil, political, economic, social and cultural rights and others as recognized by the Charter of the United Nations and the Assembly; to initiate contacts with Governments to safeguard or assist in restoring human rights, especially in urgent situations; and to consider as areas of special concern massive violations such as apartheid, racism, racial discrimination, colonial domination, foreign occupation and alien subjugation.

The High Commissioner would make similar contacts with Governments in cases of mass and

flagrant violations requiring urgent action, consult with the United Nations system, including the Centre for Human Rights, and establish a temporary inter-agency task force to facilitate co-ordinated action. He would carry out specific mandates assigned by the Assembly, the Economic and Social Council and the Commission, and report annually to those bodies. The Sub-Commission suggested that the officers of the Commission act as an advisory committee to the High Commissioner, and that he should be nominated by the Secretary-General and elected by the Assembly for a period of five years, serving no more than two consecutive terms. It also suggested that a Deputy High Commissioner, in principle from a different region, be elected in the same manner.

To assist the Sub-Commission in making its recommendations, an informal working group submitted a synopsis, prepared by the United Nations Secretariat, of proposals presented to the Commission and the Assembly.(3) The group had been set up by the Sub-Commission on 23 August by 9 votes to 5, with the object of preparing a report on possible terms of reference for the mandate of a High Commissioner.(2)

General Assembly action. In a resolution of 18 December,(6) the General Assembly requested the Commission to continue efforts in 1983 to improve the United Nations capacity for urgent action in cases of serious human rights violations, bearing in mind the Sub-Commission's proposals on possible terms of reference for the draft mandate of a High Commissioner. Based on a proposal by Morocco, the sponsors orally revised this paragraph to refer to the "draft" mandate.

The revised paragraph was approved by the Third Committee on 1 December by a recorded vote of 65 to 32, with 26 abstentions. Prior to the vote, Argentina and the Byelorussian SSR orally proposed that the paragraph be deleted. The Committee did not vote on these amendments after the Chairman ruled that they had been submitted too late.

Costa Rica said if those opposed to the establishment of a High Commissioner were to examine the possible mandate, they would not have to be concerned about selective accusations of individual States of human rights violations.

Voting against the paragraph, the Byelorussian SSR termed it vague and said it might prejudice the results of the Commission's work and no mandate had been established for a High Commissioner.

Abstaining, the Philippines said the paragraph was premature and should be deleted.

Among a set of amendments submitted to the Assembly by 10 countries,(1) one would have reworded the paragraph to request the Commission to continue consideration of mass and flagrant

human rights violations, bearing in mind Assembly and Commission resolutions, omitting reference to the High Commissioner. The amendments were not acted on by the Assembly.

Amendments not acted upon. (1)Algeria, Argentina, Bolivia, Cuba, Ethiopia, India, Indonesia, Pakistan, Panama, Yugoslavia, A/37/L.56.

Decision (1982). (2)SCPDPM (report, E/CN.4/1983/4): 1982/5, 23 Aug.

Report. (3)Informal working group, E/CN.4/Sub.2/1982/36.

Resolutions (1982 Commission on Human Rights (report, E/1982/12): (4)1982/22, 10 Mar.; (5)1982/40, para. 8, 11 Mar. (6)GA: 37/200, para. 12, 18 Dec. (7)SCPDPM: 1982/27, 10 Sep.

Resolution (prior). (8)GA: 36/135, 14 Dec. 1981 (YUN 1981, p. 932).

Yearbook reference. (9)1965, p. 494.

International human rights instruments

International Covenants on Human Rights

As at 31 December 1982, the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights, which were adopted by the General Assembly in 1966(4) and entered into force in 1976,(6) had been ratified or acceded to by 75 and 72 States, respectively. In 1982, four States became parties to the Covenant on Economic, Social and Cultural Rights, while three became parties to the Covenant on Civil and Political Rights. During the year, one State adhered to the Optional Protocol to the latter Covenant, raising to 28 the number of States parties to that instrument.

A report of the Secretary-General to the Assembly included a list of States which, as at 1 September 1982, had signed, ratified or acceded to the Covenants and the Optional Protocol.(1)

Action by the Commission on Human Rights. On 9 March,(2) the Commission on Human Rights reaffirmed the importance of the Covenants in promoting human rights. Emphasizing the importance of strict compliance, it urged States to become parties to the Covenants and to accede to the Optional Protocol. The Commission took note of a provision of a November 1981 Assembly resolution(5) requesting the Secretary-General to ensure the Division of Human Rights' ability to assist the Human Rights Committee and the Economic and Social Council in implementing their functions under the Covenants. It encouraged Governments to publish and distribute the texts of the Covenants, and requested the Secretary-General to report on their status in 1983, including information on the work of the Council and its Sessional Working Group on implementation of the International Covenant on Economic, Social and Cultural Rights. The Commission also took note of measures adopted to facilitate implementation of the Covenants and welcomed the Secretary-General's effort to improve publicity for the work of the Human Rights Committee.

General Assembly action. On 18 December 1982(3) the General Assembly, again inviting States to become parties to the Covenants as well as to consider acceding to the Optional Protocol, emphasized the importance of States parties sending experts to present their reports under the Covenants. It requested the Secretary-General to continue to ensure the ability of the Centre for Human Rights to assist the Human Rights Committee and the Council in the implementation of their functions under the Covenants.

The Assembly urged States parties to the Covenants to submit their reports. Other provisions concerned a request for publishing the official records of the Human Rights Committee and arrangements for the Council's Sessional Working Group.

Adopted without vote by the Assembly, the 16-nation draft, introduced and orally revised by Denmark, had been similarly approved by the Third Committee on 7 December.

Report. (1)S-G, A/37/406.

Resolutions (1982). (2)Commission on Human Rights (report, E/1982/12): 1982/18, 9 Mar. (3)GA: 37/191, 18 Dec., text following.

Resolutions (prior). GA: (4)2200 A (XXI), annex, 16 Dec. 1966 (YUN 1966, p. 419); (5)36/58, 25 Nov. 1981 (YUN 1981, p. 934).

Yearbook reference. (6)1976, p. 609.

Meeting records. GA: 3rd Committee, A/C.3/37/SR.47, 50-53, 55, 56, 58, 67 (18 Nov.-7 Dec.); plenary, A/37/PV.111 (18 Dec.).

Publication. Human Rights: A Compilation of International Instruments (adopted up to 31 December 1982), Sales No. E.83.XIV.1.

General Assembly resolution 37/191

18 December 1982 Meeting 111 Adopted without vote

Approved by Third Committee (A/37/718) without vote, 7 December (meeting 67); 16-nation draft (A/C.3/37/L.51), orally revised; agenda item 87.

Sponsors: Australia, Canada, Central African Republic, Costa Rica, Cyprus, Denmark, Ecuador, Finland, Iceland, Italy, Netherlands, Nicaragua, Norway, Peru, Senegal, Sweden.

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 and 36/58 of 25 November 1981,

Having noted 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 its appeal, more Member States have acceded to the International Covenants on Human Rights,

Bearing in mind the important responsibilities of the Economic and Social Council in relation 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,

Taking note of Economic and Social Council resolution 1980/30 of 2 May 1980 on the development of public information activities in the field of human rights and the report of the Secretary-General on publicity for the work of the Human Rights Committee,

1. Notes with appreciation the report of the Human Rights Committee on its fourteenth, fifteenth and sixteenth sessions, and expresses 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;
5. Takes 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;
6. Emphasizes the importance of States parties sending experts to present their reports under the International Covenants on Human Rights;
7. 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;
8. 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;
9. 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 of the Optional Protocol thereto;
10. Emphasizes the importance of strictest compliance by States parties with their obligations under the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocol thereto;
11. 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;
12. Requests the Secretary-General to submit to the General Assembly at its thirty-eighth 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;
13. Takes note with appreciation of the request of the Human Rights Committee that its official records be made available annually in bound volumes-one volume to contain the summary records of public meetings of the Committee and a second volume to contain other public documents of the Committee, including reports of States parties under article 40 of the Covenant-and requests the Secretary-General to consider making, within existing resources, the arrangements which he deems most suitable and economical for publishing those annual volumes;
14. Requests the Secretary-General to continue to take all possible steps to ensure that the Centre for Human Rights of the Secretariat is able effectively to assist 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.

Accessions and ratifications

A sessional Working Group on the Encouragement of Universal Acceptance of Human Rights

Instruments, established in pursuance of a 1979 decision of the Sub-Commission on discrimination and minorities (11) and composed of five of its members, met from 23 to 26 August 1982 at Geneva to examine ways of encouraging government adherence and information on obstacles to such adherence.(1) The Group examined replies by 22 Governments to the Secretary-General's notes verbales inviting adherence to international human rights instruments, such as: the International Covenants, the International Convention on the Elimination of All Forms of Racial Discrimination,(8) the Convention on the Prevention and Punishment of the Crime of Genocide,(5) the International Convention on the Suppression and Punishment of the Crime of Apartheid,(9) the 1926 Slavery Convention and the 1953 Protocol amending it,(7) and the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.(10)

On 7 September,(4) the Sub-Commission expressed appreciation to those Governments which had conveyed information on their adherence to human rights instruments and took note of the Working Group's report. As recommended by the Group, the Sub-Commission requested the Secretary-General to invite Governments to submit information on the circumstances preventing them from becoming parties and requested him to prepare an analysis of replies. It decided to include the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others(6) in the list of instruments whose universal acceptance was to be encouraged.

The General Assembly, by a resolution of 18 December on measures for the advancement of human rights,(2) reaffirmed that it was of paramount importance for human rights that Member States undertake specific obligations through adherence to international human rights instruments. It also reaffirmed that standard-setting work within the United Nations and the universal acceptance and implementation of international instruments should be encouraged.

In another 18 December resolution on the same topic, the Assembly requested Member States that had not done so to consider ratifying or acceding to the various human rights conventions.(3)

- Report (1) Working Group, E/CN.4/Sub.2/1982/22.
Resolutions (1982). GA, 18 Dec.: (2)37/199, para. 2; (3)37/200, para. 1. (4) SCPDPM (report, E/CN.4/1983/4): 1982/3, paras. 1-6. 7 Sep.
Resolutions (prior). GA: (5)260 A (III), annex, 9 Dec. 1948 (YUN 1948-49, p. 959); (6)317(IV), annex, 2 Dec. 1949 (ibid., p. 613); (7)794(VIII), 23 Oct. 1953 (YUN 1953, p. 411); (8)2106 A (XX), annex, 21 Dec. 1963 (YUN 1965, p. 440); (9)3068(XXVIII), annex, 30 Nov. 1973 (YUN 1973, p. 103).
Yearbook references. (10) 1956, p. 228; (11) 1979, p. 854.
Publication. Human Rights International Instruments: Signatures, Ratifications, Accessions, etc., 1 July 1982, ST/HR/4/Rev.4.

Other measures to advance human rights Advisory services

In 1982, as reported by the Secretary-General to the Commission on Human Rights,(1) a seminar for the Asian region was held under the United Nations programme of advisory services in the field of human rights (see below). No training course was held under the programme in 1982.

During the year, 32 individual human rights fellowships were granted to nationals of the following countries:

Argentina, Australia, Bahamas, China, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Greece, Honduras, Hungary, India, Israel, Italy, Madagascar, Nepal, Papua New Guinea, Poland, Portugal, Senegal, Sudan, Suriname, Thailand, USSR, United Republic of Tanzania, Uruguay, Viet Nam.

The fellowships included awards for study of human rights of indigenous populations; convicted and released offenders; immigrants and resident aliens; minorities; refugees and Stateless persons; children; youth; freedom of information; judiciary procedures; and other social and economic as well as civil and political factors.

In compliance with a request from Equatorial Guinea, the Secretary-General provided that Government with two experts to assist in the drafting of a new constitution. The Commission requested him to provide consultative advisory services to Uganda to help the Government take measures to guarantee human rights (see below).

Report. (1)S-G, E/CN.4/1983/30.

Equatorial Guinea

The Economic and Social Council, on 7 May 1982,(5) took note of a plan of action proposed by the Secretary-General in August 1981 for the restoration of human rights in Equatorial Guinea. Regretting the delay in implementing the plan, the Council requested the Secretary-General to discuss with Equatorial Guinea the role the United Nations could play in implementing it, and invited that Government to co-operate. The Secretary-General was further requested to report to the Council later in 1982 and the Commission on Human Rights in 1983.

The resolution, adopted without vote, originated in a draft approved on 11 March by the Commission(4) and by the Council's Second (Social) Committee on 3 May, also without vote.

The draft plan of action,(2) based on recommendations of a United Nations expert,(6) was submitted to the Commission's February/March session. The Secretary-General informed the Commission that, as at December 1981, no response from Equatorial Guinea had been received.

In a second report, submitted in November 1982,(3) the Secretary-General informed the Commission of steps taken to implement the plan of action. Two constitutional experts, Rubén Hernández-Valle (Costa Rica) and Jorge Mario Laguardia (Guatemala), had been appointed to assist the Equatorial Guinea National Commission in drafting a constitution. The Constitution's final text had been promulgated on 3 August and subsequently approved.

On 27 July,(1) acting without vote on an oral proposal by its President, the Council took note of an oral report presented that day by the Deputy Director of the Division of Human Rights, describing steps taken to implement the plan of action.

Decision (1982). (1)ESC: 1982/150, 27 July, text following. Reports. S-G, (2)E/CN.4/1495, (3)E/CN.4/1983/17.

Resolutions (1982). (1)Commission on Human Rights (report, E/1982/12): 1982/34, 11 Mar. (5)ESC: 1982/36, 7 May, text following.

Yearbook reference. (6)1981, p. 938.

Meeting records. ESC: E/1982/SR.28, 48 (7 May, 27 July).

Economic and Social Council resolution 1982/36

7 May 1982 Meeting 28 Adopted without vote

Approved by Second Committee (E/1982/59) without vote, 3 May (meeting 15): draft by Commission on Human Rights (E/1982/12); agenda item 9.

Situation of human rights in Equatorial Guinea

The Economic and Social Council,

Recalling its resolution 1981/38 of 8 May 1981 and its decision 1981/167 of 16 July 1981,

Bearing in mind resolution 1962/34 of 11 March 1982 of the Commission on Human Rights,

Mindful of the role that the United Nations could play in the promotion, the protection and the restoration of human rights and fundamental freedoms in the world,

Conscious of the request of the Government of Equatorial Guinea for assistance in the restoration of human rights and fundamental freedoms in that country with a view to ensuring, in particular, the right of the population to participate in the management of public affairs in the country,

1. Takes note of the plan of action proposed by the Secretary-General on the basis of recommendations submitted by the expert appointed pursuant to resolution 33(XXXVI) of 11 March 1980 of the Commission on Human Rights;

2. Regrets the delay in the implementation of the measures envisaged in the plan of action;

3. Requests the Secretary-General, with expert assistance if necessary, to discuss with the Government of Equatorial Guinea the role that the United Nations could play in the implementation of the plan of action;

4. Invites the Government of Equatorial Guinea to co-operate with the Secretary-General in this respect;

5. Requests the Secretary-General to inform the Economic and Social Council at its second regular session of 1982 of the steps taken to implement the present resolution and to report further to the Commission on Human Rights at its thirty-ninth session;

6. Requests the Commission on Human Rights to review this question at its thirty-ninth session.

Economic and Social Council decision 1982/150

Adopted without vote

Oral proposal by President; agenda item 6.

Situation of human rights in Equatorial Guinea

At its 48th plenary meeting, on 27 July 1982, the Council took note of the oral report made by the representative of the Secretary-General in pursuance of Council resolution 1982/36 of 7 May 1982 on the situation of human rights in Equatorial Guinea.

Uganda

On 11 March 1982,(3) the Commission on Human Rights requested the Secretary-General to establish contact with the Government of Uganda to provide advisory services assisting it in guaranteeing human rights, especially with regard to restoring a law library for the High Court and Ministry of Justice; an expert to serve as Commissioner for the revision of Ugandan laws and the printing of revised laws; and the training of prison officers and police officials to secure application of recognized norms of treatment of prisoners. The Commission invited States, specialized agencies, United Nations organs, and humanitarian and non-governmental organizations to assist Uganda. It decided to review the question in 1983 in the light of the Secretary-General's report on the implementation of this resolution.

On 7 May,(1) the Economic and Social Council approved the Commission's decision. Originating in the Commission, the text was adopted without vote, following similar approval by the Second Committee on 3 May.

In December,(2) the Secretary-General reported on steps taken to provide the advisory services. He informed the Commission that he was awaiting Uganda's final proposal of possible projects for which assistance might be required.

Decision 1982). (1)ESC: 1982/139, 7 May, text following.
Report. (2)S-G, E/CN.4/1983/31.
Resolution (1982). (3)Commission on Human Rights (report, E/1982/12): 1982/37, 11 Mar.
Meeting record. ESC: E/1982/SR.29 (7 May).

Economic and Social Council decision 1982/139

Adopted without vote

Approved by Second Committee (E/1982/59) without vote, 3 May (meeting 15); draft by Commission on Human Rights (E/1982/12); agenda item 9.

Advisory services in the field of human rights:
assistance to Uganda

At its 29th plenary meeting, on 7 May 1982, the Council approved the decision taken by the Commission on Human Rights, in its resolution 1982/37 of 11 March 1982, to request the Secretary-General, in response to the interest expressed by the Government of Uganda, to provide consultative advisory services and other forms of 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 following areas: (a) the need for appropriate assistance to restore a law library for the High Court and Ministry of Justice; (b) the need for a qualified and experienced expert to serve as Commissioner for the revision of Ugandan laws in conformity with recognized norms of human rights and fundamental freedoms, and the printing of consolidated volumes of the revised laws; (c) the need for the training of prison officers with a view to securing the application of recognized norms of treatment of prisoners; and (d) the need for the training of police officials, particularly investigative and scientific experts.

Draft declaration on promotion of human rights

On 11 March 1982,(2) the Commission on Human Rights reiterated the right and responsibility of individuals, groups and organs of society to promote and protect the rights recognized in

international human rights instruments. It emphasized that the individual was subject only to limitations determined in such instruments and that the imposition of limitations on, or persecution or punishment of, any individual or group exercising those rights was at variance with States' obligations. It requested the Secretary-General to present the Sub-Commission on Prevention of Discrimination and Protection of Minorities with elements for a draft body of principles on the right and responsibility of individuals, groups and organs of society to promote human rights. It requested the Sub-Commission to submit a report on those principles in 1984, when it would undertake work on a draft declaration.

On 8 September,(3) the Sub-Commission, noting the Secretary-General's report,(1) reiterated the right to promote rights recognized in international instruments and deplored all attempts to prevent or punish such promotion. The Sub-Commission requested one of its members, Erica-Irene A. Daes (Greece), to prepare and submit in 1983 draft principles, taking into account information from Governments, specialized agencies, and regional intergovernmental and non-governmental organizations.

Report. (1)S-G, E/CN.4/Sub.2/1982/12.
Resolutions (1982). (2)Commission on Human Rights (report, E/1982/12 & Corr.1): 1982/30, 11 Mar. (3)SCPDPM (report, E/CN.4/1983/4): 1982/24, 8 Sep.

Proposed establishment of a new international humanitarian order

On 18 December 1982,(2) the General Assembly requested Governments that had not done so to communicate their views to the Secretary-General on the proposal for the promotion of a new international humanitarian order, advanced by Jordan in October 1981.(4) Taking note of a September 1982 report of the Secretary-General,(1) requested by the Assembly in December 1981,(3) it invited him to provide a more comprehensive report in 1983.

The resolution was adopted without vote, following similar approval by the Third (Social, Humanitarian and Cultural) Committee on 10 December. The draft was introduced by Jordan, also on behalf of Australia, Djibouti, Iraq, Italy, Morocco, Oman, Pakistan and Romania.

In his report, the Secretary-General stated that, as at 10 July, 23 Governments had submitted their views on a new international humanitarian order. All had supported the intentions underlying the proposal and several had suggested practical measures. Most Governments had stressed the complexity of the issue, and five States had suggested setting up an international commission of experts and specialists to study the question.

Following a separate initiative by the Philippines, the Assembly, in December, referred to the

Economic and Social Council a proposal for the drafting of a declaration on a new international human order (see Chapter I of this section).

Report. (1)S-G A/37/145.

Resolution (1982). (2)GA: 37/281, 18 Dec., text following.

Resolution (prior). (3)GA: 36/136, 14 Dec. 1981 (YUN 1981, p. 969).

Yearbook reference. (4)1981, p. 968.

Meeting records. GA: 3rd Committee, A/C.3/37/SR.15, 75 (19 Oct., 10 Dec.); plenary, A/37/PV.111 (18 Dec.).

General Assembly resolution 37/201

18 December 1982 Meeting 111 Adopted without vote

Approved by Third Committee (A/37/746) without vote, 10 December (meeting 75); 9-nation draft (A/C.3/37/L.80); agenda item 95.

Sponsors: Australia, Djibouti, Iraq, Italy, Jordan, Morocco, Oman, Pakistan, Romania.

New international humanitarian order

The General Assembly,

Recalling its resolution 36/136 of 14 December 1981,

Taking note of the report of the Secretary-General,

Bearing in mind that, as noted by the Secretary-General in his report, all Governments that provided their views on the proposal for the promotion of a new international humanitarian order supported the intentions underlying the proposal and the need for developing greater international awareness of humanitarian issues and more effective means of dealing with such issues,

Recognizing the need for again seeking the views of Governments that have not yet provided them to the Secretary-General,

Noting the proposal for the establishment, outside the framework of the United Nations, of an independent commission on international humanitarian issues, composed of leading personalities in the humanitarian field or having wide experience of government or world affairs,

Recognizing further that the deliberations of such a commission, if established, could be useful for further study of the proposal,

1. Requests Governments that have not yet done so to communicate their views on the proposal for the promotion of a new international humanitarian order to the Secretary-General;

2. Invites the Secretary-General to provide a more comprehensive report on the subject to the General Assembly at its thirty-eighth session;

3. Decides to review at its thirty-eighth session the question of a new international humanitarian order.

Regional arrangements

On 17 December 1982,(1) the General Assembly noted the progress achieved in promoting human rights at the regional level. It commended the Organization of African Unity (OAU) for its efforts to promote respect for human rights, and noted the African Charter on Human and Peoples' Rights (adopted by OAU in 1981). The Assembly requested the Secretary-General to submit in 1983 compiled, updated reports on the status of regional arrangements for the promotion of human rights, including a review of the exchanges of experience and information between the United Nations and regional organs and organizations, as well as ways to further those exchanges.

Adopted without vote, the 13-nation draft, introduced and orally revised by Belgium, had been similarly approved by the Third Committee on 9 December.

Resolution (1982). (1)GA: 37/172, 17 Dec., text following.

Meeting records. GA: 3rd Committee, A/C.3/37/SR.62, 63, 64, 65-71, 72, 74 (3-10 Dec.); plenary, A/37/PV.110 (17 Dec.).

General Assembly resolution 37/172

17 December 1982 Meeting 110 Adopted without vote

Approved by Third Committee (A/37/745) without vote, 9 December (meeting 72); 3-nation draft (A/C.3/37/L.72), orally revised; agenda item 12.

Sponsors: Australia, Belgium, Costa Rica, Cyprus, Egypt, France, Ghana, Guinea, Italy, Mali, Netherlands, Senegal, Togo.

Regional arrangements for the protection of human rights

The General Assembly,

Recalling its resolutions 32/127 of 16 December 1977, 33/167 of 20 December 1978, 34/171 of 17 December 1979, 35/197 of 15 December 1980 and 36/154 of 16 December 1981 concerning regional arrangements for the promotion and protection of human rights,

Noting the regional arrangements which exist in the African, American, Arab and European regions and also the efforts which are currently under way to initiate Commonwealth activities in the area of human rights,

Welcoming recent developments in the Asian region with a view to consideration of appropriate arrangements for the promotion and protection of human rights,

Noting that the United Nations and regional intergovernmental organizations exchange information and materials on the promotion and protection of human rights,

1. Notes with satisfaction the progress achieved so far in the promotion and protection of human rights at the regional level, under the auspices of the United Nations, the specialized agencies and the regional intergovernmental organizations;

2. Commends the Organization of African Unity for its continuing efforts to promote respect for the guarantees and norms of human rights and fundamental freedoms and notes with interest the African Charter on Human and Peoples' Rights and the efforts to obtain its early entry into force;

3. Requests the Secretary-General to compile and update his reports on the status of regional arrangements for the promotion and protection of human rights and to include therein a review of the exchanges of experience and information between the United Nations and regional organs and organizations for the promotion and protection of human rights, as well as ways and means to further these exchanges, and to report to the General Assembly at its thirty-eighth session.

