

# COMMISSION ON HUMAN RIGHTS

## REPORT ON THE FORTY-FIRST SESSION

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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I. DRAFT RESOLUTIONS AND DECISIONS RECOMMENDED FOR ADOPTION  
BY THE ECONOMIC AND SOCIAL COUNCIL \*/

A. Draft resolutions

I. The administration of justice and the human  
rights of detainees 1/

The Economic and Social Council,

1. Authorizes the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint a special rapporteur to carry out the work referred to in paragraph 1 of Sub-Commission resolution 1983/30 of 6 September 1983 and Commission on Human Rights resolution 1983/18 of 22 February 1983 and decision 1984/104 of 6 March 1984 on an annual basis;

2. Requests the Secretary-General to give the special rapporteur all the assistance he may require in his work;

3. Requests the special rapporteur to submit his first annual report to the Sub-Commission at its thirty-ninth session.

II. United Nations Voluntary Fund for Indigenous Populations 2/

The Economic and Social Council,

Recalling its resolution 1982/34 of 7 May 1982, authorizing the establishment annually of a working group on indigenous populations,

Recommends the following draft resolution to the General Assembly for adoption:

"The General Assembly,

"Taking note of Economic and Social Council resolution 1982/34 of 7 May 1982, by which the Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations,

"Taking note of Commission on Human Rights resolution 1984/32 of 12 March 1984,

"Convinced that the establishment of a voluntary trust fund for indigenous populations would constitute a significant development for the future promotion and protection of the human rights of indigenous populations;

"Decides to establish a voluntary trust fund in accordance with the following criteria:

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\*/ See also chapter II, containing resolutions and decisions adopted by the Commission, some of which make reference to the Economic and Social Council.

1/ See chap. II, sect.A, resolution 1985/23, and chap. XIX.

2/ See chap. II, sect.A, resolution 1985/29, and chap. XIX.

"(a) The name of the fund shall be the United Nations Voluntary Fund for Indigenous Populations;

"(b) The purpose of the Fund shall be to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations by providing them with financial assistance, funded by means of voluntary contributions from Governments, non-governmental organizations and other private or public entities;

"(c) The only type of activity to be supported by the Fund is that described in subparagraph (b) supra;

"(d) The only beneficiaries of assistance from the Fund shall be representatives of indigenous peoples' organizations and communities: (i) who are so considered by the Board of Trustees described in subparagraph (e) infra, (ii) who would not, in the opinion of the Board, be able to attend the sessions of the Working Group without the assistance provided by the Fund, and (iii) who would be able to contribute to a deeper knowledge by the Working Group of the problems affecting indigenous populations and who would secure a broad geographical representation;

"(e) The Fund shall be administered in accordance with the Financial Regulations and Rules of the United Nations and other relevant provisions set forth in the annex to the note submitted by the Secretary-General in document E/CN.4/Sub.2/1983/20, with the advice of a Board of Trustees composed of five persons with relevant experience on issues affecting indigenous populations, who will serve in their personal capacity. The members of the Board of Trustees shall be appointed by the Secretary-General of the United Nations for a three-year term renewable in consultation with the current Chairman of the Sub-Commission. At least one member of the Board shall be a representative of a widely recognized organization of indigenous people."

### III. Situation in Equatorial Guinea 3/

The Economic and Social Council,

Recalling its resolutions 1982/36 of 7 May 1982, 1983/35 of 27 May 1983 and 1984/36 of 24 May 1984,

Bearing in mind Commission on Human Rights resolution 1985/30 of 11 March 1985,

Considering that the conclusions and recommendations 4/ of the expert appointed by the Secretary-General pursuant to Council resolution 1984/36 of 24 May 1984 concerning his recent mission to Equatorial Guinea indicate that more needs to be done by the United Nations and the Government of Equatorial Guinea to implement and make better use of the plan of action 5/ proposed by the United Nations and accepted by the Government of Equatorial Guinea,

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3/ See chap. II, sect. A, resolution 1985/30, and chap. XXII.

4/ E/CN.4/1985/9, chap. II.

5/ Ibid., annex II.

1. Requests the Government of Equatorial Guinea to consider the possibility of continuing to implement the plan of action, taking particular account of the expert's new proposals, especially those concerning amendments to the Fundamental Law of that country;

2. Further requests the Government of Equatorial Guinea to take steps to facilitate the repatriation of all refugees and exiles, including the adoption of measures enabling all citizens of Equatorial Guinea to participate fully in the country's political, economic, social and cultural affairs, thus helping to relieve the shortage of specialized personnel mentioned in the expert's report;

3. Appeals to the Government of Equatorial Guinea to accede to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights, among other international instruments concerning human rights and fundamental freedoms;

4. Requests the Secretary-General, in accordance with the expert's report, to hold discussions with the Government of Equatorial Guinea with a view to carrying out the expert's recommendations regarding assistance to that country, so that the plan of action can be fully implemented in the interests of the full and effective observance of human rights and fundamental freedoms;

5. Further requests the Secretary-General to appoint an expert to co-operate with the Government of Equatorial Guinea in the full implementation of the plan of action proposed by the United Nations and accepted by that Government;

6. Requests the Commission on Human Rights to keep this matter under consideration at its forty-second session.

#### IV. Summary or arbitrary executions 6/

##### 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, which states 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 General Assembly reaffirmed that mass and flagrant violations of human rights were 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,

Mindful of General Assembly resolutions 36/22 of 9 November 1981, 37/182 of 17 December 1982, 38/96 of 16 December 1983, and 39/110 of 14 December 1984,

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6/ See chap. II, sect.A, resolution 1985/37, and chap. XII.

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,

Taking note also of the work done by the Committee on Crime Prevention and Control in the area of summary and arbitrary executions, 7/ including the elaboration of minimum legal guarantees and safeguards to prevent recourse to such extra-legal executions, to be considered by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1985,

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

1. Strongly deplores, once again, the large number of summary or arbitrary executions, including extra-legal executions, which continue to take place in various parts of the world;
2. Appeals urgently to Governments, United Nations bodies, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to take effective action to combat and eliminate summary or arbitrary executions, including extra-legal executions;
3. Takes note with appreciation of the report of Mr. S. Amos Wako, Special Rapporteur; 8/
4. Decides to continue the mandate of the Special Rapporteur, Mr. S. Amos Wako, for another year, in order to enable him to submit further conclusions and recommendations to the Commission;
5. Requests the Special Rapporteur in carrying out his mandate to continue to examine situations of summary or arbitrary executions;
6. Requests the Special Rapporteur in carrying out his mandate to respond effectively to information that comes before him, in particular when a summary or arbitrary execution is imminent or threatened;
7. Considers that the Special Rapporteur in carrying out his mandate should continue to seek and receive information from Governments, United Nations bodies, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council and to take due account of official declarations and government information which come to his attention;
8. Requests the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur so that he may carry out his mandate effectively;
9. Urges all Governments and all others concerned to co-operate with an assist the Special Rapporteur;

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7/ See Official Records of the Economic and Social Council, 1984, Supplement No. 6 (E/1984/16), chap. VII.

8/ E/CN.4/1985/17.

10. Requests the Commission on Human Rights to consider the question of summary or arbitrary executions as a matter of high priority at its forty-second session under the agenda item "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".

V. The administration of justice and the human rights of detainees - Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty 9/

The Economic and Social Council,

Noting resolution 1984/7 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and Commission on Human Rights resolution 1985/46 of 14 March 1985 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. Authorizes the Sub-Commission to entrust Mr. M. Bossuyt, as Special Rapporteur, with the task of preparing an analysis concerning the proposal to elaborate a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty;

2. Requests the Special Rapporteur to take into account the documents considered and the views expressed in the General Assembly, the Commission on Human Rights and the Sub-Commission in favour of or against the idea of elaborating such a protocol;

3. Invites the Special Rapporteur to present, on the basis of his analysis, recommendations for further consideration by the Sub-Commission at its thirty-ninth session;

4. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance for the completion of his task.

VI. Question of a convention on the rights of the child 10/

The Economic and Social Council,

Recalling General Assembly resolution 39/135 of 14 December 1984, by which the General Assembly requested the Commission on Human Rights to give the highest priority to and to make every effort at its forty-first session to complete the draft convention and to submit it, through the Economic and Social Council, to the General Assembly at its fortieth session,

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

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9/ See chap. II, sect.A, resolution 1985/46, and chap. XVIII.

10/ See chap. II, sect.A, resolution 1985/50, and chap. XIII.

Taking note of Commission on Human Rights resolution 1985/50 of 14 March 1985,

1. Authorizes a meeting of an open-ended working group for a period of one week prior to the forty-second session of the Commission on Human Rights, with a view to completing the work on the draft convention on the rights of the child at that session;

2. Requests the Secretary-General to extend all facilities to the working group for its meeting prior to and during the forty-second session of the Commission to enable it to fulfil its task successfully, and notes the usefulness of providing the working group, in advance of its session, with such working documents as a compilation of all amendments and new proposals, and relevant provisions of other international instruments.

## B. Draft decisions

### 1. Study of the problem of discrimination against indigenous populations 11/

The Economic and Social Council, recalling its earlier resolutions authorizing the study on the human rights of indigenous populations, expressing its appreciation for the report 12/ prepared by Mr. Martínez Cobo, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, mindful of Commission on Human Rights decision 1985/103, requests the Secretary-General to issue the full report of Mr. Martínez Cobo in a consolidated form and to disseminate it widely to Governments, specialized agencies, regional intergovernmental organizations, non-governmental organizations and other academic and research institutions, and decides that the conclusions and recommendations of the above-mentioned report shall be printed, with a suitable introduction to be prepared by the Secretary-General.

### 2. General decision concerning the establishment of a working group of the Commission to examine situations referred to the Commission under Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission is seized 13/

The Economic and Social Council approves the decision of the Commission on Human Rights, in its decision 1985/106 of 5 March 1985, to set up a working group composed of five of its members to meet for one week prior to its forty-second session to examine such particular situations as might be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-eighth session under Council resolution 1503 (XLVIII) of 27 May 1970 and those situations of which the Commission is seized.

### 3. Discontinuance of consideration of the human rights situation in Uruguay 14/

The Economic and Social Council, noting Commission on Human Rights decision 1985/107 of 8 March 1985, encourages the Government of Uruguay to persist in its endeavours fully to restore respect for human rights and fundamental freedoms throughout the country and decides, as requested by the Government of Uruguay, that the material relating to Uruguay which has been before the Commission under Council resolution 1503 (XLVIII) of 27 May 1970 shall no longer be restricted.

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11/ See chap. II, sect. B, decision 1985/103, and chap. XIX.

12/ E/CN.4/Sub.2/476 and Add.1-6; E/CN.4/Sub.2/1982/2 and Add.1-7; E/CN.4/Sub.2/1983/21 and Add.1-8.

13/ See chap. II, sect. B, decision 1985/106, and chap. XII.

14/ See chap. II, sect. B, decision 1985/107, and chap. XII.

4. Situation of human rights in South Africa 15/

The Economic and Social Council, noting Commission on Human Rights resolution 1985/8 of 26 February 1985, approves the Commission's decision to renew the mandate of the Ad Hoc Working Group of Experts on southern Africa. The Council also approves the authorization given by the Commission to the Chairman of the Ad Hoc Working Group to participate in conferences, symposia, seminars or other events connected with action against apartheid organized under the auspices of the Special Committee against Apartheid.

5. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination 16/

The Economic and Social Council, noting the recommendation made by the Commission on Human Rights in paragraph 7 of its resolution 1985/11 of 26 February 1985, decides to organize in 1986, in Africa, an international seminar on the topic "International assistance and support to peoples and movements struggling against colonialism, racism, racial discrimination and apartheid".

6. Question of enforced or involuntary disappearances 17/

The Economic and Social Council, noting Commission on Human Rights resolution 1985/20 of 11 March 1985, approves the Commission's decision to extend for one year the mandate of the Working Group on Enforced or Involuntary Disappearances, as laid down in Commission resolution 20 (XXXVI) of 29 February 1980. The Council further approves the Commission's request to the Secretary-General to ensure that the Working Group receives all necessary assistance, in particular the staff and resources it requires to perform its functions in an effective and expeditious manner.

7. Slavery and slavery-like practices - Mission to Mauritania 18/

The Economic and Social Council, noting Commission on Human Rights resolution 1985/24 of 11 March 1985, approves the Commission's request to the expert of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Marc Bossuyt, to prepare a follow-up report on the basis of replies received and taking into account the views expressed by the Sub-Commission at its thirty-seventh session and by the Commission at its forty-first session on the matter, in particular with respect to assistance which could be provided to Mauritania, and to submit to the Sub-Commission an interim report at its thirty-eighth session and a final report at its thirty-ninth session.

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15/ See chap. II, sect. A, resolution 1985/8, and chap. VI.

16/ See chap. II, sect. A, resolution 1985/11, and chap. XVII.

17/ See chap. II, sect. A, resolution 1985/20, and chap. X.

18/ See chap. II, sect. A, resolution 1985/24, and chap. XIX.



8. Torture and other cruel, inhuman or degrading treatment or punishment 19/

The Economic and Social Council, noting Commission on Human Rights resolution 1985/33 of 13 March 1985, approves the Commission's decision to appoint for one year a special rapporteur to examine questions relevant to torture. The Council also approves the Commission's request to the special rapporteur to submit a comprehensive report to the Commission at its forty-second session on his activities regarding the question of torture, including the occurrence and extent of its practice, together with his conclusions and recommendations. It further approves the Commission's request to the Secretary-General to provide all necessary assistance to the special rapporteur.

9. Situation of human rights in El Salvador 20/

The Economic and Social Council, noting Commission on Human Rights resolution 1985/35 of 13 March 1985, approves the Commission's decision to extend the mandate of the Special Representative for another year and to request him to submit his report on further developments in the situation of human rights in El Salvador to the General Assembly at its fortieth session and to the Commission at its forty-second session. The Council further approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Representative of the Commission.

10. Situation of human rights in Guatemala 21/

The Economic and Social Council, noting Commission on Human Rights resolution 1985/36 of 13 March 1985, approves the Commission's decision to extend the mandate of the Special Rapporteur for another year to enable him to continue his thorough study of the human rights situation in Guatemala and its request to the Special Rapporteur, in preparing his report, to continue to take into account information from all reliable sources, to assess in particular allegations of politically motivated killings, disappearances, acts of torture, extra-judicial executions and confinement in clandestine prisons, to draw conclusions from his findings and to make further recommendations designed to help bring about improvements in the situation of human rights in Guatemala. The Council further approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Rapporteur.

11. Question of human rights and fundamental freedoms in Afghanistan 22/

The Economic and Social Council, noting Commission on Human Rights resolution 1985/38 of 13 March 1985, approves the Commission's decision to extend the mandate of the Special Rapporteur for a year and to request him to report to

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19/ See chap. II, sect. A, resolution 1985/33, and chap. X.

20/ See chap. II, sect. A, resolution 1985/35, and chap. XII.

21/ See chap. II, sect. A, resolution 1985/36, and chap. XII.

22/ See chap. II, sect. A, resolution 1985/38, and chap. XII.

the General Assembly at its fortieth session and to the Commission at its forty-second session on the situation of human rights in Afghanistan, including the human and material losses resulting from bombardments of the civilian population. The Council further approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Rapporteur.

12. Human rights situation in the Islamic Republic of Iran 23/

The Economic and Social Council, noting Commission on Human Rights resolution 1985/39 of 13 March 1985, approves the Commission's decision to extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for one year and its request to the Special Representative to present an interim report to the General Assembly at its fortieth session on the human rights situation in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, and a final report to the Commission at its forty-second session. The Council further approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Representative of the Commission.

13. The right to development 24/

The Economic and Social Council, noting Commission on Human Rights resolution 1985/43 of 14 March 1985, approves the Commission's decision to transmit to the General Assembly, through the Council, the report of the Working Group of Governmental Experts on the Right to Development, 25/ the part of the report of the Commission on Human Rights dealing with the right to development, the summary records of the Commission's discussion on the question during its forty-first session and any other relevant documents, so as to enable the Assembly to adopt a declaration on the right to development. The Council further approves the Commission's decision to convene the Working Group for three weeks in January 1986 to study the measures necessary to promote the right to development and its request to the Secretary-General to provide all necessary assistance to the Working Group.

14. Question of human rights in Chile 26/

The Economic and Social Council, noting Commission on Human Rights resolution 1985/47 of 14 March 1985, approves the Commission's decision to renew the mandate of the Special Rapporteur for a year and to request him to report on the situation of human rights in Chile to the General Assembly at its fortieth session and to the Commission on Human Rights at its forty-second session.

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23/ See chap. II, sect. A, resolution 1985/39, and chap. XII.

24/ See chap. II, sect. A, resolution 1985/43, and chap. VIII.

25/ E/CN.4/1985/11.

26/ See chap. II, sect. A, resolution 1985/47, and chap. V.

15. Organization of the work of the Commission 27/

The Economic and Social Council, noting Commission on Human Rights decision 1985/111 of 14 March 1985, decides to authorize, if possible within existing financial resources, 20 fully-serviced additional meetings, including summary records, for the Commission's forty-second session. The Council takes note of the Commission's decision to request its Chairman at the forty-second session to make every effort to organize the work of the session within the normal allotted time, the additional meetings that the Economic and Social Council may authorize to be utilized only if such meetings prove to be absolutely necessary.

16. Organization of the work of the session

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 28/

The Economic and Social Council approves the decision taken by the Commission on Human Rights, in its decision 1985/112 of 14 March 1985, that the working group established under Commission decision 1984/116 of 6 March 1984 to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, will be convened at the forty-second session of the Commission, meeting pre-sessionally for one week.

17. Organization of the work of the Commission 29/

The Economic and Social Council approves the decision of the Commission on Human Rights, in its decision 1985/113 of 14 March 1985, to invite the Sub-Commission on Prevention of Discrimination and Protection of Minorities to be present, through the Chairman or another member it may designate, at the consideration of its report during the forty-second session of the Commission.

18. Report of the Commission on Human Rights 30/

The Economic and Social Council takes note of the report of the Commission on Human Rights on its forty-first session.

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27/ See chap. II, sect. B, decision 1985/111, and chap. III.

28/ See chap. II, sect. B, decision 1985/112, and chaps. III and XII.

29/ See chap. II, sect. B, decision 1985/113, and chap. III.

30/ See chap. XXV.

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE  
COMMISSION AT ITS FORTY-FIRST SESSION

A. Resolutions

1985/1. Question of the violation of human rights in the  
occupied Arab territories, including Palestine

A 1/

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations as well as the principles and provisions of the Universal Declaration of Human Rights,

Guided also by the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 2/ and of other relevant conventions and regulations,

Taking into consideration General Assembly resolution 3314 (XXIX) of 14 December 1974, which defined as an act of aggression "the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof",

Recalling General Assembly resolutions ES-7/2 of 29 July 1980, 37/88 A to G of 10 December 1982, 37/123 A to F of 16 and 20 December 1982, 38/58 A to E of 13 December 1983, 38/79 A to H of 15 December 1983, 39/49 A to D of 11 December 1984 and 39/95 A to H of 14 December 1984 and all other relevant General Assembly resolutions on Israeli violations of the human rights of the population of occupied Arab territories,

Recalling, in particular, Security Council resolutions 237 (1967) of 14 June 1967, 465 (1980) of 1 March 1980, 468 (1980) of 8 May 1980, 469 (1980) of 20 May 1980, 471 (1980) of 5 June 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980 and 484 (1980) of 19 December 1980,

Taking note of the reports and resolutions of the International Labour Organisation, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization as well as the report of the seminar on

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1/ Adopted at the 21st meeting, on 19 February 1985, by a roll-call vote of 28 to 5, with 8 abstentions. See chap. IV.

2/ United Nations, Treaty Series, vol. 75, No. 973, p. 287.

violations of human rights in the Palestinian and other Arab territories occupied by Israel, held at Geneva from 29 November to 3 December 1982, 3/ the Geneva Declaration adopted by the International Conference on the Question of Palestine held at Geneva from 29 August to 7 September 1983, 4/ and the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories,

Recalling the International Committee of the Red Cross press release No. 1478 of 13 December 1983 on Israeli violations of the agreement for the exchange of prisoners between the Palestine Liberation Organization and Israel which involved the retaining of prisoners and detainees whose release was provided for in the agreement,

Recalling its resolutions 1982/1 A and B of 11 February 1982, 1983/1 A and B and 1983/2 of 15 February 1983 and 1984/1 A and B and 1984/2 of 20 February 1984 on the "Question of the violation of human rights in the occupied Arab territories, including Palestine", and previous resolutions of the Commission on Human Rights on this subject,

1. Reaffirms the fact that occupation itself constitutes a fundamental violation of the human rights of the civilian population of the Palestinian and other occupied Arab territories;
2. Denounces the continued refusal of Israel to allow the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories access to the occupied territories;
3. Reiterates the deep alarm expressed by the Special Committee in its reports submitted to the General Assembly at its thirty-fourth, 5/ thirty-fifth, 6/ thirty-sixth, 7/ thirty-seventh, 8/ thirty-eighth 9/ and thirty-ninth 10/ sessions that Israel's policy in the occupied territories is based on the so-called "Homeland" doctrine which envisages a monoreligious (Jewish) State that includes territories occupied by Israel since June 1967, and the affirmation by the Special Committee that this policy not only denies the right to self-determination of the population of the occupied territories but also constitutes the source of the continuing and systematic violation of human rights;

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3/ ST/HR/SER.A/14.

4/ Report of the International Conference on the Question of Palestine, Geneva, 29 August-7 September 1983 (United Nations publication, Sales No. E.83.I.21), part one, chap. I, sect. A.

5/ A/34/631.

6/ A/35/425.

7/ A/36/632 and Add.1 and Add.1/Corr.1.

8/ A/37/485.

9/ A/38/409.

10/ A/39/591.

4. Confirms its declaration that Israeli's continuous grave breaches of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and of the Additional Protocols 11/ to the Geneva Conventions are war crimes and an affront to humanity;

5. Firmly rejects and reiterates its condemnation of Israel's decision to annex Jerusalem and to change the physical character, demographic composition, institutional structure or status of the occupied territories, including the Holy City, and considers all these measures and their consequences null and void;

6. Strongly condemns Israel's attempts to subject the West Bank and the Gaza Strip to Israeli laws;

7. Strongly condemns all the terrorist actions perpetrated against the Palestinian inhabitants of the occupied territories by Jewish gangs, led by Rabbi Meir Kahane, member of the Knesset, and the racist Rabbi Moshe Levinger, the leader of the Gush Emunim gang, and other racist Zionists;

8. Strongly condemns Israeli policies and practices, administrative and legislative measures to promote and expand the establishment of settler colonies in the occupied territories as well as the following practices:

(a) The annexation of parts of the occupied territories, including Jerusalem;

(b) The continuing establishment of new Israeli settlements and expansion of the existing settlements on private and public Arab lands, and the transfer of an alien population thereto;

(c) The arming of settlers in the occupied territories to commit acts of violence against Arab civilians, and the perpetration of acts of violence by these armed settlers against individuals, causing injury and death and wide-scale damage to Arab property;

(d) The arming of settlers in the occupied territories to strike at Muslim and Christian religious and holy places;

(e) The evacuation, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories, the denial of their right to return to their homeland and the transfer and settlement of alien populations brought from other parts of the world in the place of the original Palestinian owners of land;

(f) The confiscation and expropriation of Arab property in the occupied territories and all other transactions for the acquisition of land involving Israeli authorities, institutions or nationals on the one hand, and inhabitants or institutions of the occupied territories on the other;

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11/ International Committee of the Red Cross, Protocols additional to the Geneva Conventions of 12 August 1949 (Geneva, 1977).

- (g) The destruction and demolition of Arab houses;
- (h) Mass arrests, collective punishments, administrative detention and ill-treatment of the Arab population, the torture of persons under detention and the inhuman conditions in prisons;
- (i) The pillaging of archaeological and cultural property;
- (j) The interference with religious freedoms and practices as well as with family rights and customs;
- (k) The systematic Israeli repression of cultural and educational institutions, especially universities, schools and institutes, in the occupied Palestinian territories, closing them or restricting and impeding their academic activities by subjecting selection of courses, textbooks and educational programmes, admission of students and appointment of faculty members to the control and supervision of the military occupation authorities and by expelling numerous faculty members of several universities for refusing to sign statements containing political positions, in flagrant defiance and disregard of their right to academic freedom;
- (l) The illegal expropriation and exploitation of the natural wealth, water and other resources which belong to the inhabitants of the occupied territories;
- (m) The dismantling of municipal services, dismissing the elected mayors as well as the municipal councils and preventing the flow of Arab aid funds to the population of the occupied territories;
9. Calls upon Israel to take immediate steps for the return of the displaced Arab inhabitants to their homes and property in Palestine and the other Arab territories occupied since June 1967;
10. Calls upon the Israeli authorities to implement forthwith Security Council resolution 484 (1980) of 19 December 1980 and previous resolutions calling for the immediate return of the municipal chiefs to their municipalities so that they can resume the functions for which they were elected;
11. Calls upon Israel to release all Arabs detained or imprisoned as a result of their struggle for self-determination and for the liberation of their territories, and, pending their release, to accord them the protection envisaged in the relevant provisions of the international instruments concerning the treatment of prisoners of war, and demands that Israel cease forthwith all acts of torture and ill-treatment of Arab detainees and prisoners;
12. Condemns Israel for its continued detention of Ziad Abu Ain, and calls on Israel to implement fully the agreement concluded with the International Committee of the Red Cross in November 1983 for the exchange of prisoners between the Palestine Liberation Organization and Israel; and further calls on Israel to release Ziad Abu Ain and others whom it continues to detain and who were in Ansar Camp, which must be closed under the provisions of the above-mentioned agreement;

13. Reiterates its call to all States, in particular the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, in accordance with article 1 of that Convention, and to international organizations and specialized agencies, not to recognize any changes carried out by Israel in the occupied territories, including Jerusalem, and to avoid taking any action or extending any aid which might be used by Israel in its pursuit of the policies of annexation and colonization or any other policies and practices referred to in the present resolution;

14. Urges Israel to refrain from the policies and practices violating human rights in the occupied territories, and to report, through the Secretary-General, to the Commission at its forty-second session on the implementation of this resolution;

15. Requests the General Assembly, through the Economic and Social Council, to recommend to the Security Council the adoption against Israel of the measures referred to in Chapter VII of the Charter of the United Nations for its persistent violation of the human rights of the population of the Palestinian and other occupied Arab territories;

16. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations and the international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its forty-second session;

17. Further requests the Secretary-General to bring to the attention of the Commission all United Nations reports appearing between sessions of the Commission that deal with the situation of the population of those occupied territories;

18. Decides to place on the provisional agenda of the forty-second session as a matter of high priority the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine".