Asia and the Pacific

From 21 June to 2 July 1982,(1) Sri Lanka hosted at Colombo a Seminar on National, Local and Regional Arrangements for the Promotion and Protection of Human Rights in the Asian Region. Organized by the Secretary-General under the United Nations programme of advisory services in human rights, this was the first such seminar held in Asia. It was arranged in line with past recommendations of the Commission on Human Rights and the General Assembly that seminars be held to discuss the establishment of regional human rights commission in regions lacking them. The agenda included an exchange of experience and information on national and local institutions for human rights promotion, discussion of existing or proposed regional arrangements elsewhere in the world, and consideration of further regional co-operation in the Asian region.

The Seminar recommended: that States members of the Economic and Social Commission for Asia and the Pacific (ESCAP) be encouraged to ratify the basic international human rights instruments; that the United Nations and other organizations consider ways of assisting Governments to prepare legislation enforcing those instruments;

that the United Nations, including ESCAP, carry out studies and research, organize seminars, symposia and conferences, and disseminate information on human rights, with the United Nations and the United Nations Educational, Scientific and Cultural Organization and United Nations information centres playing an important role.

On 17 December,(2) the Assembly took note of the Seminar's report and its conclusions and recommendations, adopted by consensus. It requested the Secretary-General to transmit the report to ESCAP members, to invite their comments, to submit the report with their comments to the Commission on Human Rights, and to report through the Economic and Social Council to the Assembly in 1984.

Adopted without vote following similar approval on 9 December by the Third Committee, the resolution was introduced by Sri Lanka on behalf of 14 countries.

Report. (1)Seminar, ST/HR/SER.A/12 (transmitted by S-G report, A/37/422).

Resolution (1982). (2)GA: 37/171, 17 Dec., text following. Meeting records. GA: 3rd Committee, A/C.3/37/SR.64, 72 (6, 9 Dec.); plenary, A/37/PV.110 (17 Dec.).

General Assembly resolution 37/171

17 December 1982 Meeting 110 Adopted without vote

Approved by Third Committee (A/37/745) without vote, 9 December (meeting 72); 14-nation draft (A/C.3/37/L.47); agenda item 12.

Sponsors: Australia, Bangladesh, Bhutan, Cyprus, India, Ireland, Kenya, Morocco, Nepal, New Zealand, Nigeria, Pakistan, Papua New Guinea, Sri Lanka.

Regional arrangements for the promotion and protection of human rights

The General Assembly,

Recalling its resolutions 34/171 of 17 December 1979 and 35/197 of 15 December 1980 on regional arrangements for the promotion and protection of human rights, as well as its resolution 36/154 of 16 December 1981, in which it requested the Secretary-General to organize a seminar at Colombo, in 1982, to consider appropriate arrangements for the promotion and protection of human rights in the Asian region and to report to the General Assembly at its thirty-seventh session,

Having considered the report of the Seminar on National, Local and Regional Arrangements for the Promotion and Protection of Human Rights in the Asian Region, held at Colombo from 21 June to 2 July 1982,

1. Expresses its deep appreciation to the Government of Sri Lanka for acting as host to the Seminar on National, local and Regional Arrangements for the Promotion and Protection of Human Rights in the Asian Region, as well as for the excellent facilities provided;

2. Takes note of the report of the Seminar, as well as of the conclusions and recommendations which it adopted by consensus;

3. Requests the Secretary-General to transmit the report of the Seminar to States members of the Economic and Social Commission for Asia and the Pacific, to invite their comments thereon and to submit the report of the Seminar, together with the comments received thereon, to the Commission on Human Rights at its fortieth session for its consideration, and to report through the Economic and Social Council to the General Assembly at its thirty-ninth session;

4. Decides to consider this question further at its thirty-ninth session.

Public information activities

The Commission on Human Rights, on 11 March 1982,(1) requested Governments to continue consideration of action to facilitate publicity for

United Nations human rights activities, with particular reference to the Commission's work in setting standards. It invited the Secretary-General to give increased attention to stimulating public interest in human rights promotion and to report to the Commission in 1983. The Commission welcomed the launching of a dissemination programme for international human rights instruments (planned by the Secretary-General to start in 1982-1983)(2) and requested him to report annually to the Commission on its implementation. It recommended that the United Nations compile translations of international instruments, including in those languages other than official United Nations ones, and invited Governments which had authorized translations to send copies to the United Nations Division on Human Rights:

The Commission requested the Secretary-General to consider establishing, in United Nations offices, particularly in developing countries, reference libraries containing material on human rights. It requested him to keep the Commission informed on the implementation of this request and other public information programmes.

Resolution (1982). (1)Commission on Human Rights (report, E/1982/12): 1982/42, 11 Mar.

Yearbook reference. (2)1981, p. 940.

Human rights violations

Situations involving alleged violations of human rights on a large scale in several countries (see below) were again examined in 1982 by the General Assembly, the Economic and Social Council and the Commission on Human Rights, as well as by special bodies and officials appointed to examine some of these situations. The Assembly and/or Council took action on South Africa and Namibia, as well as on Bolivia, Chile, El Salvador, Guatemala, Poland and the territories occupied by Israel. Situations in Cyprus, East Timor and Iran were raised before the Commission and its Sub-Commission on Prevention of Discrimination and Protection of Minorities. The problems of mass exoduses, genocide and procedures for examining human rights violations were also under study.

In addition, situations of alleged human rights violations involving the self-determination of peoples (see above) were discussed with regard to Afghanistan, Kampuchea and Western Sahara. The United Nations offered advisory services to Equatorial Guinea and Uganda, where human rights violations under former regimes had been reported.

Under a procedure established in 1970 by the Council to deal with communications alleging denial or violation of human rights,(13) the Com-

mission held closed meetings between 1 and 12 March 1982 to study confidential documents, observations submitted by States and a confidential report by a working group which had examined this material. The Commission maintained all such action confidential. On 5 March,(3) the Commission decided to set up again a working group of five of its members to examine particular situations of human rights violations referred by the Sub-Commission and those which the Commission had decided to keep under review; the group was to meet one week prior to the Commission's 1983 session. The Council approved this decision without vote on 7 May,(4) following similar approval by its Second (Social) Committee on 3 May.

The Sub-Commission's five-member Working Group on Communications, at its annual session from 2 to 13 August, also examined on a confidential basis communications alleging human rights violations. After considering the Group's report at five closed meetings between 2 and 6 September, the Sub-Commission adopted on 10 September a confidential report communicating its findings to the Commission.

On 7 September,(5) the Sub-Commission deferred until 1983 consideration of a draft resolution and an amendment(7) proposing that, as its Working Group on Communications had encountered difficulties in scrutinizing the growing number of communications on alleged human rights violations, the Sub-Commission be authorized to establish a geographically balanced working group of up to eight members, while strictly preserving the confidential nature of procedures for dealing with such communications.

On the same date,(10) the Sub-Commission requested Council authorization to continue its consideration of the effects of gross human rights violations on international peace and security (see below, under OTHER HUMAN RIGHTS QUESTIONS).

By another resolution of 7 September,(11) the Sub-Commission requested the Commission to seek Council authorization for the Sub-Commission to send one or more of its members to visit any country for which reliable allegations of gross and consistent human rights violations had been received. The purpose of the visit would be to examine such situations at first hand and to report on them to the Sub-Commission.

By a decision of 8 September,(6) the Sub-Commission expressed the view that, in order to avoid inter-State recriminations detrimental to its work, observers for States, when invited to participate on the agenda item of human rights violations, should not implicate other States in a deliberately abusive manner.

On 10 September,(12) the Sub-Commission submitted to the Commission possible terms of refer-

ence for the mandate of a United Nations High Commissioner for Human Rights (see above, under ADVANCEMENT OF HUMAN RIGHTS), who would also deal with human rights violations.

The Assembly, in two resolutions of 18 December on alternate approaches for improving the enjoyment of human rights, dealt also with the United Nations role in examining human rights violations. In the first resolution,(8) the Assembly reiterated that the international community should continue to search for solutions to mass and flagrant violations, priority being given to those situations resulting from human rights violations as detailed by the Assembly in 1977:(14) apartheid, racial discrimination, colonialism, foreign domination and occupation, aggression and threats against national sovereignty, and the refusal to recognize the right to self-determination and every nation's right to sovereignty over its wealth and natural resources. In the second resolution,(9) the Assembly noted that mass and flagrant human rights violations might threaten the peace and development of neighbouring States. It reaffirmed that human rights violations, wherever existent, were of concern to the United Nations, and urged all States to co-operate with the Commission in its study of such violations. This last request (paragraph 11) was adopted by the Third (Social, Humanitarian and Cultural) Committee by a recorded vote of 69 to 17, with 33 abstentions.

Two sets of amendments to these resolutions were presented to the Assembly which, on 18 December, decided not to take action on them. One sec.(2) sponsored by six States, would have added four paragraphs to the first resolution. In the preamble, the Assembly would have recognized that human rights violations were of concern to the United Nations wherever they existed and would have acknowledged that mass and flagrant violations might threaten international peace and development. Under two new operative provisions, States would have been urged to co-operate with the Commission in the study of violations and the Commission would have been requested to continue its efforts in 1983 to improve the United Nations capacity to act in cases of serious violations.

The second set of amendments,(1) sponsored by 10 nations, would have specified, in the tenth preambular paragraph and operative paragraph 4 of the second resolution, that the United Nations was concerned with "mass and flagrant" violations. The ninth preambular paragraph and paragraph 2, which stated that the human rights violations of one State might threaten the peace of neighbouring States, would have been reworded to have the Assembly note that human rights violations might threaten international peace. Paragraph 11 would have changed from urging States to co-operate with the Commission in its study of

human rights violations to inviting them to cooperate with the existing structures of the United Nations system in the promotion and protection of human rights as well the study of situations of mass and flagrant violations. The Commission, which was requested in paragraph 12 to continue its efforts to improve the United Nations capacity to act in cases of serious human rights violations, instead would have been requested only to continue consideration of such cases.

An oral proposal by the Byelorussian SSR to delete paragraphs 11 and 12 was not acted on by the Third Committee. Deletion of paragraph 12 and an amendment to paragraph 2 (to delete "of neighbouring States, of a region") was suggested by Argentina. Morocco proposed that paragraph 12 be modified to reflect the true state of affairs.

In voting against the second resolution, the USSR, recalling the 1977 Assembly resolution(14) according priority to mass and flagrant human rights violations, stated that the resolution under consideration was an attempt to cancel out the provision that human rights of individuals and peoples were interrelated and indivisible. India said it had difficulties with paragraphs 2 and 11. Difficulties with the latter were stated by Indonesia which cast a negative vote in the Assembly after having abstained in the Committee. Reservations to both paragraphs were voiced by the Philippines which abstained. Austria, in support of the resolution, expressed serious concern about any kind of human rights violations, not only mass and flagrant ones, and stated that any limitations or conditions in regard to the protection of human rights were unacceptable.

Introducing the text in the Committee, Ireland said the statement in paragraph 2, that human rights violations in one State might threaten the peace and development of neighbouring States, was particularly true in the case of South Africa.

Amendments not acted upon. (1)Algeria, Argentina, Bolivia, Cuba, Ethiopia, India, Indonesia, Pakistan, Panama, Yugoslavia, A/37/L.56; (2)Australia, Belgium, Greece, Ireland, Italy, Netherlands, A/37/L.57.

Decisions (1982). (3)Commission on Human Rights (report, E/1982/12): 1982/103, 5 Mar. (4)ESC: 1982/140, 7 May, text following. SCPDPM (report, E/CN.4/1983/4): (5)1982/9, 7 Sep.; (6)1982/12, 8 Sep.

Draft resolution and amendment deferred. (7)Special Rapporteurs, E/CN.4/Sub.2/1982/L.6, E/CN.4/Sub.2/1982/L.31.

Resolutions (1982). GA, 18 Dec.: (8)37/199, para. 3; (9)37/200. SCPDPM: (10)1982/11, 7 Sep.; (11)1982/14, 7 Sep.; (12)1982/27, 10 Sep.

Resolutions (prior). (13)ESC: 1503(XLVIII), 27 May 1970 (YUN 1970, p. 530). (14)GA: 32/130, 16 Dec. 1977 (YUN 1977, p. 734).

Meeting record. ESC: E/1982/SR.28 (7 May).

Economic and Social Council decision 1982/140

Adopted without vote

Approved by Second Committee (E/1982/59) without vote, 3 May (meeting 15); draft by Commission on Human Rights (E/1982/12); agenda item 9.

General decision concerning the establishment of a working group of the Commission on Human Rights to examine situations referred to the Commission under Economic and Social Council resolution 1503(XLVIII) and those situations of which the Commission is seized

At its 29th plenary meeting, on 7 May 1982, the Council approved the decision taken by the Commission on Human Rights, in its decision 1982/103 of 5 March 1982, to set up a working group composed of five of its members to meet for one week prior to the thirty-ninth session 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 at its thirty-fifth session under Economic and Social Council resolution 1503(XLVIII) of 27 May 1970 and those situations which the Commission had decided to keep under review.

Africa

South Africa and Namibia

Working Group report. The Ad Hoc Working Group of Experts on Southern Africa, established in 1967 by the Commission on Human Rights,(11) submitted a progress report in January 1982 on developments concerning policies and practices violating human rights in South Africa and Namibia.(3) The report was based mainly on information received in the form of testimony and written communications from individuals and organizations, as well as on the analysis of published information. No conclusions or recommendations were formulated since they were to be included in the final report in 1983.

Action by the Commission on Human Rights. By two resolutions of 25 February 1982, the Commission on Human Rights dealt with the human rights situation in South Africa and Namibia. By the first,(4) after examining the Working Group's progress report, it expressed deep indignation at the continuing human rights violations there. It condemned the so-called "granting of independence" to the Ciskei as a denial of the right of self-determination and the impediments South Africa had placed in the way of negotiations for an independent Namibia. With regard to the situation in South Africa, the Commission expressed profound indignation at child labour, torture and abuse of arrested and imprisoned persons, oppression of black women and children, violation of black workers' trade union rights, and torture and murder of political prisoners. It demanded that South Africa cease all human rights violations, especially in regard to black children and women. The Working Group was requested to continue its study of violations in South Africa and Namibia, and to report in 1983. The Secretary-General was requested to give wide publicity to the findings. This resolution was adopted by a roll-call vote of 42 to none, with 1 abstention.

By the second resolution,(5) the Commission reaffirmed the Namibian people's right to self-determination by free elections under United Nations supervision, as outlined in two 1978 Security Council resolutions,(10) and again welcomed

the readiness of the South West Africa People's Organization to negotiate for Namibia's independence under United Nations auspices. It demanded that South Africa comply with all United Nations resolutions on Namibia, cease torture and ill-treatment of Namibian political detainees and prisoners, and grant captured combatants prisoner-of-war status. The Commission condemned the increasing atrocities against defenceless people, especially women and children. It requested South Africa to allow a first-hand investigation by the Working Group of the treatment of prisoners in South Africa and Namibia, and called on South Africa to cease violating the territorial integrity of Angola and other African States. This resolution was adopted by a roll-call vote of 37 to none, with 6 abstentions.

Aspects of the human rights situation in South Africa and Namibia were also dealt with in another 25 February resolution,(6) on the self-determination of peoples (see above, under CIVIL AND POLITICAL RIGHTS).

Sub-Commission action. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, in a resolution of 7 September (see above, under CIVIL AND POLITICAL RIGHTS), urged that the International Labour Office be requested to continue its study of indentured labour in South Africa and that more concrete measures be taken against apartheid, including economic, commercial, political and diplomatic sanctions.(9)

On 25 August,(1) the Sub-Commission decided to transmit its condolences to the family of Ruth First, a South African national and an opponent of apartheid who had been assassinated in Mozambique on 17 August. The Sub-Commission, expressing its shock, dismay and profound sorrow on learning of her assassination, stated the conviction that her work would go on and that the ultimate elimination of apartheid would not be prevented by such contemptible acts.

General Assembly action. On 3 December, in a resolution on the self-determination of peoples,(7) the General Assembly strongly condemned the widespread massacres of defenceless people, including women and children, by South Africa, and demanded the immediate release of children detained in Namibian and South African prisons.

In a 9 December resolution,(8) South Africa was strongly condemned for the repression, torture and killings of workers, schoolchildren and other opponents of apartheid and for the imposition of death sentences on freedom fighters.

The Assembly and its Special Committee against Apartheid also dealt with a number of other human rights aspects of the situation in South Africa during their consideration of apartheid policies, including the effects of those policies on the

country's internal situation (see POLITICAL AND SECURITY QUESTIONS, Chapter V). Several human rights matters were also raised in connection with Namibia (see TRUSTEESHIP AND DECOLONIZATION, Chapter III).

Other action. The Governing Council of the United Nations Environment Programme (UNEP), on 28 May,(2) reaffirmed its solidarity with the victims of apartheid and requested the UNEP Executive Director to continue to monitor developments pertaining to environmental impacts of apartheid.

Decisions (1982). (1)SCPDPM (report, E/CN.4/1983/4): 1982/6, 25 Aug. (2)UNEP Council (report, A/37/25): 10/7, 28 May.

Report. (3)Working Group of Experts, E/CN.4/1485.

Resolutions (1982). Commission on Human Rights (report, E/1982/12), 25 Feb.: (4)1982/8, (5)1982/9,(6)1982/16. GA: (7)37/43, paras. 19 & 26, 3 Dec.; (8)37/69 A, para. 1, 9 Dec. (9)SCPDPM: 1982/15, para. 10, 7 Sep.

Resolutions (prior). (10): SC: 435(1978), 29 Sep. 1978, and 439(1978), 13 Nov. 1978 (YUN 1978, pp. 915 & 916). Yearbook reference. (11)1967, p. 509.

Foreign support of South Africa

Action by the Commission on Human Rights. On 25 February 1982,(4) by a roll-call vote of 32 to 4 (France, Germany, Federal Republic of, United Kingdom, United States), with 7 abstentions, the Commission on Human Rights adopted a resolution on the adverse consequences for the enjoyment of human rights of assistance to racist régimes in southern Africa. Affirming the South African and Namibian peoples' right to self-determination, it welcomed the declarations adopted by the May 1981 International Conference on Sanctions against South Africa(9) as well as the General Assembly's proclamation of 1982 as International Year of Mobilization for Sanctions against South Africa. The Commission again requested States to end collaboration and assistance, including military and nuclear supplies, to South Africa.

Having examined a July 1981 report of the Sub-Commission's Special Rapporteur, Ahmed Mohamed Khalifa (Egypt), updating a list of banks, transnational corporations (TNCs) and other organizations assisting South Africa,(10) the Commission appealed again to the countries in which those companies were based to end trading, manufacturing and investment in South Africa and Namibia. The Commission welcomed the Sub-Commission's September 1981 decision to mandate the Special Rapporteur to continue updating his report for annual review. States, specialized agencies and non-governmental and other organizations were again called upon to give the report wide publicity.

The Group of Three, set up under the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid (see below), was requested to examine whether the actions of

TNCs operating in South Africa came under the definition of the crime of apartheid and whether or not legal action could be taken under the Convention.

In another resolution of 25 February,(5) on the right of the South African and Namibian peoples to self-determination, the Commission condemned the actions of States, especially major trading partners, which had increased their political, economic and military collaboration with South Africa, despite United Nations decisions and international appeals. In a 10 March resolution on slavery,(6) the Commission, recognizing apartheid as a slavery-like practice, endorsed the call for mandatory economic sanctions against South Africa, appealing to the Security Council members to support such proposals.

Economic and Social Council action. On 7 May,(1) the Economic and Social Council approved the Sub-Commission's September 1981 decision(10) to give the Special Rapporteur a mandate to continue his update of the list of banks, TNCs and other organizations assisting the racist regimes of southern Africa and to submit the revised report to the Commission through the Sub-Commission. Adopted by 37 votes to 5, with 10 abstentions, the Council decision originated in a draft recommended by the Commission and was approved by the Second (Social) Committee on 3 May by a recorded vote of 29 to 5 (Belgium, France, Germany, Federal Republic of, United Kingdom, United States), with 9 abstentions.

Sub-Commission action. On 7 September,(8) the Sub-Commission, having considered the June 1982 report of its Special Rapporteur which updated the list,(3) emphasized the need for an annual update of the report, as mandated by a May 1981 Council decision.(2) The Special Rapporteur was invited to use all available material from the United Nations, States, specialized agencies and organizations to demonstrate the volume and nature of assistance to the South African regime. The Secretary-General was requested to provide funds and the use of computers to facilitate the annual update, and was invited to issue the report as a United Nations publication and give it the widest publicity and dissemination. The Sub-Commission decided to consider the adverse consequences of assistance to southern Africa as a high-priority matter in 1983.

General Assembly action. On 3 December,(7) by a recorded vote of 121 to 10, with 14 abstentions, the General Assembly reaffirmed the right of the peoples of southern Africa to self-determination, and appealed to all States to co-operate with the liberation movements recognized by the United Nations and the Organization of African Unity. It vigorously condemned the collaboration with South Africa by certain Western States, Israel and other States, as well as TNCs and other organizations, naming them as accomplices in apartheid. Affirming the importance of updating the Special Rap-

porteur's report, the Assembly called on the countries where the banks, TNCs and other organizations listed were based to stop their trading, manufacturing and investing in South Africa and Namibia. All specialized agencies, particularly the International Monetary Fund and the World Bank, were urgently requested to refrain from granting loans. The Assembly decided to give high priority in 1984 to consideration of the adverse consequences of assistance to South Africa.

The Security Council was urged to consider complete and mandatory sanctions against South Africa, including the prohibition of technological assistance or collaboration in the manufacture of arms, the cessation of all collaboration in the nuclear field, the prohibition of loans, investments and trade, and an oil embargo.

The text was approved on 27 October by the Third (Social, Humanitarian and Cultural) Committee by 113 votes to 10, with 15 abstentions.

Casting a negative vote, the Federal Republic of Germany said the resolution contained a number of unacceptable or difficult elements, in particular paragraph 12 which, it felt, seriously affected the integrity of specialized agencies.

Israel said its being singled out in paragraph 3 for alleged collaboration with South Africa made a farce of the resolution. The United States regarded the text, in particular the call for support of armed struggle, as counter-productive and as a rejection of black groups in South Africa working for peaceful change; it also rejected the view that foreign investment perpetuated apartheid or South Africa's presence in Namibia.

Also voting against the resolution, the United Kingdom believed that the Special Rapporteur's report had serious defects and that the Secretary-General's suggestion to eliminate it should be accepted. The Netherlands said the report was based on the assumption that the activities of Western enterprises in South Africa were detrimental to human rights in that country. The Netherlands also could not support some of the measures proposed and it felt that certain assertions in the tenth and eleventh preambular paragraphs were groundless.

Objections to the report were also voiced by Australia which abstained. Also abstaining, Portugal objected in particular to the resolution's tenth and eleventh preambular paragraphs and to operative paragraphs 3, 4, 5 and 12. Ireland could not accept the seventh to tenth preambular paragraphs and operative paragraphs 3, 4 and 12.

Though voting in favour, Botswana, Chile, Lesotho and Swaziland reserved their position on paragraph 12. Botswana, Lesotho and Swaziland also had reservations on the call for sanctions in paragraph 5, in particular the prohibition of loans and investments and a petroleum embargo. Brazil had reservations with regard to the Special Rap-

porteur's report and the call for a stop to trading, manufacturing and investment in South Africa and Namibia.

Costa Rica, Turkey and Uruguay reserved their position on paragraph 3 condemning the collaboration of certain States. Chile and the Dominican Republic voiced reservations on the paragraphs referring selectively to certain States. The United States said if some countries were referred to, all countries engaging in trade with South Africa should be mentioned; sanctions would not encourage a peaceful evolution away from apartheid, but would have the opposite effect.

The USSR, on the other hand, regarded the resolution as particularly significant in the struggle against racism and colonialism, and for realization of the right to self-determination.

Introducing the text on behalf of the African Group of Member States, Guinea said it reaffirmed major principles in various international instruments which argued in favour of total isolation of racist South Africa.