B 12/

The Commission on Human Rights,

Recalling its resolutions 1982/1 B of 11 February 1982, 1983/1 B of 15 February 1983 and 1984/1 B of 20 February 1984 and General Assembly resolutions 3092 A (XXVIII) of 7 December 1973, 32/91 A of 13 December 1977, 33/113 A of 18 December 1978, 34/90 B of 12 December 1979, 35/122 A of 11 December 1980, 36/147 A of 16 December 1981, 37/88 of 10 December 1982, 38/79 B of 15 December 1983 and 39/95 D of 14 December 1984,

Recalling Security Council resolutions 465 (1980) of 1 March 1980, 468 (1980) of 8 May 1980, 469 (1980) of 20 May 1980, 471 (1980) of 5 June 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980 and 484 (1980) of 19 December 1980,

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12/ Adopted at the 21st meeting, on 19 February 1985, by a roll-call vote of 33 to 1, with 7 abstentions. See chap. IV.



Recalling resolution III on the application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, adopted by the Twenty-fourth International Conference of the Red Cross held at Manila in November 1981,

Bearing in mind that the provisions of the Geneva Conventions of 12 August 1949 13/ must be fully applied in all circumstances to all persons protected by those instruments, without any adverse distinction based on the nature or origin of the armed conflict or on the causes espoused by or attributed to the conflict,

Recognizing that the persistent failure of Israel to apply the Geneva Convention relative to the Protection of Civilian Persons in Time of War creates a situation fraught with danger, and considering that it persists in violating human rights,

Taking into account that States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War undertake, in accordance with article 1 thereof, not only to respect but also to ensure respect for the Convention in all circumstances,

1. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War is applicable to all the Arab territories occupied by Israel since 1967, including Jerusalem;

2. Expresses its deep concern at the consequences of Israel's systematic refusal to apply that Convention in all its provisions to Palestinian and other Arab territories occupied since 1967, including Jerusalem;

3. Condemns the failure of Israel to acknowledge the applicability of that Convention to the territories it has occupied since 1967, including Jerusalem;

4. Calls upon Israel to abide by and respect the obligations arising from the Charter of the United Nations and other instruments and rules of international law, in particular the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, in Palestinian and other Arab territories occupied since 1967, including Jerusalem; requests Israel to release all Arabs detained or imprisoned as a result of their struggle for self-determination and the liberation of their territories and to accord them, pending their release, the protection envisaged in the relevant provisions of the international instruments concerning the treatment of prisoners of war; and demands that Israel cease forthwith all acts of torture and ill-treatment of Arab detainees and prisoners;

5. Urges once more all States parties to that Convention to make every effort to ensure respect for and compliance with the provisions thereof in all the Arab territories occupied by Israel since 1967, including Jerusalem;

6. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations, the international humanitarian organizations and non-governmental organizations, and to submit a report on progress in its implementation to the Commission on Human Rights at its forty-second session.

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13/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

1985/2. Human rights situation in occupied Syrian territory 14/

The Commission on Human Rights,

Gravely concerned at the fact that Israel is continuing its occupation of the Arab territories, including Palestine and the Syrian Golan Heights, in spite of all the condemnations of Israel that have been expressed due to that occupation,

Recalling its resolution 1984/2 of 20 February 1984,

Noting with severe disapproval, having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, 15/ the deteriorating situation in the occupied Arab territories,

Recalling the resolution adopted by the 71st Inter-Parliamentary Conference, held at Geneva from 2 to 7 April 1984, which condemned all Israeli policies and practices relating to the annexation of occupied Arab territories in Jerusalem and the Syrian Golan Heights,

Recalling World Health Assembly resolution WHA37.26 of 17 May 1984, 16/ which condemned Israel for its continuing occupation of the Arab territories, including Palestine, and its continuing arbitrary practices against the Arab population,

Reaffirming that the acquisition of territory by force is inadmissible under the Charter of the United Nations, the principles of international law and the relevant resolutions of the United Nations,

Recalling General Assembly resolution 3314 (XXIX) of 14 December 1974, in which the Assembly defined an act of aggression, inter alia, as "the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof" and provided that "no consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression",

Recalling Security Council resolution 497 (1981) of 17 December 1981 and General Assembly resolutions 36/226 B of 17 December 1981, ES-9/1 of 5 February 1982, 37/88 E of 10 December 1982, 37/123 A of 16 December 1982,

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14/ Adopted at the 21st meeting, on 19 February 1985, by a roll-call vote of 30 to 1, with 10 abstentions. See chap. IV.

15/ A/39/591.

16/ World Health Organization, Thirty-seventh World Health Assembly, Geneva, 7-17 May 1984, Resolutions and Decisions (WHA37/1984/REC/1), Geneva, 1984.

38/79 D of 15 December 1983 and 39/146 B of 14 December 1984, relating to the Israeli occupation of the Syrian Golan Heights and the imposition of its laws, jurisdiction and administration on the occupied Syrian territory,

Reaffirming once more that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 17/ continues to apply to the Syrian territory that has been occupied since 1967,

1. Resolutely condemns Israel for its persistent failure to comply with, and its defiance of, Security Council resolution 497 (1981) and all other resolutions relating to the Syrian Golan Heights adopted by the General Assembly and other United Nations bodies, and strongly deprecates Israel's annexation of the occupied Syrian territory;

2. Declares once more that Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights, which has resulted in the effective annexation of this territory, is null and void, has no international legal validity or effect, constitutes a grave violation of international law and the Charter of the United Nations and is an affront to the international community;

3. Strongly deploras the negative vote and pro-Israeli position of a permanent member of the Security Council which prevented the Council from adopting against Israel, under Chapter VII of the Charter of the United Nations, the "appropriate measures" referred to in resolution 497 (1981), adopted unanimously by the Security Council;

4. Deploras the inhuman treatment, terror and practices contrary to human rights which the Israeli occupation authorities continue to apply against Syrian citizens in the occupied Syrian Golan Heights by reason of their refusal of Israeli nationality and in order to force them to carry Israeli identity cards, which practices constitute a flagrant violation of the Universal Declaration of Human Rights, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant resolutions adopted by the Security Council, the General Assembly and other international bodies and also constitute a threat to peace and international security;

5. Reaffirms its request to all States Members of the United Nations not to recognize any jurisdiction, laws or measures established by Israel in respect of occupied Syrian and other Arab territories;

6. Calls upon Israel, the occupying Power, to rescind without delay its decision of 14 December 1981 and to cease its acts of terrorism directed against Syrian citizens in the occupied Syrian Golan Heights in order to impose Israeli citizenship upon them and force them to carry Israeli identity cards, emphasizes that Israel must allow the evacuees from among the Golan population to return to their homes and to recover their property and residences occupied by Israel since 1967, and firmly emphasizes the overriding necessity of the total and unconditional withdrawal by Israel from all Palestinian and Syrian territories occupied since 1967, including Jerusalem, which is an essential prerequisite for the establishment of a just and comprehensive peace in the Middle East;

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17/ United Nations, Treaty Series, vol. 75, No. 973, p. 287.

7. Decides to place on the provisional agenda of its forty-second session as a matter of high priority the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine".

1985/3. Situation in Afghanistan 18/

The Commission on Human Rights,

Bearing in mind that one of the fundamental purposes of the United Nations set forth in the Charter of the United Nations is to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,

Recalling its resolutions 3 (XXXVI) of 14 February 1980, 13 (XXXVII) of 6 March 1981, 1982/14 of 25 February 1982, 1983/7 of 16 February 1983 and 1984/10 of 29 February 1984,

Further recalling resolution ES-6/2 of 14 January 1980, adopted by the General Assembly at its sixth emergency special session,

Also recalling General Assembly resolutions 35/37 of 20 November 1980, 36/34 of 18 November 1981, 37/37 of 29 November 1982, 38/29 of 23 November 1983 and 39/13 of 15 November 1984 on the situation in Afghanistan which, inter alia, reaffirmed the right of the Afghan people to determine their own form of government and to choose their economic, political and social system free from outside intervention, subversion, coercion or constraints of any kind whatsoever, and which called for the immediate withdrawal of foreign troops from Afghanistan,

Recalling further General Assembly resolutions 35/35 B of 14 November 1980, 36/10 of 28 October 1981, 37/42 of 3 December 1982, 38/16 of 22 November 1983 and 39/18 of 23 November 1984 as well as resolutions 26 (XXXIII), 11 (XXXIV) and 1982/21 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of 12 September 1980, 9 September 1981 and 8 September 1982, respectively,

Recognizing the importance of the initiatives of the Organization of the Islamic Conference and the efforts of the Movement of Non-Aligned Countries for a political solution of the situation in respect of Afghanistan,

Reaffirming the purposes and principles of the Charter of the United Nations and the obligation of all States to refrain in their international relations from the threat or use of force against the sovereignty, territorial integrity and political independence of any State,

Reaffirming further the inalienable right of all people to determine their own form of government and to choose their own economic, political and social system free from outside intervention, subversion, coercion or constraint of any kind whatsoever,

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18/ Adopted at the 32nd meeting, on 26 February 1985, by a roll-call vote of 31 to 7, with 5 abstentions. See chap. IX.

Gravely concerned at the continued foreign armed intervention in Afghanistan in contravention of the above principles and its serious implications for international peace and security,

Noting the increasing concern of the international community over the continued and serious sufferings of the Afghan people and over the magnitude of the social and economic problems posed to Pakistan and the Islamic Republic of Iran by the presence on their soil of millions of Afghan refugees and the continuing increase in their numbers,

Deeply conscious of the urgent need for a political solution of the grave situation in respect of Afghanistan,

1. Reaffirms its most profound concern that the people of Afghanistan continue to be denied their right to self-determination and to determine their own form of government and to choose their economic, political and social system free from outside intervention, subversion, coercion or constraint of any kind whatsoever;

2. Calls for the immediate withdrawal of the foreign troops from Afghanistan;

3. Further calls for a political settlement of the situation in Afghanistan on the basis of the withdrawal of foreign troops and full respect for the independence, sovereignty, territorial integrity and non-aligned status of Afghanistan and strict observance of the principle of non-intervention and non-interference;

4. Affirms the right of the Afghan refugees to return to their homes in safety and honour,

5. Urges all concerned to work towards a settlement which would ensure that the Afghan people determine their destiny free from outside interference and which would enable the Afghan refugees to return to their homes;

6. Expresses its appreciation and support for the efforts and constructive steps taken by the Secretary-General, especially the diplomatic process initiated by him, in the search for a solution to the problem;

7. Requests the Secretary-General to continue these efforts with a view to promoting a political solution, in accordance with the provisions of the relevant General Assembly resolutions;

8. Urges all concerned to continue to co-operate with the Secretary-General in his efforts to promote a political solution in respect of the situation in Afghanistan;

9. Appeals to all States and national and international organizations to extend humanitarian relief assistance, with a view to alleviating the hardship of Afghan refugees, in co-ordination with the United Nations High Commissioner for Refugees;

10. Decides to consider this matter at its forty-second session with high priority under the agenda item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

1985/4. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation 19/

The Commission on Human Rights,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947, 194 (III) of 11 December 1948, 1514 (XV) of 14 December 1960, 3236 (XXIX) of 22 November 1974, 3375 (XXX) and 3376 (XXX) of 10 November 1975, 32/14 of 7 November 1977, 32/20 of 25 November 1977, 32/40 A and B of 2 December 1977, 32/42 of 7 December 1977, 33/28 A to C of 7 December 1978, 34/65 A to D of 29 November and 12 December 1979, ES-7/2 of 29 July 1980, 35/169 A to E of 15 December 1980, 36/120 A to F of 10 December 1981, 36/226 A and B of 17 December 1981, ES-7/9 of 24 September 1982, 37/86 A to E of 10 and 20 December 1982, 38/58 A to E of 13 December 1983 and 39/49 A to D of 11 December 1984,

Recalling further Economic and Social Council resolutions 1865 (LVI) and 1866 (LVI) of 17 May 1974,

Reaffirming its resolutions 1982/3 of 11 February 1982, 1983/3 of 15 February 1983 and 1984/11 of 29 February 1984,

Bearing in mind the reports and recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,

Emphasizing once more that the Palestinian people are entitled to self-determination in accordance with the Charter of the United Nations and the relevant United Nations resolutions, and expressing its grave concern that Israel has prevented the Palestinian people by force from enjoying their inalienable rights, in particular their right to self-determination, in defiance of the principles of international law and in disregard of the will of the international community,

Expressing its grave concern that no just solution to the problem of Palestine has been achieved and that this problem therefore continues to aggravate the Middle East conflict, of which it is the core, and to endanger international peace and security, as has been tragically illustrated by Israel's invasion and continued occupation of Lebanon,

Welcoming the Arab peace plan adopted by the Twelfth Arab Summit Conference, held at Fez, Morocco, on 9 September 1982,

Noting with satisfaction the outcome of the proceedings of the International Conference on the Question of Palestine held at Geneva from 29 August to 7 September 1983,

Gravely concerned at the agreements on strategic co-operation between the United States of America and Israel signed on 30 November 1981, as well as the agreements recently concluded in that respect, which would encourage and support Israeli policies of aggression and expansion,

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19/ Adopted at the 32nd meeting, on 26 February 1985, by a roll-call vote of 29 to 7, with 7 abstentions. See chap. IX.

1. Condemns Israel's continued occupation of the Palestinian and other Arab territories, including Jerusalem, in violation of the Charter of the United Nations, the principles of international law and the relevant resolutions of the United Nations, and demands the immediate, unconditional and total withdrawal of Israel from all those occupied territories;

2. Condemns Israel's aggression and practices against the Palestinian people in the occupied Palestinian territories and outside those territories, particularly against Palestinians in Lebanon, as a result of the Israeli invasion of Lebanon which claimed the lives of thousands of Lebanese and Palestinian civilians;

3. Strongly condemns anew Israel's responsibility for the large-scale massacre in the Sabra and Shatila refugee camps, which constituted an act of genocide, and expresses its grave concern that, until a just and equitable solution to the problem of Palestine has been implemented, the Palestinian people will be exposed to grave dangers such as the appalling massacre perpetrated in the Sabra and Shatila refugee camps;

4. Reaffirms the inalienable right of the Palestinian people to self-determination without external interference and the establishment of a fully independent and sovereign State of Palestine;

5. Reaffirms the inalienable right of the Palestinians to return to their homes and property, from which they have been uprooted by force, and calls for their return and the exercise of their right to self-determination;

6. Recognizes the right of the Palestinian people to regain their rights by all means in accordance with the purposes and principles of the Charter of the United Nations;

7. Reaffirms the basic principle that the future of the Palestinian people can only be decided with its full participation in all efforts, through its legitimate and sole representative, the Palestine Liberation Organization;

8. Reaffirms its rejection of all partial agreements and separate treaties in so far as they violate the inalienable rights of the Palestinian people and contradict the principles of just and comprehensive solutions to the Middle East problem that ensure the establishment of a just peace in the area, in accordance with the principles of the Charter of the United Nations and with relevant United Nations resolutions;

9. Strongly rejects the plan for "autonomy" within the framework of the "Camp David accords" and declares that these accords have no validity in determining the future of the Palestinian people and of the Palestinian territories occupied by Israel since 1967;

10. Reaffirms its support for the Geneva Declaration on Palestine adopted by the International Conference on the Question of Palestine, <sup>20/</sup> and welcomes the call to convene an international peace conference on the Middle East under the auspices of the United Nations, in which all parties to the Arab-Israeli conflict, including the Palestine Liberation Organization, the Union of Soviet Socialist Republics and the United States of America, as well as other concerned States, participate on an equal footing and with equal rights;

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<sup>20/</sup> Report of the International Conference on the Question of Palestine, Geneva, 29 August-7 September 1983 (United Nations publication, Sales No. E.83.I.21), part I, chap. I, sect. A.

11. Expresses its deep regret at the negative reaction of the United States of America and Israel towards the above-mentioned international conference and calls upon the United States and Israel to reconsider their attitude, so as to facilitate the convening of the conference under the auspices of the United Nations and with the participation of the Palestine Liberation Organization on an equal footing with all parties concerned in the Arab-Israeli conflict;

12. Urges all States, United Nations organs, specialized agencies and other international organizations to extend their support to the Palestinian people through its representative, the Palestine Liberation Organization, in its struggle to restore its rights in accordance with the Charter and the relevant resolutions of the United Nations;

13. Requests the Secretary-General to make available to the Commission on Human Rights all information pertaining to the implementation of this resolution;

14. Decides to place on the provisional agenda of its forty-second session as a matter of priority the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

1985/5. Question of Western Sahara 21/

The Commission on Human Rights,

Having considered in depth the question of Western Sahara,

Recalling the inalienable right of all peoples to self-determination and independence in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Reaffirming all resolutions of the United Nations on the question of Western Sahara, particularly General Assembly resolution 39/40 of 5 December 1984,

Recalling resolution AHG/RES.104 (XIX) on Western Sahara, 22/ adopted unanimously by the Assembly of Heads of State and Government of the Organization of African Unity at its nineteenth ordinary session, held at Addis Ababa from 6 to 12 June 1983,

Taking note of the report of the Implementation Committee on Western Sahara adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twentieth ordinary session, 23/

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21/ Adopted at the 32nd meeting, on 26 February 1985, by a roll-call vote of 30 to none, with 12 abstentions. See chap. IX.

22/ See A/38/312, annex.

23/ A/39/680, annex.



Recalling also its resolutions 4 (XXXVI) of 15 February 1980, 12 (XXXVII) of 6 March 1981, 1982/15 of 25 February 1982, 1983/6 of 16 February 1983 and 1984/13 of 29 February 1984,

Conscious of its responsibility to promote and encourage observance of human rights and fundamental freedoms for all,

1. Reaffirms that the question of Western Sahara is a question of decolonization which remains to be completed on the basis of the exercise by the people of Western Sahara of their inalienable right to self-determination and independence;

2. Reaffirms that the political solution to the question of Western Sahara lies in the implementation of resolution AHG/RES.104 (XIX) of the Assembly of Heads of State and Government of the Organization of African Unity, which establishes ways and means for a just and definitive solution to the Western Sahara conflict;

3. Requests, to that end, the parties to the conflict, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro, to undertake direct negotiations with a view to bringing about a cease-fire to create the necessary conditions for a peaceful and fair referendum for self-determination of the people of Western Sahara, a referendum without any administrative or military constraints, under the auspices of the Organization of African Unity and the United Nations;

4. Welcomes the efforts of the Organization of African Unity and its Implementation Committee with a view to promoting a just and definitive solution to the question of Western Sahara in accordance with the resolutions and decisions of that organization and the United Nations on the question;

5. Welcomes also the determination of the United Nations to co-operate fully with the Organization of African Unity with a view to implementing the relevant decisions of that organization, in particular resolution AHG/RES.104 (XIX);

6. Decides to follow the development of the situation in Western Sahara and to consider this question within the framework of the agenda item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" at its forty-second session, as a matter of high priority.

1985/6. Situation in southern Africa 24/

The Commission on Human Rights,

Bearing in mind the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and other international instruments relating to human rights,

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24/ Adopted at the 32nd meeting, on 26 February 1985, by a roll-call vote of 32 to 4, with 7 abstentions. See chap. IX.

Bearing in mind that the provisions of the Geneva Conventions of 12 August 1949 25/ apply to all the freedom fighters in South Africa and Namibia fighting for their independence and self-determination,

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, 2621 (XXV) of 12 October 1970, containing the programme of action for the full implementation of the Declaration, and 35/118 of 11 December 1980, the annex to which contains the Plan of Action for the Full Implementation of the Declaration,

Recalling further General Assembly resolutions 2649 (XXV) of 30 November 1970, 2955 (XXVII) of 12 December 1972, 3070 (XXVIII) of 30 November 1973, 3236 (XXIX) of 22 November 1974, 3246 (XXIX) of 29 November 1974, 3382 (XXX) of 10 November 1975, 33/24 of 29 November 1978, 35/35 A and B of 14 November 1980, 36/38 of 1 December 1981, 36/76 of 4 December 1981, 37/35 of 23 November 1982, 38/17 of 22 November 1983, 38/54 of 7 December 1983 and 39/91 of 14 December 1984,

Recalling also its resolutions 3 (XXXI) of 11 February 1975, 9 (XXXII) of 5 March 1976, 3 (XXXIV) of 14 February 1978, 2 (XXXV) of 21 February 1979, 5 (XXXVI) of 15 February 1980, 14 (XXXVII) of 6 March 1981, 1982/16 of 25 February 1982, 1983/4 of 15 February 1983 and 1984/14 of 29 February 1984,

Recalling Security Council resolutions 405 (1977) of 14 April 1977, 419 (1977) of 24 November 1977, 496 (1981) of 15 December 1981 and 507 (1982) of 28 May 1982, in which the United Nations denounced the practice of using mercenaries against developing countries and national liberation movements,

Recalling also General Assembly 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, which refer to the use and recruitment of mercenaries against national liberation movements and sovereign States,

Recalling further the relevant provisions of the Paris Declaration on Namibia and the Programme of Action on Namibia 26/ adopted by the International Conference in Support of the Struggle of the Namibian People for Independence, held in Paris from 25 to 29 April 1983,

Deeply conscious of the urgent need for strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples, as enshrined in the Charter of the United Nations and developed in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, 27/

Expressing its profound indignation at the brutal repression which followed the imposition of the so-called "new constitution" by the apartheid régime of South Africa in defiance of international public opinion,

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25/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

26/ Report of the International Conference in Support of the Struggle of the Namibian People for Independence, Paris, 25-29 April 1983 (A/CONF.120/13), part 3.

27/ General Assembly resolution 2625 (XXV).

Condemning the continued colonialist and racist oppression of millions of Africans, particularly in Namibia, by the racist Government of South Africa through its persistent, illegal occupation of the international Territory and its intransigent attitude towards all efforts being made to bring about an internationally acceptable solution to the situation obtaining in the Territory,

Condemning the racist régime of South Africa for its ruthless exploitation of the people and resources of Namibia, as well as its attempt to destroy the national unity and territorial integrity of Namibia,

Condemning the racist régime of South Africa for developing a nuclear capability for military and aggressive purposes,

Reaffirming that Walvis Bay and the offshore islands constitute an integral part of the Territory of Namibia,

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

Reaffirming also that the system of apartheid imposed on the South African people constitutes a gross and massive violation of the rights of that people,

Reiterating its affirmation on the importance of the effective 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 imperative for the enjoyment of human rights.

1. Calls upon all States to implement fully and faithfully the resolutions of the United Nations, in particular General Assembly resolution 1514 (XV), and to take all the necessary steps to enable the dependent peoples of the territories concerned to exercise fully and without further delay their inalienable right to self-determination and independence;

2. Reaffirms the inalienable right of the people of Namibia to self-determination, freedom and national independence in a united Namibia, including Walvis Bay and the offshore islands, in accordance with the Charter of the United Nations and as recognized in General Assembly resolutions 1514 (XV) of 14 December 1960 and 2145 (XXI) of 27 October 1966 and Security Council resolution 435 (1978) of 29 September 1978, as well as in subsequent resolutions of the Assembly relating to Namibia, and the legitimacy of its struggle by all means at its disposal, including armed struggle, against the illegal occupation of its Territory by South Africa;

3. Reaffirms the legitimacy of the struggle of the oppressed people of South Africa and its national liberation movements by all available means, including armed struggle, for the elimination of the apartheid system and the exercise of the right of self-determination by the people of South Africa;

4. Urges all States, directly and through their action in the specialized agencies and other organizations of the United Nations system, to provide all moral and material assistance to the oppressed people of South Africa and Namibia;

5. Calls for the full implementation of the provisions of the Paris Declaration that relate to sanctions against South Africa 28/ and the

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28/ Report of the International Conference in Support of the Namibian People for Independence, Paris, 25-29 April 1983 (A/CONF.120/13), part 3, chap. I, paras. 192 and 194.