Decision (1982). ⁽¹⁾ESC: 1982/128, 7 May, text following.
Decision (prior). ⁽²⁾ESC: 1981/141, 8 May 1981 (YUN 1981, p. 946).
Report. ⁽³⁾Special Rapporteur, E/CN.4/Sub.2/1982/10.
Resolutions (1982). Commission on Human Rights (report, E/1982/12): ⁽⁴⁾1982/12, 25 Feb.; ⁽⁵⁾1982/16, para. 10, 25 Feb.; ⁽⁶⁾1982/20, para. 5, 10 Mar. ⁽⁷⁾GA: 37/39, 3 Dec., text following. ⁽⁸⁾SCPDP (report, E/CN.4/1983/4): 1982/16, 7 Sep.
Yearbook references. 1981, ⁽⁹⁾p. 165, ⁽¹⁰⁾p. 946.
Meeting records. ESC: E/1982/SR.28 (7 May). GA: 3rd Committee, A/C.3/37/SR.3-13, 18, 24, 25 (30 Sep.-27 Oct.); plenary, A/37/PV.90 (3 Dec.).

Economic and Social Council decision 1982/128

7 May 1982 Meeting 28 37-5-10

Approved by Second Committee (E/1982/59) by recorded vote (29-5-9), 3 May (meeting 15); draft by Commission on Human Rights (E/1982/12); agenda item 9.

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

At its 28th plenary meeting, on 7 May 1982, the Council took note of resolution 1982/12 of 25 February 1982 of the Commission on Human Rights, and approved the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to give a mandate to Mr. Ahmed Khalifa, Special Rapporteur, to continue to update the list of banks, transnational corporations and other organizations giving assistance to the racist and colonial régimes of southern Africa and to submit the revised report to the Commission through the Sub Commission.

General Assembly resolution 37/39

3 December 1982 Meeting 90 121-10-14 (recorded vote)

Approved by Third Committee (A/37/579) by vote (113-10-15), 27 October (meeting 24); draft by Guinea, for African Group (A/C.3/37/L.15); agenda item 75.

Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa
The General Assembly,

Recalling its resolutions 3382(XXX) and 3383(XXX) of 10 November 1975, 33/23 of 29 November 1978 and 35/32 of 14 November 1980.

Recalling also its resolutions 3201(S-VI) and 3202(S-VI) of 1 May 1974, containing the Declaration and the Programme of Action on the Establishment of a New International Economic Order, and 3281(XXIX)

of 12 December 1974, containing the Charter of Economic Rights and Duties of States,

Mindful of its resolution 3171(XXVIII) of 17 December 1973 relating to permanent sovereignty over natural resources of both developing countries and territories under colonial and foreign domination or subjected to the apartheid régime,

Recalling its resolutions on military collaboration with South Africa, as well as Security Council resolutions 418(1977) of 4 November 1977 and 421(1977) of 9 December 1977,

Taking into account, in particular, the relevant decisions adopted by the Council of Ministers of the Organization of African Unity at its thirty-seventh ordinary session, held at Nairobi from 15 to 26 June 1981,

Taking note of the revised report prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa,

Having noted with concern that the Secretary-General, in his report on the special review of the ongoing work programme of the United Nations, concluded that the annual updated report on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa had been identified for termination in the proposed programme budget for the biennium 1982-1983,

Reaffirming that any collaboration with the racist régime of South Africa constitutes a hostile act against the oppressed peoples of southern Africa in their struggle for freedom and independence and a contemptuous defiance of the United Nations and of the international community,

Considering that such collaboration enables South Africa to acquire the means necessary to carry out acts of aggression and blackmail against independent African States,

Deeply concerned that the major Western and other trading partners of South Africa continue to collaborate with the racist régime and that their collaboration constitutes the main obstacle to the liquidation of that racist régime and the elimination of the inhuman and criminal system of apartheid,

Alarmed at the continued collaboration of certain Western States and Israel with the racist régime of South Africa in the nuclear field,

Regretting that the Security Council has not been in a position to take binding decisions to prevent any collaboration in the nuclear field with South Africa,

Recognizing that the highest priority must be accorded to international action to secure the full implementation of the resolutions of the United Nations for the eradication of apartheid and the liberation of the peoples of southern Africa,

Conscious of the continuing need to mobilize world public opinion against the political, military, economic and other assistance given to the racist régime of South Africa,

1. Reaffirms the inalienable right of the oppressed peoples of southern Africa to self-determination, independence and the enjoyment of the natural resources of their territories;

2. Again reaffirms the right of those same peoples to dispose of those resources for their greater well-being and to obtain just reparation for the exploitation, depletion, loss or depreciation of those natural resources, including reparation for the exploitation and abuse of their human resources;

3. Vigorously condemns the collaboration of certain Western States, Israel and other States, as well as the transnational corporations and other organizations which maintain or continue to increase their collaboration with the racist régime of South Africa, especially in the political, economic, military and nuclear fields, thus encouraging that régime to persist in its inhuman and criminal policy of brutal oppression of the peoples of southern Africa and denial of their human rights;

4. Reaffirms once again that States and organizations which give assistance to the racist régime of South Africa become accomplices in the inhuman practices of racial discrimination, colonialism and apartheid perpetrated by that régime, as well as in acts of aggression against the liberation movements and neighbouring States;

5. Requests the Security Council urgently to consider complete and mandatory sanctions under Chapter VII of the Charter of the United Nations against the racist régime of South Africa, in particular:

(a) The prohibition of all technological assistance or collaboration in the manufacture of arms and military supplies in South Africa;

(b) The cessation of all collaboration with South Africa in the nuclear field;

(c) The prohibition of all loans to, and all investments in, South Africa and the cessation of any trade with South Africa;

(d) An embargo on the supply of petroleum, petroleum products and other strategic goods to South Africa;

6. Appeals to all States, specialized agencies and non-governmental organizations to extend all possible co-operation to the liberation movements of southern Africa recognized by the United Nations and the Organization of African Unity;

7. Expresses its appreciation to the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for his revised report;

8. Affirms that the updating of the report on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa is of the greatest importance to the cause of fighting apartheid and other violations of human rights in South Africa and Namibia and should continue to be an activity in the ongoing work programme for 1982-1983;

9. Calls upon the Secretary-General to give all necessary assistance to the Special Rapporteur with a view to making available to him the computer services essential for the more detailed updating of the list contained in his report;

10. Calls 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 in the Territory of Namibia illegally occupied by the racist Pretoria regime;

11. Requests the Secretary-General to transmit the revised report to the Special Committee against Apartheid, the United Nations Council for Namibia, other bodies concerned within the United Nations system and regional international organizations;

12. Urgently requests all specialized agencies, particularly the International Monetary Fund and the World Bank, to refrain from granting loans of any type to the racist régime in South Africa;

13. Calls upon all States, specialized agencies and regional, inter-governmental and other organisations concerned to give wide publicity to the revised report;

14. Invites the Commission on Human Rights to give high priority at its thirty-ninth session to the consideration of the revised report;

15. Decides to consider at its thirty-ninth session, as a matter of high priority, the item entitled "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa", in the light of any recommendations which the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Commission on Human Rights, the Economic and Social Council and the Special Committee against Apartheid may wish to submit to it.

Recorded vote in Assembly as follows:

In favour: Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Lucia, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Upper Volta, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Belgium, Canada, France, Germany, Federal Republic of, Israel, Italy, Luxembourg, Netherlands, United Kingdom, United States.

Abstaining: Australia, Austria, Denmark, Finland, Greece, Iceland, Ireland, Ivory Coast, Japan, New Zealand, Norway, Portugal, Spain, Sweden.

1973 Convention against apartheid

As at 31 December 1982, there were 69 parties to the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid.⁽⁷⁾

During the year, three States (Algeria, Antigua and Barbuda, and Sri Lanka) and Namibia (represented by the United Nations Council for Namibia) became parties.⁽¹⁾

Activities of the Group of Three. The Group of Three, established under article IX of the Convention to consider reports by States parties on measures they had adopted to implement the Convention's provisions, held its fifth session at Geneva from 25 to 29 January 1982.⁽²⁾ The Group, consisting of Bulgaria, Mexico and Zaire for the 1982 session, considered first (initial) reports from Barbados, Mexico and Mongolia. Second periodic reports were filed by Iraq and Qatar, and third periodic reports by the German Democratic Republic, Hungary, the Syrian Arab Republic, the USSR and the United Arab Emirates.⁽⁴⁾ Representatives of these States, except for Barbados, attended the meetings to supplement the information in the reports.

In its conclusions and recommendations, the Group again expressed the opinion that the presence of States' representatives at its meetings in connection with the consideration of reports should be continued. It urged States to submit reports that provided full information on the measures adopted to implement article IV of the Convention (on suppression or prevention of encouragement of apartheid and prosecution and punishment for the crime of apartheid), and to follow guidelines established by the Group regarding form and content.

The Group again appealed for the strengthening of international co-operation to implement fully the decisions of the Security Council and other United Nations organs aimed at preventing, suppressing and punishing apartheid; in that context, it drew attention to the importance of strengthening assistance to national liberation movements in southern Africa.

The Group reiterated the desirability of disseminating more information about the Convention, its implementation and the work of the Group. It again recommended that the list of individuals, organizations, institutions and State representatives responsible for crimes of apartheid, drawn up by the Commission on Human Rights in accordance with article X, be brought to the attention of all United Nations Members and given the widest publicity.

Action by the Commission on Human Rights. On 25 February,⁽⁵⁾ the Commission on Human Rights again called on States to ratify or accede to the Convention. Taking note of the Group's

conclusions and recommendations, it urged States to file their reports, following recommended guidelines. It called on States parties to strengthen their co-operation to implement United Nations resolutions on apartheid and stated the desirability of disseminating information on the Convention and the work of the Group. The Commission decided that the Group should meet for no more than five days before its 1983 session.

The resolution was adopted by a roll-call vote of 32 to none, with 11 abstentions.

General Assembly action. By a 3 December 1982 resolution,⁽⁶⁾ the General Assembly, taking note of the Secretary-General's September report on the status of the Convention,⁽³⁾ also appealed to States parties to submit their reports as soon as possible and appealed for additional ratifications. The Assembly called on States parties and United Nations organs to submit their views on the Group's recommendations for implementing the Convention's provisions. It invited the Commission to expand periodically the list of individuals and organizations deemed responsible for crimes of apartheid and called on States parties to provide relevant information and to prosecute those responsible. The Assembly requested the Secretary-General to distribute the list, and invited the Special Committee against Apartheid and the Centre against Apartheid to publicize it. The Secretary-General was requested to disseminate information on the Convention and to submit a report on its implementation in 1983. The Assembly requested the Commission to take into account that States giving assistance to South Africa became accomplices in apartheid, and called on States to participate actively in the 1983 Second World Conference to Combat Racism and Racial Discrimination.

The resolution was adopted by a recorded vote of 124 to 1, with 22 abstentions, following approval of the orally revised text by the Third Committee on 27 October by a recorded vote of 112 to 1, with 22 abstentions. The draft had been orally amended by Nigeria to add a preambular paragraph expressing concern over the widespread torture and ill-treatment of political prisoners and trade unionists in South Africa leading to deaths in detention, and an operative paragraph inviting the Special Committee against Apartheid and the Centre against Apartheid to publicize the list of those deemed responsible for crimes of apartheid.

Casting a negative vote, the United States said it considered the Convention to be fatally flawed and could not encourage its ratification, nor could it accept the view that apartheid was a crime against humanity in the context of international law.

Explaining the abstentions of the European Community members, Denmark said they did not believe that the Convention contributed effectively

to the elimination of apartheid because of various legal defects, including its very imprecise definition of possible violations. With regard to paragraphs 9 and 10 of the resolution which endowed a United Nations body with controversial responsibility for implementing the Convention, Denmark noted that the Convention was only applicable to States which had ratified it and their citizens.

Also abstaining, Portugal said the resolution contained provisions which were not consistent with Portugal's legal system. Australia said it encountered legal and constitutional problems which hampered the application of some Convention provisions, and Austria abstained because it was not a party to the Convention.

Though voting in favour, Turkey stated serious legal problems with the Convention, as did Uruguay, the latter with regard in particular to the legal competence of States parties in respect of acts by non-nationals committed outside the territory of those States and the mandate to implement the Convention conferred on a United Nations organ, many of whose members were not parties to the Convention.

Introducing the resolution on behalf of 31 nations, the German Democratic Republic said its main purpose was to enhance the Convention's effectiveness and to implement effective measures against the apartheid régime, including universal sanctions.

Publication. ⁽¹⁾Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1982 (ST/LEG/SER.E/2), Sales No. E.83.V.6.

Reports. ⁽²⁾Group of Three, E/CN.4/1507; ⁽³⁾S-G, A/37/149 & Corr.1; ⁽⁴⁾States parties, E/CN.4/1505 & Add.1-10.

Resolutions (1982). ⁽⁵⁾Commission on Human Rights (report, E/1982/12): 1982/10, 25 Feb. ⁽⁶⁾GA: 37/47, 3 Dec., text following.

Resolution (prior). ⁽⁷⁾GA: 3068(XXVIII), annex, 30 Nov. 1973 (YUN 1973, p. 103).

Meeting records. GA: 3rd Committee, A/C.3/37/SR.3-13, 18, 24, 25 (30 Sep.-27 Oct.); plenary, A/37/PV.90 (3 Dec.).

General Assembly resolution 37/47

3 December 1982 Meeting 90 124-1-22 (recorded vote)

Approved by Third Committee (A/37/581) by recorded vote (112-1-22), 27 October (meeting 24); 31-nation draft (A/C.3/37/L.12), orally amended by Nigeria and orally revised accordingly; agenda item 80 (c).

Sponsors: Afghanistan, Algeria, Angola, Benin, Bulgaria, Cape Verde, Congo, Cuba, Czechoslovakia, Democratic Yemen, Ecuador Ethiopia, German Democratic Republic, Ghana, Guinea-Bissau, Guyana, Hungary, Iraq, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Mongolia, Mozambique, Rwanda, Syrian Arab Republic, Uganda, Ukrainian SSR, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

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,

Convinced that the Declaration and the Programme of Action adopted by the World Conference to Combat Racism and Racial Discrimination, as well as the programme of activities to be undertaken during the second half of the Decade for Action to Combat Racism and Racial Discrimination, adopted by the General Assembly in its

resolution 34/24 of 15 November 1979, and their full implementation will contribute to the final eradication of apartheid and all other forms of racism and racial discrimination.

Reaffirming its conviction that apartheid constitutes a total negation of the purposes and principles of the Charter of the United Nations and is a gross violation of human rights and a crime against humanity, seriously threatening international peace and security,

Strongly condemning South Africa's continued policy of apartheid, repression and "bantustanization" and its continued illegal occupation of Namibia, thereby perpetuating on Namibian territory its odious policy of apartheid, racial discrimination and fragmentation,

Gravely concerned over the widespread torture and ill-treatment of political prisoners and trade unionists detained by the racist régime of South Africa, leading to the death in detention of many prisoners, including Neil Aggett, Tshifwa Muofhe and Ernest Moabi Dipale,

Deeply concerned about South Africa's repeated acts of aggression 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 of the United Nations are vital in order to compel the racist régime of South Africa to abandon its policy of apartheid,

Recalling its resolutions 36/172 A to P of 17 December 1981, in particular resolution 36/172 B in which it proclaimed the year 1982 International Year of Mobilization for Sanctions against South Africa,

Stressing the need to disseminate on a wider basis more information on the crimes committed by the racist régime of South Africa, taking into consideration the recommendation contained in the documents adopted by the International Seminar on Publicity and the Role of Mass Media in the International Mobilization against Apartheid, held at Berlin, German Democratic Republic, from 31 August to 2 September 1981,

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,

Commending the work of the Preparatory Sub-committee for the Second World Conference to Combat Racism and Racial Discrimination and the recommendations contained in its report to the Economic and Social Council,

Underlining that ratification of and accession to the International Convention on the Suppression and Punishment of the Crime of Apartheid 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 goals of the Decade for Action to Combat Racism and Racial Discrimination,

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, in particular those that have presented their second reports, and appeals to those States parties that have not yet done so to submit their reports as soon as possible;

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. Appreciates the constructive role played by the Group of Three of the Commission on Human Rights, established in accordance with article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid, 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. Again calls upon all States parties to the Convention and the competent United Nations organs to consider the conclusions and recommendations of the Group of Three contained in its reports and to submit their views and comments to the Secretary-General;

8. 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 of those against whom or which legal proceedings have been undertaken;

9. Requests the Commission on Human Rights to take into account General Assembly resolutions 33/23 of 29 November 1978 and 35/32 of 14 November 1980, as well as relevant documents of the Commission end its subsidiary organs reaffirming, *inter alia*, that States giving assistance to the racist régime of South Africa become accomplices in the inhuman practices of racial discrimination and apartheid;

10. Calls upon all States parties to the Convention and competent United Nations organs to continue to provide the Commission on Human Rights, through the Secretary-General, with information relevant to the periodic compilation of the above-mentioned list, as well as with information concerning the obstacles that prevent the effective suppression and punishment of the crime of apartheid;

11. 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 means of mass communication:

12. Invites the Special Committee against Apartheid and the Centre against Apartheid of the Secretariat to publicize the above-mentioned list and related particulars as widely as possible;

13. 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 through denouncing the crimes committed by the racist régime of South Africa;

14. Requests the Secretary-General to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a view to further promoting ratification or accession to the Convention;

15. Calls upon all States to participate actively in the Second World Conference to Combat Racism and Racial Discrimination, to be held in 1983, and to contribute to achieving effective results at that Conference;

16. 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 International Convention on the Suppression and Punishment of the Crime of Apartheid.

Recorded vote in Assembly as follows:

In favour: Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Lucia, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Uzbekistan, USSR, USSR, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: United States.

Abstaining: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of Greece, Iceland, Ireland, Italy, Japan, Luxembourg, Malawi, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, United Kingdom.

Violations of trade union rights

In 1982, the Ad Hoc Working Group of Experts on Southern Africa continued to study allegations of infringements of trade union rights in South Africa, in response to a May 1981 resolution⁽⁷⁾ of the Economic and Social Council. The Group submitted two reports to the Commission on Human Rights that included information-conveyed to the Council by Secretariat notes-on suppression of the right to organize trade unions and persecution of workers because of their activities, particularly as a consequence of strikes.

In the first report,⁽³⁾ the Group studied the implications of the reforms proposed by the Wiehahn Commission on industrial relations and the subsequent enactment of the Industrial Conciliation Amendment Act of 1979, which for the first time recognized the right of black workers to join trade unions.

In the second report,⁽⁴⁾ the Group dealt with allegations originating from the International Confederation of Free Trade Unions⁽⁸⁾ and transmitted to it by the Council in May 1981.⁽¹⁾ After summarizing international standards and South African legislation, the Group examined specific incidents of detention, prohibition of fund raising, and police and State interference in industrial disputes. The Group concluded that South Africa, in each case examined, had violated international standards. It recommended that the Council demand that South Africa recognize trade union rights, release imprisoned trade unionists, lift the ban on fund raising by the Federation of South African Trade Unions, and ensure the impartiality of the Government and police in labour disputes.

The Commission on Human Rights, in its 25 February resolution⁽⁵⁾ on human rights violations in southern Africa (see above), expressed its profound indignation over the violation of international standards concerning trade union rights for black workers in South Africa.

Economic and Social Council action. By a resolution of 7 May,⁽⁶⁾ the Economic and Social Council, taking note of the reports of the Working Group, demanded the immediate recognition of trade union rights for the entire population of South Africa. It called again for the immediate release of all imprisoned trade unionists, and demanded the lifting of the ban on fund raising by the Federation of South African Trade Unions and the cessation of all government and police interference in labour disputes. The Council requested the Group to consult with the International Labour Organisation, the Special Committee against Apartheid and international and African trade union confederations.

Adopted without vote, the 15-nation draft, introduced by Nigeria, had been similarly approved

by the Second (Social) Committee on 3 May. The draft was orally amended by the United Kingdom to state, in the fifth preambular paragraph, that certain trade union rights violations had "persisted" rather than "increased", and, in operative paragraph 4, to call for the release of "all the imprisoned trade unionists" rather than "all trade unionists in prison".

Report of the Committee against Apartheid. The Special Committee against Apartheid, in a special report to the General Assembly and the Security Council in November on trade union action against apartheid,⁽²⁾ stated that despite legislation intended to exercise strict control over African trade unions, they had rapidly grown in strength in recent years. Stressing the need for urgent international action, the Committee recommended that the Assembly authorize the organization in 1983 of an international conference of trade unions on sanctions and other actions against the apartheid régime in South Africa, that it make financial provision for the conference, and that it appeal to all Governments and organizations to support the black trade union movement.

Decision. ⁽¹⁾ESC: 1981/155, 8 May 1981 (YUN 1981, p. 950).
 Reports. ⁽²⁾Committee against Apartheid, A/37/22Add.2; Working Group of Experts, ⁽³⁾E/CN.4/1485 (excerpts annexed to Secretariat note, E/1982/31), ⁽⁴⁾E/CN.4/1486 (transmitted by Secretariat note, E/1982/47).
 Resolutions (1982). ⁽⁵⁾Commission on Human Rights (report, E/1982/12): 1982/8, para. 5 (d), 25 Feb. ⁽⁶⁾ESC: 1982/40, 7 May, text following.
 Resolution (prior). ⁽⁷⁾ESC: 1981/41, 8 May 1981 (YUN 1981, p. 950).
 Yearbook reference. ⁽⁸⁾1981, p. 950.
 Meeting record. ESC: E/1982/SR.28 (7 May).

Economic and Social Council resolution 1982/40

7 May 1982 Meeting 28 Adopted without vote

Approved by Second Committee (E/1982/59) without vote, 3 May (meeting 16); 15-nation draft (E/1982/C.2/L.12), orally amended by United Kingdom, agenda item 9.

Sponsors: Bangladesh, Benin, Bulgaria, Costa Rica, Ethiopia, India, Kenya, Liberia, Libyan Arab Jamahiriya, Mali, Nigeria, Pakistan, Sierra Leone, Sudan, Yugoslavia.

Report of the Ad Hoc Working Group of Experts of the Commission on Human Rights on allegations of infringements of trade union rights in the Republic of South Africa

The Economic and Social Council,

Recalling its resolution 1981/41 of 8 May 1981,

Recalling its decision 1981/155 of 8 May 1981, by which it transmitted to the Ad Hoc Working Group of Experts of the Commission on Human Rights, for consideration, the allegations regarding infringements of trade union rights in South Africa submitted by the International Confederation of Free Trade Unions,

Having examined the reports of the Ad Hoc Working Group of Experts,

Noting that the Government of South Africa continues to violate, by its legislation, international standards concerning trade union rights,

Noting further with grave concern that police and State interference in industrial disputes and repression against the independent black trade union movement has persisted,

1. Takes note of the report of the Ad Hoc Working Group of Experts prepared in accordance with Council resolution 1981/41;

2. Takes note with appreciation of the report of the Ad Hoc Working Group of Experts prepared in accordance with Council decision 1981/155, and of the conclusions contained therein;

3. Demands the immediate recognition of the unimpeded exercise of freedom of association and trade union rights by the entire population of South Africa, without discrimination of any kind;

4. Calls once again for the immediate release of all the imprisoned trade unionists and the lifting of all banning orders imposed on persons engaged in trade union activities;

5. Demands the lifting of the ban on fund-raising drives by the Federation of South African Trade Unions;

6. Reiterates its demand for the cessation of all government and police interference in labour disputes;

7. Requests the Ad Hoc Working Group of Experts to continue to study the situation and to report thereon to the Commission on Human Rights and the Council, as appropriate;

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

9. Decides to consider at its first regular session of 1983 the question of allegations of infringements of trade union rights in South Africa as a subitem under the item entitled "Human rights questions".

Asia and the Pacific

East Timor

On 8 September 1982,⁽¹⁾ by 10 votes to 2, with 9 abstentions, the Sub-Commission on Prevention of Discrimination and Protection of Minorities deplored the lack of international attention to the situation in East Timor. It recommended that the Commission on Human Rights reaffirm the right of the people of East Timor to self-determination and, to that end, call on Portugal, the representatives of East Timor and Indonesia to co-operate with the United Nations to guarantee the exercise of that right. Expressing deep concern at the suffering of the people of East Timor, the Commission would call on the parties to facilitate the entry of international aid into that Territory.

Resolution (1982). ⁽¹⁾SCPDPM (report, E/CN.4/1983/4): 1982/20; 8 Sep.

Iran

The Commission on Human Rights, on 11 March 1982,⁽¹⁾ expressed deep concern at continuing reports of grave human rights violations, including summary and arbitrary executions, in Iran. Taking into account the concern for the welfare of the Baha'is expressed in September 1981 by the Sub-Commission on discrimination and minorities,⁽⁴⁾ the Commission urged Iran to ensure the rights recognized in the International Covenant on Civil and Political Rights⁽³⁾ to all individuals without distinction. It requested the Secretary-General to establish direct contacts with the Government of Iran-which was invited to co-operate with him-to determine the human rights situation, and to continue his efforts to ensure human rights in regard to the Baha'i community. The Commission asked him to report in 1983 and decided to keep the situation under consideration. The resolution was adopted by a roll-call vote of 19 to 9 (Algeria, Bulgaria, Byelorussian SSR, Cuba, Ethiopia, Pakistan, Poland, Syrian Arab Republic, USSR), with 15 abstentions.