Special Declaration on Namibia adopted by the International Conference on Sanctions against South Africa, 29/ held under the auspices of the United Nations and the Organization of African Unity;

6. Rejects categorically the so-called "new constitution" as null and void and reiterates that peace in South Africa can only be guaranteed by the establishment of majority rule through the full and free exercise of adult suffrage by all the people in a united and undivided South Africa;

7. Strongly condemns the continued violations of the human rights of peoples still under colonial and foreign domination, the continuation of the illegal occupation of Namibia and South Africa's attempts to dismember its territory, and the perpetuation of the racist minority régime in southern Africa;

8. Also strongly condemns the apartheid régime of South Africa for its brutal repression and indiscriminate torture and killing of workers, schoolchildren and other opponents of apartheid, and the imposition of death sentences on freedom fighters;

9. Condemns the policy of "bantustanization", which purports to denationalize the majority of the South African people and is contrary to the principle of self-determination and inconsistent with genuine independence and national unity;

10. Strongly condemns all collaboration, particularly in the nuclear, military and economic fields, with the Government of South Africa and calls upon the States concerned to cease all such collaboration forthwith;

11. Condemns the continuing activities of foreign economic and other interests which are impeding the implementation of the Declaration contained in General Assembly resolution 1514 (XV) with respect to colonial territories, particularly Namibia;

12. Demands that South Africa immediately release all people detained or imprisoned as a result of their struggle for self-determination and independence, and also demands full respect for their fundamental 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;

13. Declares that the illegal occupation of Namibia by South Africa continues to constitute an act of aggression against the Namibian people and a threat to international peace and security as well as an affront to the United Nations, which has direct responsibility for the Territory until independence;

14. Condemns the wanton acts of aggression and destabilization perpetrated by the apartheid régime of South Africa against front-line and other neighbouring States;

15. Demands that South Africa put an immediate, total and unconditional end to its wanton and unprovoked acts of aggression and withdraw its occupation forces from Angola;

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29/ Report of the International Conference on Sanctions against South Africa, Paris, 20-27 May 1981 (A/CONF.107/8), chap. X, sect. B.

16. Calls upon the Western and other countries with political, economic, military, nuclear, strategic, cultural and sports relations with the racist minority régime of South Africa to sever such relations, as they encourage that régime to persist in its suppression of the aspirations of people to self-determination and independence;

17. Notes the report of the Secretary-General 30/ containing summaries of replies received from Governments under its resolution 1984/14;

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

19. Reiterates its affirmations that the continuation of colonialism in all its forms and manifestations, including racism, racial discrimination, apartheid, the exploitation by foreign and other interests of economic and human resources and the waging of colonial wars to suppress the national liberation movements, is incompatible with the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples and poses a serious threat to international peace and security;

20. Decides to include in the provisional agenda of its forty-second session the item entitled "The right of peoples to self-determination and its application to people under colonial or alien domination or foreign occupation" and to give it high priority consideration.

#### 1985/7. Situation of human rights in Namibia 31/

##### The Commission on Human Rights,

Recalling its resolution 2 (XXIII) of 6 March 1967, by which it set up the Ad Hoc Working Group of Experts on southern Africa, and its resolutions 21 (XXV) of 19 March 1969, 7 (XXVII) of 8 March 1971, 19 (XXIX) of 3 April 1973, 5 (XXXI) of 14 February 1975, 6 A to C (XXXIII) of 4 March 1977, 12 (XXXV) of 6 March 1979, 5 (XXXVII) of 23 February 1981, 1983/10 of 18 February 1983 and 1984/4 of 28 February 1984,

Recalling General Assembly resolution 39/50 A to E of 12 December 1984 and Security Council resolutions, in particular resolutions 385 (1976) of 30 January 1976, 435 (1978) of 29 September 1978, 439 (1978) of 13 November 1978, 532 (1983) of 31 May 1983 and 539 (1983) of 28 October 1983,

Having examined the chapters on Namibia contained in the report 32/ submitted by the Ad Hoc Working Group of Experts on southern Africa,

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30/ E/CN.4/1985/13.

31/ Adopted at the 32nd meeting, on 26 February 1985, by a roll-call vote of 39 to none, with 4 abstentions. See chap. VI.

32/ E/CN.4/1985/8.

Expressing the hope that such knowledge of the situation in Namibia will increase the resolve of the international community to eliminate apartheid,

Strongly condemning the continuing illegal and colonial occupation of Namibia by South Africa, in defiance of repeated General Assembly and Security Council resolutions, which constitutes an act of aggression against the Namibian people and a challenge to the authority of the United Nations, which has direct responsibility for Namibia until independence,

Reaffirming the inalienable right of all peoples to self-determination and independence in accordance with the principles of the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960,

1. Congratulates the Ad Hoc Working Group of Experts on southern Africa for the commendable and impartial manner in which it has prepared its report;

2. Adopts the conclusions and recommendations of the Ad Hoc Working Group of Experts;

3. Again reaffirms the inalienable right of the Namibian people to self-determination and independence and reiterates that this right can be legally exercised only in accordance with the conditions determined by the United Nations in Security Council resolutions 435 (1978) and 439 (1978);

4. Strongly condemns South Africa for:

(a) The military build-up in Namibia;

(b) The recruitment and training of Namibians for tribal armies;

(c) The use of mercenaries to suppress the Namibian people;

(d) The torture and other forms of brutality meted out to the population and in particular to captured freedom fighters of the South West Africa People's Organization;

(e) The imposition of military conscription on all Namibian males between 17 and 55 years of age into the occupying colonial army, another sinister attempt to suppress the national liberation struggle of the Namibian people and to force Namibians to kill one another;

5. Strongly condemns South Africa, in particular for its persistent acts of subversion and aggression against Angola, including its continued occupation of parts of Angolan territory in gross violation of Angolan sovereignty and all norms of international law, and calls upon South Africa to cease all acts of aggression against Angola and to withdraw immediately and unconditionally all its troops from that country;

6. Demands that South Africa co-operate with the United Nations to bring about the immediate independence of Namibia in accordance with Security Council resolution 435 (1978), without raising extraneous issues, so that the people of Namibia will be enabled to exercise their right to self-determination and enjoy their human rights;

7. Denounces all fraudulent constitutional and political schemes through which the illegal racist régime of South Africa is attempting to perpetuate its colonial domination of Namibia and, therefore, calls upon the international community to continue to refrain from according any recognition or extending

any co-operation to any régime which the illegal South African administration may impose upon the Namibian people in disregard of Security Council resolutions 385 (1976), 435 (1978), 439 (1978), 532 (1983) and 539 (1983) and of other relevant resolutions of the General Assembly and the Security Council;

8. Condemns the Government of South Africa for its continued attempts to circumvent the United Nations plan for the independence of Namibia by promoting an internal settlement, the drafting of a "constitution" through the so-called multiparty conference and the installation of puppet political institutions and declares that such attempts confirm South Africa's efforts to subvert the United Nations plan for the independence of Namibia and the consolidation of its illegal occupation of the Territory;

9. Decides that the Ad Hoc Working Group of Experts should continue to study the policies and practices which violate human rights in Namibia, bearing in mind the effects of apartheid on women and children and the consequences for the people of Namibia of the militarization of the Territory and the activities of so-called security units including the Koevoet;

10. Further decides that the Ad Hoc Working Group, in consultation with the Special Committee against Apartheid and the United Nations Council for Namibia, should study ways and means in which the Commission might effectively contribute to the elimination of apartheid in Namibia;

11. Decides further that the Ad Hoc Working Group should continue to institute inquiries in respect of any persons suspected of having committed the crime of apartheid or other serious violations of human rights in Namibia and to bring the results of these inquiries to the attention of the Commission on Human Rights;

12. Requests the Ad Hoc Working Group to submit a report on its findings to the Commission at its forty-third session at the latest and to submit a progress report to the Commission at its forty-second session;

13. Decides that the Ad Hoc Working Group should continue to bring to the attention of the Chairman of the Commission on Human Rights, for whatever action he may deem appropriate, particularly serious violations that take place in Namibia;

14. Authorizes the Chairman of the Ad Hoc Working Group to participate in conferences, symposia, seminars or other events connected with action against apartheid, more particularly those organized under the auspices of the Special Committee against Apartheid and the United Nations Council for Namibia;

15. Requests the Secretary-General to provide every assistance and the resources required to enable the Ad Hoc Working Group to discharge its responsibilities under the terms of the present resolution;

16. Requests the Economic and Social Council to transmit the present resolution to the General Assembly, the Security Council, the Special Committee against Apartheid and the United Nations Council for Namibia.

The Commission on Human Rights,

Recalling its resolution 2 (XXIII) of 6 March 1967, by which it set up the Ad Hoc Working Group of Experts on southern Africa, and its resolutions 21 (XXV) of 19 March 1969, 7 (XXVII) of 8 March 1971, 19 (XXIX) of 3 April 1973, 5 (XXXI) of 14 February 1975, 6 A to C (XXXIII) of 4 March 1977, 12 (XXXV) of 6 March 1979, 5 (XXXVII) of 23 February 1981, 1982/8 of 25 February 1982, 1983/9 of 18 February 1983 and 1984/5 of 28 February 1984,

Recalling General Assembly resolution 39/15 of 23 November 1984 and Economic and Social Council resolution 1984/42 of 24 May 1984,

Having examined the report of the Ad Hoc Working Group of Experts on southern Africa, 34/

Recognizing the value of the reports of the Ad Hoc Working Group in the efforts of the United Nations to expose and combat apartheid and gross violations of human rights in South Africa,

Noting that the Ad Hoc Working Group has concluded that the effects of apartheid have resulted in certain criminal consequences similar to those prohibited in the Convention on the Prevention and Punishment of the Crime of Genocide,

Noting that gross and cruel violations of human rights under apartheid continue to take place in South Africa,

1. Congratulates the Ad Hoc Working Group of Experts for the commendable and impartial manner in which it has prepared its report; 34/

2. Adopts the relevant conclusions and recommendations of the Ad Hoc Working Group contained in its report; 35/

3. Expresses its profound indignation at the fact that apartheid remains institutionalized;

4. Denounces again the policy of "bantustanization", the forced removals of the black population and the policy of denationalization;

5. Reaffirms its rejection as null and void of the so-called constitutional arrangements in South Africa, as they, inter alia:

(a) Serve to perpetuate apartheid and other forms of racial intolerance and discrimination;

(b) Continue to exclude the majority black population from participating in the political, social, economic and cultural life of their country;

(c) Continue to deny the black population their full citizenship rights;

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33/ Adopted at the 32nd meeting, on 26 February 1985, by a roll-call vote of 41 to 1, with 1 abstention. See chap. VI.

34/ E/CN.4/1985/8.

35/ Ibid., part three.



6. Expresses its profound indignation at the continued violations in South Africa, particularly:

(a) The intimidation and suppression of opponents of apartheid and racial discrimination;

(b) The indiscriminate arrest and torture of political activists;

(c) The extreme use of violence in dealing with legitimate protests and demonstrations against policies of apartheid;

(d) The killing, torture and other forms of ill-treatment of captured freedom fighters and other detainees, including those held by the so-called independent homelands;

(e) The discriminatory and inferior quality of black education;

(f) The continued adverse effects, particularly on women and children, of the policies of apartheid;

7. Demands that South Africa should put an end to the system of apartheid and the other gross violations of human rights;

8. Calls for the unconditional release of Mr. Nelson Mandela, Mr. Zephania Matopheny and all political prisoners;

9. Calls on South Africa to respect international standards on trade union rights in respect of black trade unions and particularly to desist from harassing, intimidating, arresting and maltreating black trade union leaders;

10. Condemns South Africa for its military pressures on front-line States and for its support, encouragement and provision of material resources to bandits who seek to destabilize front-line and neighbouring States;

11. Decides to renew the mandate of the Ad Hoc Working Group of Experts composed of the following persons acting in their personal capacity: Mr. Annan Arkyin Cato (Ghana), Chairman-Rapporteur; Mr. Branimir Janković (Yugoslavia); Mr. Felix Ermacora (Austria); Mr. Humberto Díaz Casanueva (Chile); Mr. Mulka Govinda Reddy (India) and Mr. Mikuin Leliel Balanda (Zaire);

12. Decides that the Ad Hoc Working Group of Experts should continue to investigate and study the policies and practices which violate human rights in South Africa and Namibia;

13. Requests the Ad Hoc Working Group, in co-operation with the Special Committee against Apartheid, to continue to investigate cases of torture and ill-treatment of detainees and the deaths of detainees in South Africa;

14. Takes note of the studies and findings of the Ad Hoc Working Group of Experts on the relationship between apartheid and genocide contained in the report 36/ prepared pursuant to paragraph 14 of Commission on Human Rights resolution 1983/9 and requests the Ad Hoc Working Group of Experts to continue its investigation of the matter;

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36/ E/CN.4/1985/14.

15. Renews its request to the Government of South Africa to allow the Ad Hoc Working Group of Experts to make on-the-spot investigations of the living conditions in the prisons in South Africa and Namibia and the treatment of prisoners;

16. Requests the Ad Hoc Working Group to continue to bring to the attention of the Chairman of the Commission on Human Rights, for whatever action he may deem appropriate, particularly serious violations of human rights in South Africa which may come to its attention during its studies;

17. Authorizes the Chairman of the Ad Hoc Working Group to participate in conferences, symposia, seminars or other events connected with action against apartheid organized under the auspices of the Special Committee against Apartheid;

18. Requests the Ad Hoc Working Group to submit a report on its findings to the Commission at its forty-third session at the latest and to submit a progress report to the Commission at its forty-second session;

19. Requests the Secretary-General to provide every assistance within available resources to enable the Ad Hoc Working Group of Experts to discharge its responsibilities in accordance with the relevant provisions of the present resolution;

20. Again requests the Secretary-General to renew his invitation to all States Members of the United Nations to submit their views and comments on the interim study on the international penal tribunal 37/ to enable the Ad Hoc Working Group to continue its study and to submit a report to the Commission at its forty-third session;

21. Requests the Economic and Social Council to transmit the present resolution to the General Assembly, the Security Council, the Special Committee against Apartheid and the United Nations Council for Namibia.

1985/9. 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 38/

The Commission on Human Rights,

Reaffirming that any form of assistance given to the racist régime of South Africa constitutes a hostile act against the oppressed people of southern Africa in their struggle for freedom and independence and obstructs efforts aimed at the elimination of colonialism, apartheid and racial discrimination in South Africa and Namibia,

Reaffirming that the utmost priority must be accorded to ensuring the full implementation of international instruments as well as the resolutions of the United Nations for the eradication of racism and apartheid and the liberation of the people of South Africa and Namibia from the racist and colonial régime,

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37/ E/CN.4/1426.

38/ Adopted at the 32nd meeting, on 26 February 1985, by a roll-call vote of 31 to 5, with 7 abstentions. See chap. VII.

Recalling General Assembly resolutions 3382 (XXX) and 3383 (XXX) of 10 November 1975, 31/33 of 30 November 1976, 33/23 of 29 November 1978, 35/32 of 14 November 1980, 36/172 A to P of 17 December 1981, 37/39 of 3 December 1982 and 39/15 of 23 November 1984,

Recalling General Assembly 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, 3281 (XXIX) of 12 December 1974, containing the Charter of Economic Rights and Duties of States, and 3171 (XXVIII) of 17 December 1973, relating to permanent sovereignty over natural resources of both developing countries and territories under colonial and foreign domination subjected to the apartheid régime, and resolution 3362 (S-VII) of 16 September 1975,

Taking into account, in particular, the relevant decisions adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its nineteenth ordinary session, held at Addis Ababa from 6 to 12 June 1983, 39/ and by the Council of Ministers of that organization at its fortieth ordinary session, held at Addis Ababa from 27 February to 5 March 1984, 40/

Bearing in mind its resolutions 7 (XXXIII) of 4 March 1977, 6 (XXXIV) of 22 February 1978, 9 (XXXV) of 5 March 1979, 11 (XXXVI) of 26 February 1980, 8 (XXXVII) of 23 February 1981, 1982/12 of 25 February 1982, 1983/11 of 18 February 1983 and 1984/6 of 28 February 1984,

Mindful of resolution 1984/4 of 28 August 1984 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the updated 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 the racist and colonial régime of South Africa, 41/

Reiterating its appreciation of the opinions, restated by the Group of three members of the Commission appointed under article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid, that the actions of transnational corporations which operate in South Africa come under the definition of the crime of apartheid and that article III of that Convention could apply to the actions of such transnational corporations, 42/

Noting with profound concern that the major Western and other trading partners of South Africa continue to collaborate with the racist régime, disregarding United Nations decisions relating to the total isolation of South Africa, 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,

Deeply concerned about the ever-increasing investment of foreign capital in the exploitation of uranium and wet gas in Namibia and South Africa and alarmed

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39/ See A/38/312, annex.

40/ See A/39/207, annex, resolution CM/Res.935 (XL).

41/ E/CN.4/Sub.2/1984/8 and Add.1 and 2.

42/ E/CN.4/1985/27, para. 22.

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

Considering that such collaboration promotes the illegal occupation of Namibia and gross violations of human rights in southern Africa and enables South Africa to acquire the means necessary to carry out acts of aggression and blackmail against independent African States, thus increasing the threat to peace and international security,

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,

Conscious of the continuing need to mobilize world public opinion against the political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa,

1. Reaffirms the inalienable right of the oppressed peoples of South Africa and Namibia to self-determination, independence and 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 increased assistance rendered by the major Western countries and Israel to South Africa in the political, economic, financial and particularly the military field and expresses its conviction that this assistance constitutes a hostile action against the people of South Africa, Namibia and the neighbouring States since it is bound to strengthen the military capability of the racist régime, and demands that such assistance be immediately terminated;

4. Condemns the continuing nuclear collaboration of certain Western States, Israel and other States with the racist régime of South Africa and urges those States to cease and desist forthwith from supplying South Africa with nuclear equipment and technology, which enable it to develop a nuclear weapon capability, threaten peace and international security, obstruct efforts to eliminate apartheid and maintain its illegal occupation of Namibia;

5. Strongly condemns the activities of all foreign economic interests operating in Namibia under the illegal South African administration which are illegally exploiting the resources of the Territory and demands that transnational corporations engaged in such exploitation comply with all relevant resolutions of the United Nations by immediately refraining from any new investment or activities in Namibia, by withdrawing from the Territory and by putting an end to their co-operation with the illegal South African administration;

6. Calls once again upon all Governments that have not yet done so to take legislative, administrative or other measures in respect of their nationals and the bodies corporate under their jurisdiction that own and operate enterprises in South Africa and Namibia, with a view to putting a stop to their trading, manufacturing and investing activities in the territory of South Africa as well as on the territory of Namibia illegally occupied by the racist Pretoria régime;

7. Calls again upon the same Governments to take measures to end all technological assistance or collaboration in the manufacture of arms and military supplies in South Africa and Namibia, and in particular to cease all collaboration with South Africa in the nuclear field;

8. Rejects all policies which encourage the racist régime of South Africa to intensify its repression of the people of South Africa and Namibia and escalate its acts of aggression against the neighbouring States in defiance of the resolutions and decisions of the United Nations;

9. Welcomes the request of the General Assembly that the Security Council urgently consider complete and mandatory sanctions under Chapter VII of the Charter of the United Nations against the racist, colonial 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;

10. Strongly condemns South Africa for its persistent acts of subversion and aggression against Angola, including the occupation of a part of its territory, and calls upon South Africa to cease all acts of aggression against, and withdraw all its troops from, that country;

11. Demands that South Africa cease forthwith its acts of aggression aimed at undermining the economies and destabilizing the political institutions of neighbouring States;

12. 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;

13. Urgently requests all specialized agencies, particularly the International Monetary Fund and the World Bank, to refrain from granting any type of loan or financial assistance to the racist régime of South Africa;

14. Calls upon States, specialized agencies, regional intergovernmental organizations and non-governmental organizations to continue and intensify their campaign to mobilize international public opinion for the enforcement of economic and other sanctions against the Pretoria régime;

15. Expresses its appreciation to the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for his updated report;

16. Reaffirms 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 the racist and colonial régime of South Africa is

of the greatest importance to the cause of fighting apartheid and other violations of human rights in South Africa and Namibia;

17. Welcomes the decision of the General Assembly to invite the Special Rapporteur:

(a) To continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist and colonialist régime of South Africa, giving such details regarding enterprises listed as the Rapporteur may consider necessary and appropriate, including explanations of responses, if any, and to submit the updated report to the General Assembly at its forty-first session;

(b) To use all available material from other United Nations organs, Member States, national liberation movements recognized by the Organization of African Unity, specialized agencies and other intergovernmental or non-governmental organizations, as well as other relevant sources, in order to indicate the volume, nature and adverse human consequences of the assistance given to the racist régime of South Africa;

(c) To initiate direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid, with a view to consolidating mutual co-operation in updating his report;

18. Calls upon all Governments to disseminate the updated report and give its contents the widest possible publicity;

19. Attaches special importance to the widest possible dissemination of the updated report by the Secretary-General as a United Nations publication, to make it available to learned societies, research centres, universities, political and humanitarian organizations and other interested groups;

20. Requests the Secretary-General to give the Special Rapporteur all the assistance, including adequate travel funds, that he may require in the exercise of his mandate, with a view, in particular, to establishing direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid, to expanding his work on the annotation of certain selected cases reflected in his present list and to continuing the computerization of future updated lists;

21. Decides to consider the revised report at its forty-second session within the framework of the agenda item "The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa".

1985/10. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid 43/

The Commission on Human Rights,

Recalling General Assembly resolution 39/19 of 23 November 1984,

Recalling its resolutions 10 (XXXV) of 5 March 1979, 13 (XXXVI) of 26 February 1980, 6 (XXXVII) of 23 February 1981, 1982/10 of 25 February 1982, 1983/12 of 18 February 1983 and 1984/7 of 28 February 1984,

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43/ Adopted at the 32nd meeting, on 26 February 1985, by a roll-call vote of 32 to 1, with 10 abstentions. See chap. XVI.

Recalling its resolution 7 (XXXIV) of 22 February 1978, in which it called upon States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid to submit, in accordance with article VII of the Convention, their first report not later than two years after becoming parties to the Convention and their periodic reports at two-year intervals,

Having considered the report 44/ of the Group of three members of the Commission appointed under article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid,

Reaffirming its conviction that apartheid constitutes a total negation of the purposes and principles of the Charter of the United Nations, a gross violation of human rights and a crime against humanity, seriously threatening international peace and security,

Convinced that the crime of apartheid is a form of the crime of genocide,

Reaffirming the view that the activities of transnational corporations operating in South Africa perpetuate the crime of apartheid,

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,

Reaffirming its conviction that ratification of, or accession to, the Convention on a universal basis and implementation of its provisions are necessary for its effectiveness and therefore will contribute to the eradication of the crime of apartheid,

1. Takes note with appreciation of the report of the Group of three members of the Commission which was set up under the International Convention on the Suppression and Punishment of the Crime of Apartheid, and in particular of the conclusions and recommendations contained in that report;

2. Welcomes the work done by the Group of Three in accordance with Commission resolution 1984/7;

3. Commends those States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid that have submitted periodic reports and calls upon those States parties that have not yet done so to submit their reports as soon as possible, in accordance with article VII of the Convention;

4. Again urges States which have not yet done so to ratify or accede to the Convention without delay, especially those States which have jurisdiction over transnational corporations operating in South Africa and in Namibia, and without whose co-operation such operations could not be halted;

5. Urges also all States to ratify the Convention on the Prevention and Punishment of the Crime of Genocide;

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44/ E/CN.4/1985/27.

6. Recommends once again that all States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid should take full account of the general guidelines laid down by the Group of Three in 1978 for the submission of reports; 45/

7. Reiterates its recommendation to States parties to be represented when their country's report is to be considered by the Group of Three;

8. Draws the attention of all States to the opinion expressed by the Group of Three in its report that article III of the International Convention on the Suppression and Punishment of the Crime of Apartheid could apply to the actions of transnational corporations operating in South Africa;

9. Calls on States parties to strengthen their co-operation at the national and international level in order to implement fully the decisions taken by the Security Council and other competent United Nations bodies with a view to the prevention, suppression and punishment of the crime of apartheid, in accordance with article VI of the Convention and with the Charter of the United Nations;

10. Draws the attention of the States parties to the desirability of disseminating further information on the Convention, the implementation of its provisions and the work of the Group of Three established under article IX of the Convention;

11. Notes the importance of measures to be taken by States parties in the field of teaching and education for fuller implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid;

12. Requests the Secretary-General once more to invite States parties to the Convention to express their views on the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa;

13. Requests the Group of Three to continue, in the light of the views expressed by States parties to the Convention, the examination of the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa, including legal actions that may be taken under the Convention against transnational corporations whose operations in South Africa come under the crime of apartheid, and to report to the Commission at its forty-second session;

14. Furthermore requests the Secretary-General to invite the States parties to the Convention, the specialized agencies and non-governmental organizations to provide the Commission on Human Rights with relevant information concerning the types of the crime of apartheid, as described in article II of the Convention, committed by transnational corporations operating in South Africa;

15. Decides that the Group of Three shall meet for a period of not more than five days before the forty-second session of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention;

16. Requests the Secretary-General to provide all necessary assistance to the Group of Three.

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45/ E/CN.4/1286, annex.