On 8 September 1982,⁽²⁾ by 12 votes to 4, with 3 abstentions, the Sub-Commission expressed concern at reports of continued human rights violations in Iran, including summary and arbitrary executions and religious intolerance. Noting the Commission's request that the Secretary-General establish direct contacts with the Government, it expressed the hope that they would result in improvements. The Sub-Commission determined that the human rights situation was serious enough to merit continued scrutiny by all United Nations bodies, including the Commission.

Resolutions (1982). ⁽¹⁾Commission on Human Rights (report, E/1982/12): 1982/27, 11 Mar. ⁽²⁾SCPDPM (report, E/CN.4/1983/4): 1982/25, 8 Sep.
Resolution (prior): ⁽³⁾GA: 2200 A (XXI), annex, 16 Dec. 1966 (YUN 1966, p. 423).
Yearbook reference. ⁽⁴⁾1981, p. 965.

Europe and the Mediterranean area

Cyprus

The Commission on Human Rights, on 11 March 1982,⁽¹⁾ decided to postpone until 1983 the debate on the question of human rights in Cyprus, on the understanding that action required by previous Commission resolutions continued to remain operative, including a request to the Secretary-General to report on their implementation. It acted after having received such a report from him,⁽²⁾ especially regarding missing persons (p. 377).

Decision (1982). ⁽¹⁾Commission on Human Rights (report, E/1982/12): 1982/102, 11 Mar.
Report. ⁽²⁾S-G, E/CN.4/1982/8.

Poland

Action by the Commission on Human Rights. On 10 March 1982,⁽³⁾ the Commission on Human Rights affirmed the right of the Polish people to pursue political, economic, social and cultural development, free from outside interference. It expressed deep concern at continued reports of widespread human rights violations, including massive arbitrary arrests and detentions, denial of the rights of freedom of expression and peaceful assembly, suspension of the right to form and join independent trade unions and imposition of severe punishment on persons accused of violating martial law.

Noting that Polish authorities had stated the intention to terminate those restrictive measures, the Commission expressed the hope that that intention would be realized in the near future, especially with regard to the release of detained persons, the review of severe prison sentences and the lifting of restrictions on the free flow of information. It emphasized the importance of international and national humanitarian organizations in Poland, and requested the Secretary-General or a person designated by him-with the co-operation of the

Polish Government-to study the human rights situation and report in 1983.

The resolution was adopted by a roll-call vote of 19 to 13 (Algeria, Bulgaria, Byelorussian SSR, Cuba, Ethiopia, Ghana, India, Poland, Syrian Arab Republic, USSR, Yugoslavia, Zambia, Zimbabwe), with 10 abstentions.

Economic and Social Council action. On 7 May 1982,⁽¹⁾ by a recorded vote, requested by the USSR, of 21 to 14, with 15 abstentions, the Economic and Social Council approved the Commission's decision to request a study of the human rights situation in Poland. The Second (Social) Committee approved the draft, recommended by the Commission, on 3 May by a recorded vote of 20 to 13, with 14 abstentions.

Casting a negative vote, Poland stated that the Council decision and the Commission resolution violated the Charter of the United Nations and the principles of non-interference in the internal affairs of States; such decisions proved that human rights questions were used to attain political goals, and the Polish Government would not co-operate in implementing the Commission resolution, which it regarded as legally null and void, morally two-faced and politically harmful. Bulgaria, the Byelorussian SSR and the USSR objected to what they regarded as an attempt by the United States and some members of the North Atlantic Treaty Organization to intervene in the internal affairs of an independent State, contrary to international law.

Explaining its abstention, Brazil stated that a human rights review should always follow the procedures established by the Council in 1970,⁽⁴⁾ except when prejudiced by the intervention of foreign armed forces, which was not the case in Poland. Tunisia, also abstaining, said the way the decision was presented gave the impression of prejudging the results of the study.

Voting in favour, the United States said that renewed demonstrations were evidence of the Polish people's refusal to submit to martial law; it urged Poland to co-operate with the study, as a sign of willingness to resume the process of renewal, Poland, replying that all responsible political forces in Poland, including the Catholic Church, had condemned the recent riots, referred to a statement by the Polish Minister for Foreign Affairs expressing the desire to develop co-operation with the United States but only on the basis of respect for the principle of non-interference in internal affairs.

Sub-Commission consideration. On 8 September 1982,⁽²⁾ by 9 votes to 3, with 6 abstentions, the Sub-Commission on discrimination and minorities decided to postpone until 1983 consideration of a draft resolution to have the Secretary-General inform the Sub-Commission of the results of his study on Poland.

Decisions (1982).⁽¹⁾ESC: 1982/133, 7 May, text following.
⁽²⁾SCPDPM (report. E/CN.4/1983/4): 1982/11, 8 Sep.
 Resolution (1982).⁽³⁾Commission on Human Rights (report, E/1982/12): 1982/26, 10 Mar.
 Resolution (prior).⁽⁴⁾ESC: 1503(XLVIII), 27 May 1970 (YUN 1970, p. 530).
 Meeting records. ESC: E/1982/SR.28, 29 (7 May).

Economic and Social Council decision 1982/133

21-14-15 (recorded vote)

Approved by Second Committee (E/1982/59) by recorded vote (20-13-14), 3 May meeting 15); draft by Commission on Human Rights (E/1982/12); agenda item 9.

Situation of human rights and fundamental freedoms in Poland

At its 26th plenary meeting, on 7 May 1982, the Council, noting resolution 1982/26 of 10 March 1982 of the Commission on Human Rights, approved the Commission's decision to request the Secretary-General or a person designated by him to undertake a thorough study of the human rights situation in Poland.

Recorded vote in Council as follows:

In favour: Australia, Austria, Bahamas, Belgium, Canada, Chile, Denmark, Fiji, France, Germany, Federal Republic of, Greece, Italy, Japan, Kenya, Mexico, Norway, Peru, Portugal, United Kingdom, United States, Venezuela.

Against: Argentina, Benin, Bulgaria, Byelorussian SSR, Ethiopia, India, Iraq, Jordan, Libyan Arab Jamahiriya, Nicaragua, Poland, Romania, USSR, Yugoslavia.
 Abstaining: Bangladesh, Brazil, Burundi, Colombia, Liberia, Malawi, Mali, Nepal, Nigeria, Pakistan, Sudan, Thailand, Tunisia, United Republic of Cameroon, Zaire.

Latin America

Bolivia

Action by the Commission on Human Rights. In February 1982,⁽²⁾ Special Envoy Héctor Gros Espiell (Uruguay) transmitted to the Commission on Human Rights Bolivia's official reply to his December 1981 report on the human rights situation in that State, mandated by the Commission in March 1981. In his report, the Special Envoy had stated that grave, massive and persistent violations of human rights had been committed after 17 July 1980 (the date of the assumption of power by a military Government) but that the situation appeared to have improved in the months prior to September 1981.⁽⁴⁾

In its reply, Bolivia emphasized its will to co-operate with the international community, and noted that it had responded promptly to inquiries by the International Labour Organisation and the Organization of American States. It stressed its intent to draw up a timetable for the return to democratic institutions and the full exercise of human rights. It noted as important first steps the complete dissolution of the Special Security Service (whose activities the Special Envoy had characterized as inadmissible), the repeal of some emergency measures and the recognition of workers' right of association with a view to re-establishing free trade unions. Bolivia expressed deep regret concerning past acts of violence, but insisted that they had not reached the dimensions claimed by non-governmental organizations.

On 11 March 1982,⁽³⁾ the Commission expressed both deep concern over the grave, massive and repeated human rights violations in Bolivia after 17 July 1980 and satisfaction at the

situation's improvement since 4 September 1981. It urged Bolivia to take further practical measures to ensure human rights and requested the Secretary-General to provide advisory services and other assistance to aid government compliance. The Commission decided to extend the Special Envoy's mandate for another year, requesting a further report in 1983. The Government of Bolivia was invited to continue its active co-operation.

Economic and Social Council action. On 7 May 1982,⁽¹⁾ acting without vote, the Economic and Social Council approved the extension for another year of the Special Envoy's mandate and requested the Secretary-General to provide all necessary assistance. The decision, recommended by the Commission, was approved by the Second Committee on 3 May, also without vote.

Decision (1982).⁽¹⁾ ESC: 1982/137, 7 May, text following.

Note.⁽²⁾ Special Envoy, E/CN.4/1500/Add.1.

Resolution (1982).⁽³⁾ Commission on Human Rights (report, E/1982/12): 1982/33, 11 Mar.

Yearbook reference.⁽⁴⁾ 1981, p. 957.

Meeting record. ESC: E/1982/SR.29 (7 May).

Economic and Social Council decision 1982/137

Adopted without vote

Approved by Second Committee (E/1982/59) without vote, 3 May (meeting 15); draft by Commission on Human Rights (E/1982/12); agenda item 9.

Situation of human rights in Bolivia

At its 29th plenary meeting, on 7 May 1982, the Council, noting resolution 1982/33 of 11 March 1982 of the Commission on Human Rights, approved the Commission's decision to extend for another year the mandate of the Special Envoy appointed to carry out a thorough study of the human rights situation in Bolivia and requested the Secretary-General to give all necessary assistance to the Special Envoy.

Chile

Action by the Commission on Human Rights. In January 1982, Special Rapporteur Abdoulaye Diéye (Senegal) submitted to the Commission on Human Rights a report on developments in the human rights situation in Chile in 1981. Transmitted by a Secretariat note,⁽³⁾ the document updated a November 1981 report to the General Assembly.⁽⁸⁾

On 10 March 1982,⁽⁵⁾ the Commission reiterated its serious concern at the persistence and, in certain respects, deterioration of the human rights situation in Chile. Particularly noted were the expansion of emergency legislation and promulgation of the new Constitution (in March 1981), intensification of arbitrary detention, torture and unexplained deaths, and persecution, intimidation, imprisonment and banishment of trade unionists, academics and persons involved in cultural and humanitarian activities. The Commission also reiterated concern that habeas corpus or amparo were not effective because of a highly restricted judiciary,

The Commission repeated its urgent appeal to Chile to end the state of emergency and restore democratic institutions; to end arbitrary detentions, intimidations and prosecution of those

exercising the right to freedom of expression; to respect the rights of persons detained for political reasons; to prevent persecution, torture and unexplained deaths in detention and punish those responsible; to investigate the fate of persons who had disappeared for political reasons; to restore trade union rights; to re-establish civil and political rights; and to end the practice of banishments.

The Commission rejected the Chilean authorities' lack of co-operation with the Special Rapporteur and lack of compliance with international human rights instruments. It extended the Special Rapporteur's mandate for another year, asked him to report to the General Assembly in 1982 and to the Commission in 1983 when it would consider human rights in Chile as a matter of high priority, and recommended that the Economic and Social Council authorize financial resources and staff.

The resolution was adopted by a roll-call vote of 28 to 6 (Argentina, Brazil, Pakistan, Philippines, United States, Uruguay), with 8 abstentions.

Economic and Social Council action. On 7 May 1982,⁽¹⁾ by a recorded vote, requested by Mexico, of 34 to 5, with 13 abstentions, the Economic and Social Council approved the extension of the Special Rapporteur's mandate for one year and requested the Secretary-General to provide resources and staff. Originating in the Commission, the draft was approved by the Second Committee on 3 May by a recorded vote of 32 to 5, with 9 abstentions.

Casting a negative vote, Chile stated that, for more than eight years, it had been singled out for biased treatment through the perpetuation of a special entity whose mandate and conclusions had no legal validity. Chile reiterated its readiness to co-operate with United Nations bodies through normal procedures.

Sub-Commission action. On 8 September,⁽⁷⁾ the Sub-Commission on discrimination and minorities recommended that the Commission call on the Chilean authorities to respect and promote human rights and to co-operate fully in the implementation of measures repeatedly requested by the Commission and the Assembly. The Sub-Commission further recommended that the Commission maintain vigilance in relation to the evolution of human rights in Chile.

Report of the Special Rapporteur. In November 1982, the Secretary-General transmitted to the Assembly a report by the Special Rapporteur⁽⁴⁾ on human rights in Chile, relating to events mainly between January and June. The Special Rapporteur stated that Chile had continued to refuse to co-operate, despite repeated communications. As in past reports, he had relied on official and other documents in the Chilean press, the testimony of witnesses, reports by organizations, and documents and letters from individuals in Chile and elsewhere.

In his conclusions and recommendations, the Special Rapporteur noted that there was persistent institutionalization of the emergency régime, once again extended in 1982, with all branches of government subject to supervision by the armed forces. He expressed concern at the increasing number of reports of torture and ill-treatment of detainees which, he said, had an institutional character and benefited from the tolerance of the administrative and judicial authorities. Judicial protection of the right to life and the right to physical and moral integrity continued to be inadequate, and the security organs enjoyed an impunity which presupposed multiple human rights violations. Procedural guarantees continued to be challenged by the application of the legal provisions concerning the extension of the competence of military courts.

Though arbitrary individual arrests had declined, three mass arrests in May and June had resulted in 6,756 persons being detained, and the number of detentions of groups of persons at public gatherings had increased. Illegal detentions continued. The fate of 635 persons who had disappeared since 1973 had not been cleared up, despite repeated United Nations appeals, and judicial investigations of their fate had faced considerable obstacles in 1982. Though fewer people had been prohibited from entering the country, exile or expulsion had continued.

Freedom of expression and freedom of information continued to be substantially curtailed. During 1982, there had been repeated violations of the right of peaceful assembly, and the right of association was suspended until 1989. Economic rights had suffered, as had working conditions, with the levels of remuneration existing in July 1979 established as the maximum limits for 1982 and trade union rights suspended. Large numbers of illegally employed children and young persons were reported. There was no improvement in the situation with regard to education and culture; legislation restricted the right of equal access to instruction in the context of general education. The rights of indigenous minorities were not duly respected, in particular with regard to the division of indigenous communal land and to the economic, social, cultural and health situation.

Summing up his observations, the Special Rapporteur stated that he could not report an improvement in the human rights situation in Chile since none of the international community's recommendations had been adopted in 1982. He recommended that the General Assembly call on Chile to co-operate with the United Nations, and that the Government end the state of emergency and re-establish the traditional democratic legal order. In the absence of such an improvement, the international community should use means it

deemed most appropriate to ensure the restoration of human rights.

General Assembly action. On 17 December,⁽⁶⁾ the General Assembly reiterated its grave concern at the persistence of human rights violations in Chile, in particular at the widening of emergency legislation, the enactment of a new Constitution restricting human rights, and the inefficacy of habeas corpus or amparo due to the restricted judiciary. It again requested Chile to lift the state of emergency, re-establish democratic institutions and ensure rights guaranteed in international instruments. Chile was urged to investigate the fate of persons who had disappeared for political reasons (see above, under CIVIL AND POLITICAL RIGHTS), to restore trade union rights and the right of Chileans freely to enter and leave the country, to put an end to arbitrary detentions, imprisonment in secret places and torture, and to respect the rights of the indigenous population. Chile was again called on to co-operate with the Commission on Human Rights and its Special Rapporteur. The Assembly, stating the necessity of continued consideration of the situation, requested the Commission to take appropriate steps, including the extension of the Special Rapporteur's mandate, and to report to the Assembly in 1983.

The resolution was adopted by a recorded vote of 85 to 17, with 41 abstentions. The draft was approved by the Third (Social, Humanitarian and Cultural) Committee on 10 December by a roll-call vote of 74 to 16, with 40 abstentions.

Before its vote on the resolution, the Assembly rejected, by a recorded vote of 65 to 53, with 19 abstentions, a motion by Belgium not to vote on an amendment, introduced in the Assembly by Mexico for the sponsors, reinserting in paragraph 12 the request to extend the mandate as one of the steps to be taken by the Commission. The amendment was adopted by a recorded vote of 62 to 35, with 44 abstentions.

The Committee on 9 December, by a roll-call vote of 46 to 42, with 42 abstentions, had approved an oral amendment by the United Kingdom, deleting a paragraph inviting the Commission to extend the Special Rapporteur's mandate and incorporating, in paragraph 12, a request that the Commission take the most appropriate steps.

Introducing its oral amendment, the United Kingdom expressed the belief that the resolution was unbalanced; the amendment would leave it to the Commission to decide on further action.

Mexico said the sponsors could not accept an amendment that deleted substantive text. Algeria, Cuba, Nicaragua, the USSR and Yugoslavia stressed the need to extend the mandate, on the grounds that the human rights situation in Chile had not improved. Ireland cited Chile's refusal to co-operate with the Special Rapporteur as its

reason to vote against the amendment. Zambia considered the proposal superfluous since the Commission was free to decide on the mandate regardless of Assembly action.

Voting in favour of the amendment, Peru regarded the Commission as the proper forum to decide on an extension of the mandate. In Australia's view, the amendment would not prejudice Commission action.

Colombia felt that the amendment sought a way for the Commission to study effective means of solving the problem through dialogue with the Chilean Government. In Uruguay's opinion, the amendment was designed to create a climate of confidence, enabling Chile to collaborate again with the United Nations. Morocco also believed that the amendment would ensure government collaboration which was necessary if a solution to the human rights situation in Chile was to be found. A similar view was expressed by Belgium. Also supporting the amendment, the Federal Republic of Germany stated that, by extending the mandate, the draft perpetuated a selective approach to human rights problems. Portugal voted in favour in the belief that the case of Chile, while disquieting, should not overshadow other situations which were at least as serious.

Following approval of the draft resolution, Denmark and the Netherlands withdrew a similar draft by which the Assembly would have expressed concern about the lack of information on disappeared persons and about the banishment or forced exile of citizens, and strongly urged Chile to promote human rights, guarantee the rights of persons detained or imprisoned for political reasons and cooperate with the Special Rapporteur.⁽²⁾

The Netherlands said that, together with Denmark, it had attempted to produce a compromise text reflecting a more balanced viewpoint and giving the Commission a precise mandate; to avoid a procedural debate and give the widest support to the appeal to Chile, it would vote in favour of the resolution, as amended by the United Kingdom.

Introducing the sponsors' amendment in the Assembly, Mexico said that if no reference to the Special Rapporteur's mandate was made, the Assembly would be changing a practice it had followed for seven years, which could be erroneously interpreted as implying that conditions in Chile had improved.

The United Kingdom considered it an unwelcome practice to vote in the plenary Assembly on issues already decided in Committee, adding that the amendment-which would request, rather than invite, the Commission to extend the mandate-was even more objectionable because it implied a stronger prejudgement of Commission action.

Also voting against the sponsors' amendment, Chile reiterated that it had never recognized the Special Rapporteur's mandate, which was a discriminatory attempt to intervene in domestic matters. The United States said that, whereas the United Kingdom's amendment had been a small step towards balance, the amendment introduced by Mexico would turn the resolution into a punitive and highly political process. Morocco described the Special Rapporteur's work as useless since no dialogue existed with the Chilean Government.

Italy abstained on the amendment saying that a decision on extending the mandate should be left to the Commission.

Cuba, on the other hand, said the situation in Chile justified reintroduction of the request. Also voting in favour of the amendment, Iran dissociated itself from any political implications. Seychelles stated that any selectivity should be overcome not by eliminating existing measures such as the Special Rapporteur's mandate, but by extending them to a larger number of countries.

Chile objected to the resolution as a whole saying it contained unsubstantiated statements, distortions and hostile language and interfered in its internal affairs. Also casting a negative vote, Indonesia voiced concern that the text, under the guise of protecting human rights, could sanction interventions or interference in internal affairs. The United States, asserting that many States felt that human rights issues were characterized by selectivity and political considerations, saw the resolution as unbalanced and unmindful of improvements in Chile.

The United Kingdom said it abstained because of the resolution's selectivity and incorporation of the request to extend the Special Rapporteur's mandate. Colombia, also abstaining, criticized the Special Rapporteur's reports as not taking into account Chile's achievements, and termed resolutions based on such reports as serving specific political interests. The Federal Republic of Germany voiced concern at the political emphasis of the resolution which, it said, made assertions that were not based on evidence and did not mention improvements.

The text's selectivity was also deplored by Bhutan, the Dominican Republic, Ecuador, Peru and Singapore. Trinidad and Tobago called for the study of human rights violations in a global context. Oman said its abstention was based on its adherence to the principle of non-interference in internal affairs.

Voting in favour, Australia voiced reservations at what it regarded as the assertion of a total lack of improvement in Chile's human rights situation, an assertion not consistent with the Special Rapporteur's report. Spain said human rights viola-

tions should be condemned wherever they occurred. Portugal hoped that the United Nations would revise the criteria applied to violations, so that they could be considered impartially. Austria expressed willingness to co-operate in all United Nations efforts to promote respect for human rights in all places. Finland deplored what it termed the consistent political viewpoint of resolutions on human rights violations and, though it voted in favour, stated that it would not be able to support such drafts in future.

Sweden voted in favour on the grounds that there was no indication that the situation in Chile had changed for the better; the state of emergency, it added, was a particularly serious aspect. In the opinion of the USSR, the Special Rapporteur's report showed that the situation continued to deteriorate and therefore all possible measures must be taken. The Netherlands said the resolution basically reflected its concern over the seriousness of the situation in Chile.

Venezuela declared that it would not participate in the vote because of the resolution's selectivity. Costa Rica, which abstained in Committee, cited a similar reason for its non-participation in the Assembly's vote.

Introducing the text also on behalf of Algeria, Bolivia, Cuba and Yugoslavia, Mexico said that, after nine years, the situation in Chile had not improved and the Special Rapporteur's report made it clear that some methods of oppression continued to prevail.

Decision (1982). ⁽¹⁾ESC: 1982/132, 7 May, text following. Draft resolution withdrawn. ⁽²⁾Denmark, Netherlands, A/C.3/37/L.68.

Reports. Special Rapporteur: ⁽³⁾transmitted by Secretariat note, E/CN.4/1484; ⁽⁴⁾transmitted by S-G note, A/37/564. Resolutions (1982). ⁽⁵⁾Commission on Human Rights (report, E/1982/12); 1982/25, 10 Mar. ⁽⁶⁾GA: 37/183, 17 Dec., text following. ⁽⁷⁾SCPDPM (report, E/CN.4/1983/4): 1982/19, 8 Sep.

Yearbook reference. ⁽⁸⁾1981, p. 951.

Meeting records. ESC: E/1982/SR.28 (7 May). GA: 3rd Committee, A/C.3/37/SR.62-69, 70, 71, 72-74 (3-10 Dec.); plenary, A/37/PV.110 (17 Dec.).

Economic and Social Council decision 1982/132

34-5-13 (recorded vote)

Approved by Second Committee (E/1982/59) by recorded vote (32-5-9), 3 May (meeting 15); draft by Commission on Human Rights (E/1982/12); agenda item 9.

Question of human rights in Chile

At its 28th plenary meeting, on 7 May 1982, the Council, noting resolution 1982/25 of 10 March 1982 of the Commission on Human Rights, approved the Commission's decision to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Chile and requested the Secretary-General to make arrangements for the provision of adequate financial resources and staff for the implementation of that resolution.

Recorded vote in Council as follows:

In favour: Australia, Austria, Belgium, Benin, Bulgaria, Byelorussian SSR, Canada, Denmark, Ethiopia, France Germany, Federal Republic of, Greece, India, Iraq, Italy, Japan, Kenya, Liberia, Libyan Arab Jamahiriya, Malawi, Mali, Mexico, Nicaragua, Norway, Poland, Portugal, Romania, Sudan, Swaziland, Tunisia, USSR, United Kingdom, Venezuela, Yugoslavia.

Against: Argentina, Brazil, Chile, Pakistan, United States.

Abstaining: Bahamas, Bangladesh, Burundi, China, Colombia, Fiji, Nepal, Nigeria, Peru, Qatar, Thailand, United Republic of Cameroon, Zaïre.

General Assembly resolution 37/183

17 December 1982 Meeting 110 85-17-41 (recorded vote)

Approved by Third Committee (A/37/745) by roll-call vote (74-16-40), 10 December (meeting 73); 5-nation draft (A/C.3/37/L.53), orally amended by United Kingdom; amended in Assembly by sponsors (A/37/L.60); agenda item 12.

Sponsors of draft and amendment: Algeria, Bolivia, Cuba, Mexico, Yugoslavia.

Situation of human rights and fundamental freedoms in Chile The General Assembly.