1985/11. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination 46/

The Commission on Human Rights,

Reaffirming the obligations of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming its conviction that racism, racial discrimination and apartheid constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling its resolution 1984/8 of 28 February 1984,

Bearing in mind General Assembly resolution 39/16 of 23 November 1984 on the Second Decade to Combat Racism and Racial Discrimination, in which the Assembly invited the Commission on Human Rights to continue exercising vigilance in identifying actual or emergent situations of racism or racial discrimination, to draw attention to them where discovered and to suggest appropriate remedial measures,

Welcoming the adoption by consensus by the General Assembly of the plan of activities for the period 1985-1989, 47/

Conscious of the necessity of attaining the objectives of the Second Decade to Combat Racism and Racial Discrimination,

1. Commends all States that have ratified or acceded to the relevant international instruments;
2. Appeals to those States that have not yet done so to take the necessary steps to ratify, accede to and implement the relevant international instruments, particularly the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Convention against Discrimination in Education adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 December 1960; 48/
3. Urges all States and international organizations to co-operate with the Secretary-General in the implementation of the plan of activities for the period 1985-1989;
4. Requests the Secretary-General to inform the Commission on Human Rights annually of the progress made in carrying out the above-mentioned plan of activities so that the Commission can make its contribution thereto;
5. Decides to give thematic consideration, each year, to a selected topic within the plan of activities for 1985-1989;

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46/ Adopted at the 32nd meeting, on 26 February 1985, without a vote. See chap. XVII.

47/ A/39/167-E/1984/33 and Add.1 and 2.

48/ United Nations, Treaty Series, vol. 429, No. 6193, p.93.

6. Further decides that the topic for thematic consideration in 1987 shall be "International assistance and support to peoples and movements struggling against colonialism, racism, racial discrimination and apartheid";

7. Recommends to the Economic and Social Council the organization in 1986 of an international seminar, in Africa, on the topic referred to in paragraph 6 above;

8. Decides to consider the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination as a matter of high priority at its forty-second session.

1985/12. Situation in Kampuchea<sup>49/</sup>

The Commission on Human Rights,

Recalling its resolutions 29 (XXXVI) of 11 March 1980, 11 (XXXVII) of 6 March 1981, 1982/13 of 25 February 1982, 1983/5 of 15 February 1983 and 1984/12 of 29 February 1984 and Economic and Social Council decisions 1981/154 of 8 May 1981, 1982/143 of 7 May 1982, 1983/155 of 27 May 1983 and 1984/148 of 24 May 1984,

Recalling that all its resolutions reaffirm the inherent and inalienable right of the people of Kampuchea to fundamental freedoms and human rights, in particular the right to self-determination,

Recalling once again General Assembly resolutions 34/22 of 14 November 1979, 35/6 of 22 October 1980, 36/5 of 21 October 1981, 37/6 of 28 October 1982, 38/3 of 27 October 1983 and 39/5 of 30 October 1984, which called inter alia for an end to armed intervention, the total withdrawal of foreign forces from Kampuchea, and urgent recourse to a peaceful settlement,

Emphasizing in particular General Assembly resolutions 36/5, 38/3 and 39/5, in which the Assembly approved the report of the International Conference on Kampuchea, 50/ which embraced the four cardinal elements of negotiations for a comprehensive political settlement of the Kampuchean problem, and the reports of the Ad Hoc Committee of the International Conference on Kampuchea, 51/ with the request that the Committee continue its work pending the reconvening of the Conference,

Further recalling General Assembly resolutions 37/6, 38/3 and 39/5, which reaffirm the conviction that, to bring about a durable peace in South-East Asia, there is an urgent need for the international community to find a comprehensive political solution to the Kampuchean problem that will provide for the withdrawal of all foreign forces and ensure respect for the sovereignty, independence, territorial integrity and neutral and non-aligned status of Kampuchea, as well as the right of the Kampuchean people to self-determination free from outside interference,

Welcoming the continued effectiveness of the coalition with Samdech Norodom Sihanouk as President of Democratic Kampuchea,

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<sup>49/</sup> Adopted at the 34th meeting, on 27 February 1985, by a roll-call vote of 28 to 8, with 5 abstentions. See chap. IX.

<sup>50/</sup> United Nations publication, Sales No. E.81.I.20.

<sup>51/</sup> A/CONF.109/7 and A/CONF.109/8.

Recognizing that the continuing illegal occupation of Kampuchea by foreign forces not only deprives the people of Kampuchea of the exercise of their right to self-determination but also forces a large number of Kampucheans to flee their own homeland as refugees and displaced persons outside Kampuchea,

Seriously concerned that the continuing illegal occupation of Kampuchea and the reported demographic changes imposed by foreign occupation forces in Kampuchea are a threat to the survival of the Kampuchean people and culture,

Having considered resolutions 13 (XXXIV) of 10 September 1981, and 1982/22 of 8 September 1982 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, by which the Sub-Commission reiterated its recommendation that the Commission on Human Rights should keep the situation of human rights in Kampuchea under continuing review and should call for a pledge by all States not to interfere in the internal political process of Kampuchea in any way whatsoever after the withdrawal of the foreign forces now in that country,

1. Reiterates its condemnation of the persistent occurrence of gross and flagrant violations of human rights in Kampuchea as expressed in its resolutions 11 (XXXVII), 1982/13, 1983/5 and 1984/12;
2. Deplores the continued violations of the fundamental principles of human rights and the Charter of the United Nations, particularly the repeated military attacks by the occupying troops against civilians along the Thai-Kampuchean border, such as those perpetrated between November 1984 and January 1985, which caused an additional massive exodus of over 160,000 Kampuchean civilians into Thailand, and the reported forced demographic changes and displacement of the Kampuchean population;
3. Reaffirms that the continuing illegal occupation of Kampuchea by foreign forces deprives the people of Kampuchea of the exercise of their right to self-determination and constitutes the primary violation of human rights in Kampuchea at present;
4. Emphasizes that the withdrawal of all foreign forces from Kampuchea, the restoration of Kampuchea's independence, sovereignty and territorial integrity, the recognition of the Kampuchean people's right to self-determination and the commitment by all States to non-interference and non-intervention in the internal affairs of Kampuchea are essential components of a just and durable solution to the Kampuchean problem;
5. Strongly reaffirms its call to parties to the present conflict in Kampuchea to cease all hostilities forthwith and for the immediate and unconditional withdrawal of foreign forces from Kampuchea, as reiterated in the Declaration on Kampuchea 52/ adopted on 17 July 1981, in order that:

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52/ Report of the International Conference on Kampuchea, New York, 13-17 July 1981 (United Nations publication, Sales No. E.81.I.20), annex I.

(a) The Kampuchean people, free from any foreign interference, aggression and coercion, will be able to exercise their fundamental and inalienable human rights in their totality and indivisibility;

(b) The United Nations may be able to offer its services in the field of human rights and fundamental freedoms in Kampuchea;

(c) In the exercise of their fundamental freedoms and inalienable human rights, the Kampuchean people will then be able to choose and determine their own future through free and fair elections under United Nations supervision;

(d) The exercise of the right of all Kampuchean refugees to return to their homeland in safety may be made possible;

(e) Efforts towards a comprehensive political solution to the Kampuchean problem, within the framework of the Declaration on Kampuchea of 17 July 1981 and the relevant United Nations resolutions, may be pursued in order to establish an independent, free and non-aligned Kampuchea and thereby achieve durable peace for South-East Asia;

6. Expresses its deep appreciation to the Secretary-General for taking constructive steps in the search for a solution to the Kampuchean problem, such as his recent visit to South-East Asia;

7. Requests the Secretary-General to continue to monitor closely the developments in Kampuchea and urgently to intensify efforts, including the use of his good offices, to bring about a comprehensive political settlement and the restoration of fundamental human rights in Kampuchea;

8. Notes with appreciation the reports of the Ad Hoc Committee of the International Conference on Kampuchea and requests that the Committee continue its work, pending the reconvening of the Conference;

9. Recommends that the Economic and Social Council at its first regular session of 1985 continue to consider, and in particular to undertake, appropriate measures towards the early implementation of relevant recommendations, with a view to achieving the full enjoyment of the fundamental human rights and freedoms of the Kampuchean people, particularly its inalienable right to self-determination;

10. Decides to keep the situation in Kampuchea under review as a matter of high priority at its forty-second session under the agenda item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

1985/13. The role of youth in the field of human rights, particularly in achieving the objectives of the International Youth Year: Participation, Development, Peace 53/

The Commission on Human Rights,

Recalling that 1985 is the fortieth anniversary of the United Nations,

Aware that peace constitutes one of the principal aspirations of mankind and that the attainment and preservation of peace is a universal responsibility,

Bearing in mind that the Charter of the United Nations expresses the determination of the peoples to save succeeding generations from the scourge of war and to reaffirm faith in the equal rights of all without any distinction and to practice tolerance and live together in peace with one another as good neighbours,

Considering that the Universal Declaration of Human Rights proclaims that recognition of the inherent dignity and of the equal rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recalling that the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights proclaim that everyone has the right to life, liberty and security of person,

Emphasizing the necessity 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, the International Covenant on Civil and Political Rights and all other relevant international instruments, as indispensable for human dignity and the free development of the human personality,

Convinced of the importance of preserving peace and ensuring the inherent right of every human being to life,

Stressing the particular importance of ensuring the active participation of youth in promoting the right to life as well as international peace and co-operation,

Welcoming the contribution of youth to the promotion of the ideals of peace and international co-operation, human rights and fundamental freedoms, the exercise of the right to self-determination, the elimination of colonialism, racism, racial discrimination and apartheid and the promotion of human solidarity and dedication to the objectives of progress and development,

Welcoming also the contribution of youth to achieving progressively the full realization of economic, social and cultural rights,

Recognizing the importance of the direct participation of youth in shaping the future of mankind and the valuable contribution that youth can make to the implementation of the new international economic order based on equality and justice,

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53/ Adopted at the 51st meeting, on 11 March 1985, without a vote. See chap. XV.

Recalling the emphasis placed in the Universal Declaration of Human Rights on teaching and education, aimed at promoting human rights and fundamental freedoms,

Appreciating the efforts undertaken in preparation for the International Youth Year: Participation, Development, Peace by the General Assembly, the Advisory Committee for the International Youth Year and the Centre for Social Development and Humanitarian Affairs, which is a focal point for the related activities,

Reaffirming the objectives of the International Youth Year: Participation, Development, Peace, as well as their interdependence,

Mindful of the important role of youth in the field of human rights,

1. Reaffirms the role of youth in promoting the full and effective enjoyment of the entire range of human rights and fundamental freedoms for all;

2. Reaffirms also the fact that youth attaches crucial importance to the promotion of international peace and co-operation, the full and effective enjoyment of human rights and fundamental freedoms and the establishment of a new international economic order;

3. Appeals to all Governments to consider appropriate measures to ensure that young people have equal opportunities to participate in the economic, social, cultural, civil and political life of society as well as in the endeavour to promote human rights and fundamental freedoms, international peace and co-operation, understanding, tolerance and friendship among all nations;

4. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to pay due attention to the role of youth in the field of human rights, particularly in achieving the objectives of the International Youth Year: Participation, Development, Peace, and taking into consideration the Specific Programme of Measures and Activities to be undertaken prior to and during the International Youth Year; 54/

5. Requests the Secretary-General, in consultation with the relevant specialized agencies, to give special emphasis in 1985, as International Youth Year, to educational materials and programmes for youth, in the light of its objectives, "Participation, Development, Peace", as key elements in the ongoing promotional activities of the United Nations in the field of human rights;

6. Decides to consider the matter at its forty-third session under the item "The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service".

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54/ A/36/215, annex, sect. IV, decision 1 (I).

1985/14. The role of youth in the promotion and protection of human rights 55/

The Commission on Human Rights,

Recalling General Assembly resolutions 36/29 of 13 November 1981, 37/49 of 3 December 1982 and 38/23 of 22 November 1983, in which the Assembly, inter alia, recognized the need 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 resolutions 1982/36 of 11 March 1982 and 1983/46 of 9 March 1983,

Considering that young people constitute a substantial part of the world's population and play an important role in all fields of human activity, as well as the fact that the future belongs to youth,

Convinced of the need to educate young people in the ideals of peace and in mutual understanding among nations, respect for human rights and fundamental freedoms and dedication to the aims of social progress and development,

Drawing attention to the exceptional importance of promoting in every way the mass involvement of youth in energetic, socially useful activities for the economic and social development of all countries and the realization of economic, social, cultural, political and civil rights,

Recognizing that inadequate education and unemployment among young people limit their opportunities to participate in the development process, and stressing in this connection the importance of secondary and higher education and of access by youth to appropriate technical training, vocational guidance and educational programmes,

Expressing its serious interest in the success of International Youth Year under the motto: "Participation, Development, Peace";

1. Calls upon all States, all governmental and non-governmental organizations, the United Nations organs concerned and the specialized agencies to devote constant attention to the exercise and use by young people of all human rights, including the right to education and vocational training and the right to work, with a view to ensuring full employment and the solution of the problem of unemployment among young people;

2. Calls upon all States to take appropriate legislative, administrative and other action for the exercise by youth of all human rights and fundamental freedoms, including the right to education and the right to work, with a view to creating conditions for the active participation of young people in the formation and implementation of programmes for the economic and social development of their countries;

3. Requests the Secretary-General, in his report reviewing the carrying out of the Specific Programme of Measures and Activities to be undertaken prior to and during the International Youth Year, to give attention to the implementation of all aspects of International Youth Year, held under the motto "Participation, Development, Peace".

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55/ Adopted at the 51st meeting, on 11 March 1985, without a vote. See chap. XV.

1985/15. Question of the human rights of all persons subjected to any form of detention or imprisonment 56/

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations as well as the principles and provisions of the Universal Declaration of Human Rights,

Bearing in mind the provisions of the Geneva Conventions of 12 August 1949 57/ and of The Hague Convention of 1907, 58/

Recalling General Assembly resolutions 2674 (XXV) and 2675 (XXV) of 9 December 1970 as well as all relevant resolutions on the promotion of the respect of human rights in armed conflicts,

Deeply alarmed by the situation of Palestinian, Lebanese and other detainees held by Israel as a result of its invasion of Lebanon and continued occupation of Lebanese territories,

1. Strongly condemns Israel for its policies of ill-treatment and torture of Palestinian detainees in Israeli prisons;
2. Strongly reaffirms that the fundamental rights established by international law and formulated in international instruments remain fully applicable in cases of armed conflict;
3. Urges Israel to recognize, in accordance with the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949, 59/ the status of prisoners of war for all combatants captured in the course of that war, and to treat them accordingly;
4. Urges Israel to release immediately all civilians arbitrarily detained since the beginning of that war, as well as those that Israel rearrested and detained again in Ansar Camp, thereby violating the agreement on the exchange of prisoners concluded with the International Committee of the Red Cross in November 1983, and to release the 125 prisoners it transferred from Ansar Camp to Atlit prison on the eve of the implementation of the above-mentioned agreement on the exchange of prisoners;
5. Urges Israel to co-operate with the International Committee of the Red Cross and allow it to visit all detainees, in all the detention centres under its control;

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56/ Adopted at the 51st meeting, on 11 March 1985, by a roll-call vote of 32 to 1, with 9 abstentions. See chap. X.

57/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

58/ Carnegie Endowment for International Peace, The Hague Conventions and Declarations of 1899 and 1907 (New York, Oxford University Press, 1915), p. 100.

59/ United Nations, Treaty Series, vol. 75, No. 972, p. 135.



6. Urges Israel to ensure protection, in conformity with the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 60/ and The Hague Convention of 1907, for Palestinian civilians, including the released detainees, in the areas under its occupation;

7. Calls upon all parties to the conflict to furnish the International Committee of the Red Cross with all available information concerning persons who are missing or who disappeared following the invasion of Lebanon by Israel;

8. Requests the Secretary-General to make available all information concerning this matter;

9. Decides to place this matter on the provisional agenda of its forty-second session under the item "Question of the human rights of all persons subjected to any form of detention or imprisonment".

1985/16. Question of the human rights of all persons subjected to any form of detention or imprisonment 61/

The Commission on Human Rights,

Recalling its resolution 1982/24 of 10 March 1982, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to submit to it general recommendations on the most effective means for eliminating enforced or involuntary disappearances of persons,

Having in mind General Assembly resolution 39/46 of 10 December 1984, the annex to which contains the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was adopted by consensus,

Having reviewed developments concerning the human rights of persons subjected to any form of detention or imprisonment,

Requests the Sub-Commission to analyse available information about the practice of administrative detention without charge or trial, and to make recommendations regarding its use.

1985/17. Right to freedom of expression and opinion 62/

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, which affirms the right to freedom of opinion and expression,

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60/ Ibid., No. 973, p. 287.

61/ Adopted at the 51st meeting, on 11 March 1985, without a vote. See chap. X.

62/ Adopted at the 51st meeting, on 11 March 1985, without a vote. See chap. X.

Bearing in mind the International Covenant on Civil and Political Rights, which reaffirms, in article 19, the right of everyone to hold opinions without interference, as well as the right to freedom of expression, and that the exercise of the right to freedom of expression carries with it special duties and responsibilities and may therefore be subject to certain restrictions, but that these shall only be such as are provided by law and are necessary: (a) for respect of the rights or reputations of others; (b) for the protection of national security or public order, or of public health or morals,

Bearing in mind that the International Covenant on Civil and Political Rights states that any propaganda for war or any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law,

Taking note of resolution 1983/32 of 6 September 1983 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1984/26 of 12 March 1984,

Considering that the effective promotion of the human rights of persons who exercise the right to freedom of opinion and expression is of fundamental importance,

1. Expresses its concern at the extensive occurrence of detention in many parts of the world of persons who exercise the right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

2. Affirms that further measures may be required at national and international level to ensure the respect of the right to freedom of expression and opinion;

3. Appeals to all States to ensure respect and support for the rights of all persons who exercise the right to freedom of opinion and expression and, where anyone has been detained solely for exercising the right to freedom of opinion and expression as laid down in the International Covenant on Civil and Political Rights, to release them immediately;

4. Calls upon States that have not yet done so to take steps to allow the full realization of the right to freedom of opinion and expression in their territory;

5. Decides to review this matter at its forty-second session with a view to promoting respect for the right to freedom of opinion and expression.

1985/18. Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 63/

The Commission on Human Rights,

Considering that, in accordance with the principle proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

63/ Adopted at the 51st meeting, on 11 March 1985, without a vote. See chap. X.

Considering also the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Recalling article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant of Civil and Political Rights, which state that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Determined to promote full implementation of the prohibition under international and national law of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

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,

Recalling also General Assembly resolution 39/46 of 10 December 1984, by which the Assembly adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and called upon all Governments to consider signing and ratifying the Convention as a matter of priority,

1. Expresses its great satisfaction that, since the adoption by the General Assembly of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in December 1984, 24 Member States have signed the Convention;
2. Invites all States to become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, by signing and ratifying the Convention, as a matter of priority;
3. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to include the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in the list of human rights instruments referred to in paragraph 1 of Sub-Commission resolution 1 B (XXXII) of 5 September 1979;
4. Requests the Secretary-General to submit to the General Assembly at its fortieth session and to the Commission on Human Rights at its forty-second session a report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
5. Decides to consider the report of the Secretary-General at its forty-second session under a subitem entitled "Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment".

The Commission on Human Rights,

Recalling article 5 of the Universal Declaration of Human Rights, which states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also General Assembly resolution 36/151 of 16 December 1981, by which the Assembly decided to establish the United Nations Voluntary Fund for Victims of Torture, and General Assembly resolution 39/113 of 14 December 1984,

Taking note with great satisfaction of General Assembly resolution 39/46 of 10 December 1984, by which the Assembly adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Bearing in mind its resolution 1984/22 of 6 March 1984,

Convinced that the struggle to eliminate torture includes the provision of assistance in a humanitarian spirit to the victims and their families,

Taking note of the recent information provided by the Secretary-General on the activities of the United Nations Voluntary Fund for Victims of Torture, 65/

1. Expresses its gratitude and appreciation to those Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;
2. Appeals to all Governments, organizations and individuals in a position to do so to respond favourably to requests for further contributions to the Fund;
3. Expresses its appreciation to the Board of Trustees of the Fund for the work it has carried out;
4. Renews its request to the Secretary-General to transmit to all Governments the Commission's appeal for further contributions to the Fund;
5. Requests the Secretary-General to make use of all existing possibilities to assist the Board of Trustees of the Fund, inter alia through the preparation, production and dissemination of information material, in its efforts to make the Voluntary Fund and its humanitarian work better known;
6. Further requests the Secretary-General to keep the Commission informed of the operations of the Fund on an annual basis.

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64/ Adopted at the 51st meeting, on 11 March 1985, without a vote. See chap. X.

65/ A/39/662 and E/CN.4/1985/55.

The Commission on Human Rights,

Bearing in mind General Assembly resolution 33/173 of 20 December 1978, in which the Assembly requested the Commission on Human Rights to consider the question of disappeared persons with a view to making appropriate recommendations, and all other United Nations resolutions concerning missing or disappeared persons,

Convinced of the importance of continuing the implementation of the provisions of General Assembly resolution 33/173 and of the other United Nations resolutions on the question of enforced or involuntary disappearances, with a view to finding solutions for cases of disappearance and contributions to the elimination of such practices,

Recalling its resolution 20 (XXXVI) of 29 February 1980, by which it decided to establish, for a period of one year, a working group consisting of five of its members to serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances of persons, and its resolution 1984/23 of 6 March 1984,

Recalling General Assembly resolution 39/111 of 14 December 1984, in which the Assembly welcomed the decision taken by 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 1984/23,

Profoundly concerned about the persistence, in certain cases, of the practice of enforced or involuntary disappearances,

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

Conscious of the need for the Working Group to develop further its methodology in the light of the discussions held during the present session,

Having considered the report of the Working Group, 67/

1. Expresses its appreciation to the Working Group on Enforced or Involuntary Disappearances for the work it has done and to those Governments which have co-operated with it;

2. Decides to extend for one year the Working Group's mandate, as laid down in Commission on Human Rights resolution 20 (XXXVI), and to study at its forty-second session the possibility of extending the term of the Working Group's mandate for two years;

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66/ Adopted at the 51st meeting, on 11 March 1985, without a vote. See chap. X.

67/ E/CN.4/1985/15 and Add.1.

3. Requests the Working Group to submit to the Commission, at its forty-second session, a report on its work, together with its conclusions and recommendations, and to bear in mind the obligation to discharge its mandate with discretion, so as, inter alia, to protect persons providing information or to limit the dissemination of information provided by Governments;

4. Requests the Working Group, in its efforts to help eliminate the practice of enforced or involuntary disappearances, to present to the Commission all appropriate information it deems necessary and all concrete suggestions and recommendations regarding the fulfilment of its task;

5. Reminds the Working Group of the need to observe, in its humanitarian task, United Nations standards and practices regarding the receipt of communications, their consideration, their transmittal to Governments and their evaluation;

6. Renews its request to the Secretary-General to appeal to all Governments concerned to extend to the Working Group their full co-operation, which is indispensable in solving cases of disappearance;

7. Requests the Secretary-General to invite the Governments of countries in which there are numerous cases of disappearance to envisage the establishment of a national body for investigations into disappeared persons and to answer requests for information addressed to them by the Working Group in connection with the measures they have taken in application of General Assembly resolution 33/173;

8. Encourages the Governments concerned to consider with special attention the wish of the Working Group, when such a wish is expressed, to visit their country, thus enabling the Working Group to fulfil its mandate even more effectively;

9. Requests the Secretary-General to ensure that the Working Group receives all necessary assistance, in particular the staff and resources it requires to perform its functions in an effective and expeditious manner, so as to reduce to the minimum any discontinuity in the activities of the Working Group;

10. Decides to consider this question at its forty-second session under a subitem of the agenda entitled "Question of enforced or involuntary disappearances".

1985/21. Report of the Working Group on Indigenous Populations 68/

The Commission on Human Rights,

Mindful that one of the purposes of the United Nations as embodied in the Charter is 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,

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68/ Adopted at the 51st meeting, on 11 March 1985, without a vote. See chap. XIX.

Recalling Economic and Social Council resolution 1982/34 of 7 May 1982, authorizing the establishment annually of a working group on indigenous populations with the mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations, giving special attention to the evolution of standards concerning the rights of indigenous populations,

Bearing in mind that such standards must be developed on the basis of the diverse realities of indigenous populations in all parts of the world,

Recalling further its resolution 1984/32 of 12 March 1984 regarding discrimination against indigenous populations,

Recalling also resolution 1984/35 B of 30 August 1984 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, whereby the Sub-Commission endorsed the plan of action drawn up by the Working Group for its future work,

Having examined the report 69/ of the Working Group on its third session, held from 30 July to 6 August 1984,

Conscious that, in various situations, indigenous populations are unable to enjoy their inalienable human rights and fundamental freedoms,

Determined to do everything possible to promote the enjoyment of the rights of indigenous populations,

Noting that the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination 70/ enumerates certain basic rights of indigenous populations and acknowledges the role of the Working Group,

1. Expresses its appreciation to the Sub-Commission's Working Group on Indigenous Populations for its valuable work, and recognizes the need for a continued broad approach and flexible methods of work;

2. Further expresses its appreciation for the active and constructive participation in the work of the Working Group of observers of Governments, specialized agencies, non-governmental organizations and, in particular, organizations of indigenous peoples;

3. Urges the Working Group to intensify its efforts, in carrying out its Plan of Action, to develop international standards based on a continued and comprehensive review of developments pertaining to the promotion and protection of the human rights of indigenous populations and of the situations and aspirations of indigenous populations throughout the world;

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69/ E/CN.4/Sub.2/1984/20.