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and determined to remain vigilant with regard to violations of human rights wherever they occur,

Emphasizing the obligation of Governments to protect and promote human rights and to carry out the responsibilities they have undertaken with respect to the various international instruments,

Recalling its resolutions 3219(XXIX) of 6 November 1974, 3448(XXX) of 9 December 1975, 31/124 of 16 December 1976, 32/118 of 16 December 1977, 33/175 of 20 December 1978, 34/179 of 17 December 1979, 35/188 of 15 December 1980 and 36/157 of 16 December 1981, all related to the situation of human rights in Chile, as well as its resolution 33/173 of 20 December 1978 on disappeared persons,

Recalling also the resolutions of the Commission on Human Rights dealing with the human rights situation in Chile, in particular resolution 1982/25 of 10 March 1982, by which the Commission decided, *inter alia*, to extend the mandate of the Special Rapporteur on the situation of human rights in Chile,

Deploring the fact that the Chilean authorities have consistently refused to co-operate with the Commission on Human Rights and its Special Rapporteur,

Expressing its deepest concern at the total lack of improvement in the human rights situation in Chile, as shown by the Special Rapporteur in his report,

Noting with increasing concern that the Chilean authorities continue to ignore the repeated appeals of the international community, made through a number of resolutions of the General Assembly, the Commission on Human Rights and various other international organs,

Reiterating its deep concern at the lack of information concerning the numerous persons who have disappeared in Chile for political reasons and at the fact that the Chilean authorities have not taken urgent and effective measures to investigate and clarify the fate of those persons,

Noting with great concern that the Constitution promulgated by the Chilean authorities on 11 March 1981 represents the institutionalization of the state of exception, with grave prejudice to the civil and political rights of the Chilean people and serious limitations to their economic, social and cultural rights,

1. Commends the Special Rapporteur on the human rights situation in Chile for his report, submitted in accordance with resolution 1982/25 of the Commission on Human Rights;

2. Reiterates its grave concern at the persistence of serious and systematic violations of human rights in Chile, as described by the Special Rapporteur, in particular at the subversion of the traditional democratic legal order and its institutions, through the maintenance and widening of emergency and exceptional legislation and the promulgation of a Constitution which does not reflect a freely expressed popular will and the provisions of which suppress, suspend or restrict the enjoyment and the exercise of human rights and fundamental freedoms;

3. Reiterates also its deep concern at the inefficacy of the recourse of *habeas corpus* or *amparo* in view of the fact that the judiciary in Chile does not exercise its functions fully in this respect, except within considerable restrictions;

4. Once more urgently requests the Chilean authorities to respect and promote human rights in conformity with the obligations undertaken under various international instruments and, in particular, to adopt the concrete measures contemplated in resolution 1982/25 of the Commission on Human Rights, especially the lifting of the state of emergency and the state of exception and the reestablishment of democratic institutions, by ensuring the full enjoyment and exercise of civil and political rights as well as the economic, social and cultural rights and fundamental freedoms of the Chilean people, as provided in those international instruments;

5. Urges once more the Chilean authorities to investigate and clarify the fate of all persons who have disappeared in Chile for political reasons, to inform their families of the results of such investigation and to punish those responsible for the disappearance;

6. Further urges again the Chilean authorities to restore the full enjoyment of trade union rights, in particular the right to organize trade unions, the right to collective bargaining and the right to strike;

7. Urges the Chilean authorities to respect, in conformity with the International Covenant on Civil and Political Rights, the right of Chilean nationals to live in and freely enter and leave Chilean territory, without restrictions or conditions of any kind, and to cease the practice of "relegation" (assignment of forced residence) and forced exile, in particular of those who participate in trade union activities, academic life or the defence of human rights;

8. Also urges the Chilean authorities to put an end to arbitrary detentions and imprisonment in secret places and the practice of torture and other forms of inhuman or degrading treatment which have resulted on occasion in unexplained deaths;

9. Requests the Chilean authorities to respect fully the economic, social and cultural rights of the Chilean population in general and of the indigenous population in particular;

10. Concludes, on the basis of the report of the Special Rapporteur, that it is necessary to keep under consideration the situation of human rights in Chile;

11. Calls again on the Chilean authorities to co-operate with the Commission on Human Rights and its Special Rapporteur and to submit commentaries on his report to the Commission on Human Rights at its thirty-ninth session;

12. Requests the Commission on Human Rights to study in depth the report of the Special Rapporteur at its thirty-ninth session, with a view to taking the most appropriate steps, in particular the extension of the mandate of the Special Rapporteur, and report on its consideration, through the Economic and Social Council, to the General Assembly at its thirty-eighth session.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Angola, Australia, Austria, Bahrain, Barbados, Belgium, Benin, Bolivia, Botswana, Bulgaria, Burundi, Byelorussian SSR, Canada, Cape Verde, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Ethiopia, Finland, France, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Iran, Iraq, Ireland, Italy, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Papua New Guinea, Poland, Portugal, Romania, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Spain, Sri Lanka, Sudan, Sweden, Togo, Tunisia, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Vanuatu, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: Antigua and Barbuda, Argentina, Brazil, Chile, El Salvador, Guatemala, Haiti, Honduras, Indonesia, Israel, Lebanon, Morocco, Pakistan, Paraguay, Philippines, United States, Uruguay.

Abstaining: Bahamas, Bangladesh, Belize, Bhutan, Burma, Chad, China, Colombia, Democratic Kampuchea, Dominica, Dominican Republic, Ecuador, Egypt, Fiji, Gabon, Germany, Federal Republic of, Ivory Coast, Japan, Jordan, Liberia, Malawi, Malaysia, Nepal, Niger, Oman, Panama, Peru, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Singapore, Solomon Islands, Suriname, Thailand, Trinidad and Tobago, Turkey, United Kingdom, United Republic Of Cameroon, Upper Volta, Zaire.

El Salvador

Action by the Commission on Human Rights. In January 1982, Special Representative José Antonio Pastor Ridruejo submitted to the Commission on Human Rights a report on the human rights situation in El Salvador,⁽³⁾ as requested by the General Assembly in December 1981.⁽⁸⁾ Since his October 1981 interim report,⁽⁹⁾ the Special Representative had analysed information from Governments, specialized agencies and inter-governmental and non-governmental organizations, and had interviewed a number of persons in New York and Madrid, Spain, including mem-

bers of Salvadorian political, academic and educational institutions and organizations.

The Special Representative concluded that far-reaching reforms were necessary, especially in the agrarian sector, to counteract the inequitable distribution of wealth and insufficient essential public services. He noted that the agrarian reforms that had occurred had been planned by the Government with no participation by the peasants. He stated that there had been consistent gross human rights violations, with the State and violent rightist groups largely responsible for attempts on human life and violent leftist groups responsible for terrorist acts against public and private property.

In his recommendations, the Special Representative described as the ultimate objective the establishment of peace and social justice to enable the Salvadorian people to enjoy human rights and self-determination without outside interference. He regarded the government plan for holding elections as perfectly legitimate if and when the elections could take place in a climate of social peace in which the rights of free expression, association and assembly were respected, a complete roll of voters was available, and the authenticity of the ballot and respect of the people's will were guaranteed.

To that end, the Special Representative recommended repeal of legal measures incompatible with international human rights instruments; effective government control of armed and security forces; adoption by the Government of legal measures to prevent and punish human rights violations; and a demonstrated flexibility regarding other measures that might lead to elections, not excluding dialogue with the opposition forces. He also suggested that the United Nations, the Organization of American States or some other impartial observer might monitor the electoral process.

On 11 March,⁽⁵⁾ the Commission expressed deepest concern at the deteriorating situation and continued human rights violations in El Salvador, and affirmed the Salvadorian people's right to determine its political status and pursue its economic, social and cultural development without external interference. The Commission reiterated the Assembly's December 1981 appeals⁽⁸⁾ for negotiations of all representative political forces in order to establish a democratically elected Government, and to States not to intervene and to suspend all military support. It called on all Salvadorian parties to co-operate with humanitarian organizations and requested them to apply a minimum standard of human rights protection and human treatment of civilians.

It strongly urged El Salvador to ensure human rights and called on it to co-operate with the

Special Representative, whose mandate was extended for another year. He was requested to report to the Assembly in 1982 and to the Commission in 1983, when the Commission would consider the question as a matter of high priority.

This resolution was adopted by a roll-call vote of 25 to 5 (Argentina, Brazil, Philippines, United States, Uruguay), with 13 abstentions.

Economic and Social Council action. On 7 May 1982,⁽¹⁾ by 24 votes to 4, with 18 abstentions, the Economic and Social Council approved the Commission's decision to extend the Special Representative's mandate for another year and approved the request that he submit his report on further developments in the human rights situation in El Salvador to the Assembly in 1982 and the Commission in 1983. The decision, recommended by the Commission, was approved by the Second Committee on 3 May 1982 by a recorded vote of 27 to 6 (Argentina, Brazil, Chile, Colombia, Pakistan, Venezuela), with 16 abstentions.

Brazil stated that El Salvador's internal affairs should be settled without outside interference and that the decision would not make a positive contribution to that objective.

In explanation of its abstention, Tunisia, noting the new political situation in El Salvador, said the way the decision was presented appeared to prejudice the results of the study. The United States, describing El Salvador's efforts to comply with international human rights standards as significant, said the Special Representative could make a positive contribution by substantiating improved conditions and recommending an end to special attention for El Salvador.

Sub-Commission action. On 8 September,⁽⁷⁾ by 13 votes to 3, with 4 abstentions, the Sub-Commission on Discrimination and Minorities, deeply concerned at continued human rights violations in El Salvador, expressed regret that the parties in conflict had not heeded repeated appeals for peaceful settlement. It recommended that El Salvador apply the provisions of the 1949 Geneva Conventions applicable to non-international armed conflicts, requiring minimum standards of human rights protection. The Sub-Commission recalled the Assembly's appeal to States to abstain from intervention in El Salvador and to suspend all military support. It requested the Secretary-General to inform it in 1983 of the action of the Commission's Special Representative, as well as of any consideration by the Commission, the Assembly, the Economic and Social Council or the Security Council.

By a note verbale of 6 September,⁽²⁾ transmitted to the Director of the Centre for Human Rights for circulation as a Sub-Commission document, El Salvador concluded that the situation had improved and that various measures adopted had

led to a positive trend in human rights. Noting a substantial reduction in violence and terrorism, El Salvador stated that it had maintained an open attitude towards the initiatives of States and organizations seeking to contribute to a political solution, though it would continue to reject partiality or judgements indicative of interventionist positions.

Report of the Special Representative. In November 1982, the Commission's Special Representative submitted, in accordance with the Commission's request, a report on the human rights situation in El Salvador since March, transmitted to the Assembly by a note of the Secretary-General.⁽⁴⁾

As in his January report (see above), the Special Representative analysed information from Governments and intergovernmental and non-governmental organizations. During a visit to the country from 19 to 25 September, he interviewed a number of persons, including the President, members of the Salvadorian junta, and representatives of trade union organizations, the business community and the Catholic Church. He visited a prison and police detention cells where he was able to interview political prisoners. In Mexico and the United States, he talked with representatives of the El Salvador Commission on Human Rights and heard statements and testimony from refugees representing various organizations.

In his conclusions, the Special Representative stated that, due to the country's economic crisis and attacks on the economy by the guerrilla opposition, the Salvadorian people still did not enjoy significant economic, social and cultural rights. With regard to civil and political rights, serious and massive human rights violations had persisted because of the continuing civil conflict.

Regarding the judiciary, he considered the situation still unsatisfactory, but observed a slight increase in the punishment of human rights violations and noted the authorities' concern to encourage judiciary activity. The Special Representative stated that serious human rights violations were still being committed by violent groups of both right and left, but noted cases of humanitarian treatment by both sides to persons captured in combat. He expressed hope that the concern voiced in the country for protection of human rights would be speedily effected, especially regarding the right to life.

The Special Representative concluded that the full restoration of civil peace was the essential prerequisite to improving human rights, and specifically recommended the repeal of all laws incompatible with international human rights instruments; effective government control over armed and security forces; adoption of legal measures to punish human rights violations; the organization

at all levels, including schools and mass media, of campaigns to respect human rights; the continuation of reforms, including agrarian reform; and consideration of the possibility of a dialogue with all political forces, including the left-wing opposition, to end armed confrontation.

General Assembly action. On 17 December,⁽⁶⁾ by a recorded vote of 71 to 18, with 55 abstentions, the General Assembly expressed deepest concern at continued human rights violations in El Salvador and again requested all parties in conflict to apply a minimum standard of human rights protection. Reaffirming the right of the Salvadorian people to determine their future without interference or intimidation, it expressed regret that the Government had not attempted to negotiate a peaceful settlement with all political forces, and called on all parties to end acts of violence and not interfere with the activities of humanitarian organizations. The Assembly reiterated its appeals: to States to abstain from intervention; to the Government and other political forces in El Salvador to negotiate; and to the Government to ensure respect for human rights by its agencies, including its security forces. The judiciary was urged to punish those responsible for violations and the Government was called on to co-operate with the Commission's Special Representative. The Assembly decided to keep the subject under review in 1983 and requested the Commission to continue its examination.

The draft was approved by the Third Committee on 10 December by a roll-call vote of 67 to 19, with 49 abstentions.

In Committee, Canada proposed eight amendments to the draft, some of which were orally revised taking account of proposals by Denmark and Ireland. The only amendment approved in Committee, by 43 votes to 41, with 35 abstentions, merged paragraphs 4 and 7 to reaffirm the right of Salvadorians to determine their future without interference or intimidation, and deleted an appeal to the Government and other political forces to work together towards a peaceful settlement and free elections. However, the Assembly, on 17 December, adopted by a recorded vote of 62 to 32, with 45 abstentions, an amendment by the sponsors to reinstate the deleted paragraph 7 containing that appeal.

Six of the Canadian amendments were rejected by vote in Committee. By the first of these, rejected by 38 votes to 38, with 52 abstentions, the eighth preambular paragraph would have noted the inability, rather than failure, of the judiciary to fulfil its duties.

The second amendment would have had the Assembly state, in the ninth preambular paragraph, that since the March elections there had been little noticeable improvement in human rights,

replacing the assertion that elections had not led to improvements. Canada further revised this amendment to delete reference to the elections. The revised amendment was rejected by 42 votes to 29, with 46 abstentions.

The third amendment would have added a new preambular paragraph noting the creation of a national Commission on Human Rights and expressing the hope that it would be able to discharge its mandate. A later oral revision would have added that the Commission would contribute to the ending of human rights violations observed by the Special Representative. The revised amendment was rejected by 43 votes to 27, with 39 abstentions.

Canada proposed to amend operative paragraph 3 to note that the restoration of peace in El Salvador was a prerequisite to respect for human rights and gradual improvement of economic, social and cultural rights, thereby replacing the statement that the situation had its root causes in internal factors and that conditions for the exercise of human rights did not exist. That amendment was then orally revised to delete the reference to "gradual improvement" of economic, social and cultural rights in favour of a clause calling for their full exercise. The revised amendment was rejected by 44 votes to 35, with 37 abstentions.

An amendment to paragraph 5 would have had the Assembly urge the Government and other political forces to utilize the offers of friendly countries to establish a dialogue, instead of expressing regret that the Government had not responded to suggestions to negotiate a peaceful settlement with all representative political forces. The amendment, further revised to delete mention of the offers of friendly countries, was rejected by 45 votes to 36, with 36 abstentions.

The last of the rejected amendments, affecting paragraph 10, rather than have the Assembly urge the judiciary to assume its obligation to punish those responsible for violations, would have expressed concern over its inability to do so. The amendment was rejected by 44 votes to 30, with 43 abstentions.

One further amendment by Canada was withdrawn. Affecting the appeal in paragraph 8 that States abstain from intervening in El Salvador's internal affairs and suspend military assistance, it would have replaced the clause which cited the need to allow the establishment of a democratic system by the phrase "thus securing a democratic system".

Introducing the amendments, Canada described them as an attempt to make the resolution as well balanced as the Special Representative's report. Mexico, on behalf of the resolution's sponsors, said that they had not reached agreement on the amendments and would have to reject them. Bulgaria believed that the amendments

did not balance the text so much as reduce its scope. Nicaragua felt that they altered the resolution's objectives; in particular, it could not accept a national Human Rights Commission of which the Director of Police would be a member. Cuba, also voting against the amendments, made a similar point and added that paragraph 5 should not be amended because the Salvadorian Government had rejected the offer for negotiations. Costa Rica, however, viewed the establishment of a national Human Rights Commission as positive.

Reintroducing the appeal for negotiations to bring about a peaceful settlement, Mexico stressed the importance of ending violence as a prerequisite to restoring human rights. El Salvador regarded the amendment as an attempt to manipulate the human rights issue, which would create a resolution lacking objectivity and balance. Morocco, also rejecting the amendment, termed it an encouragement to interfere in a country's internal political affairs, and the United States felt that its adoption would add to the resolution's political nature. Canada considered it neither helpful nor desirable to reintroduce in the plenary Assembly what had been deleted in Committee. Cuba and Nicaragua, on the other hand, considered it essential to restore the paragraph in order to bring about a peaceful settlement and conditions for the establishment of a Government in an atmosphere free from intimidation and terror. In the opinion of Seychelles, a negotiated settlement which took into account the representative political forces was the only solution to the conflict in El Salvador. Iran emphasized that it voted for the amendment with regard to human rights implications only and dissociated itself from any political implications.

El Salvador rejected the resolution, saying it contrasted the report of the Special Representative and distorted reality, disregarded the efforts of the highest authorities and attempted to intervene in the internal political process, disregarding the electoral results of 28 March. The text was part of a discriminatory strategy against Latin American countries and its partial bias encouraged violence by extremists. Despite the propaganda against it, El Salvador would continue its agrarian reform and was convinced that free elections would take place in 1984.

Also voting against the resolution, Brazil termed it unbalanced, contradictory and incapable of improving the human rights situation. In the opinion of the United States, the resolution did not reflect the attempt at balance inherent in the Special Representative's report but rather contradicted the report's findings. The United States also opposed any call for direct negotiations between the legitimate Government and a political front representing what it felt were unrepresentative guerrillas; in its view, the path to peace meant a

halt to illegal, clandestine arms movement and the fostering of confidence through international supervision and inspection.

Saint Lucia, calling the text tendentious and selective, stated that it would vote against any human rights resolution that did not display greater impartiality. Indonesia cautioned that, under the guise of protecting human rights, the resolution could sanction interventions or interference in internal affairs.

Oman and Tunisia cited adherence to the principle of non-interference as a reason for their abstentions; Tunisia added that initiatives such as the March elections should be encouraged and dogmatic attitudes should not hamper processes that could restore unity and harmony. Australia and Portugal expressed regret that the resolution conveyed a one-sided view and, according to Australia, did not recognize the democratization that had begun after the elections. Belgium and the Federal Republic of Germany felt that the resolution placed the sole responsibility for the conflict on the Government, overlooked the efforts by the authorities to improve the situation and seemed to contest the results of the March elections. Colombia believed that the resolution ignored the very occurrence of elections along with the efforts made in the search for social justice.

Belgium, Bhutan, Colombia, the Dominican Republic and the Federal Republic of Germany objected to the singling out of a few countries for human rights violations, despite the fact that many others were responsible for such violations, at times on an even larger scale. Remarking that some of the worst human rights violations seemed to be immune from scrutiny, Singapore urged for a more objective way to defend human rights. Trinidad and Tobago called for the study of human rights violations in a global context.

Also abstaining, the United Kingdom said the resolution failed to reflect the thrust of the Special Representative's report or to recognize the Government's difficulties. Jamaica felt that, with the Canadian amendments not having been adopted, the resolution did not reflect the Special Representative's views or objectively describe the situation. Ecuador abstained, stating that it could not accept the first, second, third, fourth and seventh preambular paragraphs or operative paragraphs 2, 6, 8 and 11 to 14.

Though voting in favour of the text, Finland deplored its political perspective and stated that it would not be able to support such resolutions in the future. Spain said that a partial and discriminatory approach to human rights violations was unacceptable.

The USSR supported the resolution, considering it necessary to end human rights violations and to give the people in El Salvador a chance to

decide their own fate. Seychelles said its positive vote was based on its concern over a conflict whose increasing regionalization made it imperative to find a peaceful political solution.

Objecting to the singling out of Latin American countries, Venezuela did not participate in the vote. Costa Rica, which cast a negative vote in Committee, cited a similar reason for its non-participation in the Assembly's vote.

Introducing the draft also on behalf of Algeria, France, Greece, Sweden and Yugoslavia, Mexico said the sponsors were convinced that the best way to safeguard human rights in Central America was to maintain international awareness of the excesses committed there and to promote political rapprochement for the re-establishment of peace in the interest of all Salvadorian people, not merely that of one party to the conflict.

Decision (1982). ⁽¹⁾ESC: 1982/134, 7 May, text following. Note verbale. ⁽²⁾El Salvador, 6 Sep., E/CN.4/Sub.2/1982/37. Reports. Special Representative: ⁽³⁾E/CN.4/1502; ⁽⁴⁾transmitted by S-G note., A/37/611.

Resolutions (1982). ⁽⁵⁾Commission on Human Rights (report, E/1982/12); 1982/28, 11 Mar. ⁽⁶⁾GA: 37/185, 17 Dec., text following. ⁽⁷⁾SCPDP (report, E/CN.4/1983/4); 1982/26, 8 Sep.

Resolution (prior). ⁽⁸⁾GA: 36/155, 16 Dec. 1981 (YUN 1981, p. 962).

Yearbook reference. ⁽⁹⁾1981, p. 958.

Meeting records. ESC: E/1982/SR.28, 29 (7 May). GA: 3rd Committee, A/C.3/37/SR.57, 62-69, 70, 71, 72-74 (29 Nov.-10 Dec.); plenary, A/37/PV.110 (17 Dec.).

Economic and Social Council decision 1982/134

24-4-18

Approved by Second Committee (E/1982/59) by recorded vote (27-6-16), 3 May (meeting 15); draft by Commission on Human Rights (E/1982/12); agenda item 9.

Situation of human rights in El Salvador

At its 29th plenary meeting, on 7 May 1982, the Council, noting resolution 1982/28 of 11 March 1982 of the Commission on Human Rights, approved the Commission's decision to extend for another year the mandate of the Special Representative on the situation of human rights in El Salvador and the Commission's request to the Special Representative to submit his report on further developments in the situation of human rights in El Salvador to the General Assembly at its thirty-seventh session and to the Commission on Human Rights at its thirty-ninth session.

General Assembly resolution 37/185

17 December 1982 Meeting 110 71-18-55 (recorded vote)

Approved by Third Committee (A/37/745) by roll-call vote (67-19-49), 10 December (meeting 74); 6-nation draft (A/C.3/37/L.77), amended by Canada (A/C.3/37/L.82, amendment 5); amended in Assembly by sponsors (A/37/L61); agenda item 12, Sponsors of draft and amendment: Algeria, France, Greece, Mexico, Sweden, Yugoslavia.