70/ General Assembly resolution 38/14, annex.

4. Recognizes the importance of ensuring adequate dissemination of information about the activities of the Working Group, in particular to indigenous populations, in order to encourage the widest possible participation in its work;

5. Requests the Secretary-General to give all necessary assistance to the Working Group in discharging its tasks.

1985/22. The right of everyone to leave any country, including his own, and to return to his country 71/

The Commission on Human Rights,

Mindful of article 13 of the Universal Declaration of Human Rights and article 12 of the International Covenant on Civil and Political Rights, which recognize the right of everyone to leave any country, including his own, and to return to his own country,

Recalling the Study of Discrimination in Respect of the Right of Everyone to Leave Any Country, Including His Own, and to Return to His Country submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its fifteenth session by the Special Rapporteur, Mr. José D. Ingles, and subsequently published by the United Nations in 1963, 72/

Recalling also that the draft principles 73/ included in the study were adopted by the Sub-Commission in its resolution 2 (XV) and brought to the attention of Governments and international governmental and non-governmental organizations concerned by Economic and Social Council resolution 1788 (LIV) of 18 May 1973, on the recommendation of the Commission in its resolution 12 (XXIX) of 23 March 1973,

Mindful of the Council resolution referred to above, by which the Council decided that the Commission should retain on its agenda the question of the right of everyone to leave any country, including his own, and to return to his country,

Recalling its resolution 1984/37 by which it recommended to the Economic and Social Council that it endorse the appointment by the Sub-Commission of a Special Rapporteur, Mr. Mubanga-Chipoya, to prepare an analysis of current trends and developments in that field,

Taking note with interest of the preliminary report prepared by the Special Rapporteur, 74/

Desirous of promoting further standard-setting in this field in view of the fact that many people are still denied the right to leave their country or to return to it,

71/ Adopted at the 51st meeting, on 11 March 1985, without a vote. See chap. XIX.

72/ United Nations publication, Sales No. 64.XIV,2.

73/ Ibid., annex VI.

74/ E/CN.4/Sub.2/1984/10.



1. Welcomes the progress made so far by the Special Rapporteur in his study;
2. Appeals to Governments to respond to the questionnaire drafted by the Special Rapporteur;
3. Requests the Sub-Commission to consider the next report by Mr. Mubanga-Chipoya as a matter of priority, with a view to submitting to the Commission as soon as possible a draft declaration on the right of everyone to leave any country, including his own, and to return to his country.

1985/23. The administration of justice and the human rights of detainees 75/

The Commission on Human Rights,

Recalling its decision 1984/104 of 6 March 1984, in which it decided to examine the report on situations known as states of siege or emergency to be submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the Commission at its forty-first session as a matter of high priority, with a view to deciding what further action should be taken on the question of states of siege or emergency,

Having examined the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the work of its thirty-seventh session, 76/

Mindful of Sub-Commission resolution 1984/27 of 30 August 1984,

Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution I].

1985/24. Slavery and slavery-like practices - Mission to Mauritania 77/

The Commission on Human Rights,

Recalling Economic and Social Council decision 1982/129 of 7 May 1982,

Further recalling its resolution 1982/20 of 10 March 1982,

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75/ Adopted at the 51st meeting, on 11 March 1985, by 28 votes to none, with 9 abstentions. See chap. XIX.

76/ E/CN.4/1985/3.

77/ Adopted at the 51st meeting, on 11 March 1985, without a vote. See chap. XIX.

Mindful of resolution 16 (XXXIV) of 10 September 1981 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the report 78/ of the mission to Mauritania presented by Mr. Marc Bossuyt, expert of the Sub-Commission,

1. Expresses its deep appreciation to the Government of the Islamic Republic of Mauritania for inviting a mission of the Sub-Commission to visit Mauritania, and for the facilities placed at the mission's disposal during its stay in Mauritania, enabling it to meet freely with a great variety of persons, and for its exemplary co-operation with the United Nations in this matter;

2. Expresses also its high appreciation to the expert for his excellent and valuable report;

3. Decides to transmit the expert's report to the Government of Mauritania inviting it to inform the Sub-Commission of any action which it feels able to take thereon;

4. Decides further to transmit the report to United Nations Development Programme donor States and to the United Nations Children's Fund, the United Nations Development Programme, the United Nations Fund for Population Activities, the United Nations Centre for Human Settlements (Habitat), the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the World Bank and the International Fund for Agricultural Development and to regional and subregional organizations concerned, and to invite them to consider, in the light of the expert's report, what assistance they could give to Mauritania for the purpose of contributing to the eradication of the consequences of slavery, in accordance with the aims and objectives of the Mauritanian national plan of social and economic development;

5. Requests the expert of the Sub-Commission to prepare a follow-up report on the basis of the replies received and taking into account the views expressed by the Sub-Commission at its thirty-seventh session and by the Commission at its forty-first session on the matter, in particular with respect to assistance which could be provided to Mauritania, and to submit to the Sub-Commission an interim report at its thirty-eighth session and a final report at its thirty-ninth session;

6. Requests the Secretary-General to provide the expert with all necessary assistance he may require in preparing his follow-up report.

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78/ E/CN.4/Sub.2/1984/23.

The Commission on Human Rights,

Recalling the provisions of the Slavery Convention, 80/ the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 81/ and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 82/

Having considered resolution 1984/33 of 30 August 1984 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the relevant parts of the report of the Sub-Commission on the work of its thirty-seventh session, 83/ in particular those concerning the conclusions and recommendations of its Working Group on Slavery,

Gravely concerned at the persistence and, in some cases, the recrudescence of various slavery-like practices today, in shocking disregard of accepted international standards on human rights,

Considering, in the light of the work of the Sub-Commission and its Working Group on Slavery, that several issues, such as the ill-treatment and exploitation of women and children, debt bondage and the ill-treatment of domestic servants in various situations, have not until very recently received sufficient attention,

1. Invites those eligible States which have not signed or ratified the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others to do so as soon as possible;

2. Requests the Secretary-General to invite States parties to the Slavery Convention, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others to report regularly upon their compliance with the provisions of the Conventions;

3. Invites all States, as well as relevant organs and agencies of the United Nations system, competent intergovernmental organizations, including the International Criminal Police Organization, and non-governmental organizations concerned to continue to supply relevant information to the Working Group on Slavery;

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79/ Adopted at the 51st meeting, on 11 March 1985, without a vote. See chap. XIX.

80/ League of Nations, Treaty Series, vol. LX, No. 1414, p. 253.

81/ United Nations, Treaty Series, vol. 266, No. 3822, p. 40.

82/ Ibid., vol. 96, No. 1342, p. 271.

83/ E/CN.4/1985/3.

4. Requests the Secretary-General to transmit to the Governments concerned for information and such observations as they may wish to make, and to the United Nations bodies and specialized agencies mentioned by the Working Group on Slavery in its recommendations, the statements containing specific allegations of slavery-like practices submitted to the Working Group on Slavery at its tenth session by non-governmental organizations together with the relevant parts of the Working Group's report; 84/

5. Requests the Sub-Commission to consider undertaking, at the appropriate time, a study concerning alleged slavery-like practices against women and children, as mentioned in the report of the Working Group on Slavery, indicating ways and means by which women and children subjected to such practices could best be assisted and rehabilitated, for subsequent consideration by the Commission on Human Rights, and also the study on debt bondage, as recommended on previous occasions by the Sub-Commission;

6. Recommends that the struggle against procuring be intensified at the national level and, further, that international measures be adopted with the twofold purpose of dismantling the networks which feed prostitution and repatriating the victims of these networks, as well as extending assistance to them;

7. Recommends that all States concerned should adopt and implement such social and legal measures as are necessary to ensure the orderly and effective reinsertion into society of the victims of prostitution;

8. Recommends that the mass media, including those of the United Nations system, be more widely used to publicize the evils of slavery and slavery-like practices and to make people more aware of their rights and responsibilities in the struggle against such practices;

9. Recommends that Governments be encouraged to avail themselves of the possibility of requesting assistance under the programme of advisory services in the field of human rights, and other programmes as appropriate, for the elimination of slavery, slavery-like practices, and their sequels;

10. Requests the United Nations Children's Fund, the International Labour Organisation, the Food and Agriculture Organization of the United Nations and the United Nations Educational, Scientific and Cultural Organization to give particular attention in their technical assistance programmes to situations where poverty is leading to or perpetuating slavery and slavery-like practices.

1985/26. Advisory services in the field  
of human rights 85/

The Commission on Human Rights,

Recalling General Assembly resolution 39/115 of 14 December 1984, in which the Assembly requested the Commission on Human Rights, when considering the item entitled "Advisory services in the field of human rights", to pay special attention to the most appropriate ways of assisting, at their request, the countries of the different regions under the programme of advisory services and to make, where necessary, the relevant recommendations,

Recalling further General Assembly resolution 39/138 of 14 December 1984, in which the Commission on Human Rights was requested to consider the suggestions contained in the report of the meeting of the Chairmen of the Commission on Human Rights, the Human Rights Committee, the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination, 86/

Mindful of its resolution 1984/44 of 13 March 1984 and resolution 1984/19 of 29 August 1984 of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities,

Having considered the suggestions made by the Chairmen on advisory services in the field of human rights,

1. Expresses its appreciation to the Secretary-General for the report on advisory services in the field of human rights submitted in pursuance of Commission on Human Rights resolution 1984/44 87/ and encourages him to continue and, as appropriate, to enhance his efforts under the programme of advisory services in the field of human rights to provide practical assistance to States in the implementation of international conventions on human rights, particularly the International Covenants on Human Rights;

2. Requests the Secretary-General to examine ways and means, and to take such steps as are possible within existing resources, to facilitate the flow of bilateral assistance to States which have indicated that they need technical assistance in the field of human rights;

3. Further requests the Secretary-General to consider, in co-operation with interested Governments, intergovernmental and non-governmental organizations, the possibility of using voluntary contributions for the implementation of projects within the programme of advisory services in the field of human rights;

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85/ Adopted at the 51st meeting, on 11 March 1985, without a vote. See chap. XXII.

86/ A/39/484, annex.

87/ E/CN.4/1985/30.

4. Recommends that, in cases in which technical assistance in the field of human rights is being considered at the request of a Government, due consideration be given to the organization of information and/or training courses for appropriate government personnel in the country concerned on the provisions of international human rights standards and the experience of relevant international organs;

5. Invites the Secretary-General to report to the Commission at its forty-second session on the progress made in the implementation of the programme of advisory services in the field of human rights and to continue considering further suggestions for both long-term and short-term programmes of action in this field.

1985/27. Assistance to Uganda 88/

The Commission on Human Rights,

Recalling General Assembly resolutions 35/103 of 5 December 1980 and 36/218 of 17 December 1981 on assistance for the reconstruction, rehabilitation and development of Uganda,

Recalling also its resolutions 30 (XXXVII) of 11 March 1981, 1982/37 of 11 March 1982, 1983/47 of 9 March 1983 and 1984/45 of 13 March 1984 as well as Economic and Social Council decisions 1981/146 of 8 May 1981 and 1982/139 of 7 May 1982,

Considering the need to take into account the importance of assistance designed to help the Government of Uganda in its efforts to continue guaranteeing the enjoyment of human rights and fundamental freedoms,

Mindful of the needs in the areas of human rights indicated by the Government of Uganda in respect of which assistance could be provided,

Noting with satisfaction the efforts of the Government and people of Uganda to restore in that country a democratic system respectful of human rights and fundamental freedoms,

Welcoming the endeavours of the Government and people of Uganda aimed at the reconstruction, rehabilitation and development of their country,

Recalling the report of the Secretary-General, 89/ submitted to the Commission at its fortieth session, in which it was indicated that he had continued contacts with the Government of Uganda with a view to ascertaining the most appropriate methods of providing assistance in the field of human rights as called for by Commission resolution 1982/37 and Economic and Social Council decision 1982/139,

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88/ Adopted at the 51st meeting, on 11 March 1985, without a vote. See chap. XXII.

89/ E/CN.4/1984/45.

1. Requests the Secretary-General to continue his contacts with the Government of Uganda within the framework of the programme of advisory services in the field of human rights and, while providing all possible assistance to the Government of Uganda, also to identify and bring to the attention of that Government external sources of assistance which it may draw upon;

2. Invites all States, United Nations bodies and specialized agencies, as well as humanitarian and non-governmental organizations, to lend their support and assistance to the Government of Uganda in its efforts to guarantee the enjoyment of human rights and fundamental freedoms;

3. Commends those States, United Nations bodies, specialized agencies and humanitarian and non-governmental organizations that have provided and continue to provide assistance to Uganda in human rights and related fields;

4. Requests the Secretary-General to report to the Commission at its forty-second session on progress made in the implementation of this as well as of previous resolutions on assistance to Uganda in the field of human rights.

1985/28. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-seventh session 90/

The Commission on Human Rights,

Taking note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-seventh session, 91/

Expressing appreciation for the positive contribution made by the Sub-Commission to the work of the Commission in the promotion and protection of human rights,

Recalling the terms of reference of the Sub-Commission as defined by the Commission at its first and fifth sessions and its particular responsibilities established in Commission resolutions 8 (XXIII) of 16 March 1967 and 17 (XXXVII) of 10 March 1981, Economic and Social Council resolutions 1235 (XLII) of 6 June 1967 and 1503 (XLVIII) of 27 May 1970 and the relevant resolutions of the General Assembly,

Reaffirming its resolutions 1982/23 of 10 March 1982 and 1983/22 of 4 March 1983 concerning the reports of the Sub-Commission on its thirty-fourth and thirty-fifth sessions,

Recalling also its resolution 1983/21 of 4 March 1983 concerning the election of alternate members of the Sub-Commission and its resolution 1984/60 of 15 March 1984,

Recalling further that members of the Sub-Commission and their alternates are elected by the Commission as experts in their individual capacity,

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90/ Adopted at the 51st meeting, on 11 March 1985, without a vote. See chap. XIX.

91/ E/CN.4/1985/3.

Convinced that it is essential that the impartiality and objectivity of the Sub-Commission and the independent status of its members and their alternates be its guiding principles,

Mindful of the important contribution which non-governmental organizations make to the work of the Sub-Commission,

Noting that the agenda of the Sub-Commission at its recent sessions has been overloaded,

Welcoming the steps taken so far by the Sub-Commission to rationalize and streamline its work,

Reaffirming that the systematic preparation of incisive and well-researched studies and reports is a most important element of the expert work of the Sub-Commission and of its contribution to the work of the Commission,

Welcoming the interest shown by the Sub-Commission in fostering a more substantial dialogue with the Commission,

Believing that it is helpful and appropriate for the Commission, as the parent body, to give guidance to the Sub-Commission in order to ensure the complementarity of its activities with those of the Commission, and to maximize the effectiveness of its expert contributions to the Commission's work,

1. Calls upon the Sub-Commission, in the fulfilment of its functions and duties, to be guided by the resolutions referred to in the preamble to the present resolution;

2. Reaffirms that the Sub-Commission can best assist the Commission by providing it with the different views and perspectives of independent experts, which should be appropriately reflected in the Sub-Commission's reports as well as in the expert studies carried out under its auspices;

3. Draws the attention of the Sub-Commission to the comments and suggestions made at the forty-first session of the Commission and requests the Sub-Commission to take them into account;

4. Stresses that it is important for the fulfilment of the duties of the Sub-Commission that States nominate as members and alternates persons meeting the criteria of independent experts not subject to government instructions in the performance of their functions as members of the Sub-Commission;

5. Emphasizes that alternates are elected to cover situations in which a member is unavoidably absent, and that in the participation of alternates in the deliberations of the Sub-Commission this principle should be taken fully into account;

6. Notes that the Sub-Commission has reviewed its work and made suggestions contained in its resolution 1984/37 of 31 August 1984;

7. Endorses the desirability of better continuity in the work of the Sub-Commission and requests the Secretary-General, after consultation with Member States, to submit a report on existing election procedures which could provide for such continuity to the Commission at its forty-second session, with a view to a decision being taken on the matter;



8. Endorses the list of regular items to be included in the agenda of the Sub-Commission, as contained in section A of annex IV to the Sub-Commission's report, and urges the Sub-Commission to endeavour to limit its agenda to that list and, in accordance with its own suggestion, to consider items biennially whenever possible;

9. Endorses the principle proposed in Sub-Commission resolution 1984/37 that studies undertaken by the Sub-Commission should be completed within a three-year cycle and the plan and schedule for studies for 1985-1989 as contained in section B of annex IV to the Sub-Commission's report;

10. Recommends that, in order to promote an even work-load and the expeditious performance of its tasks, the Sub-Commission should, as a general rule, propose a new study only when a study previously authorized is in the final stage of completion;

11. Requests the Sub-Commission to give due consideration to recommendations for the printing and distribution of studies, taking into account the long-term plan for studies for 1985-1989 and the availability of financial resources;

12. Requests the Sub-Commission to give priority to those topics on which standards are being prepared, in accordance with decisions taken by the Commission;

13. Invites the Sub-Commission to give due consideration to draft resolutions proposed for adoption and to seek the widest possible measure of agreement on them, bearing in mind that such resolutions should reflect thorough discussion and should be consistent with the role of the Sub-Commission as a body of independent experts;

14. Requests the Sub-Commission to complete the review of its work initiated at its thirty-seventh session and to submit concrete suggestions and recommendations as appropriate, relating especially to the further rationalization of its work, to the Commission at its forty-second session;

15. Requests the Secretary-General to study additional means whereby the Centre for Human Rights may provide the services necessary for the annual sessions of the Sub-Commission and the effective implementation of its five-year programme of work.

1985/29. United Nations voluntary fund for indigenous populations 92/

The Commission on Human Rights,

Recalling its resolutions 1982/19 of 10 March 1982 and 1983/23 of 4 March 1983 regarding the human rights and fundamental freedoms of indigenous populations, and taking into account Economic and Social Council resolution 1296 (XLIV) of 23 May 1968 entitled "Arrangements for consultation with non-governmental organizations",

Further recalling its resolution 1984/32 of 12 March 1984, which noted with interest the discussion in the Working Group on Indigenous Populations of the

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92/ Adopted at the 51st meeting, on 11 March 1985, without a vote. See chap. XIX.

Sub-Commission on Prevention of Discrimination and Protection of Minorities of the possible establishment of a voluntary fund to facilitate the participation of representatives of indigenous populations in the Working Group's work, and looked forward to its considered proposals in this regard,

1. Endorses the decision of the Sub-Commission to consider the establishment of such a fund as a significant development for the future promotion and protection of the human rights of indigenous populations;
2. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution II.]

1985/30. Situation in Equatorial Guinea 93/

The Commission on Human Rights,

Recalling its resolutions 15 (XXXV) of 13 March 1979, 33 (XXXVI) of 11 March 1980, 31 (XXXVII) of 11 March 1981, 1982/34 of 11 March 1982, 1983/32 of 8 March 1983 and 1984/51 of 14 March 1984 concerning the situation of human rights in Equatorial Guinea,

Bearing in mind that the Economic and Social Council, in its resolution 1982/36 of 7 May 1982, took note of the plan of action proposed by the United Nations and accepted by the Government of Equatorial Guinea, which is based on recommendations submitted by Mr. Fernando Volio Jiménez, the expert appointed by the Secretary-General pursuant to Commission on Human Rights resolution 33 (XXXVI),

Further recalling that the Economic and Social Council, in its resolution 1982/36, requested 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 and invited the Government of Equatorial Guinea to co-operate with the Secretary-General in that respect,

1. Takes note of the note by the Secretary-General 94/ transmitting the report submitted by the expert, Mr. Fernando Volio Jiménez, on his mission to Equatorial Guinea in November 1984;
2. Further notes the improvement in the observance of human rights in Equatorial Guinea which can be seen from the expert's report;
3. Commends the expert for his report on the situation of human rights in Equatorial Guinea prepared in accordance with Economic and Social Council resolution 1984/36 of 24 May 1984;
4. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution III.]

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93/ Adopted at the 51st meeting, on 11 March 1985, without a vote. See chap. XXII.

94/ E/CN.4/1985/9 and Add.1.

1985/31. 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 95/

The Commission on Human Rights,

Mindful of the determination proclaimed by the peoples of the world in the Charter of the United Nations to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to promote social progress and better standards of life in larger freedom,

Recalling 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, the International Convention on the Suppression and Punishment of the Crime of Apartheid and other relevant international instruments,

Recalling also the Declaration on the Granting of Independence to Colonial Countries and Peoples, according to which the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation,

Recalling also General Assembly resolution 39/114 of 14 December 1984 entitled "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",

Recalling also its resolutions 1983/28 of 7 March 1983 and 1984/42 of 12 March 1984,

Recalling also the close relationship between all totalitarian ideologies and practices based on racial or ethnic exclusiveness or intolerance, hatred and terror and systematic denial of human rights and fundamental freedoms,

Emphasizing that all such 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, may jeopardize world peace, constitute obstacles to friendly relations between States and the realization of human rights and fundamental freedoms,

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95/ Adopted at the 55th meeting, on 13 March 1985, without a vote. See chap. XXI.

Deeply concerned that in the contemporary world there continue to exist racist, colonialist and other repressive régimes which, in their implementation of totalitarian ideologies and practices such as nazism and fascism, practise mass and flagrant violations of human rights and deprive the oppressed peoples of their right to self-determination and free development,

Deeply alarmed at the existence and intensification of activities of groups and organizations which propagate totalitarian ideologies and practices, including Nazi, Fascist and neo-Fascist, which violate human rights and fundamental freedoms, in particular the rights to self-determination, to life, liberty and security of person and to freedom from discrimination, and which thereby threaten the purposes and principles laid down in the Charter of the United Nations,

Noting that the totalitarian entities and régimes based on racial or ethnic exclusiveness or intolerance, hatred or terror or systematic denial of human rights and fundamental freedoms pursue the purpose of ensuring their domination and their economic and social privileges at the expense of other peoples or racial or ethnic groups, which they suppress and exploit,

Bearing in mind that precisely these purposes were pursued by the Nazi and Fascist régimes which plunged mankind into the Second World War,

Expressing also its concern that totalitarian ideologies and practices are applied by other repressive régimes, based on the systematic denial of human rights and fundamental freedoms,

Emphasizing that the doctrines of racial or ethnic superiority, on which the totalitarian entities and régimes are based, contradict the spirit and principles of the United Nations and that the realization of such doctrines in practice leads to wars, mass and flagrant violations of human rights and crimes against humanity, such as genocide, and creates obstacles for friendly relations among nations and for social progress in the world,

Reaffirming that all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic and other exclusiveness or intolerance, hatred, terror systematic denial of human rights and fundamental freedoms, or which have such consequences, are incompatible with the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the International Convention on the Suppression and Punishment of the Crime of Apartheid and other relevant international instruments,

Mindful of the principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity set forth in General Assembly resolution 3074 (XXVIII) of 3 December 1973,

Acknowledging with satisfaction the fact that many States have established systems based on the inherent dignity and the equal and inalienable rights of all human beings, which are the basis of democratic society and the best bulwark against totalitarian ideologies and practices,

Noting that, nevertheless, in the contemporary world there continue to exist various forms of totalitarian ideologies and practices which entail contempt for the individual or a denial of the intrinsic dignity and equality of all human beings and of equality of opportunity in civil, political, economic, social and cultural spheres,

Firmly convinced that the best bulwark against nazism and racial discrimination is the establishment and maintenance of democratic institutions, that the existence of genuine political, social and economic democracy is an effective vaccine and an equally effective antidote against the formation or development of Nazi movements and that a political system which is based on freedom and effective participation by the people in the conduct of public affairs, and under which economic and social conditions are such as to ensure a decent standard of living for the population, makes it impossible for fascism, nazism or other ideologies based on racism and racial discrimination, hatred or terror to succeed.

Acknowledging with satisfaction the fact that many States have set up legal regulations which are designed to prevent the activities of Nazi, Fascist and neo-Fascist groups and organizations,

1. Again condemns 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;

2. Expresses its determination to resist all totalitarian ideologies, and especially their practices, which deprive people of basic human rights and fundamental freedoms and of equality of opportunity;

3. Notes in particular the totalitarian nature of racist régimes which constitutes a domination based on doctrines of racial superiority and enslavement;

4. Considers that the pursuit of all totalitarian ideologies and practices as described in paragraphs 1 and 2 above represents a serious threat to the exercise of many fundamental human rights, including the right to life, liberty and security of person;

5. Considers further that the best defence against all totalitarian ideologies lies in free and effective popular participation in democratic institutions, based on respect for the human rights proclaimed in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international instruments;

6. 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;

7. 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 of groups or organizations or whoever is practising those ideologies;

8. Urges all States to observe strictly in their international relations the purposes and principles laid down in the Charter of the United Nations, 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;

9. Appeals to all States that have not yet done so to ratify, accede to or give serious consideration to acceding 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;

10. Calls upon all States to take the measures necessary to ensure the thorough investigation and the detection, arrest, extradition and punishment of all war criminals and persons guilty of crimes against humanity who have not yet been brought before a court and paid an appropriate penalty;

11. Calls upon the appropriate specialized agencies as well as intergovernmental and international non-governmental organizations to initiate or intensify measures against all totalitarian ideologies and practices, including those described in paragraphs 1 and 2 above;

12. Requests all States to submit to the Secretary-General their comments and information on the implementation of General Assembly resolution 39/114 and of the present resolution;

13. Requests the Secretary-General to submit a report on this question to the Commission at its forty-second session, taking into account the comments and information received from States under paragraph 12 above;

14. Decides to include in the provisional agenda of its forty-second session an item entitled "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".