Situation of human rights and fundamental freedoms in El Salvador

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations and in the Universal Declaration of Human Rights,

Conscious of its responsibility in all circumstances to promote and encourage respect for human rights and fundamental freedoms for all,

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms and to carry out the responsibilities they have undertaken under various international human rights instruments,

Determined to remain vigilant with regard to violations of human rights wherever they occur and to take measures to restore respect for human rights and fundamental freedoms,

Recalling that, in its resolutions 35/192 of 15 December 1980 and 36/155 of 6 December 1981, it expressed deep concern at the situation of human rights in El Salvador, especially in view of the death of thousands of people, the climate of violence and insecurity prevailing in that country and the impunity of paramilitary forces and other armed groups,

Bearing in mind Commission on Human Rights resolution 32(XXXVII) of 11 March 1981, in which the Commission decided to appoint a Special Representative on the situation of human rights in El Salvador, and resolution 1982/28 of 11 March 1982, whereby the Commission extended the mandate of the Special Representative for another year and requested him to report, *inter alia*, to the General Assembly at its thirty-seventh session,

Taking note of resolutions 10(XXXIV) of 9 September 1981 and 1982/26 of 8 September 1982 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note with grave concern of the interim report of the Special Representative of the Commission on Human Rights, in which the unabated continuation of a climate of violence and insecurity in El Salvador with armed clashes, acts of terrorism and unbridled, large-scale and grave violations of human rights, as well as the failure of the judiciary to fulfil its duties to uphold the rule of law, are confirmed,

Observing that the elections which were held in El Salvador in March 1982 have not led to the cessation of violence or to any improvement in the situation of human rights and fundamental freedoms in that country,

1. Expresses its deepest concern at the continued and unbridled violations of human rights and at the resulting suffering of the Salvadorian people, and regrets that the appeals for the cessation of violence made by the General Assembly, the Commission on Human Rights and the international community in general have not been heeded;

2. Again draws the attention of all Salvadorian parties concerned to the fact that the rules of international law, as contained in article 3 common to the Geneva Conventions of 12 August 1949 on the laws of war, are applicable to armed conflicts not of an international character and requests all parties to the conflict to apply a minimum standard of protection of human rights and of human treatment to the civilian population;

3. Notes that the situation in El Salvador, as is clearly shown in the report of the Special Representative of the Commission on Human Rights, has its root causes in internal political, economic and social factors, and that conditions in El Salvador for the effective exercise of civil and political rights do not exist at present;

4. Reaffirms the right of the Salvadorian people freely to determine their political, economic and social future without interference from outside and in an atmosphere free from intimidation and terror from all parties;

5. Regrets that the Government of El Salvador has not responded to suggestions to initiate, through available channels, contacts to negotiate a peaceful settlement with all representative political forces in that country;

6. Calls again upon the parties in El Salvador to seek an end to all acts of violence in order to end the loss of life and the suffering of the people of El Salvador;

7. Reiterates its appeal to the Government and other political forces in El Salvador to work together towards a comprehensive negotiated political solution in order to bring about a peaceful settlement and appropriate conditions for the establishment of a Government through free and unhampered elections, in an atmosphere free from intimidation and terror;

8. Reiterates its appeal to all States to abstain from intervening in the internal situation in El Salvador and to suspend all supplies of arms and any type of military assistance, so as to allow the political forces in that country to restore peace and security and to permit the establishment of a democratic system;

9. Strongly urges the Government of El Salvador to fulfil its obligations towards its citizens and to assume its international responsibilities in this regard by taking the necessary steps to ensure that human rights and fundamental freedoms are fully respected by all its agencies, including its security forces and other armed organizations operating under its authority or with its permission;

10. Urges the judiciary in El Salvador to assume its obligation to uphold the rule of law and to prosecute and to punish those found responsible for assassinations, acts of torture and other forms of cruel, inhuman or degrading treatment;

11. Reiterates its appeal to all Salvadorian parties concerned 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 El Salvador;

12. Calls again upon the Government of El Salvador, as well as all other parties concerned, to continue to co-operate with the Special Representative of the Commission on Human Rights;

13. Requests the Commission on Human Rights at its thirty-ninth session to continue to examine, as a matter of high priority, the situation in El Salvador on the basis of the report of its Special Representative;

14. Decides to keep under consideration, during its thirty-eighth 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.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Angola, Austria, Bahrain, Barbados, Benin, Botswana, Bulgaria, Byelorussian SSR, Cape Verde, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Ethiopia, Finland, France, German Democratic Republic, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Iran, Iraq, Ireland, Italy, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Netherlands, Nicaragua, Nigeria, Norway, Papua New Guinea, Poland, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Spain, Sweden, Syrian Arab Republic, Togo, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Vanuatu, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: Antigua and Barbuda, Argentina, Brazil, Chile, El Salvador, Guatemala, Haiti, Honduras, Indonesia, Israel, Morocco, Pakistan, Paraguay, Philippines, Saint Lucia, Solomon Islands, United States, Uruguay.

Abstaining: Australia, Bahamas, Bangladesh, Belgium, Belize, Bhutan, Bolivia, Burma, Burundi, Canada, Chad, China, Colombia, Democratic Kampuchea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Fiji, Gabon, Gambia, Germany, Federal Republic of, Ivory Coast, Jamaica, Japan, Jordan, Liberia, Luxembourg, Malawi, Malaysia, Maldives, Nepal, New Zealand, Niger, Oman, Panama, Peru, Portugal, Romania, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Singapore, Sri Lanka, Sudan, Suriname, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, United Republic of Cameroon, Upper Volta, Zaire.

Guatemala

Action by the Commission on Human Rights. On 11 March 1982,⁽³⁾ by a roll-call vote of 29 to 2 (Argentina, Uruguay), with 12 abstentions, the Commission on Human Rights expressed profound concern at the continuing deterioration of human rights in Guatemala. It requested the appointment of a Special Rapporteur, with whom Guatemala was asked to co-operate, to study the human rights situation in that country and report to the Commission in 1983.

Economic and Social Council action. The appointment of a Special Rapporteur was approved by the Economic and Social Council on 7 May.⁽¹⁾ The Council adopted the decision by a recorded vote, requested by Chile, of 28 to 2, with 21 abstentions. The Second Committee approved the draft, recommended by the Commission, on 3 May by a recorded vote of 28 to 2, with 19 abstentions.

Before the vote, Guatemala stated that, under the new Government, human rights were no longer violated but rather guaranteed by a new legal order, those responsible for human rights violations in the past were being brought to justice,

and habeas corpus and amparo were being strictly observed. The Council might therefore reconsider the advisability of appointing a Special Rapporteur; Guatemala, for its part, was prepared to co-operate fully with the Council and the Commission in their efforts to protect human rights.

Colombia said it abstained because the decision involved selective treatment which placed political considerations first.

Tunisia cited as the main reason for its abstention the way the decision was presented which, it said, gave the impression of prejudging the results of any study.

Sub-Commission action. On 7 September,⁽⁵⁾ the Sub-Commission on discrimination and minorities expressed concern at the persistence of human rights violations in Guatemala and at reports of massive repression against and displacement of the indigenous population, and emphasized that those violations made the effective exercise of civil and political rights impossible. It declared that only free elections, as guaranteed under the International Covenant on Civil and Political Rights,⁽⁶⁾ would enable the Guatemalan people to determine its future. The Sub-Commission urged the Government to guarantee human rights so that conditions could be established for the exercise of civil and political rights. It welcomed the appointment of a Special Rapporteur and Guatemala's assurance of co-operation with him, and requested the Secretary-General to inform the Sub-Commission in 1983 of the results of the Special Rapporteur's mission.

General Assembly action. Noting the state of siege in force in Guatemala since 1 July 1982, the General Assembly, on 17 December,⁽⁴⁾ by a recorded vote of 79 to 16, with 49 abstentions, expressed deep concern at the serious human rights violations, particularly reports of widespread displacement, repression and killing of rural and indigenous populations. It urged the Government to ensure respect for human rights by all its authorities, including security forces, and to allow the assistance of international humanitarian organizations. The Assembly appealed to all parties in Guatemala to end violence, inviting them to co-operate with the Special Rapporteur. It called on States to refrain from supplying military assistance to Guatemala, and requested the Commission to study the Special Rapporteur's report and consider further steps for securing human rights.

The Third Committee approved the text on 10 December, by a roll-call vote of 74 to 16, with 45 abstentions.

Introducing the draft also on behalf of Austria, Canada, Denmark, Ireland, the Netherlands and Norway, Sweden said that, despite encouraging statements from Guatemala, new information seemed to confirm continuing serious human

rights violations. The lack of long-demanded reforms was one of the main factors behind the violence and it was to be hoped that Guatemala would do its utmost to find a solution to its social and economic problems; the Government's co-operation with the Special Rapporteur would be a positive step in that direction.

Guatemala termed the resolution as unjust, politically motivated and premature, since the Special Rapporteur's report had not yet been submitted. It rejected any attempt to condemn it for human rights violations which it did not recognize having committed; any analysis of the human rights situation not considering national realities and the problem of subversion lacked objectivity and practical worth.

Also casting a negative vote, Brazil agreed that the resolution was premature and unlikely to contribute to the cause of human rights. Indonesia considered that the resolution, under the guise of protecting human rights, could sanction intervention or interference in internal affairs. In the opinion of the United States, the resolution took no account of the changes since March 1982 when the new Government had come into power, ignored the violence of anti-Government guerrillas and sought to pass judgement before giving the Government a chance to act.

Abstaining, Ecuador expressed concern over the resolution's selectivity. The Dominican Republic stated that it did not wish to contribute to the singling out of human rights violations in Latin America. Singapore said the United Nations must find more objective ways to defend human rights. Trinidad and Tobago believed that human rights should be studied in a global context.

The Federal Republic of Germany termed the resolution inappropriate and untimely and said it took no account of the latest developments, did not encourage the new Government's efforts to improve human rights and ignored the fact that the Government was not solely to blame for violence. In Colombia's view, the resolution disregarded the announcement by the Government of the holding of elections to the Constituent Assembly and the establishment of a human rights commission. India felt that, pending the Special Rapporteur's report, Guatemala should be given an opportunity to improve the human rights situation. Oman explained that its abstention was consistent with its adherence to the principle of non-interference.

Though voting in favour, Finland deplored the trend of human rights violations being viewed from a political perspective, often in the context of a transient political situation, and stated that it would not be able to support such resolutions in the future. Spain considered a partial and discriminatory approach to be unacceptable, saying that human rights violations should be condemned

wherever they occurred. Belgium said it shared the concerns of the resolution's sponsors; however, it must be borne in mind that there were human rights violations elsewhere.

By a letter of 26 October,⁽²⁾ Guatemala informed the Secretary-General that the Inter-American Commission on Human Rights had been invited for a visit to ascertain that human rights were being observed within the context of the national situation. After the Commission's visit from 20 to 26 September, Guatemala reported its decision to implement a Commission recommendation to suspend penalties imposed by special courts until the right of due process could be more effectively ensured.

Decision (1982).⁽¹⁾ ESC: 1982/135, 7 May, text following. Letter.⁽²⁾ Guatemala, 26 Oct., A/C.3/37/5.

Resolution (1982).⁽³⁾ Commission on Human Rights (report, E/1982/12); 1982/31, 11 Mar.⁽⁴⁾ GA: 37/184, 17 Dec., text following.⁽⁵⁾ SCPDPM (report, E/CN.4/1983/4); 1982/17, 7 Sep.

Resolution (prior).⁽⁶⁾ 2200 A (XXI), annex, 16 Dec. 1966 (YUN 1966, p. 423).

Meeting records. ESC: E/1982/SR.28, 29 (7 May). GA: 3rd Committee A/C.3/37/SR.62, 63, 64, 65-71, 72-74 (3-10 Dec.); plenary, A/37/PV.110 (17 Dec.).

Economic and Social Council decision 1982/135

28-2-21 (recorded vote)

Approved by Second Committee (E/1982/59) by recorded vote (28-2-19), 3 May (meeting 15); draft by Commission on Human Rights (E/1982/12); agenda item 9.

Situation of human rights in Guatemala

At its 29th plenary meeting, on 7 May 1982, the Council, noting resolution 1982/31 of 11 March 1982 of the Commission on Human Rights, approved the Commission's request to its Chairman to appoint, after consultation within the Bureau, a special rapporteur of the Commission whose mandate would be to make a thorough study of the human rights situation in Guatemala, based on all information which he might deem relevant, including any comments and information which the Government of Guatemala might wish to submit, to be presented to the Commission at its thirty-ninth session. The Council requested the Secretary-General to give all necessary assistance to the special rapporteur of the Commission.

Recorded vote in Council as follows:

In favour: Australia, Austria, Belgium, Benin, Bulgaria, Byelorussian SSR, Canada, Denmark, France, Germany, Federal Republic of Greece, India, Iraq, Italy, Japan, Kenya, Libyan Arab Jamahiriya, Mexico, Nicaragua, Norway, Poland, Portugal, Romania, Swaziland, USSR, United Kingdom, Venezuela, Yugoslavia, Against: Argentina, Chile.

Abstaining: Bahamas, Bangladesh, Brazil, Burundi, China, Colombia, Fiji, Jordan, Liberia, Mali, Nepal, Nigeria, Pakistan, Peru, Qatar, Sudan, Thailand, Tunisia, United Republic of Cameroon, United States, Zaire.

General Assembly resolution 37/184

17 December 1982 Meeting 110 79-16-49 (recorded vote)

Approved by Third Committee (A/37/745) by roll-call vote (74-16-45), 10 December (meeting 73); 7-nation draft (A/C.3/37/L.75); agenda item 12.

Sponsors: Austria, Canada, Denmark, Ireland, Netherlands, Norway, Sweden.

Situation of human rights and fundamental freedoms in Guatemala

The General Assembly.

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms,

Recalling Commission on Human Rights resolution 1982/31 of 11 March 1982, in which the Commission expressed its profound concern at the continuing deterioration in the situation of human rights and fundamental freedoms in Guatemala under the previous régime and in which it requested its Chairman to appoint a Special Rapporteur,

Taking into account General Assembly decision 36/435 of 16 December 1981.

Expressing its satisfaction at the declared willingness of the present Government of Guatemala to co-operate with the Special Rapporteur to be appointed pursuant to Commission on Human Rights resolution 1982/31 with a mandate to make a thorough study of the human rights situation in Guatemala.

Taking note of resolution 1982/17 of 7 September 1982 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in which the Sub-Commission expressed alarm at reports of massive repression against and displacement of indigenous populations,

Disturbed about the large number of missing persons, who, despite appeals from various international organizations to the Government of Guatemala, remain unaccounted for.

Noting with concern the state of siege in force in Guatemala since 1 July 1982, under which basic human rights are abrogated and serious violations of human rights are reported to occur.

1. Expresses its deep concern at the serious violations of human rights reported to be taking place in Guatemala, particularly those reports of widespread repression, killing and massive displacement of rural and indigenous populations;

2. Urges the Government of Guatemala to ensure that human rights and fundamental freedoms are fully respected by all its authorities and agencies, including its security forces;

3. Appeals to the Government of Guatemala to allow international humanitarian organizations to give their assistance to those displaced;

4. Appeals also to all parties concerned in Guatemala to seek an end to all acts of violence;

5. Calls upon Governments to refrain from supplying arms and other military assistance as long as serious human rights violations in Guatemala continue to be reported;

6. Invites the Government of Guatemala and other parties concerned to co-operate with the Special Rapporteur of the Commission on Human Rights;

7. Requests the Commission on Human Rights to study carefully the report of its Special Rapporteur and to consider, in the light of that report, further steps for securing human rights and fundamental freedoms for all in Guatemala.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Angola, Australia, Austria, Bahrain, Barbados, Belgium, Benin, Botswana, Bulgaria, Byelorussian SSR, Canada, Cape Verde, Congo Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Ethiopia, Finland, France, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guinea-Bissau, Guyana, Hungary, Iceland, Iran, Iraq, Ireland, Italy, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Papua New Guinea, Poland, Portugal, Qatar, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Spain, Sweden, Syrian Arab Republic, Togo, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United Republic of Tanzania, Vanuatu, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: Antigua and Barbuda, Argentina, Brazil, Chile, El Salvador, Guatemala, Haiti, Honduras, Indonesia, Israel, Morocco, Pakistan, Paraguay, Philippines, United States, Uruguay.

Abstaining: Bahamas, Bangladesh, Belize, Bhutan, Bolivia, Burma, Burundi, Chad, China, Colombia, Democratic Kampuchea, Dominica, Dominican Republic, Ecuador, Egypt, Fiji, Gabon, Germany, Federal Republic of Guinea, India, Ivory Coast, Japan, Jordan, Liberia, Malawi, Malaysia, Maldives, Nepal, Niger, Oman, Panama, Peru, Romania, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Republic of Cameroon, Upper Volta, Zaire.

Territories occupied by Israel

During 1982, the question of human rights violations in the territories occupied by Israel as a result of 1967 hostilities in the Middle East was again considered by the Commission on Human Rights, its Sub-Commission and the General Assembly. This was in addition to the consideration of political and other aspects by the Assembly, its Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories and other bodies (see

POLITICAL AND SECURITY QUESTIONS, Chapter IX).

Action by the Commission on Human Rights. On 11 February, the Commission on Human Rights adopted two resolutions on human rights violations in the occupied Arab territories, and another on self-determination for the Palestinian people (see above, under CIVIL AND POLITICAL RIGHTS).

By the first resolution,⁽¹⁾ adopted by a roll-call vote of 32 to 3 (Australia, Canada, United States), with 7 abstentions, the Commission reaffirmed that occupation constituted a fundamental violation of the human rights of the civilian population in the territories. It expressed alarm that Israel's policy, based on the so-called "Homeland" doctrine envisaging a Jewish State including those territories, denied the right to self-determination and was a continuing source of human rights violations. It declared that Israel's grave breaches of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War (fourth Geneva Convention) were war crimes and an affront to humanity. It again rejected and condemned Israel's decision to annex Jerusalem and alter its character and status.

The Commission strongly condemned Israeli measures to promote and expand settler colonies and called for an end to the following specific practices: annexation of occupied territories, including Jerusalem; establishment and expansion of Israeli settlements on Arab lands; arming of settlers in the occupied territories and violence by the settlers, causing injury, death and damage to Arab property; evacuation, deportation and expulsion of Arabs and the denial of their right of return; confiscation and expropriation of Arab property and all other transactions for the acquisition of land in the occupied territories involving Israeli authorities; destruction, and demolition of Arab houses; mass arrests, collective punishments, detention, ill-treatment, torture and inhuman prison conditions; pillaging of archaeological and cultural property; interference with religious freedoms and family customs; systematic repression against Palestinian universities; and illegal exploitation of natural resources.

The Commission demanded that Israel desist from those policies and practices, and called on it to take immediate steps for the return of displaced Arabs to their homes and property; to implement resolutions on the return of the expelled Mayors of Hebron and Halhul; to cease all torture and ill-treatment of Arab detainees and prisoners; and to release all those imprisoned as a result of their struggle for self-determination. It renewed its request to the Secretary-General to collect information on detainees and make it available to the Commission in 1983. The Secretary-

General was further requested to give the resolution the widest possible publicity and to bring to the Commission's attention all United Nations reports appearing between Commission sessions on the situation of the population of the occupied territories. The Commission decided to hold a seminar at Geneva on human rights violations in the occupied territories (see below).

The Commission reiterated its call to States not to recognize any changes by Israel in the occupied territories and to avoid taking any action or extending aid which Israel might use in pursuit of its annexation and colonization policies. It called on Israel to report on implementation of the resolution and decided to give the question high priority in 1983.

By the second resolution,⁽²⁾ adopted by a roll-call vote of 41 to 1 (United States), the Commission condemned Israel's failure to acknowledge the applicability to the occupied territories of the fourth Geneva Convention and expressed deep concern at the consequences of Israel's refusal to apply its provisions. The Commission called on Israel to abide by and respect its obligations under the Convention, the Charter of the United Nations and other international instruments, and urged States parties to the Convention to exert all efforts to ensure respect for and compliance with its provisions in the occupied territories.

After each resolution was adopted separately, the two resolutions were adopted together by a roll-call vote of 32 to 1 (United States), with 9 abstentions.

Sub-Commission action. On 8 September,⁽³⁾ by 18 votes to 1, with 3 abstentions, the Sub-Commission on Prevention of Discrimination and Protection of Minorities recommended that the Commission declare as an affront to humanity Israel's breaches in Lebanon and the occupied Palestinian territories of the fourth Geneva Convention, and call on Israel to withdraw from all occupied territories and to implement United Nations resolutions.

The Sub-Commission also requested the Secretary-General to supply it in 1983 with a list of reports, documents, statistics and texts of United Nations resolutions and decisions on Palestine and other occupied Arab territories, including Lebanon. Recommending that the Commission and the Economic and Social Council take urgent measures to implement the resolution, the Sub-Commission also asked the Commission to condemn Israel's invasion of Lebanon and indiscriminate destruction of Lebanese cities and Palestinian refugee camps; urge Israel to grant prisoner-of-war status to Lebanese and Palestinian combatants, to release all detained civilians, and to comply with the Security Council resolutions asking for unconditional and immediate Is-

raeli withdrawal from Lebanon; and call for the full exercise of the rights of the Palestinians to self-determination and to return to their homes.

Resolution (1982). Commission on Human Rights (report, E/1982/12), 11 Feb.: (1)1982/1 A., (2)1982/1 B. (3)SCPDP (report, E/CN.4/1983/4): 1982/18, 8 Sep.

Seminar

From 29 November to 3 December 1982, a Seminar on violations of human rights in the Palestinian and other Arab territories occupied by Israel was organized at Geneva by the United Nations Centre for Human Rights.⁽²⁾

The Seminar affirmed the right of the Palestinians to self-determination; human rights violations in the territories would only cease when the Palestinians were allowed to enjoy that right. The Seminar characterized the Israeli occupation as resulting in demographic transformation and eventual annexation—the time factor was thus crucial.

The laws applicable in the territories had been totally eclipsed by military orders, establishing de facto a new legal régime. Palestinians and other Arabs in the territories were deprived of most kinds of protection. The establishment of Israeli settlements in the territories was a grave breach of the fourth Geneva Convention and inconsistent with Israel's status as an occupying Power. The economy of the territories was completely subjugated to the Israeli economy, and the cultural life was affected by restraints on freedom of movement, expression, assembly and religion and other restrictions.

The Seminar stated that the Palestinian people's right of return was interrelated with the right to self-determination and acknowledged the Palestine Liberation Organization as its sole legitimate representative. According to the Seminar, Palestinians had been denied their rights to participation, social welfare, economic well-being, education and development as a society. Affirming the applicability to all Israeli-occupied territories of the fourth Geneva Convention, the Seminar concluded that Israel had committed acts tantamount to genocide, had seriously contravened the Convention and had committed breaches of other international instruments. The Seminar condemned the Israeli invasion of Lebanon as an illegal act, and characterized Israeli acts committed in the course of that aggression as war crimes, crimes of genocide and crimes against humanity.

The Seminar made several recommendations to the Commission on Human Rights, among them that States parties to the fourth Geneva Convention should urge Israel to comply strictly with it and with United Nations resolutions and to withdraw from all Arab territories occupied in 1967. The Seminar recommended a conference of States parties to the Convention to study ways of im-

plementing it in the occupied territories and the nomination by the international community of a Protecting Power to safeguard the rights of the Palestinians there. The Seminar recommended special consideration of the question of Palestinian and Lebanese prisoners detained by Israel, and revision of the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to guarantee legal and physical protection to Palestinian refugees. All Member States should actively support the struggle of the Palestinians, should be made to realize that assistance to Israel prevented implementation of United Nations resolutions, and should consider imposing sanctions on Israel similar to those against South Africa.

The decision to convene the Seminar at Geneva had been taken by the Commission on 11 February 1982(3) in one of its resolutions on human rights in the occupied territories (see above). This decision was endorsed on 7 May by the Economic and Social Council,(1) which requested the Secretary-General to arrange for its organization and report to the Commission in 1983. The Council adopted the decision, recommended by the Commission, by a recorded vote, requested by Iraq, of 37 to 1, with 14 abstentions, following its approval by the Second (Social) Committee on 3 May by a recorded vote of 30 to 1, with 12 abstentions.

Expressing regret at the adoption of the decision, Israel, speaking as an observer, commented that the Commission's resolution, by condemning Israel, prejudged the outcome of the Seminar and would not contribute to a better understanding of the situation. The United States, casting a negative vote, reiterated that negotiations involving withdrawal from occupied territory in exchange for peace were the only sound framework for resolving conflict; the Seminar would only create further divisions and hinder peace prospects.

Decision (1982). (1)ESC: 1982/127, 7 May, text following. Report. (2)Seminar. ST/HR/SER.A/14.

Resolution (1982). (3)Commission on Human Rights (report, E/1982/12): 1982/1 A, para. 15. 11 Feb. Meeting record. ESC: E/1982/SR.28 (7 May).

Economic and Social Council decision 1982/127

37-1-14 (recorded vote)

Approved by Second Committee (E/1982/59) by recorded vote (30-1-12), 3 May (meeting 15); draft by Commission on Human Rights (E/1982/12): agenda item 9.

Question of the violation of human rights in the occupied Arab territories, including Palestine

At its 28th plenary meeting, on 7 May 1982, the Council, noting resolution 1982/1 A of 11 February 1982 of the Commission on Human Rights, endorsed the Commission's decision that a seminar on violations of human rights in the Palestinian and other Arab territories occupied by Israel should be held at the United Nations Office at Geneva and requested the Secretary-General to make the appropriate arrangements for the organization of the seminar and to report to the Commission on Human Rights at its thirty-ninth session.

Recorded vote in Council as follows:

In favour: Argentina, Bahamas, Bangladesh, Benin, Brazil, Bulgaria, Burundi, Byelorussian SSR, Chile, China, Ethiopia, Fiji, Greece, India, Iraq, Jordan, Kenya, Libyan Arab Jamahiriya, Mali, Mexico, Nepal, Nicaragua, Nigeria, Pakistan, Peru,

Poland, Qatar, Romania, Sudan, Swaziland, Thailand, Tunisia, USSR, United Republic of Cameroon, Venezuela, Yugoslavia, Zaire.

Against: United States.

Abstaining: Australia, Austria, Belgium, Canada, Denmark, France, Germany, Federal Republic of, Italy, Japan, Liberia, Malawi, Norway, Portugal, United Kingdom.

Golan Heights

On 11 February 1982,(1) the Commission on Human Rights resolutely condemned the December 1981 Israeli decision annexing the Syrian Golan Heights, occupied since 1967, through the imposition of its laws, jurisdiction and administration (see POLITICAL AND SECURITY QUESTIONS, Chapter IX), and demanded that Israel rescind its act. The Commission, declaring that decision null and void and without international legal effect, determined that Israel's persistent defiance of United Nations resolutions and its systematic human rights violations were a threat to international peace. It called on States, international institutions and United Nations agencies to comply with a General Assembly resolution of 5 February 1982,(2) refrain from supplying Israel with military assistance, suspend all economic, financial and technological assistance, sever diplomatic, trade and cultural relations, and isolate Israel in all fields.

The Commission resolution was adopted by a roll-call vote of 22 to 11 (Australia, Canada, Denmark, Fiji, France, Germany, Federal Republic of, Italy, Japan, Netherlands, United Kingdom, United States), with 7 abstentions.

Resolutions (1982). (1)Commission on Human Rights (report, E/1982/12): 1982/2, 11 Feb. (2)GA: ES-9/1, 5 Feb.

Lebanon

In a resolution of 8 September 1982(2) concerned with human rights violations in the territories occupied by Israel (see above), the Sub-Commission on Prevention of Discrimination and Protection of Minorities condemned Israel for its invasion of Lebanon and the indiscriminate destruction of Lebanese cities and Palestinian refugee camps, causing mass killings of civilians (see POLITICAL AND SECURITY QUESTIONS, Chapter IX). It urged Israel to grant, in accordance with the 1949 Geneva Conventions and the Additional Protocols, prisoner-of-war status to Lebanese and Palestinian combatants, to release detained civilians and to comply with the Security Council's calls for unconditional and immediate withdrawal from Lebanon.

By a decision of 17 August,(1) the Sub-Commission requested the Secretary-General to forward a message to the Chairman of the Commission on Human Rights for transmission to Israel. The text expressed the Sub-Commission's grave concern at the suffering of civilians caused by the invasion of Lebanon and the blockade and bombardment of Beirut, and its urgent wish that

all military operations cease and that international humanitarian norms, especially the 1949 Geneva Conventions, be respected.

Decision (1982). (1)SCPDPM (report, E/CN.4/1983/4): 1982/2, 17 Aug.
Resolution (1982). (2)SCPDPM: 1982/18, para. 1, 8 Sep.

Mass exoduses

Action by the Commission on Human Rights. On 11 March 1982,(4) the Commission on Human Rights commended Special Rapporteur Sadrudin Aga Khan for his 1981 study on human rights and massive exoduses.(6) The Commission requested the Secretary-General to transmit the study to the General Assembly and to bring it to the attention of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees (see Chapter XXI of this section). The Commission invited interested Governments, United Nations departments, specialized agencies, and international and non-governmental organizations to submit their views on the study and its recommendations to the Secretary-General. The Special Rapporteur was requested to explore the recommendations further with the Secretary-General and those interested parties, convey their observations with his comments to the Assembly and remain available for consultations with the Group of Governmental Experts.

Economic and Social Council action. On 7 May,(1) acting without vote, the Economic and Social Council approved the Commission's request that the Special Rapporteur explore further his recommendations on massive exoduses with the Secretary-General and interested parties, that he present their observations with his comments to the Assembly and that he remain available for consultations with the Group of Governmental Experts.

Originating in the Commission, the draft was approved by the Second (Social) Committee on 3 May, also without vote.

General Assembly action. As requested by the Commission, the Secretary-General transmitted the Special Rapporteur's study to the Assembly by a note of 30 June.(3)

Commending the Special Rapporteur for his study, the Assembly, on 17 December,(5) renewed the Commission's invitation to Governments, United Nations agencies and organizations to communicate their views. It requested the Secretary-General to ensure that these views be made available to the Commission in 1983 and to the Group of Governmental Experts, which were invited to consider those aspects of the study falling within their mandates. The Assembly requested the Secretary-General to examine the study's recommendations, taking into account the views communicated to him, the 1982 Assembly

debates and the 1983 deliberations by the Commission and the Group, and to report to the Assembly in 1983.

The resolution was adopted without vote, following its similar approval by the Third (Social, Humanitarian and Cultural) Committee on 10 December, where the 12-nation draft was introduced and orally revised by Canada. Three of the revisions were based on proposals by other States: mass "movements" of population in the third and fourth preambular paragraphs was changed to "exoduses and displacements" (Ethiopia); the word "deeply" was added before the word "preoccupied" in the fourth preambular paragraph (Djibouti); and in paragraph 5, deliberations of the Group of Governmental Experts were also to be considered by the Secretary-General in conjunction with his examination of the Special Rapporteur's study (Cuba).

By a letter of 11 October to the Special Rapporteur,(2) the Secretary-General commended him for his study and said that some of the recommendations could be considered further and acted on within the United Nations system. In particular, he mentioned proposals for a reappraisal of developing countries' economic needs in relation to possible causes of mass exoduses, an international labour compensatory facility (to reimburse countries adversely affected by the brain drain of skilled personnel to developed countries) (see Chapter XII of this section), the standardization of international aid criteria, an integrated approach to multilateral and bilateral aid, and the use of multidisciplinary assessment teams. Concerning the Special Rapporteur's proposal for the establishment of a corps of "humanitarian observers", the Secretary-General shared his view that an international presence would have a stabilizing influence, but added that the proposal required the consent of the Governments concerned.

The Secretary-General termed as innovative the proposal to monitor and assess situations which might result in mass movements of population. He drew attention to his intent, as stated in his annual report on the work of the United Nations (p. 6), to develop a systematic capacity for fact-finding in potential conflict areas. He also expressed interest in learning whether the Assembly would expand the concept to include areas where human rights violations might lead to massive exoduses, thereby possibly inhibiting the deterioration of such situations. In relation to that issue, the Secretary-General expressed further interest in the attitude of Members towards the proposal that he appoint a special representative for humanitarian questions.

Decision (1982). (1)ESC: 1982/136, 7 May, text following.
Letter. (2)S-G, 11 Oct., A/C.3/37/9.
Note. (3)S-G, A/37/310.

Resolution (1982). (4) Commission on Human Rights (report, E/1982/12): 1982/32, 11 Mar. (5) GA: 37/186, 17 Dec., text following.

Yearbook reference. (6) 1981, p. 966.

Meeting records. ESC: E/1982/SR.28, 29 (7 May). GA: 3rd Committee, A/C.3/37/SR.57, 62, 63, 64, 65-71, 72, 74 (29 Nov.-10 Dec.); plenary, A/37/PV.110 (17 Dec.).

Economic and Social Council decision 1982/136

Adopted without vote

Approved by Second Committee (E/1982/59) without vote, 3 May (meeting 15); draft by Commission on Human Rights (E/1982/12): agenda item 9.

Human rights and mass exoduses

At its 29th plenary meeting, on 7 May 1982, the Council, noting resolution 1982/32 of 11 May 1982 of the Commission on Human Rights, approved the Commission's request to the Special Rapporteur, in order to facilitate consideration by the General Assembly of his study on human rights and massive exoduses, to explore further with interested Governments, the Secretary-General, United Nations bodies and the specialized agencies, and other organizations, intergovernmental and non-governmental, the study and the recommendations contained therein, to convey their observations together with his comments to the General Assembly in the course of introducing his study, and to remain available for consultations with the Group of Governmental Experts on International Co-operation to Avert New flows of Refugees as required.

General Assembly resolution 37/186

17 December 1982 Meeting 110 Adopted without vote

Approved by Third Committee (A/37/745) without vote, 10 December (meeting 74); 12-nation draft (A/C.3/37/L.74/Rev.1). orally revised; agenda item 12.

Sponsors: Australia, Canada, Costa Rica, Djibouti, Germany, Federal Republic of, Ghana, Greece, Japan, Jordan, Pakistan, Senegal, Somalia.

Human rights and mass exoduses

The General Assembly.

Mindful of its general humanitarian mandate under the Charter of the United Nations and its mandate to promote and encourage respect for human rights and fundamental freedoms for all.

Deeply disturbed by the increasing scale and magnitude of exoduses and displacements of populations in many regions of the world and by the human suffering of millions of refugees and displaced persons in all regions of the world,

Conscious that human rights violations are among the principal factors in the complex and multiple root causes of mass exoduses and displacements of population,

Deeply preoccupied by the increasingly heavy burden being imposed upon the international community as a whole, and more particularly on developing countries with limited resources of their own, by these sudden and mass exoduses and displacements of population,

Conscious of its obligations towards the millions of victims of mass exoduses and of displacements of population, and of its dual responsibility, under the Charter, to provide adequate international protection and assistance to such victims and to eliminate or mitigate the root causes of this phenomenon,

Recalling its resolution 36/136 of 14 December 1981 on a new international humanitarian order,

Recalling also its resolutions 35/124 of 11 December 1980 and 36/148 of 16 December 1981 on international co-operation to avert new flows of refugees, 35/196 of 15 December 1980 on mass exoduses, and Commission on Human Rights resolutions 29(XXXVII) of 11 March 1981 and 1982/32 of 11 March 1982,

Recalling further its resolution 32/130 of 16 December 1977 and Commission on Human Rights resolution 4(XXXIII) of 21 February 1977 on the full realization of economic, social and cultural rights,

Considering the study on human rights and massive exoduses by the Special Rapporteur of the Commission on Human Rights,

1. Commends the Special Rapporteur of the Commission on Human Rights for his study on human rights and massive exoduses;

2. Renews the invitation extended in Commission on Human Rights resolution 1992/32 to Governments, United Nations agencies or departments concerned, specialized agencies, international organizations and non-governmental organizations to communicate their views on the

study and the recommendations contained therein to the Secretary-General;

3. Requests the Secretary-General to ensure that the views expressed to date on the study and the recommendations contained therein by all interested parties-Governments, United Nations agencies or departments concerned, specialized agencies, international organizations and non-governmental organizations-together with those to be received in the mean time, are made available to the Commission on Human Rights at its thirty-ninth session and to the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees to facilitate their further consideration of the study and its recommendations;

4. Invites the Commission on Human Rights at its thirty-ninth session, and the Group of Governmental Experts, at meetings to be held pursuant to General Assembly resolution 37/121 of 16 December 1982, to give careful consideration to those aspects of the study of the Special Rapporteur which fall within their respective mandates in the light of the views expressed by all interested parties;

5. Requests the Secretary-General to pursue his examination of the recommendations contained in the study, taking into account the views of Governments and other interested parties, as enumerated in paragraph 3 above, the debates in the General Assembly at its thirty-seventh session and the deliberations of the Commission on Human Rights at its thirty-ninth session, and of the Group of Governmental Experts, and to report thereon to the Assembly at its thirty-eighth session in order to enable it to continue its consideration of this matter;

6. Decides to review the question of human rights and mass exoduses at its thirty-eighth session.

Genocide

On 7 September 1982,(1) the Sub-Commission on Prevention of Discrimination and Protection of Minorities recommended that it be authorized to appoint a Special Rapporteur to revise and update its 1978 study on the prevention and punishment of the crime of genocide.(2) In a draft resolution submitted for adoption in 1983 by the Commission on Human Rights and the Economic and Social Council, the Sub-Commission proposed that the study, to be presented in 1984, take account of replies to a questionnaire that would be sent to Governments and organizations.

Resolution (1982). (1) SCPDPM (report, E/CN.4/1983/4): 1982/2, 7 Sep.

Yearbook reference. (2) 1978, p. 723.

Other human rights questions

Additional Protocols I and II to the 1949 Geneva Conventions

On 16 December 1982,(3) the General Assembly reiterated its call for ratification of or accession to the two 1977 Protocols Additional to the Geneva Conventions of 12 August 1949 for the protection of war victims.(4) The Assembly also called on States becoming parties to Protocol I—on protection of victims of international armed conflicts—to consider making the declaration under article 90 (allowing States the option of recognizing the competence of a fact-finding commission to inquire into cases of grave breaches or serious violations). The Secretary-General was requested to report in 1984 on the status of the Protocols.

The resolution was adopted without vote, following similar approval on 19 November by the Sixth (Legal) Committee, where the 14-nation draft was introduced by Sweden.

The item on signatures and ratifications of the Protocols was placed on the Assembly's agenda at the request of Denmark, Finland, Norway and Sweden, in a letter of 6 July.⁽¹⁾ In an explanatory memorandum attached, they noted that only a small number of States had ratified the Protocols and expressed the view that it was appropriate for the Assembly to call again for States to adhere. They added that the International Red Cross Conference in November 1981 had reaffirmed its intention to do everything possible to aid universal acceptance of the Protocols and invited States to ratify or accede.

As at 31 December 1982, 27 States had ratified or acceded to Protocol I, as follows (names of States adhering in 1982 are italicized):

Austria, Bahamas, Bangladesh, Botswana, Cuba, Cyprus, Denmark, Ecuador, El Salvador, Finland, Gabon, Ghana, Jordan, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mauritania, Mauritius, Niger, Norway, Republic Of Korea, Saint Lucia, Sweden, Switzerland, Tunisia, Viet Nam, Yugoslavia, Zaire.

All of these States, except Cuba, Cyprus, Viet Nam and Zaire, had also adhered to Protocol II, on protection of victims of non-international conflicts.

A list of States adhering to the Protocols as at 13 October was submitted by the Secretary-General to the Assembly.⁽²⁾

Letter. (1)Denmark, Finland, Norway, Sweden, 6 July, A/37/142.

Report. (2)S-G, A/INF/37/2 & Add.1.

Resolution (1982). (3)GA: 37/116, 16 Dec., text following.

Yearbook reference. (4)1977, p. 706.

Meeting records. GA: General Committee, A/BUR/37/SR.2 (22 Sep.); plenary, A/37/PV.4, 107 (24 Sep., 16 Dec.); 6th Committee, A/C.6/37/SR.18, 19, 51 (15 Oct., 19 Nov.).

General Assembly resolution 37/116

16 December 1982 Meeting 107 Adopted without vote

Approved by Sixth Committee (A/37/641) without vote. 19 November (meeting 51): 14-nation draft (A/C.6/37/L.10): agenda item 132.

Sponsors: Austria, Bahamas, Bangladesh, Denmark, Egypt, Finland, Ghana, Libyan Arab Jamahiriya, Netherlands, Norway, Sweden, Tunisia, Yugoslavia, Zaire.

State of signatures and ratifications of the Protocols

Additional to the Geneva Conventions of 1949

and relating to the protection of victims of international armed conflicts (Protocol I) and the protection of victims of non-international armed conflicts (Protocol II)

The General Assembly,

Recalling its resolutions 32/44 of 8 December 1977 and 34/51 of 23 November 1979,

Having considered the report of the Secretary-General on the state of signatures and ratifications of the two Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts,

Taking note of resolution VII of the Twenty-fourth International Red Cross Conference, adopted on 13 November 1981,

Convinced of the continuing value of established humanitarian rules relating to armed conflict and the need to secure the full observance

of human rights in armed conflicts pending the earliest possible termination of such conflicts,

Noting the virtually universal acceptance of the four Geneva Conventions of 12 August 1949 concerning the protection of victims of armed conflicts, and their binding character for all parties,

Noting further with appreciation the continuing efforts of the International Committee of the Red Cross to disseminate information about the two additional Protocols,

Concerned, however, at the fact that so far only a limited number of States have signed, ratified or acceded to the two Protocols,

Mindful of the need for continued improvement of the implementation, and for further expansion, of the body of humanitarian rules relating to armed conflicts,

1. Reiterates its call, contained in resolution 34/51, to all States to consider without delay the matter of ratifying or acceding to the two Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts;

2. Calls upon all States becoming parties to Protocol I to consider the matter of making the declaration provided for under article 90 of that Protocol;

3. Requests the Secretary-General to submit to the General Assembly at its thirty-ninth session a report on the status of the Protocols based on information received from Member States;

4. Decides to include in the provisional agenda of its thirty-ninth session an item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts: report of the Secretary-General";

Rights of the child

Draft convention

Action by the Commission on Human Rights. An informal, open-ended working group of the Commission on Human Rights met at Geneva from 25 to 29 January 1982 to continue work on a draft convention on the rights of the child, begun in 1979.⁽⁸⁾ In addition, the group met during the Commission's annual session, between 2 and 9 February and on 5 March, with Adam Lopatka (Poland) re-elected as Chairman/Rapporteur.⁽¹⁾

The group adopted articles 6, 10, 11 and 11 bis, and the first sentence of paragraph 1 of article 12. These pertained to: parental care and circumstances permitting separation of children from their parents; special protection for children separated from their families; adoption and inter-country adoption; child refugees; and mentally and physically disabled children.

On 11 March,⁽²⁾ the Commission decided to continue work on the draft convention with a view to completing it in 1983 for transmission to the General Assembly through the Economic and Social Council. To facilitate this work, it recommended that the Council authorize a one-week working group meeting prior to the 1983 Commission session.

Economic and Social Council action. On 7 May,⁽⁵⁾ the Council authorized the actions recommended by the Commission. This resolution was adopted without vote, following similar approval on 3 May by the Second (Social) Committee of a draft recommended by the Commission.

In a separate action pertaining to parental kidnapping, also taken on 7 May,⁽⁶⁾ the Council invited the Commission, when drafting the conven-

tion, to take into consideration the protection of the rights of the child in cases of unauthorized international removal. In addition, on 4 May, the Council called for action to combat abuses against women and children⁽³⁾ and, with reference to the effects of apartheid, it appealed for contributions to assistance projects for refugee women and children from South Africa and Namibia.⁽⁴⁾

General Assembly action. On 18 December,⁽⁷⁾ the General Assembly welcomed the Council's decision to authorize continuation of the working group and requested that the Commission give highest priority in 1983 to completing the draft convention, to which all Member States were invited to contribute.

The resolution was adopted without vote, following similar approval on 7 December by the Third (Social, Humanitarian and Cultural) Committee, where the draft was introduced by Poland on behalf of 45 countries.

Report. (1) Working Group, E/1982/12/Add.1.

Resolutions (1982). (2) Commission on Human Rights (report, E/1982/12): 1982/39, 11 Mar. ESC: (3) 1982/22, para. 1, 4 May; (4) 1982/24, para. 3, 4 May; (5) 1982/37, 7 May, text following; (6) 1982/39, para. 3, 7 May. (7) GA: 37/190, 18 Dec., text following.

Yearbook reference. (8) 1979, p. 863.

Meeting records. ESC: E/1982/SR.28 (7 May). GA: 3rd Committee, A/C.3/37/SR.47, 50-53, 55, 56, 64, 67 (18 Nov.-7 Dec.); plenary. A/37/PV.111 (18 Dec.).

Economic and Social Council resolution 1982/37

7 May 1982 Meeting 28 Adopted without vote

Approved by Second Committee (E/1982/59) without vote, 3 May (meeting 15); draft by Commission on Human Rights (E/1982/12); agenda item 9.

Question of a convention on the rights of the child

The Economic and Social Council,

Recalling General Assembly resolutions 33/166 of 20 December 1978, 34/4 of 18 October 1979 and 35/131 of 11 December 1980, as well as resolution 36/57 of 25 November 1981, by which the Assembly requested the Commission on Human Rights to continue to give the highest priority to the question of completing the draft convention on the rights of the child, and Economic and Social Council resolutions 1978/18 of 5 May 1978 and 1978/40 of 1 August 1978 and decisions 1980/138 of 2 May 1980 and 1981/144 of 8 May 1981, by which the Council authorized a one-week session of an open-ended working group prior to the thirty-eighth session of the Commission to facilitate completion of the work on a draft convention on the rights of the child,

Considering that it was not found possible to complete the work on the draft convention during the thirty-eighth session of the Commission on Human Rights,

Taking note of resolution 1982/39 of 11 March 1982 of the Commission on Human Rights,

1. Authorizes a meeting of an open-ended working group for a period of one week prior to the thirty-ninth session of the Commission on Human Rights to facilitate the completion of the work on a draft convention on the rights of the child;

2. Requests the Secretary-General to transmit to the Commission on Human Rights at its thirty-ninth session all relevant material relating to the draft convention on the rights of the child.

General Assembly resolution 37/190

18 December 1982 Meeting 111 Adopted without vote

Approved by Third Committee (A/37/717) without vote, 7 December (meeting 67); 45-nation draft (A/C.3/37/L.46); agenda item 86.

Sponsors: Afghanistan, Angola, Argentina, Bhutan, Bolivia, Bulgaria, Byelorussian SSR, Central African Republic, Chad, Colombia, Cuba, Cyprus, Democratic

Yemen, Egypt, Ethiopia, German Democratic Republic, Guinea, Guinea-Bissau, Guyana, India, Jamaica, Jordan, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mali, Madagascar, Mongolia, Morocco, Mozambique, Nicaragua, Pakistan, Panama, Peru, Poland, Rwanda, Senegal, Sierra Leone, Suriname, Syrian Arab Republic, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire.

Question of a convention on the rights of the child

The General Assembly,

Recalling its resolutions 33/166 of 20 December 1978, 34/4 of 18 October 1979, 35/131 of 11 December 1980 and 36/57 of 25 November 1981,

Recalling also Commission on Human Rights resolutions 20(XXXIV) of 8 March 1978, 19(XXXV) of 14 March 1979, 36(XXXVI) of 12 March 1980, 26(XXXVII) of 10 March 1981 and 1982/39 of 11 March 1982 as well as Economic and Social Council resolutions 1978/8 of 5 May 1978, 1978/40 of 1 August 1978 and 1982/37 of 7 May 1982 and Council decisions 1980/138 of 2 May 1980 and 1981/144 of 8 May 1981,

Conscious of the importance of its task to contribute to the improvement of the situation of children in the world and to ensure their development and education in conditions of peace,

Bearing in mind the need to pursue effective action with a view to generating an international record of accomplishment such as that of the International Year of the Child,

Noting again the important role of the United Nations Children's Fund and the specialized agencies in promoting the well-being of children and their development,

Aware of the importance of an international convention on the rights of the child for more effective protection of children's rights,

Noting with appreciation that further progress has been made in the elaboration of a draft convention on the rights of the child prior to and during the thirty-eighth session of the Commission on Human Rights,

1. Welcomes Economic and Social Council resolution 182/37, by which the Council authorized a meeting of an open-ended working group of the Commission on Human Rights for a period of one week prior to the thirty-ninth session of the Commission in order to facilitate completion of the work on a draft convention on the rights of the child;

2. Invites all Member States to offer their effective contribution to the elaboration of a draft convention;

3. Requests the Commission on Human Rights to give the highest priority at its thirty-ninth session to the question of completing a draft convention;

4. Requests the Secretary-General to provide all necessary assistance to the working group in order to ensure its smooth and efficient work;

5. Decides to include in the provisional agenda of its thirty-eighth session the item entitled "Question of a convention on the rights of the child".

Child labour

On 7 May 1982,⁽¹⁾ the Economic and Social Council endorsed the recommendation of the Commission on Human Rights, in a resolution of 10 March,⁽³⁾ that the study on child labour submitted by Special Rapporteur Abdelwahab Bouhdiba (Tunisia) to the Sub-Commission on Prevention of Discrimination and Protection of Minorities in 1981⁽⁶⁾ be given the widest possible distribution, including distribution in Arabic. The Council's decision, recommended by the Commission, was adopted without vote, following its similar approval by the Second Committee on 3 May.

In response to the Commission's invitation in its 10 March resolution to present a concrete programme of action against the exploitation of child labour, the Sub-Commission, on 10 September,⁽⁵⁾ decided to submit for that purpose the Special Rapporteur's recommendations, some of which were reiterated in a note of 26 July.⁽²⁾ In that note, the Special Rapporteur reaffirmed the

importance of a global campaign against the exploitation of child labour, including the organization of a seminar and the celebration of a special "week". Stating that the appeal for extensive media coverage of the question had been answered mainly by the developed countries, he called for a renewal of that appeal. Referring to comments from various organizations, he stated that the information received indicated a slight improvement of the situation, with a great deal of research and studies being carried out.