1985/32. Fortieth anniversary of the end of the Second World War 96/

The Commission on Human Rights,

Solemnly commemorating the fortieth anniversary of the end of the Second World War and the founding of the United Nations,

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96/ Adopted at the 55th meeting, on 13 March 1985, without a vote. See chap. III.

Noting General Assembly resolution 39/114 of 14 December 1984, in which the General Assembly declared 8 and 9 May 1985 the days of the fortieth anniversary of victory over nazism and fascism in the Second World War and the struggle against them,

Recalling that the United Nations embodies the resolve of peoples to save succeeding generations from the scourge of war and to reaffirm faith in fundamental human rights and the dignity and worth of the human person,

1. Pays a tribute of respect to the people whose great efforts and sufferings led to the end of the Second World War and to the establishment of the United Nations 40 years ago;

2. Considers that the solemn celebration by all States of this anniversary should serve the promotion of human rights and fundamental freedoms and in particular the fundamental right to life, liberty and security of person.

1985/33. Torture and other cruel, inhuman or degrading treatment or punishment 97/

The Commission on Human Rights,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

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

Seriously concerned about the alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in various parts of the world,

Welcoming the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly by its resolution 39/46 of 10 December 1984,

Determined to promote the full implementation of the prohibition under international and national law of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

1. Decides to appoint for one year a special rapporteur to examine questions relevant to torture;

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97/ Adopted at the 55th meeting, on 13 March 1985, by a roll-call vote of 30 to none, with 12 abstentions. See chap. X.

2. Requests the Chairman of the Commission to appoint, after consultation with the other members of the Bureau, an individual of recognized international standing as special rapporteur;

3. Decides further that the special rapporteur, in carrying out his mandate, shall seek and receive credible and reliable information from Governments, as well as specialized agencies, intergovernmental organizations and non-governmental organizations;

4. Requests the Secretary-General to appeal to all Governments to co-operate with and assist the special rapporteur in the performance of his tasks and to furnish all information requested;

5. Further requests the Secretary-General to provide all necessary assistance to the special rapporteur;

6. Invites the special rapporteur, in carrying out his mandate, to bear in mind the need to be able to respond effectively to credible and reliable information that comes before him and to carry out his work with discretion;

7. Requests the special rapporteur to submit a comprehensive report to the Commission at its forty-second session on his activities regarding the question of torture, including the occurrence and extent of its practice, together with his conclusions and recommendations;

8. Decides to consider this question again at its forty-second session under the appropriate subitem of the item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

1985/34. Advisory services in the field of human rights -  
Assistance to the Government of Bolivia 98/

The Commission on Human Rights,

Recalling its resolution 1984/43 of 13 March 1984 and Economic and Social Council resolution 1984/32 of 24 May 1984, both concerning the request by the Government of Bolivia for assistance in seeking to strengthen human rights and fundamental freedoms in that country,

Recalling that in those resolutions the Secretary-General was requested to examine, under the programme of advisory services in the field of human rights, ways and means for rapid implementation of the projects suggested by the Special Envoy of the Commission on Human Rights in his report, considered by the Commission at its fortieth session,

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98/ Adopted at the 55th meeting, on 13 March 1985, without a vote. See chap. XXII.



Bearing in mind that, because of the economic and social situation that Bolivia is now experiencing, such assistance in the field of human rights should be provided as speedily as possible,

Bearing in mind that an important aspect of strengthening fundamental freedoms in Bolivia touches on the sphere of enforced or involuntary disappearances and that, consequently, account should be taken of the recommendation made by the Working Group on Enforced or Involuntary Disappearances to furnish technical assistance to the Government of Bolivia in this matter,

1. Urges the Secretary-General rapidly to implement the projects mentioned in paragraphs 4 and 9 of his report; 99/

2. Requests the Secretary-General to communicate to Governments and international organizations the following projects, submitted to the Special Envoy of the Commission on Human Rights and discussed by him, and invites them to consider the assistance that can be provided to the Government of Bolivia and be implemented:

(a) The project submitted by the Ministry of Education and Culture to introduce the teaching of human rights as a subject at all levels of education;

(b) The project submitted by the University of Bolivia to create a chair of human rights in the various higher education centres;

(c) An increase in the number of human rights fellowships in Bolivia;

(d) The project for reform of the national prison system and for training specialized personnel;

(e) Technical assistance in the matter of enforced or involuntary disappearances;

(f) The project submitted by the Ministry of Health requesting assistance in improving basic economic conditions and in overcoming the problems of the health sector, and the project dealing with child health centres;

(g) The project submitted by the Ministry of Planning and Co-ordination entitled "Extreme poverty";

3. Again invites all Member States, United Nations organizations and non-governmental organizations to support Bolivia in its efforts to strengthen the enjoyment of human rights and fundamental freedoms;

4. Requests the Centre for Human Rights to maintain contacts on the setting in motion of the present resolution with the agencies responsible for the various assistance programmes, such as the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, with a view to providing the Government of Bolivia with the required assistance in this field.

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99/ E/CN.4/1985/31.

The Commission on Human Rights,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the humanitarian rules set out in the Geneva Conventions of 12 August 1949 101/ and Additional Protocols I and II thereto, 102/

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the relevant international instruments,

Reaffirming also that it is one of the essential tasks of the United Nations to ensure the observance, promotion and strengthening of human rights among the Member States,

Recalling that in resolutions 35/192 of 15 December 1980, 36/155 of 16 December 1981, 37/185 of 17 December 1982, 38/101 of 16 December 1983 and 39/119 of 14 December 1984, the General Assembly expressed its deep concern at the situation of human rights in El Salvador,

Bearing in mind Commission resolution 32 (XXXVII) of 11 March 1981, in which it decided to appoint a special representative on the situation of human rights in El Salvador, and its resolutions 1982/28 of 11 March 1982, 1983/29 of 8 March 1983 and 1984/52 of 14 March 1984, whereby it extended the mandate of the Special Representative for another year, requesting him to report, inter alia, to the General Assembly at its thirty-ninth session and to the Commission on Human Rights at its forty-first session,

Taking note of the report prepared by the Special Representative 103/ at the request of the Commission on Human Rights in resolution 1984/52,

Taking into account that the President of El Salvador stated before the General Assembly that the main task of the lawful mandate he was given by the elections of 6 May 1984 is to achieve social harmony and internal peace in El Salvador, and noting with satisfaction, like the Special Representative, the obvious desire of the new Government to establish a democracy governed by the rule of law and guaranteeing full respect for human rights, thereby helping to create an atmosphere that is more conducive to national reconciliation,

Noting that the Special Representative of the Commission on Human Rights again points out in his report that, owing to the adoption of a new government

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100/ Adopted at the 55th meeting, on 13 March 1985, by a roll-call vote of 39 to none, with 3 abstentions. See chap. XII.

101/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

102/ International Committee of the Red Cross, Protocols Additional to the Geneva Conventions of 12 August 1949, Geneva, 1977.

103/ E/CN.4/1985/18.

policy, the number of human rights violations has markedly decreased, which is a welcome development, but that a situation of war and generalized violence nevertheless continues to exist in El Salvador, that there are still serious violations of human rights, that the number of attacks on life and the economic structure remains a cause for concern and that the capacity of the legal system to investigate and punish human rights violations committed in the country continues to be patently inadequate,

Considering that there is an armed conflict not of an international character in El Salvador in which the Government of that country and the guerrilla forces are under an obligation to apply the minimum standard of protection of human rights and of humane treatment provided for in article 3 common to the 1949 Geneva Conventions and in Additional Protocol II of 1977, 104/

Bearing in mind also the praiseworthy humanitarian work carried out in El Salvador by the International Committee of the Red Cross,

Recognizing that dialogue is the best way, in a spirit of generosity and openness, to achieve a negotiated comprehensive political settlement that will promote genuine national reconciliation, put an end to the suffering of the Salvadorian people and stem the growing tide of internal refugees and displaced persons,

Considering that the two rounds of conversation held to date by the Government of El Salvador and the insurgent forces are an important step forward for the solution of the political crisis in El Salvador and concerned at the fact that some minority sectors in the country are opposed to the continuation of the dialogue, while others do not understand its purpose,

Noting with satisfaction that the parties to the rounds of conversation held at La Palma have decided, inter alia, to establish appropriate machinery to find suitable ways and means of achieving peace with the participation of all sectors of national life,

Aware that the sensitive process of political negotiation which has been initiated in El Salvador may be hampered if any outside assistance is provided to prolong and intensify the war,

1. Commends the Special Representative for his report on the situation of human rights in El Salvador;

2. Expresses its deep concern at the fact that, despite the sharp drop in the number of political assassinations, detentions and disappearances, no doubt as a result of the adoption of a new government policy, as pointed out by the Special Representative, many violations of human rights continue to be committed and the number of attacks on life and the economic structure, with the resulting suffering for the Salvadorian people, is still a cause for concern;

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104/ International Committee of the Red Cross, Protocols Additional to the Geneva Conventions of 12 August 1949, Geneva, 1977, p. 89.

3. Welcomes the recent measures taken to humanize the armed conflict, such as the release and exchange of prisoners of war and the recent Christmas and New Year's truce, as well as other measures, such as the exchange of prisoners, which have been implemented with the co-operation of humanitarian organizations;
4. Appeals to all States to do everything in their power to support the implementation of such measures and recommends that, until peace is achieved in El Salvador, the Government of that country and the guerrilla forces should humanize the conflict by complying fully with the Geneva Conventions of 1949 and the Additional Protocols of 1977;
5. Reiterates its appeal to the Government of El Salvador and the opposition forces to co-operate fully with the humanitarian organizations dedicated to alleviating the suffering of the civilian population, wherever these organizations operate;
6. Once again recognizes the permanent and inalienable right of the Salvadorian people freely to determine its political, economic and social future, without interference from outside, through a genuine democratic process in an atmosphere free from intimidation and terror;
7. Welcomes with satisfaction the invitation to a dialogue made in the General Assembly at its thirty-ninth session by the President of El Salvador on behalf of his Government, as well as the favourable reply to that invitation by the Frente Democrático Revolucionario-Frente Farabundo Martí para la Liberación Nacional;
8. Urges the parties concerned to continue to hold a serious and realistic dialogue, in a spirit of generosity and openness, with a view to achieving as soon as possible a negotiated solution which will put an end to the armed conflict and help to institutionalize and strengthen the democratic system on the basis of the full exercise of civil and political rights and economic, social and cultural rights by all Salvadorians;
9. Requests all States to refrain from any type of intervention in the internal situation in El Salvador that might prolong and intensify the armed conflict, and to encourage the continuation of the dialogue until a just and lasting peace is achieved;
10. Deeply deplores the lack of any perceptible change in the capacity of the judicial system in El Salvador and again urges the competent authorities to speed up the process of reform of the Salvadorian penal judicial system with a view to punishing speedily and effectively those responsible for the serious violations of human rights which have been and are still being committed in the country;
11. Recommends the continuation and intensification of the reforms necessary in El Salvador, including the effective application of agrarian reform, for the solution of the economic and social problems which are the root cause of the internal conflict in that country;
12. Calls upon the competent authorities in El Salvador to amend any legislation or other measures which are incompatible with the provisions contained in the international instruments on human rights binding on the Government of that country;

13. Decides to extend the mandate of the Special Representative for another year, in the hope that the human rights situation in El Salvador will have improved satisfactorily;

14. Requests 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 fortieth session and to the Commission on Human Rights at its forty-second session;

15. Renews its appeal to the Government of El Salvador and to the other parties concerned to continue to extend their co-operation to the Special Representative of the Commission on Human Rights;

16. Requests the Secretary-General to give all necessary assistance to the Special Representative of the Commission;

17. Decides to consider the question of human rights in El Salvador as a priority topic at its forty-second session.

1985/36. Situation of human rights in Guatemala 105/

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling its resolutions 1983/37 of 8 March 1983 and 1984/53 of 14 March 1984, in which it expressed its concern about the massive violations of human rights in Guatemala,

Recalling also General Assembly resolutions 38/100 of 16 December 1983 and 39/120 of 14 December 1984, in which the Assembly reiterated its deep concern at the continuing grave and widespread violations of human rights in Guatemala,

Mindful of resolution 1984/23 of 29 August 1984 of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, in which the Sub-Commission recognized that in Guatemala there existed an armed conflict of a non-international character, which stemmed from economic, social and political factors of a structural nature,

Welcoming the elections to the Constituent Assembly held in July 1984, which marked the first step of the process for the return of democracy and the institution of a new constitutional government, now scheduled for January 1986, and welcoming the invitation of the Government of Guatemala to political exiles to return to their country and take part in the electoral process with guarantees of full and open participation,

Affirming the importance of creating conditions in which the electoral process can be pursued in a climate free from intimidation and terror,

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105/ Adopted at the 55th meeting, on 13 March 1985, by a roll-call vote of 32 to none, with 10 abstentions. See Chap. XII.

Appreciating the co-operation of the Government of Guatemala with the Special Rapporteur in the fulfilment of his mandate and noting with satisfaction that a list of cases dealt with by the special tribunals has been given to the Special Rapporteur,

Also appreciating the invitation by the Government of Guatemala to certain international human rights groups to visit Guatemala and assess the situation of human rights there,

Having carefully examined the report of the Special Rapporteur 106/ and other reliable information and reports, which reveal that, although improvements have been noted in some areas, serious and systematic violations of human rights continue to occur in Guatemala,

Alarmed at the continuation of politically motivated violence, particularly killings and kidnappings, and at the fact that many persons continue to disappear,

1. Takes note of the final report of the Special Rapporteur and welcomes the recommendations contained therein;

2. Expresses once more its deep concern at the continuing serious and systematic violation of human rights in Guatemala, particularly the acts of violence against non-combatants, the disappearances, killings, acts of torture and the extrajudicial executions;

3. Further expresses its profound concern at restrictive measures which limit the freedoms of rural and indigenous populations, notably their displacement and relocation in development centres and forced participation in civilian patrols, organized and controlled by the armed forces;

4. Urges the Government of Guatemala to take effective measures to ensure that all its authorities and agencies, including its security forces, fully respect human rights and fundamental freedoms, and also urges all other parties concerned fully to respect human rights and fundamental freedoms;

5. Reiterates its appeal to all parties concerned in Guatemala to ensure the application of the relevant norms of international humanitarian law applicable in armed conflicts of a non-international character;

6. Urges once again the Government of Guatemala to establish the necessary conditions to ensure the independence of the judiciary and to enable it to uphold the rule of law, including the right of habeas corpus, and to prosecute and punish speedily and effectively those, including members of the military and security forces, found responsible for violations of human rights;

7. Reiterates its appeal to the Government of Guatemala to allow an independent and impartial body to function in the country to monitor and investigate alleged human rights violations;

8. Appeals once again to the Government of Guatemala to allow international humanitarian organizations to render their assistance in investigating the fate of persons who have disappeared with a view to informing their relatives of their whereabouts, to visit detainees or prisoners and to bring assistance to the civilian population in areas of conflict;

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106/ E/CN.4/1985/19.

9. Welcomes the dialogue between the Government of Guatemala and the Mutual Support group of the families of the disappeared, and the subsequent establishment of a commission to investigate and clarify the fate of persons who have been subjected to involuntary or forced disappearance and are still unaccounted for;

10. Urges the commission referred to in paragraph 9 above to act with vigour and expediency in its investigation of disappearances and calls upon all parties, particularly the police and army, to co-operate fully with that commission;

11. Requests the Government of Guatemala to publish the list of cases which fell within the jurisdiction of the special tribunals and to indicate the outcome of each case;

12. Requests all States to refrain from intervening in any way in the internal situation of Guatemala which could prolong or worsen the conflict and the situation of human rights violations in that country;

13. Appeals to the Government of Guatemala to adhere to its new time-table for the return to democracy and to ensure conditions which would allow the full participation of all in the political process, and also appeals to all parties in the conflict to create a climate free from intimidation and terror;

14. Decides to extend the mandate of the Special Rapporteur for another year to enable him to continue his thorough study of the human rights situation in Guatemala and requests him to submit an interim report to the General Assembly at its fortieth session and a final report to the Commission at its forty-second session;

15. Further requests the Special Rapporteur, in preparing his report, to continue to take into account information from all reliable sources, to assess in particular allegations of politically motivated killings, disappearances, acts of torture, extrajudicial executions and confinement in clandestine prisons, to draw conclusions from his findings and to make further recommendations designed to help bring about improvements in the situation of human rights in Guatemala;

16. Invites the Government of Guatemala and other parties concerned to extend their full co-operation to the Special Rapporteur of the Commission;

17. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

18. Decides to continue its consideration of human rights and fundamental freedoms in Guatemala at its forty-second session.

1985/37. Summary or arbitrary executions 107/

The Commission on Human Rights,

Recalling its resolutions 1983/36 of 8 March 1983 and 1984/50 of 14 March 1984 on the question of summary or arbitrary executions,

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107/ Adopted at the 55th meeting, on 13 March 1985, without a vote.  
See chap. XII.

Recalling also Economic and Social Council resolution 1984/35 of 24 May 1984 and General Assembly resolution 39/110 of 14 December 1984 on the question of summary or arbitrary executions,

Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution IV.]

1985/38. Question of human rights and fundamental freedoms in Afghanistan 108/

The Commission on Human Rights,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Emphasizing the obligation of all Governments to respect and protect human rights and to fulfil the responsibilities they have assumed under various international instruments,

Recalling its resolution 1984/55 of 15 March 1984, in which it expressed its concern and anxiety at the continuing presence of foreign forces in Afghanistan and the reports of extensive human rights violations,

Recalling also Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Chairman of the Commission on Human Rights was requested to appoint a special rapporteur to examine the human rights situation in Afghanistan,

Recalling further resolution 1984/6 of 28 August 1984 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in which the Commission was requested urgently to call on the authorities in Afghanistan to put an end to the bombardment of the civilian population, and to ask its Special Rapporteur to investigate the human and material losses resulting from such bombardments,

Having carefully examined the report of the Special Rapporteur on the human rights situation in Afghanistan, 109/ which reveals grave and massive violations of fundamental human rights in that country,

Deploring the refusal of the Afghan authorities to co-operate with the Special Rapporteur,

1. Commends the Special Rapporteur for his report on the human rights situation in Afghanistan;

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108/ Adopted at the 55th meeting, on 13 March 1985, by a roll-call vote of 26 to 8, with 8 abstentions. See chap. XII.

109/ E/CN.4/1985/21.



2. Expresses its profound concern at the grave and massive human rights violations in Afghanistan as reflected in the Special Rapporteur's report;

3. Expresses its distress, in particular, at the widespread violations of the right to life, liberty and security of person, including the commonplace practice of torture against the régime's opponents, indiscriminate bombardments of the civilian population and the deliberate destruction of crops;

4. Calls on the parties to the conflict to apply fully the principles and rules of international humanitarian law and to admit international humanitarian organizations, in particular the International Committee of the Red Cross, and to facilitate their operations for the alleviation of the suffering of the people in Afghanistan;

5. Urges the authorities in Afghanistan to put a stop to the grave and massive violations of human rights and in particular the military repression being conducted against the civilian population of Afghanistan;

6. Decides to extend the mandate of the Special Rapporteur for a year and to request him to report to the General Assembly at its fortieth session and to the Commission on Human Rights at its forty-second session on the situation of human rights in Afghanistan, including the human and material losses resulting from bombardments of the civilian population;

7. Urges the Afghanistan authorities to co-operate with the Special Rapporteur;

8. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

9. Decides to continue its consideration of the human rights situation in Afghanistan as a matter of high priority at its forty-second session.

1985/39. Human rights situation in the Islamic Republic of Iran 110/

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Recalling its resolutions 1982/27 of 11 March 1982 and 1983/34 of 8 March 1983,

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110/ Adopted at the 55th meeting, on 13 March 1985, by a roll-call vote of 21 to 5, with 15 abstentions. See chap. XII.

Recalling in particular its resolution 1984/54 of 14 March 1984, in which the Commission expressed deep concern at the continuing serious violations of human rights and fundamental freedoms in the Islamic Republic of Iran as reflected in the report of the Secretary-General, 111/ and particularly at the evidence of summary and arbitrary executions, torture, detention without trial, religious intolerance and persecution, in particular of the Baha'is, and the lack of an independent judiciary and other recognized safeguards for a fair trial, and requested the appointment of a special representative,

Mindful of resolutions 1983/14 of 5 September 1983 and 1984/14 of 29 August 1984 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in which the Sub-Commission expressed alarm at reports of continuing gross violations of human rights and fundamental freedoms in the Islamic Republic of Iran,

Taking note of relevant sections in the report of the Special Rapporteur on summary or arbitrary executions, 112/

Welcoming the appointment of Mr. Andrés Aguilar as Special Representative of the Commission with a mandate to establish contacts with the Government of the Islamic Republic of Iran and to make a thorough study of the human rights situation in that country in accordance with Commission resolution 1984/54,

Noting that the time available to the Special Representative did not permit him to make the thorough study requested by the Commission,

Regretting that the Government of the Islamic Republic of Iran has not yet extended its co-operation to the Commission on Human Rights and its Special Representative,

Taking into account the number and gravity of the alleged violations of human rights to which the Special Representative refers in his preliminary report, 113/

1. Thanks the Special Representative for his preliminary report;
2. Endorses the general observations of the Special Representative contained in his preliminary report, in particular the conclusion that the Universal Declaration of Human Rights and the International Covenants on Human Rights contain norms which represent universal standards of conduct for all peoples and all nations;
3. Expresses its deep concern at the number and gravity of the alleged violations of human rights in the Islamic Republic of Iran to which the Special Representative refers in his preliminary report, and, in particular,

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111/ E/CN.4/1984/28.

112/ E/CN.4/1985/17.

113/ E/CN.4/1985/20.

those related to the right to life, the right to freedom from torture or cruel, inhuman or degrading treatment or punishment, the right to liberty and security of person and to freedom from arbitrary arrest or detention, the right to a fair trial, the right to freedom of thought, conscience and religion and to freedom of expression and the right of religious minorities to profess and practise their own religion;

4. Urges once again the Government of the Islamic Republic of Iran, as a State party to the International Covenant on Civil and Political Rights, to respect and ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in that Covenant;

5. Decides to extend the mandate of the Special Representative, as contained in Commission resolution 1984/54, for one year and requests him to present an interim report to the General Assembly at its fortieth session on the human rights situation in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, and a final report to the Commission at its forty-second session;

6. Urges the Government of the Islamic Republic of Iran to extend its co-operation to the Special Representative of the Commission;

7. Requests the Secretary-General to give all necessary assistance to the Special Representative of the Commission;

8. Decides to continue its consideration of the situation of human rights and fundamental freedoms in the Islamic Republic of Iran as a matter of priority at its forty-second session.

1985/40. Human rights and mass exoduses 114/

The Commission on Human Rights,

Mindful of its general humanitarian mandate under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Deeply disturbed by the continuing scale and magnitude of exoduses of refugees and displacements of population in many regions of the world and at the human suffering of millions of refugees and displaced persons,

Conscious of the fact that human rights violations are one of the multiple and complex factors causing mass exoduses of refugees, as indicated in the study of the Special Rapporteur on this subject, 115/

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114/ Adopted at the 55th meeting, on 13 March 1985, without a vote. See chap. XII.

115/ E/CN.4/1503

Considering the efforts which have been made to address this subject within the United Nations,

Deeply preoccupied by the increasingly heavy burden being imposed, particularly upon developing countries with limited resources of their own, and upon the international community as a whole, by these sudden mass exoduses and displacements of population,

Stressing the need for international co-operation aimed at the averting of new massive flows of refugees parallel with the provision of durable solutions to actual refugee situations,

Noting again the report of the Secretary-General on human rights and mass exoduses, 116/

Recalling its resolutions 30 (XXXVI) of 11 March 1980, 29 (XXXVII) of 11 March 1981, 1982/32 of 11 March 1982, 1983/35 of 8 March 1983 and 1984/49 of 14 March 1984, and General Assembly resolutions 35/196 of 15 December 1980, 37/186 of 17 December 1982, 38/103 of 16 December 1983 and 39/117 of 14 December 1984,

Welcoming the steps taken by the Secretary-General to establish an early warning system as mentioned in his report on the work of the Organization, 117/

1. Welcomes the steps taken so far by the United Nations to examine the problem of massive outflows of refugees and displaced persons in all its aspects, including its root causes;
2. Invites all Governments, as well as international organizations, to intensify their co-operation and assistance in world-wide efforts to address the serious problem of mass exoduses of refugees and displaced persons;
3. Welcomes the interest which the Secretary-General has taken in this question, including the designation of special representatives on humanitarian issues on an ad hoc basis, and reiterates its request to the Secretary-General to follow closely developments in the area of human rights and mass exoduses;
4. Encourages the efforts being undertaken by the Secretary-General to enable the United Nations to anticipate and react more adequately and speedily to cases requiring humanitarian assistance, as mentioned in the Secretary-General's report on the work of the Organization;

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116/ A/38/538.

117/ Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 1 (A/39/1).

5. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to keep in mind the need to consider the relationship between violations of human rights and mass exoduses of refugees in its consideration of situations of violations of human rights and to make recommendations on this subject;

6. Recommends that special rapporteurs and special representatives studying situations of violations of human rights pay attention when appropriate to problems resulting in mass exoduses of populations;

7. Decides to keep under review at its forty-second session the problem of human rights and mass exoduses.

1985/41. The situation in southern Lebanon 118/

The Commission on Human Rights,

Gravely concerned by Israeli action in southern Lebanon which constitutes a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 119/ the Universal Declaration of Human Rights, the principles of international law and the objectives of the Charter of the United Nations,

1. Strongly condemns Israel for its human rights violations: assassinations, mass arrests among the civilian population, abductions, demolition of houses, desecration of places of worship and other inhuman acts;

2. Calls on Israel to put an immediate end to such repressive practices and to release persons detained and abducted, and demands the immediate and total withdrawal of Israel from southern Lebanon, in accordance with Security Council resolution 509 (1982) of 6 June 1982;

3. Calls on those Governments which continue to give Israel economic, political and military aid to put an end to support to Israel which encouraged it to persevere with its policy of aggression, expansion and colonial settlements;

4. Requests the Secretary-General to monitor the implementation of the present resolution and to submit to the General Assembly a report on the results of his efforts in that regard.

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118/ Adopted at the 55th meeting, on 13 March 1985, by a roll-call vote of 24 to 1, with 16 abstentions. See chap. XII.

119/ United Nations, Treaty Series, vol. 75, No. 973, p. 287.

1985/42. 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 120/

The Commission on Human Rights,

Mindful of the obligation of States under the Charter of the United Nations to promote social progress and better standards of life in larger freedom,

Noting that the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights reaffirm the right of everyone to a social system and an international order under which economic, social, cultural, civil and political rights can be fully exercised,

Recalling the Proclamation of Teheran, 121/ according to which human rights and fundamental freedoms are indivisible, the full realization of civil and political rights without the enjoyment of economic, social and cultural rights is impossible and the achievement of lasting progress in the implementation of human rights is dependent upon sound and effective national and international policies of economic and social development,

Recalling also that, in the Declaration on Social Progress and Development, 122/ it is considered that respect for the dignity and value of the human person is fundamental to social progress and development and it is stipulated that social progress and development shall ensure the promotion of human rights and social justice,

Recognizing that the persistence of colonialism, aggression and threats against national sovereignty, national unity and territorial integrity, foreign occupation, apartheid and all forms of discrimination and domination, as well as the refusal to recognize the fundamental right of every nation to exercise full sovereignty over its national wealth and resources, constitute essential obstacles to the full realization of economic, social and cultural rights,

Convinced that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Recognizing that the realization of the right to development will promote the enjoyment of economic, social and cultural rights,

Recalling General Assembly resolutions 32/130 of 16 December 1977 and 34/46 of 23 November 1979, as well as Commission on Human Rights resolution 4 (XXXIII) of 21 February 1977 on the realization of economic, social and cultural rights,

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120/ Adopted at the 56th meeting, on 14 March 1985, by a roll-call vote of 29 to 6, with 5 abstentions. See chap. VIII.

121/ Final Act of the International Conference on Human Rights, Teheran, 22 April to 13 May 1968 (United Nations publication, Sales No. E.68.XIV.2), chap. II.

122/ General Assembly resolution 2542 (XXIV).

Concerned at the worsening situation with regard to the implementation of economic, social and cultural rights in many countries of the world,

Reaffirming that there is a close relationship between disarmament and development, that progress in the field of disarmament would considerably promote progress in the field of development and that resources released through disarmament measures should be devoted to the economic and social development and well-being of all peoples and in particular those of the developing countries,

Mindful that the promotion and implementation of economic, social and cultural rights and the obstacles to their realization have not received sufficient attention within the framework of the Organization's organs,

1. Appeals to all States to pursue a policy directed towards the implementation of civil, political, economic, social and cultural rights;
2. Calls upon all States to co-operate with each other in creating such national and international conditions as are conducive to the enjoyment of all human rights and fundamental freedoms;
3. Urges the Sub-Commission on Prevention of Discrimination and Protection of Minorities to pursue the study on the right to food as a matter of priority and to submit it to the Commission as soon as possible;
4. Invites the Directors-General of the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization to draw up and submit to the Commission at its forty-second session a concise report on the state of implementation of the rights to work, food, education and health, respectively, so that the Commission can undertake a global assessment of the progress being made and the problems being encountered in the implementation of these human rights;
5. Requests the Sub-Commission to examine the conclusions and recommendations of the report of the Commission entitled The Realization of Economic, Social and Cultural Rights: Problems, Policies, Progress 123/ and to submit to the Commission at its forty-third session an updated version of these conclusions and recommendations taking into account the latest developments in this field.

1985/43. The right to development 124/

The Commission on Human Rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms,

Considering also the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

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123/ United Nations publication, Sales No. E.75.XIV.2, part six, chaps. II and III.

124/ Adopted at the 56th meeting, on 14 March 1985, by a roll-call vote of 25 to 10, with 6 abstentions. See chap. VIII.

Recalling General Assembly 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 General Assembly resolutions 3281 (XXIX) of 12 December 1974, containing the Charter of Economic Rights and Duties of States, 3362 (S-VII) of 16 September 1975, 32/130 of 16 December 1977, 34/46 of 23 November 1979, 35/56 of 5 December 1980, containing the International Development Strategy for the Third United Nations Development Decade, and other relevant General Assembly resolutions,

Reiterating once again that the establishment of the new international economic order is an essential element for the effective promotion and full enjoyment of human rights and fundamental freedoms for all,

Recognizing that co-operation among all nations on the basis of respect for the independence, sovereignty and territorial integrity of each State, including the right of each people to choose freely its own socio-economic and political system and to exercise full sovereignty over its wealth and natural resources, is essential for the promotion of peace and development,

Reiterating that the right to development is an inalienable human right and that equality of opportunities for development constitutes a prerogative both of nations and of the individuals who compose them,

Reiterating once again that the international community should accord, or continue to accord, priority to the search for solutions to the mass and flagrant violations of human rights of peoples and persons affected by situations such as those resulting from apartheid, from all forms of racial discrimination, from colonialism, from foreign domination and occupation, from aggression and threats against national sovereignty, national unity and territorial integrity, as well as from the refusal to recognize the fundamental rights of peoples to self-determination and of every nation to the exercise of full sovereignty over its wealth and natural resources,

Recalling also the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations 125/ and the Final Document of the Tenth Special Session of the General Assembly, 126/ which was the first devoted to disarmament,

Particularly concerned at the deterioration in the conditions of life in some regions of the world and at the adverse effects thereof on full enjoyment of human rights in those same regions, and especially at the very grave economic situation suffered by the African Continent, as well as at the terrible effects caused by the heavy burden which external indebtedness means for the peoples of Latin America, Asia and Africa,

Convinced that the drafting of a declaration on the right to development will make a useful contribution to the promotion and enjoyment of human rights and fundamental freedoms,

Bearing in mind General Assembly resolution 39/145 of 14 December 1984, requesting the Secretary-General to transmit to the Assembly at its fortieth session a detailed report containing information on the progress made by the

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125/ General Assembly resolution 2625 (XXV).

126/ General Assembly resolution S-10/2.



Working Group of Governmental Experts on the Right to Development of the Commission on Human Rights in the drafting of a declaration on the right to development,

Recalling its resolution 1984/16 of 6 March 1984,

1. Reiterates that the right to development is an inalienable human right and that equality of opportunities for development constitutes a prerogative both of nations and of the individuals who compose them;
2. Reaffirms once again that the international community should accord, or continue to accord, priority to the search for solutions to the mass and flagrant violations of human rights of peoples and persons victims of situations such as those mentioned in paragraph 1 (e) of General Assembly resolution 32/130;
3. Notes with interest the report of the Working Group of Governmental Experts on the Right to Development 127/ and the work it has accomplished, as apparent from its report;
4. Decides to transmit to the General Assembly, through the Economic and Social Council, the report of the Working Group, the part of the report of the Commission on Human Rights dealing with the question of the right to development, the summary records of the Commission's discussion on the question during its forty-first session and any other relevant documents, so as to enable the Assembly to adopt a declaration on the right to development;
5. Decides to convene the Working Group for three weeks in January 1986 to study the measures necessary to promote the right to development;
6. Requests the Working Group to submit to the Commission on Human Rights, at its forty-second session, a report and proposals concerning concrete measures to promote the right to development;
7. Requests the Secretary-General to provide all necessary assistance to the Working Group;
8. Decides to consider this question as a matter of high priority at its forty-second session.

1985/44. Popular participation in its various forms as an important factor in development and in the full realization of all human rights 128/

The Commission on Human Rights,

Recalling General Assembly resolutions 32/130 of 16 December 1977, 34/46 of 23 November 1979, 37/55 of 3 December 1982 and 38/24 of 22 November 1983, in which the General Assembly requested the Commission on Human Rights to continue to consider the question of popular participation in its various forms as an important factor in the full realization of all human rights,

Recalling also its resolution 1983/14 of 22 February 1983 and Economic and Social Council resolution 1983/31 of 27 May 1983,

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127/ E/CN.4/1985/11.

128/ Adopted at the 56th meeting, on 14 March 1985, without a vote. See chap. VIII.

Recalling further its resolution 1984/15 of 6 March 1984 and Economic and Social Council decision 1984/131 of 24 May 1984, in which the Council requested the Secretary-General to prepare the final study on the right to popular participation in its various forms as an important factor in development and in the full realization of all human rights,

1. Takes note with appreciation of the study by the Secretary-General; 129/
2. Requests the Secretary-General, pursuant to paragraph 4 of General Assembly resolution 38/24, to submit the above-mentioned study to the General Assembly at its fortieth session, in the context of the item relating to the world social situation, under the subitem entitled "Popular participation in its various forms as an important factor in development and in the full realization of all human rights";
3. Further requests the Secretary-General to circulate the study referred to in paragraph 1 above to the Governments of all States Members of the United Nations, United Nations organs and specialized agencies and to non-governmental organizations for comments;
4. Invites Governments, United Nations organs, specialized agencies and non-governmental organizations to comment on the study;
5. Requests the Secretary-General to submit a report containing the comments made by Governments, United Nations organs, specialized agencies and non-governmental organizations for consideration by the Commission at its forty-second session;
6. Decides to continue consideration of this question at its forty-second session under a subitem of the agenda entitled "Popular participation in its various forms as an important factor in development and in the full realization of all human rights".

1985/45. Status of the International Covenants on Human Rights 130/

The Commission on Human Rights,

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

Recalling its resolution 1984/18 of 6 March 1984 and General Assembly resolution 39/136 of 14 December 1984,

Having considered the report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Optional Protocol to the International Covenant on Civil and Political Rights, 131/

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129/ E/CN.4/1985/10 and Add.1 and 2.

130/ Adopted at the 57th meeting, on 14 March 1985, without a vote.  
See chap. XVIII.

131/ A/39/461.

Noting with appreciation that, following the appeals of the General Assembly and the Commission, more Member States have acceded to the International Covenants on Human Rights and to the Optional Protocol,

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 work of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights,

Bearing in mind the important and increasing responsibilities of the Economic and Social Council in relation to the International Covenants on Human Rights,

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;
2. Appreciates that the Human Rights Committee continues to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights and the Optional Protocol thereto;
3. Invites all States which have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights as well as to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights;
4. Again invites the States parties to the International Covenant on Civil and Political Rights to consider making the declaration provided for in article 41 of the Covenant;
5. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocol thereto;
6. Stresses, in particular, the obligations of a State party availing itself of the right of derogation from the provisions of the International Covenant on Civil and Political Rights in accordance with article 4, paragraph 1, of the Covenant to inform the other States parties and the Human Rights Committee immediately, through the intermediary of the Secretary-General, of the provisions from which it has derogated and of the reasons by which it was actuated;
7. Notes with satisfaction that the majority of States parties to the International Covenant on Civil and Political Rights, and an increasing number of States parties to the International Covenant on Economic, Social and Cultural Rights, have been represented by experts for the presentation of their reports, thereby assisting the Human Rights Committee and the Economic and Social Council in their work, and hopes that all States parties to both Covenants will arrange such representation in the future;
8. Welcomes Economic and Social Council decision 1985/105 of 8 February 1985, by which the Council accepted the interim arrangement proposed by the Human Rights Committee under which the Committee would transmit to the

Council, on a regular basis, the text of its general comments in accordance with article 40, paragraph 4, of the International Covenant on Civil and Political Rights, for consideration by the Council at its first regular session, and requests the Secretary-General to transmit the text of those comments to the Commission on Human Rights on a regular basis;

9. Looks forward to the report of the Secretary-General to be submitted to the Economic and Social Council at its first regular session of 1985 on 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 and other bodies established in accordance with existing international instruments in the field of human rights, and welcomes the decision of the Council in its resolution 1984/9 of 24 May 1984 to undertake the review at an early date during its first regular session of 1985 to allow enough time for a full discussion of this important matter;

10. Urges the Secretary-General, taking into account the suggestions of the Human Rights Committee, to take determined steps within existing resources to give more publicity to the work of the Human Rights Committee, the Economic and Social Council and its Sessional Working Group and to improve the administrative and related arrangements to enable them to carry out their respective functions effectively under the International Covenants on Human Rights;

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

12. Requests the Secretary-General to submit to the Commission on Human Rights, at its forty-second session, a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights, and to include in this report information on the work of the Economic and Social Council and its Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights;

13. Requests the Secretary-General to consider ways and means, within existing resources, of assisting States parties to the Covenants in the preparation of their reports, including the awarding of fellowships to government officials engaged in the preparation of such reports, regional training courses and other possibilities available under the programme of advisory services in the field of human rights;

14. Decides to consider at its forty-second session an agenda item entitled "Status of the International Covenants on Human Rights".

1985/46. The administration of justice and the human rights of detainees -  
Elaboration of a second optional protocol to the International  
Covenant on Civil and Political Rights aiming at the abolition  
of the death penalty 132/

The Commission on Human Rights,

Recalling its resolution 1984/19 of 6 March 1984 in which it invited the Sub-Commission on Prevention of Discrimination and Protection of Minorities 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, and to submit its views thereon to the Commission at its forty-first session,

Having examined the report of the Sub-Commission on the work of its thirty-seventh session, 133/

Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution V.]

1985/47. Question of human rights in Chile 134/

The Commission on Human Rights,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Noting the obligation of the Chilean authorities to respect and protect human rights in accordance with the international instruments to which Chile is a party,

Recalling its successive resolutions on the situation of human rights in Chile and in particular its resolution 11 (XXXV) of 6 March 1979, by which it appointed a special rapporteur on the situation of those rights, and its resolution 1984/63 of 15 March 1984, in which it agreed to extend the mandate of the Special Rapporteur for one more year,

Recalling also, among other resolutions, General Assembly resolution 39/121 of 14 December 1984 in which the Assembly expressed its indignation at the persistence of and increase in serious and systematic violations of human rights in Chile, and invited the Commission on Human Rights to take the most appropriate steps for the effective restoration of human rights and fundamental freedoms in that country, including the extension of the mandate of the Special Rapporteur for one more year,

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132/ Adopted at the 57th meeting, on 14 March 1985, without a vote. See chap. XVIII.

133/ E/CN.4/1985/3.

134/ Adopted at the 57th meeting, on 14 March 1985, by a roll-call vote of 32 to 1, with 8 abstentions. See chap. V.

Having examined the Special Rapporteur's report, 135/ according to which the situation of human rights in Chile has continued to worsen, with evidence of an increase in serious violations, inter alia, of the right to life and physical and moral integrity and the right to freedom of expression, information, assembly and association, a situation aggravated by the prolongation of states of siege and emergency and by the adoption of legislative and administrative measures and the pronouncement of judicial sentences, with adverse consequences for human rights and fundamental freedoms,

Observing with growing alarm the procedures leading to the death penalty practised by the military judges, the reinstatement of mass detention centres and the systematic repression by the authorities, especially against workers, country folk, students and indigenous minorities,

Deploring once again the fact that the repeated appeals of the General Assembly and the Commission on Human Rights for the re-establishment of human rights and fundamental freedoms have been ignored up to now by the Chilean authorities, which continue to refuse to co-operate with the Commission on Human Rights and its Special Rapporteur,

1. Commends the Special Rapporteur for his report on the situation of human rights in Chile, prepared in accordance with its resolution 1984/63;
2. Once again expresses its dismay at the suppression in Chile of the traditional democratic legal order and its institutions and their replacement by a Constitution which does not reflect the will of the people freely expressed and whose provisions considerably reduce the enjoyment and exercise of human rights and fundamental freedoms through the institutionalization and consolidation of states of emergency and the extension of the jurisdiction of the military tribunals, all of which amounts to an integrated system negating civil and political rights and freedoms;
3. Expresses its indignation at the persistence of and increase in serious and systematic violations of human rights in Chile, as described in the report of the Special Rapporteur, and in particular at the violent suppression of popular protest in the face of the refusal by the authorities to restore the democratic order, which has led to mass arrests and large numbers of dead and injured;
4. Denounces once again the fact that the repressive and arbitrary activities of the police and security agencies, in particular of the National Information Agency (CNI), have gone administratively and judicially unpunished;
5. Reiterates its profound concern about the ineffectiveness of the remedies of habeas corpus or of amparo and of protection, owing to the fact that the judiciary does not exercise its powers of investigation, monitoring and supervision in this respect and performs its functions under severe restrictions which undermine its independence;
6. Once again calls urgently on the Chilean authorities to restore and respect human rights in accordance with the obligations they have assumed under various international instruments and to re-establish the principle of legality, democratic institutions and the effective enjoyment and exercise of civil and political rights and fundamental freedoms, and in particular:

(a) To put an end to the régime of exception and especially the practice of declaring states of emergency, under which serious and continuing violations of human rights are committed;

(b) To investigate and clarify without delay the fate of persons who were arrested for political reasons and later disappeared, to assist and inform their families of the results of such investigation and to bring to trial and punish those responsible for their disappearance;

(c) To put an immediate end to intimidation and persecution, as well as to arbitrary and unlawful arrests and imprisonment in secret places, and to respect the right to life and to physical and moral integrity, halting the practice of torture and other forms of cruel, inhuman and degrading treatment which have in some cases resulted in unexplained deaths;

(d) To respect the right of Chilean nationals to live in and freely enter and leave their country, without restrictions or conditions of any kind, and to cease the practices of relegación (assignment to forced residence) and forced exile;

(e) To restore the full enjoyment and exercise of labour rights, in particular the right to organize trade unions, the right to collective bargaining and the right to strike;

(f) To respect and, where necessary, restore economic, social and cultural rights, in particular the rights intended to preserve the cultural identity and improve the economic and social status of the indigenous populations, including the right to their land;

7. Once again exhorts the Chilean authorities to co-operate with the Special Rapporteur and to submit their comments on his report to the Commission on Human Rights at its forty-second session;

8. Decides to extend the mandate of the Special Rapporteur for a year and to request him to report on the situation of human rights in Chile to the General Assembly at its fortieth session and to the Commission on Human Rights at its forty-second session;

9. Recommends to the Economic and Social Council that it make appropriate arrangements to ensure that the necessary financial resources and sufficient staff are provided to implement this resolution;

10. Decides to consider at its forty-second session, as a matter of high priority, the question of human rights in Chile.

1985/48. Regional arrangements for the promotion and protection of human rights in the Asian region 136/

The Commission on Human Rights,

Recalling that the General Assembly in its resolutions 34/171 of 17 December 1979, 35/197 of 15 December 1980, 36/154 of 16 December 1981, 37/171 of 17 December 1982 and 39/115 of 14 December 1984 has repeatedly affirmed the value of regional arrangements for the promotion and protection of human rights,

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136/ Adopted at the 57th meeting, on 14 March 1985, without a vote. See chap. XI.

Recalling also General Assembly resolution 39/116 of 14 December 1984 on regional arrangements for the promotion and protection of human rights in the Asian region,

Noting with appreciation 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, 137/

Taking note with appreciation of comments received on the report of the seminar from Member States in the Asian and Pacific region,

Recognizing that regional arrangements may make a major contribution to the promotion and protection of human rights and that non-governmental organizations may have a valuable role to play in this process,

Noting the establishment in other regions of intergovernmental arrangements for the promotion and protection of human rights,

1. Takes note of the report of the Secretary-General 138/ to the General Assembly at its thirty-ninth session on regional arrangements for the promotion and protection of human rights;
2. Invites States members of the Economic and Social Commission for Asia and the Pacific that have not yet done so to communicate their comments on the report of the seminar to the Secretary-General as early as possible, as requested by the General Assembly, and in particular to address the conclusions and recommendations of the report concerning development of regional arrangements in Asia and the Pacific, and thus facilitate further consideration of this question;
3. Invites the Economic and Social Commission for Asia and the Pacific, other regional economic and social commissions and regional intergovernmental bodies dealing with human rights to submit comments on the report of the seminar;
4. Requests the Secretary-General, in co-operation with the Economic and Social Commission for Asia and the Pacific and Governments of the region, to consider the establishment of a regional depository centre for human rights materials for Asia and the Pacific;
5. Requests the Secretary-General to present an interim report to the Commission at its forty-second session incorporating further comments received from Governments on the report of the seminar;
6. Decides to continue its consideration of this question at its forty-second session under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

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137/ A/37/422, annex.

138/ A/39/570.



1985/49. Development of public information activities in the field of human rights 139/

The Commission on Human Rights,

Recalling its resolutions 23 (XXXV) of 14 March 1979, 24 (XXXVI) of 11 March 1980, 24 (XXXVII) of 10 March 1981, 1982/42 of 11 March 1982, 1983/50 of 10 March 1983 and 1984/58 of 15 March 1984, as well as Economic and Social Council resolution 1980/30 of 2 May 1980 on the development of public information activities in the field of human rights,

Noting General Assembly resolutions 36/58 of 25 November 1981, 37/191 of 18 December 1982, 38/116 of 16 December 1983 and 39/136 of 14 December 1984 on the status of the International Covenants on Human Rights,

Taking into account the relevant General Assembly resolutions concerning further promotion of human rights as well as those concerning questions relating to information,

Reaffirming that activities to improve public knowledge in the field of human rights are an essential part of the endeavour to fulfil the purposes of the United Nations set out in Article 1, paragraph 3, of the Charter of the United Nations,

Recognizing that the United Nations system has a special responsibility under the Charter to be a centre for harmonizing actions towards these ends, and that the Commission on Human Rights has a co-ordinating role within the system in matters relating to human rights,

Believing that it is desirable to enhance the promotional activities of the United Nations system in the field of human rights in all regions, and to strengthen its capacity in this connection to reach people at all levels of society,

Reaffirming its belief that progress in the promotion and protection of human rights is assisted by programmes of teaching, education and information in the field of human rights, and noting the work which has been done by other organs of the United Nations in this connection,

Recognizing the value of national and regional public information activities in the field of human rights,

Noting the importance of making available simplified human rights materials in national and local languages,

Noting the proposal of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for a study on the implications for human rights of recent advances in computer and microcomputer technology with particular attention to the potential uses of this technology for increased dissemination of the texts of international instruments on human rights and for further dissemination of information on human rights, including that produced by the United Nations,

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139/ Adopted at the 57th meeting, on 14 March 1985, without a vote.  
See chap. XI.

1. Requests all Governments to take appropriate action to facilitate through all available means, including the mass media, publicity regarding United Nations activities in the field of human rights, with particular reference to the work of the Commission on Human Rights and the expert bodies working in the field, and to accord priority to the dissemination of the Universal Declaration of Human Rights and the International Covenants on Human Rights;

2. Takes note of the report of the Secretary-General on the development of public information activities in the field of human rights; 140/

3. Requests the Secretary-General to issue as soon as practicable the proposed personalized version of the Universal Declaration of Human Rights in the six official languages of the United Nations, to complete this task by the end of 1986 and to proceed thereafter, in co-operation with regional organizations and Governments, to the production of personalized versions of the Universal Declaration in national and local languages;

4. Expresses its appreciation for the list of basic reference works on human rights for use by United Nations information centres as well as other interested bodies, requests the Secretary-General to build up the collection of reference works within each United Nations information centre and in particular to dispatch existing United Nations material to each centre immediately, and requests agencies of the United Nations system whose material appears on the list of reference material to send copies to the Centre for Human Rights for distribution to each United Nations information centre;

5. Requests the Secretary-General to make greater use of audio-visual techniques designed for both children and adults and of computer technology in the preparation and distribution of United Nations material in the field of human rights;

6. Requests the Secretary-General to collect, within existing resources during the current budget period, relevant material in the field of human rights already prepared by specialized agencies, regional bodies, groups, non-governmental organizations and individuals with a view to preparing a basic human rights teaching booklet in the six official languages of the United Nations and to include this project as a priority item in a future biennial budget;

7. Requests the Secretary-General to examine ways in which the potential of the entire United Nations system, including the specialized agencies, might be used to assist in the dissemination of human rights material;

8. Requests the regional commissions to assist in the dissemination of human rights material prepared by the United Nations to Governments, non-governmental organizations and individuals, in particular in the distribution of copies of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international human rights instruments in the languages of the regions, and to investigate ways of promoting co-operation within the regions to that end;

9. Invites Governments, United Nations agencies and non-governmental organizations to submit further comments and proposals for enhancing the promotional activities of the United Nations in the field of human rights;

10. Requests the Secretary-General to submit a report on the implementation of the present resolution to the Commission at its forty-second session, including a status report on the availability, in the official and other languages, of the principal international instruments in the field of human rights, the numbers of such instruments in stock and a summary of the activities of the United Nations information centres in this field;

11. Decides to continue its consideration of this question at its forty-second session under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

1985/50. Question of a convention on the rights of the child<sup>141/</sup>

The Commission on Human Rights,

Bearing in mind the draft convention on the rights of the child submitted by Poland to the Commission on Human Rights on 7 February 1978 <sup>142/</sup> the amended version of the draft submitted to the Commission on 5 October 1979 <sup>143/</sup> and the document submitted by Poland to the General Assembly at its thirty-sixth session, on 7 October 1981, <sup>144/</sup>

Recalling General Assembly resolutions 33/166 of 20 December 1978, 34/4 of 18 October 1979, 35/131 of 11 December 1980, 36/57 of 25 November 1981, 37/190 of 18 December 1982, 38/114 of 16 December 1983 and 39/135 of 14 December 1984 by which the Assembly requested the Commission on Human Rights to give the highest priority and to make every effort at its forty-first session to complete the draft convention and submit it, through the Economic and Social Council, to the General Assembly at its fortieth session,

Recalling also its 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, 1982/39 of 11 March 1982, 1983/52 of 10 March 1983 and 1984/24 of 8 March 1984, and Economic and Social Council decisions 1980/138 of 2 May 1980 and 1981/144 of 8 May 1981 and resolutions 1978/18 of 5 May 1978, 1978/40 of 1 August 1978, 1982/37 of 7 May 1982, 1983/39 of 27 May 1983 and 1984/25 of 24 May 1984, by which it authorized a meeting of an open-ended working group for a period of one week prior to the forty-first session of the Commission to facilitate and speed up the completion of the work on the draft convention on the rights of the child,

Aware of the fact that 25 years after the adoption of the Declaration of the Rights of the Child, <sup>145/</sup> the situation of children in many parts of the world still continues to be far from satisfactory, and that the full enjoyment by children of human rights calls for continuous improvement of the situation of children as well as their development and education in conditions of peace and security,

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<sup>141/</sup> Adopted at the 57th meeting, on 14 March 1985, without a vote. See chap. XIII.