In a 7 September resolution on slavery (see above, under CIVIL AND POLITICAL RIGHTS), the Sub-Commission considered that a report should be prepared on the sale of children, including commercially motivated (and especially transnational) adaptations.(4)

Decision (1982). (1)ESC: 1982/130, 7 May, text following. Note. (2)Special Rapporteur. E/CN.4/Sub.2/1982/29. Resolutions (1982). (3)Commission on Human Rights (report, E/1982/12): 1982/21, 10 Mar. SCPDPM (report, E/CN.4/1983/4): (4)1982/15, para. 14, 7 Sep.; (5)1982/33, 10 Sep.
Yearbook reference: (6)1981, p. 971.
Meeting record. ESC: E/1982/SR.28 (7 May).

Economic and Social Council decision 1992/130

Adopted without vote

Approved by Second Committee (E/1982/59) without vote, 3 May (meeting 15); draft by Commission on Human Rights (E/1982/12): agenda item 9.

Exploitation of child labour

At its 28th plenary meeting, on 7 May 1982, the Council, noting resolution 1982/21 of 10 March 1982 of the Commission on Human Rights, endorsed the Commission's recommendation that the study prepared by Mr. Abdelwahab Bouhdiba on the exploitation of child labour should be printed and given the widest possible distribution, including distribution in Arabic.

Parental kidnapping

Action by the Commission on the Status of Women. On 5 March 1982,(1) the Commission on the Status of Women decided, by 12 votes to 7, with 5 abstentions, to postpone until 1984 consideration of a draft resolution on the protection of the rights of parents and children in cases of the separation of couples of different nationalities. According to that proposal, the Economic and Social Council would request the Secretary-General: to invite agencies to give "full information" on the 1980 Hague Convention on the Civil Aspects of International Child Abduction and the 1980 European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children; to ascertain the status of this problem world-wide and communicate such information to the Commission on Human Rights; and to invite the Commission to reaffirm the child's right to relations with both parents in the event of a couple's separation.

Economic and Social Council action. On 7 May,(2) the Economic and Social Council invited States to co-operate to prevent the removal and

retention of children in the case of conflict between couples of different nationalities. To this end, it invited States to conclude bilateral arrangements or to accede to regional or international conventions. It invited the Commission on Human Rights, when drafting the convention on the rights of the child (see above), to take into consideration the protection of such rights in cases of unauthorized international removal. The Secretary-General was asked to consult with States on this issue and report his findings to the Commission in 1983.

The resolution was adopted without vote, following similar approval by the Second Committee on 3 May. The draft was introduced by France, also on behalf of Burundi, Greece and Zaïre.

Report. (1)Commission on women. E/1982/14. Resolution(1982). (2)ESC: 1982/39, 7 May, text following. Meeting record. ESC: E/1982/SR.28 (7 May).

Economic and Social Council resolution 1992/39

7 May 1982 Meeting 28 Adopted without vote

Approved by Second Committee (E/1982/59) without vote, 3 May (meeting 15); 4-nation draft (E/1982/C.2/L.11); agenda item 9.

Sponsors: Burundi, France, Greece, Zaïre.

Protection of the rights of children and parents in cases of removal or retention of children

The Economic and Social Council,

Bearing in mind the Declaration of the Rights of the Child proclaimed by the General Assembly in its resolution 1386(XIV) of 20 November 1959,

Recalling that, under the terms of principle 2 of that Declaration, the child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity,

Concerned about the proliferation of conflicts between couples of different nationalities and at the consequences which result therefrom for children, concerned particularly by their removal from the country of one spouse to the country of the other without the consent of one of the two spouses, and without or in violation of a judicial or administrative decision, and, lastly, concerned about the cases of child retention in which such situations sometimes end,

Noting the existence of a common interest in the elaboration of a full and detailed international convention on the rights of the child, as already evinced by the representatives of many countries and international organizations,

Recalling that the universally acknowledged standards and principles in the field of human rights impose on States the obligation to protect all individuals under their jurisdiction from infringements of their freedom and dignity by any private person,

1. Calls the attention of States to the proliferation of cases of removal and retention of children and invites them to co-operate actively with a view to preventing the occurrence of such cases and to solving them speedily, out of concern for the interest of the child;

2. Invites States to organize such co-operation through the conclusion of bilateral arrangements or through accession to regional conventions or international conventions such as the Hague Convention on the Civil Aspects of International Child Abduction of 25 October 1980, which is open to all States;

3. Invites the Commission on Human Rights, when drafting the convention on the rights of the child, to take into consideration the protection of the rights of the child in cases of unauthorized international removal;

4. Requests the Secretary-General to consult with Governments on this problem and to report to the Commission on Human Rights at its thirty-ninth session under the agenda item entitled "Question of a convention on the rights of the child".

Youth and human rights

Action by the Commission on Human Rights. In anticipation of International Youth Year (IYY) (1985), the Commission on Human Rights, on 11 March 1982,(1) called on States to take appropriate action enabling young people to exercise all human rights. The Secretary-General was requested to submit a progress report on implementation of the Specific Programme of Measures and Activities in connection with the Year, endorsed by the General Assembly in November 1981.(3) As it had done in March 1981,(5) the Commission emphasized the role of young people in their country's political, social and economic development. It decided to examine in 1984 the issue of youth and human rights, including the right to education and to work.

General Assembly action. Expressing its serious interest that IYY succeed in promoting increasing participation of youth in the socio-economic life of their country, the Assembly, on 3 December 1982,(2) called on States, governmental and non-governmental organizations, United Nations bodies and specialized agencies to continue implementing a November 1981 resolution(4) on the human rights of youth, particularly the right to education and work. It requested that the Advisory Committee for IYY give attention to that resolution and all relevant human rights instruments when drafting recommendations.

The resolution was adopted without vote, following its similar approval on 15 November by the Third (Social, Humanitarian and Cultural) Committee. The draft was introduced by Czechoslovakia on behalf of 22 States and was orally amended by Sweden to add to paragraph 1 a reference to "resolving the problem of youth unemployment". Sweden had originally used the word "employment" but the Committee accepted a sub-amendment by India to change this to "unemployment".

Resolutions (1982). (1) Commission on Human Rights (report, E/1982/12): 1982/36, 11 Mar. (2) GA: 37/49, 3 Dec., text following.

Resolutions (prior). GA, 13 Nov. 1981: (3)36/28 (YUN 1981, p. 1021); (4)36/29 (ibid., p. 973).

Yearbook reference. (5)1981, p. 972.

Meeting records. GA: 3rd Committee, A/C.3/37/SR.14-23, 25, 26, 29, 42 (18 Oct.-15 Nov.); plenary, A/37/PV.90 (3 Dec.).

General Assembly resolution 37/49

3 December 1982 Meeting 90 Adopted without vote

Approved by Third Committee (A/37/629) without vote, 15 November (meeting 42); 22-nation draft (A/C.3/37/L.20/Rev.1), orally amended by Sweden and sub-amended by India; agenda item 77.

Sponsors: Afghanistan, Algeria, Angola, Benin, Bulgaria, Byelorussian SSR, Congo, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Guinea, Lao People's Democratic Republic, Madagascar, Mongolia, Mozambique, Nicaragua, Syrian Arab Republic, Venezuela, Viet Nam, Zimbabwe.

Efforts and measures for securing the implementation and the enjoyment by youth of human rights, particularly the right to education and to work

The General Assembly.

Recalling its resolution 36/29 of 13 November 1981, in which it, inter alia, recognized the need to intensify efforts and to adopt appropriate

measures for securing the implementation and the enjoyment by youth of human rights, particularly the right to education and to work.

Recalling also its resolution 34/151 of 17 December 1979, by which it decided to designate 1985 as International Youth Year: Participation, Development, Peace,

Convinced that it is necessary to ensure full enjoyment by youth of the rights stipulated in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, with special regard for the right to education and to work,

Aware of the fact that insufficient education and the unemployment of youth limits their ability to participate in the development process, and, in this regard, emphasizing the importance of secondary and higher education of youth, as well as of their access to appropriate technical, vocational guidance and training programmes,

Expressing its serious interest in the success of the forthcoming International Youth Year which should, inter alia, promote increasing participation of youth in the socio-economic life of their country,

1. Calls 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 resolution 36/29 relating to efforts 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;

2. Requests the Advisory Committee for the International Youth Year to give full attention to resolution 36/29 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.

Human rights of aging persons

The Advisory Committee for the World Assembly on Aging, on 17 February 1982, considered the desirability of a declaration on the rights of the aging. There was a general consensus that such a declaration was not only unnecessary but contrary to the objective of considering the question of aging within the context of society as a whole. The Committee decided in principle to consider adding a preamble to the international plan of action on aging, with its contents to be discussed at the appropriate time.(1)

Derision (1982). (1) Advisory Committee (report, A/CONF.113/11): 8(II), 17 Feb.

Human rights of disabled persons

The Sub-Commission on Prevention of Discrimination and Protection of Minorities, on 7 September 1982,(1) recommended that Governments give consideration to disabled persons' difficulties in enjoying human rights, as well as to the need to strengthen procedures whereby they could bring allegations of rights violations to an authoritative body or to the Government. The Sub-Commission requested the Secretary-General to invite the views of States, specialized agencies and organizations on ways of promoting the human rights of disabled persons. In this connection, it suggested that Governments, in their reports on follow-up action to the 1981 International Year of Disabled Persons,(2) provide information on how programmes to promote and protect such rights had been affected by reductions in spending for social programmes.

Resolution (1982). (1)SCPDPM (report, E/CN.4/1983/4): 1982/1, 7 Sep.
Yearbook reference. (2)1981, p. 797.

Emergency legislation

A study on the implications of human rights in countries under a state of emergency,(1) prepared by Special Rapporteur Nicole Questiaux (France), was submitted in 1982 to the Sub-Commission on discrimination and minorities. Her study had begun at the request of the Sub-Commission in 1977(5) and continued with authorization from the Economic and Social Council in 1979.(3) It analysed the de facto impact of states of emergency on human rights and examined the effectiveness of protective mechanisms and international surveillance, particularly in regard to detained or imprisoned persons.

While basic international laws and national legislation ideally limited State power and guaranteed human rights, states of emergency that were increasingly characterized by transformations undermining institutions and the rule of law had a serious effect on prisoners and detainees. The Special Rapporteur recommended measures to develop the role of international human rights surveillance organs, including the Sub-Commission, and suggested that human rights guarantees provided by international law be strengthened, particularly in such areas as imprisonment, the right to a fair trial and sentencing.

Endorsing the Special Rapporteur's conclusions and recommendations, the Sub-Commission on 10 September,(2) by 13 votes to 1 with 2 abstentions, decided to transmit the study in 1983 to the Commission. It recommended to the Commission that the study also be transmitted to United Nations agencies, the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, and that it be published and given the widest possible distribution. The Sub-Commission further recommended that the Commission ask for Economic and Social Council authorization of a Sub-Commission study of the advisability of strengthening or extending the inalienability of rights as contained in the 1966 International Covenant on Civil and Political Rights.(4)

Report. (1)Special Rapporteur, E/CN.4/Sub.2/1982/15.
Resolution (1982). (2)SCPDPM (report, E/CN.4/1983/4): 1982/32, 10 Sep.

Resolution (prior). (3)ESC: 1979/34, 10 May 1979 (YUN 1979, p. 846). (4)GA: 2200 A (XXI), annex, 16 Dec. 1966 (YUN 1966, p. 423).

Yearbook reference. (5)1977, p. 711.

Human rights of the individual and international law

In September 1982, Special Rapporteur Erica-Irene A. Daes (Greece) reported to the Sub-Commission on discrimination and minorities, outlining plans for her study on the status of the

individual and contemporary international law, mandated by the Commission on Human Rights in March 1981(3) and authorized by the Economic and Social Council in May of that year.(1) The study was an outgrowth of a 1981 study on the duty of the individual to the community.

On 10 September 1982,(2) the Sub-Commission recommended that the Commission recommend to the Council that it request the Special Rapporteur to continue her work, with a view to submitting a final report to the Sub-Commission in 1983, if possible, and that it request the Secretary-General to remind Governments and organizations to submit their comments.

Decision. (1)ESC: 1981/142, 8 May 1981 (YUN 1981, p. 976).
Resolution (1982). (2)SCPDPM (report, E/CN.4/1983/4): 1982/35, 10 Sep.

Yearbook reference. (3)1981, p. 975.

Human rights and science and technology

Action by the Commission on Human Rights. On 19 February 1982,(2) by 31 votes to none, with 12 abstentions, the Commission on Human Rights again requested a study by the Sub-Commission on the use of scientific and technological achievements to ensure the right to work and development. The study, to be considered by the Commission in 1983, was originally requested in 1981.(9) The Commission stressed the importance of implementing the General Assembly's 1975 Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind,(7) and called on States to use scientific and technological achievements for peaceful economic, social and cultural development.

General Assembly action. On 18 December 1982,(6) by a resolution adopted by a recorded vote of 113 to none, with 21 abstentions, the Assembly also stressed the importance of implementing the Declaration and called for the use of scientific and technological achievements for peaceful development. It requested the Commission to give special attention to implementation of the Declaration, and United Nations agencies and organizations to take its provisions into account in their programmes. The Assembly noted a 1982 report by the Secretary-General,(1) requested in 1980,(8) containing information from nine States and seven United Nations organizations on action taken to implement the Declaration, and it invited others to provide such information.

Introduced by the Byelorussian SSR, the 28-nation draft was approved by the Third (Social, Humanitarian and Cultural) Committee on 7 December by 109 votes to none, with 23 abstentions.

In a 9 December resolution concerned with aspects of disarmament, the Assembly called on

States to ensure the use of scientific and technological achievements for peaceful purposes.(3) It made a similar call on 18 December in a resolution on human rights and peace.(5) Also in connection with human rights and science and technology, the Assembly, on the same date,(4) urged the Sub-Commission to continue its study of the protection of persons detained on grounds of mental ill-health, for the purpose of formulating guidelines.

Report. (1)S-G, A/37/330 & Add.1.

Resolution (1982). (2)Commission on Human Rights (report, E/1982/12): 1982/4, 19 Feb. GA: (3)37/77 B, 9 Dec.; (4)37/188, 18 Dec.; (5)37/189 A, para. 5, 18 Dec.; (6)37/189 B, 18 Dec., text following.

Resolutions (prior). GA: (7)3384(XX), 10 Nov. 1975 (YUN 1975, p. 631); (8)35/130 A, 11 Dec. 1980 (YUN 1980, p. 878).

Yearbook reference. (9)1981, p. 976.

Meeting records. GA: 3rd Committee, A/C.3/37/SR.47, 50-53, 55, 56, 64, 67 (18 Nov.-7 Dec.); plenary, A/37/PV.111 (18 Dec.).

General Assembly resolution 37/189 B

18 December 1982 Meeting 111 113-0-21 (recorded vote)

Approved by Third Committee (A/37/716) by vote (109-0-23). 7 December (meeting 67); 28-nation draft (A/C.3/37/L.73): agenda item 85.

Sponsors: Afghanistan, Angola, Argentina, Bangladesh, Benin, Bulgaria, Byelorussian SSR, Chad, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Ecuador, German Democratic Republic, Guyana, Hungary, Lao People's Democratic Republic, Madagascar, Mali, Mongolia, Morocco, Nicaragua, Panama, Poland, Romania, Viet Nam, Zambia, Zimbabwe.

The General Assembly,

Noting that scientific and technological progress is one of the important factors in the development of human society,

Noting once again the great importance of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, adopted by the General Assembly in its resolution 3384(XXX) of 10 November 1975,

Considering that implementation of the said Declaration will contribute to the strengthening of international peace and the security of peoples and to their economic and social development, as well as to international co-operation in the field of human rights,

Seriously concerned that the results of scientific and technological progress could be used for the arms race to the detriment of international peace and security and social progress, human rights and fundamental freedoms, and the dignity of the human person,

Recognizing that the establishment of the new international economic order calls in particular for an important contribution to be made by science and technology to economic and social progress,

Bearing in mind that the exchange and transfer of scientific and technological knowledge is one of the important ways to accelerate the social and economic development of the developing countries,

Noting with satisfaction the report of the Secretary-General on human rights and scientific and technological developments,

1. Stresses 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;

2. Calls upon all States to make every effort to use the achievements of science and technology in order to promote peaceful social, economic and cultural development and progress;

3. Requests the specialized agencies and other organizations of the United Nations system to take into account in their programmes and activities the provisions of the Declaration;

4. Invites 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;

5. Requests the Commission on Human Rights to give 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;

6. Decides to include in the provisional agenda of its thirty-eighth session the item entitled "Human rights and scientific and technological developments".

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guyana, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Ireland, Israel, Italy, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, United Kingdom, United States.

Human rights and peace

Action by the Commission on Human Rights. On 19 February 1982,(4) by a roll-call vote of 32 to none, with 11 abstentions, the Commission on Human Rights requested a study by the Sub-Commission on discrimination and minorities, for consideration in 1984, on the negative consequences of the arms race (see POLITICAL AND SECURITY QUESTIONS, Chapter I), particularly the nuclear arms race. Stressing the need for the international community to achieve general and complete disarmament under effective international control, the Commission called on States to ensure that scientific and technological achievements were used exclusively in the interests of peace, for the benefit of mankind and for promoting human rights. The Commission decided to stress in its future activities the need to ensure everyone's right to life.

In conformity with the Commission's request to bring this resolution to the attention of the Economic and Social Council, the General Assembly and other United Nations bodies, the Secretary-General transmitted it to the Assembly by a note of 8 June.(3)

Sub-Commission action. On 7 September,(8) the Sub-Commission on discrimination and minorities recommended that the Economic and Social Council: authorize continuation of the Sub-Commission's consideration of the effects of gross human rights violations on international peace and security, with a view to preparing principles; request the Assembly to invite the International Law Commission to take flagrant human rights violations and the Sub-Commission's comments on them into account when drafting a code of offences against peace and security (see LEGAL QUESTIONS, Chapter II); and request the Security

Council to consider effective means of dealing with human rights violations that threatened international peace and security.

Also on 7 September,(7) the Sub-Commission decided to defer until 1983 consideration of a draft resolution(2) expressing the hope that States would avoid threats to peace by promoting human rights, including releasing all persons detained for their views who had not advocated or used violence.

General Assembly action. Expressing its firm conviction that all peoples and individuals had a right to life, the safeguarding of which was an essential condition for the enjoyment of other rights, the General Assembly, on 18 December 1982,(6) stressed the need for the international community to achieve general and complete disarmament under international control. It further stressed the importance of implementing practical measures of disarmament to release resources for social and economic development, particularly in developing countries. The Assembly called on States to prohibit by law any propaganda for war, and called on them, as well as on United Nations agencies and intergovernmental and non-governmental organizations, to take measures to ensure the peaceful uses of scientific and technological achievements (see above). The Commission on Human Rights was requested to stress in its future activities the need to ensure the right of everyone to life, liberty, security and peace.

The resolution was adopted by a recorded vote of 110 to none, with 24 abstentions. Introduced by the USSR, the 21-nation draft was approved by the Third Committee on 7 December by 102 votes to none, with 28 abstentions. The approved text incorporated oral revisions by the sponsors, two of them based on suggestions by other States. On the proposal of Oman, the phrase "and prevent violations of the principles of the Charter of the United Nations regarding the sovereignty and territorial integrity of States and self-determination of peoples" was added in paragraph 2. At the suggestion of the United States, the phrase "liberty and security of person, and to live in peace" was added to paragraph 6. A similar amendment was made to the second preambular paragraph.

In a resolution of 16 December, the Assembly stated that respect for human rights and the strengthening of international peace and security mutually reinforced each other.(5) On 18 December, it noted that mass and flagrant human rights violations in one State might threaten the peace of neighbouring States, a region or the international community.(7)

Decision (1982). (1)SCPDPM (report, E/CN.4/1983/4): 1982/10, 7 Sep.

Draft resolution deferred. (2)Special Rapporteurs, E/CN.4/Sub.2/1982/L.22.

Note. (3)S-G, A/S-12/AC.1/2.

Resolutions (1982). (4)Commission on Human Rights (report, E/1982/12): 1982/7, 19 Feb. GA: (5)37/118, para. 10, 16 Dec.; (6)37/189 A, 18 Dec., text following; (7)37/200, para. 2, 18 Dec. (8)SCPDPM: 1982/11, 7 Sep Meeting records. GA: 3rd Committee, A/C.3/37/SR.47. 50-53, 55, 56, 64, 67 (18 Nov.-7 Dec.); 1st Committee, A/C.1/37/PV.59 (9 Dec.); plenary, A/37/PV.111 (18 Dec.).

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18 December 1982 Meeting 111 110-0-24 (recorded vote)

Approved by Third Committee (A/37/716) by vote (102-0-28). 7 December (meeting 67); 21-nation draft (A/C.3/37/L.71), orally amended by Oman and orally revised; agenda item 85.

Sponsors: Angola, Benin, Bulgaria, Byelorussian SSR, Cape Verde, Cuba, Democratic Yemen, Ethiopia, Ghana, Guinea-Bissau, India, Lao People's Democratic Republic, Mongolia, Mozambique, Nigeria, Poland, Romania, Syrian Arab Republic, Ukrainian SSR, USSR, Viet Nam.

The General Assembly,

Reaffirming the determination of the peoples of the United Nations to save succeeding generations from the scourge of war, to reaffirm faith in the dignity and worth of the human person, to maintain international peace and security, to develop friendly relations among peoples and international co-operation in promoting and encouraging universal respect for human rights and for fundamental freedoms,

Recalling the provisions of the Universal Declaration of Human Rights, according to which everyone has the right to life, liberty and security of person, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, article 6 of which states that every human being has the inherent right to life,

Recalling also its resolutions 3281(XXIX) of 12 December 1974, containing the Charter of Economic Rights and Duties of States, and 3201(S-VI) and 3202(S-VI) of 1 May 1974, containing the Declaration and the Programme of Action on the Establishment of a New International Economic Order,

Recalling further the Declaration on the Strengthening of International Security, the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, the Declaration on the Preparation of Societies for Life in Peace, the Declaration on the Prevention of Nuclear Catastrophe and General Assembly resolution 36/92 I of 9 December 1981, on the non-use of nuclear weapons and prevention of nuclear war,

Noting with appreciation Commission on Human Rights resolution 1982/7 of 19 February 1982,

Reaffirming the inherent right to life of all peoples and all individuals, Deeply concerned that international peace and security continue to be threatened by the arms race, particularly the nuclear arms race, as well as by violations of the principles of the Charter of the United Nations regarding the sovereignty and territorial integrity of States and self-determination of peoples,

Aware that all horrors of past wars and all other calamities that have befallen people would pale in comparison with what is inherent in the use of nuclear weapons capable of destroying civilization on earth,

Noting the pressing need for urgent measures towards general and complete disarmament, particularly nuclear disarmament,

Bearing in mind that, in accordance with the International Covenant on Civil and Political Rights, any propaganda for war shall be prohibited by law,

Recalling the historic responsibility of the Governments of all countries of the world to remove the threat of war from the lives of people, to preserve civilization and ensure that everyone enjoys his inherent right to life,

Convinced that for no people in the world today is there a more important question than that of the preservation of peace and of ensuring the cardinal right of every human being, namely, the right to life,

1. Expresses its firm conviction 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;

2. Stresses the urgent need for all possible efforts by the international community to strengthen peace, remove the threat of war, particularly nuclear war, halt the arms race and achieve general and complete disarmament under effective international control, and prevent violations of the principles of the Charter of the United Nations regard-

ing the sovereignty and territorial integrity of States and self-determination of peoples, thus contributing to assuring the right to life;

3. Stresses further the foremost importance of the implementation of practical measures of disarmament for releasing substantial additional resources, which should be utilized for social and economic development, particularly for the benefit of the developing countries;

4. Calls upon all States to take effective measures with a view to prohibiting by law any propaganda for war;

5. Again calls 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 respect for human rights and fundamental freedoms without distinction as to race, sex, language or religion;

6. Requests the Commission on Human Rights in its future activities to stress the need to ensure the cardinal right of everyone to life, liberty and security of person, and to live in peace;

7. Decides to consider this matter further at its thirty-eighth session under the item entitled "Human rights and scientific and technological developments".

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Cape Verde, Central African Republic, Chad, Chile, Colombia, Congo, Costa Rica, Cuba, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guyana, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast,

Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: Australia, Austria, Belgium, Canada, China, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Turkey, United Kingdom, United States.

Iraq and Israel

The Commission on Human Rights, on 19 February 1982,⁽¹⁾ by a roll-call vote of 30 to 1 (United States), with 11 abstentions, adopted a resolution strongly condemning Israel for its aerial attack against an Iraqi nuclear reactor in June 1981, which, it said, was a dangerous escalation of Israeli violations of human rights and the right of States to scientific and technological progress (p. 425).

Resolution (1982). (1) Commission on Human Rights (report, E/1982/12): 1982/5. 19 Feb.