<sup>142/</sup> Commission resolution 20 (XXXIV), annex.

<sup>143/</sup> E/CN.4/1349.

<sup>144/</sup> A/C.3/36/6.

<sup>145/</sup> General Assembly resolution 1386 (XIV).

Stressing the importance of an international convention on the rights of the child for the effective improvement of the situation of children all over the world,

Welcoming the efforts made by the United Nations Children's Fund with a view to promoting and protecting children's rights, life and well-being,

Noting the further progress made by the open-ended working group during its one-week meeting prior to the forty-first session of the Commission,

Noting also the growing interest in elaborating a comprehensive international convention on the rights of the child displayed by numerous Governments and international organizations,

1. Decides to continue at its forty-second session, as a matter of the highest priority, its work on the elaboration of the draft convention on the rights of the child, with a view to completing the draft at that session for transmission, through the Economic and Social Council, to the General Assembly;

2. Requests the Economic and Social Council to authorize a one-week session of an open-ended working group prior to the forty-second session of the Commission on Human Rights with a view to completing the work on the draft convention on the rights of the child at that session;

3. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution VI].

1985/51. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief 146/

The Commission on Human Rights,

Conscious of the need to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

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

Noting General Assembly resolution 39/131 of 14 December 1984, in which the General Assembly requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to report, through the Economic and Social Council, to the General Assembly at its fortieth session,

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146/ Adopted at the 57th meeting, on 14 March 1985, without a vote. See chap. XXIII.

Recalling also Economic and Social Council resolution 1984/39 of 24 May 1984, in which the Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to entrust the Special Rapporteur, Mrs. Odio Benito, with the preparation of a study, in accordance with the terms of Sub-Commission resolution 1983/31 of 6 September 1983, on the current dimensions of the problems of intolerance and of discrimination on grounds of religion or belief,

Noting the outline for the study as presented by the Special Rapporteur to the Sub-Commission at its thirty-seventh session, 147/

Taking note of Sub-Commission resolution 1984/31 of 30 August 1984,

Recalling the seminar on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief, which took place in Geneva from 3 to 14 December 1984,

Conscious of the importance of education in ensuring tolerance of religion or belief,

Recognizing the valuable contribution that can be made to the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief by activities undertaken on a regional basis,

Recognizing that non-governmental organizations and religious bodies and groups at every level have an important role to play in the promotion of tolerance and the protection of freedom of religion or belief,

Aware that intolerance and discrimination on the grounds of religion or belief continue to occur in many parts of the world,

1. Reaffirms that freedom of thought, conscience, religion and belief is a right guaranteed to all without discrimination;
2. Notes with appreciation the report of the seminar on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief; 148/
3. Urges States, in accordance with their respective constitutional systems, to provide, where they have not already done so, adequate constitutional and legal guarantees for freedom of thought, conscience, religion and belief;
4. Urges States to examine the possibility of establishing or designating national institutions to promote tolerance of religion or belief and to combat discrimination;
5. Urges States to examine where necessary the supervision and training of their civil servants, educators and other public officials to ensure that, in the course of their official duties, they respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

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147/ E/CN.4/Sub.2/1984/28.

148/ ST/HR/SER.A/16.

6. Invites the United Nations University and other academic and research institutions to undertake programmes and studies on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief;

7. Requests the Secretary-General to prepare a compendium of the national legislation and regulations of States on the question of freedom of religion or belief with particular regard to the measures taken to combat intolerance or discrimination in this field;

8. Requests the Secretary-General to report to the Commission at its forty-second session on measures to implement the present resolution;

9. Decides to continue its consideration of this matter at its forty-second session under the agenda item "Implementation of the Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief".

1985/52. Measures to improve the situation and ensure the human rights and dignity of all migrant workers 149/

The Commission on Human Rights,

Convinced of the urgent need to adopt a comprehensive convention on the protection of the rights of all migrant workers and their families,

Recalling General Assembly resolution 34/172 of 17 December 1979, by which the Assembly established an open-ended working group to elaborate an international convention on the protection of the rights of all migrant workers and their families,

Recalling also General Assembly resolutions 35/198 of 15 December 1980, 36/160 of 16 December 1981, 37/170 of 17 December 1982, 38/86 of 16 December 1983 and 39/102 of 14 December 1984, in all of which the Assembly has taken note of the reports of the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families and has expressed its satisfaction with the steady and substantial progress being made by the Working Group,

Pleased to note that the General Assembly has decided, in order to maintain the pace and enable the Working Group to discharge its mandate as soon as possible, that the Group should again hold an intersessional meeting of two weeks' duration in New York, immediately after the first regular session of 1985 of the Economic and Social Council, and that the Group should continue its work during the fortieth session of the General Assembly,

Bearing in mind its own resolutions 37 (XXXVII) of 12 March 1981, 1982/35 of 11 March 1982, 1983/45 of 9 March 1983 and 1984/61 of 15 March 1984,

1. Welcomes once more the progress being made by the Working Group in the discharge of its mandate and commends it for concluding, in its first reading, the drafting of the preamble and articles which will serve as the basis for the second reading of the draft International Convention on the Protection of the Rights of All Migrant Workers and Their Families;

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149/ Adopted at the 57th meeting, on 14 March 1985, without a vote.  
See chap. XIV.

2. Invites all Member States to continue co-operating with the Working Group in the performance of its task;

3. Reiterates its hope that the General Assembly will complete the elaboration of the convention as soon as possible;

4. Requests the Secretary-General to inform the Commission at its forty-second session of the further progress attained in this regard, under the agenda item "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

1985/53. Rights of persons belonging to national, ethnic, religious and linguistic minorities 150/

The Commission on Human Rights,

Recalling its resolutions 14 (XXXIV) of 6 March 1978, 21 (XXXV) of 14 March 1979, 37 (XXXVI) of 12 March 1980, 21 (XXXVII) of 10 March 1981, 1982/38 of 11 March 1982, 1983/53 of 10 March 1983, and 1984/62 of 15 March 1984,

Having taken note with appreciation of the report 151/ of the open-ended working group set up by the Commission to consider the drafting of a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities,

1. Decides to consider at its forty-second session the agenda item "Rights of persons belonging to national, ethnic, religious and linguistic minorities";

2. Urges the Sub-Commission on Prevention of Discrimination and Protection of Minorities to give highest priority, at its thirty-eighth session, to consideration of the proposals for the definition of the term "minority", as it relates to the draft declaration under consideration, and to submit them to the Commission at its forty-second session;

3. Decides to establish at its forty-second session an open-ended working group to continue consideration of the revised draft declaration proposed by Yugoslavia, taking into account all relevant documents.

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150/ Adopted at the 57th meeting, on 14 March 1985, without a vote. See chap. XX.

151/ E/CN.4/1985/65.

## B. Decisions

### 1985/101. Organization of work 152/

(a) The Commission decided to set up informal open-ended working groups for the consideration of agenda items 13 and 20. In the context of item 12, the Commission agreed, in accordance with its decision 1984/116 of 16 March 1984, to establish an informal open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

(b) The Commission decided to invite the following persons to participate in its meetings:

- (i) In connection with item 5: Mr. I. Volio Jiménez, Special Rapporteur on the situation of human rights in Chile;
- (ii) In connection with item 6: Mr. A. Cato, Chairman-Rapporteur of the Ad Hoc Working Group of Experts on violations of human rights in southern Africa;
- (iii) In connection with item 10 (b): Mr. I. Toševski<sup>V</sup>, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;
- (iv) In connection with item 12: Viscount Colville of Culross, Special Rapporteur on the situation of human rights in Guatemala; Mr. J.A. Pastor Ridruejo, Special Representative on the situation of human rights in El Salvador; Mr. S. Amos Wako, Special Rapporteur on summary or arbitrary executions; Mr. A. Aguilar, Special Representative on the situation of human rights in the Islamic Republic of Iran; Mr. F. Ermacora, Special Rapporteur on the situation of human rights in Afghanistan; Mr. V.N. Sofinsky, Chairman of the Working Group on Communications of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; representatives of States in respect of which situations were being considered under item 12 (b) and nominees of the Commission in connection with this sub-item;
- (v) In connection with item 19: Mr. I. Toševski<sup>V</sup>, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-seventh session.

(c) The Commission decided, in connection with Sub-Commission resolution 1984/28 of 30 August 1984, entitled "Slavery and slavery-like practices: mission to Mauritania", and Sub-Commission resolution 1984/35 of 30 August 1984, entitled "Study of the problem of discrimination against indigenous populations", to accept the recommendation of its officers to request the Expert and the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to present their studies to the Commission. The Commission further decided that the presentation of those studies should be made in writing.

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<sup>152/</sup> Adopted at the 2nd meeting, on 5 February 1985, without a vote. See chap. III.



1985/102. Fortieth anniversary of the end  
of the Second World War 153/

The Commission decided to request the Economic and Social Council, at its organizational session for 1985, in considering the Council's programme of work and in the light of General Assembly resolution 39/114 of 14 December 1984, to take into account the fact that 8 and 9 May 1985 represented the fortieth anniversary of the end of the Second World War.

1985/103. Study of the problem of discrimination  
against indigenous populations 154/

The Commission, mindful of resolution 1984/35, of 30 August 1984, on the human rights of indigenous populations, adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided to recommend to the Economic and Social Council the adoption of the following draft decision:

[For the text of the draft decision, see chap. I, sect. B, draft decision 1.]

1985/104. Report of the Sub-Commission on Prevention of  
Discrimination and Protection of Minorities on  
its thirty-seventh session - Human rights and  
scientific and technological developments 155/

The Commission, recalling its previous resolutions under the agenda item entitled "Human rights and scientific and technological developments", in particular resolutions 1984/27, 1984/29 and 1984/30 of 12 March 1984, decides to request the Sub-Commission on Prevention of Discrimination and Protection of Minorities to reconsider the studies mentioned in its draft resolutions III and IV, 156/ with a view to integrating them in the work already being undertaken in the Commission and the Sub-Commission under the agenda item "Human rights and scientific and technological developments".

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153/ Adopted at the 4th meeting, on 6 February 1985, without a vote.  
See chap. III.

154/ Adopted at the 51st meeting, on 11 March 1985, by 34 votes to 1,  
with 7 abstentions. See chap. XIX.

155/ Adopted at the 51st meeting, on 11 March 1985, without a vote.  
See chap. XIX.

156/ See E/CN.4/1984/3, chap. I, sect. A.

1985/105. Advisory services in the field of human rights 157/

The Commission decided, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, to take no decision on draft resolution E/CN.4/1985/L.61.

1985/106. General decision concerning the establishment of a working group of the Commission to examine situations referred to the Commission under Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission is seized 158/

The Commission decided, subject to the approval of the Economic and Social Council, to set up a working group composed of five of its members to meet for one week prior to its forty-second session to examine such particular situations as might be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-eighth session under Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 and those situations of which the Commission was seized.

1985/107. Discontinuance of consideration of the human rights situation in Uruguay 159/

The Commission, having decided to discontinue consideration of the human rights situation in Uruguay under the confidential procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 and taking into account the request of the Government of Uruguay that the confidential material that had been before the Commission under Council resolution 1503 (XLVIII) should no longer be restricted, decided to recommend the following draft decision to the Economic and Social Council for adoption:

[For the text of the draft decision, see chap. I, sect. B, draft decision 3.]

1985/108. Question of human rights in Cyprus 160/

The Commission decided that the debate under agenda item 12 (a) (Question of human rights in Cyprus) should be postponed to the forty-second session of the Commission and be given due priority at that session, it being understood

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157/ Adopted at the 51st meeting, on 11 March 1985, by 14 votes to 13, with 15 abstentions. See chap. XXII.

158/ Adopted at the 41st (closed) meeting, on 5 March 1985, without a vote. See chap. XII.

159/ Adopted at the 48th (closed) meeting, on 8 March 1985, without a vote. See chap. XII.

160/ Adopted at the 55th meeting, on 13 March 1985, without a vote. See chap. XII.

that action required by previous resolutions of the Commission on this subject should continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation.

1985/109. Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty 161/

The Commission decided, pursuant to General Assembly resolutions 37/192 of 18 December 1982 and 39/137 of 14 December 1984, its own resolution 1984/19 of 6 March 1984 and resolution 1984/7 of 28 August 1984 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, to consider further, at its forty-third session, the idea of elaborating a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.

1985/110. Further promotion and encouragement of human rights and fundamental freedoms including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms 162/

The Commission decided to consider at its forty-second session, in the context of its discussion of item 11 of its draft provisional agenda, the possible establishment of an open-ended working group to continue the over-all analysis with a view to the further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission, and alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms.

1985/111. Organization of the work of the Commission 163/

The Commission, taking into account its heavy schedule of work and that of its sessional working groups as well as the need to give adequate consideration to all the items on the agenda, and recalling that in previous years the Economic and Social Council had approved the Commission's request for additional meetings for its thirty-seventh, thirty-eighth, thirty-ninth, fortieth and forty-first sessions, decided (a) to recommend to the Economic and Social Council that it authorize, if possible within the existing financial resources, 20 fully-serviced additional meetings, including summary records, for the Commission's forty-second session, and

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161/ Adopted at the 57th meeting, on 14 March 1985, without a vote. See chap. XVIII.

162/ Adopted at the 57th meeting, on 14 March 1985, without a vote. See chap. XI.

163/ Adopted at the 57th meeting, on 14 March 1985, without a vote. See chap. III.

(b) to request the Chairman of the Commission at its forty-second session to make every effort to organize the work of the session within the normal allotted time, the additional meetings that the Economic and Social Council may authorize to be utilized only if such meetings prove to be absolutely necessary.

1985/112. Organization of the work of the session

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 164/

The Commission, recalling its decision 1984/116 of 16 March 1984 in which it decided to establish at its forty-first session an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, and considering that it had not proved possible to convene the working group at the forty-first session, decided that the open-ended working group should be convened at the forty-second session of the Commission, meeting pre-sessionally for one week and taking into account, *inter alia*, reporting and documentation from the Sub-Commission on Prevention of Discrimination and Protection of Minorities arising from its work on draft principles on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

1985/113. Organization of the work of the Commission 165/

The Commission decided to invite the Sub-Commission on Prevention of Discrimination and Protection of Minorities to be present, through its Chairman or another member it may designate, at the consideration of its report during the forty-second session of the Commission.

1985/114. Conscientious objection to military service 166/

The Commission decided, under rule 49 of the rules of procedure of the functional commissions of the Economic and Social Council, to adjourn the debate on draft resolution E/CN.4/1985/L.33/Rev.1 until its forty-third session.

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164/ Adopted at the 57th meeting, on 14 March 1985, by 30 votes to none, with 11 abstentions. See chap. III.

165/ Adopted at the 57th meeting, on 14 March 1985, without a vote. See chap. III.

166/ Adopted at the 57th meeting, on 14 March 1985, without a vote. See chap. XV.

### III. ORGANIZATION OF THE FORTY-FIRST SESSION

#### A. Opening and duration of the session

1. The Commission on Human Rights held its forty-first session at the United Nations Office at Geneva from 4 February to 15 March 1985.
2. The session was opened (1st meeting) by Mr. Peter H. Kooijmans (Netherlands), Chairman of the Commission at its fortieth session, who made a statement. The Assistant Secretary-General for Human Rights also addressed the Commission.

#### B. Attendance

3. The session was attended by representatives of 43 States members of the Commission, by observers from other States members of the United Nations, by observers from non-member States and by representatives of specialized agencies, regional intergovernmental organizations, national liberation movements and non-governmental organizations. An attendance list is given in annex I below.

#### C. Election of officers

4. At its 1st meeting, on 4 February 1985, the Commission elected the following officers by acclamation:

Chairman:	Mr. Abu Sayeed Chowdhury (Bangladesh)
Vice-Chairmen: <sup>1/</sup>	Mr. Paul Bamele Engo (Cameroon) Mr. Héctor Charry Samper (Colombia) Mr. Ivan S. Khmel (Ukrainian Soviet Socialist Republic)
Rapporteur:	Mr. Karl Borchard (Federal Republic of Germany)

#### D. Agenda

5. The Commission had before it the provisional agenda for the forty-first session (E/CN.4/1985/1), drawn up, in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the draft provisional agenda considered by the Commission at its fortieth session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).
6. At its 2nd meeting, on 5 February 1985, the Commission adopted the provisional agenda (E/CN.4/1985/1). The agenda, as adopted, is given in annex II below.

#### E. Organization of work

7. At its 2nd meeting, on 5 February 1984, the Commission considered the organization of its work. Bearing in mind the respective priority of the items and the availability of the relevant documentation, the Commission accepted the recommendation of its officers to the effect that the following items should be considered jointly: items 6, 7, 16 and 17; items 8 and 18. It was also agreed that delegations could address themselves to item 9 when considering item 4.

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<sup>1/</sup> The Vice-Chairmen are listed in the English alphabetical order of the names of the countries they represent.

The Commission further agreed to consider the items on its agenda in the following order: 4, 9; 6, 7, 16, 17; 9; 21; 15; 10; 19; 8, 18; 22; 12; 5; 11; 13; 23; 14; 20; 24; 25.

8. At the same meeting, upon the recommendation of its officers, the Commission decided to invite the following persons to participate in the meetings at which their reports were to be considered:

(a) In connection with item 5: Mr. I. Volio Jiménez, Special Rapporteur on the situation of human rights in Chile;

(b) In connection with item 6: Mr. A. Cato, Chairman-Rapporteur of the Ad Hoc Working Group of Experts on violations of human rights in southern Africa;

(c) In connection with item 10 (b): Mr. I. Toševski, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;

(d) In connection with item 12: Viscount Colville of Culross, Special Rapporteur on the situation of human rights in Guatemala; Mr. J.A. Pastor Ridruejo, Special Representative on the situation of human rights in El Salvador; Mr. S. Amos Wako, Special Rapporteur on summary or arbitrary executions; Mr. A. Aguilar, Special Representative on the situation of human rights in the Islamic Republic of Iran; Mr. F. Ermacora, Special Rapporteur on the situation of human rights in Afghanistan; Mr. V.N. Sofinsky, Chairman of the Working Group on Communications of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; representatives of States in respect of which situations were being considered under item 12 (b) and nominees of the Commission in connection with this sub-item;

(e) In connection with item 19: Mr. I. Toševski, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-seventh session.

9. At the same meeting, the Commission decided to accept the recommendation of its officers, in connection with Sub-Commission resolution 1984/28, entitled "Slavery and slavery-like practices: mission to Mauritania", and Sub-Commission resolution 1984/35, entitled "Study of the problem of discrimination against indigenous populations", to request the Expert and the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to present their studies to the Commission. The Commission further decided that the presentation of those studies should be made in writing.

10. For the text of the decision, see chapter II, section B, decision 1985/101.

11. At the same meeting, the Commission accepted the recommendation of its officers to follow the practice regarding the limitation of statements adopted during its fortieth session, as described in the annotations to agenda item 3 (E/CN.4/1985/1/Add.1). It further agreed that Member States not members of the Commission, which, according to these guidelines, were limited to two statements, would be permitted to combine those two statements if they so wished. It was also agreed that, with regard to rights of reply, the practice followed by the General Assembly, namely a limitation to two replies, 10 minutes for the first and 5 minutes for the second, would again be observed.

12. At its 57th meeting, on 14 March 1985, the Commission considered draft decision E/CN.4/1985/L.7 submitted by the United Kingdom of Great Britain and Northern Ireland.

13. The attention of the Commission was drawn to the administrative and programme budget implications (E/CN.4/1985/L.9) 2/ of the draft decision.
14. The draft decision was adopted without a vote.
15. For the text of the decision, see chapter II, section B, decision 1985/111.
16. At the same meeting, the Commission had before it a draft decision sponsored by Australia (E/CN.4/1985/L.8), tabled in connection with agenda items 3 and 12.
17. The representative of Australia orally revised the draft decision, replacing the words "established at the forty-second session" by the words "convened at the forty-second session".
18. The attention of the Commission was drawn to the administrative and programme budget implications (E/CN.4/1985/L.6) 2/ of the draft decision.
19. The representative of the Union of Soviet Socialist Republics proposed the deletion of the words "meeting pre-sessionally for one week and" from the draft decision and requested a vote on his proposal.
20. The proposal of the representative of the Union of Soviet Socialist Republics was rejected by a vote of 21 to 3, with 16 abstentions.
21. At the request of the representative of the Union of Soviet Socialist Republics, a vote was taken on the draft decision, which was adopted by 30 votes to none, with 11 abstentions.
22. For the text of the decision, see chapter II, section B, decision 1985/112.
23. At the same meeting, the Commission considered a proposal by the Chairman that the Commission decide to invite the Sub-Commission to be present, through its Chairman or another member it may designate, at the consideration of its report during the forty-second session of the Commission.
24. The Commission was informed of the administrative and programme budget implications 2/ of the draft decision.
25. The draft decision was adopted without a vote.
26. For the text of the decision, see chapter II, section B, decision 1985/113.

#### F. Meetings, resolutions and documentation

27. The Commission held 58 meetings.
28. The resolutions and decisions adopted by the Commission at its forty-first session are contained in chapter II of the present report. Draft resolutions and decisions for action by the Economic and Social Council are set out in chapter I.
29. Annex III contains estimates of the administrative and programme budget implications of the Commission's resolutions and decisions prepared in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

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2/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

30. Annex IV contains a list of documents issued for the forty-first session of the Commission.

31. At its 58th meeting, on 15 March 1985, the Commission took note of a consolidated list of documents requested by the Commission at its forty-first session (E/CN.4/1985/L.2), circulated in accordance with General Assembly resolution 36/117 A of 10 December 1981.

#### G. Other matters

32. At the 7th meeting, on 7 February 1985, the Minister for Resources and Energy of Australia, the Honorable Senator Gareth Evans, and the Chairman of the Inter-American Commission on Human Rights, Mr. César Sepúlveda, addressed the Commission.

33. At the 8th meeting, on 8 February 1985, the Secretary of the People's Committee of the People's Bureau for Foreign Affairs of the Libyan Arab Jamahiriya, Mr. Ali A. Treiki, addressed the Commission.

34. At the 35th meeting, on 28 February 1985, the Secretary-General of the Council of Europe, Mr. Marcelino Oreja, addressed the Commission.

35. At the 4th meeting, on 6 February 1985, in the context of agenda item 3, the Commission decided to request the Economic and Social Council, at its organizational session for 1985, in considering the Council's programme of work and in the light of General Assembly resolution 39/114 of 14 December 1984, to take into account the fact that 8 and 9 May 1985 represented the fortieth anniversary of the conclusion of the Second World War.

36. For the text of the decision, see chapter II, section B, decision 1985/102.

37. At the 55th meeting, on 13 March 1985, the representative of the Union of Soviet Socialist Republics introduced a revised version (E/CN.4/1985/L.26/Rev.1) of draft resolution E/CN.4/1985/L.26, which had been submitted under agenda item 21 (see chap. XXI). The revised draft resolution was sponsored by Bulgaria, the Byelorussian Soviet Socialist Republic, \*/ Czechoslovakia, \*/ the German Democratic Republic, Hungary, \*/ the Libyan Arab Jamahiriya, Mongolia, \*/ Mozambique, Poland, \*/ the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and Yugoslavia, and subsequently also by Afghanistan, \*/ Cuba \*/ and Viet Nam. \*/

38. The representative of the Netherlands made a statement.

39. At the same meeting, draft resolution E/CN.4/1985/L.26/Rev.1 was adopted without a vote.

40. For the text of the resolution, see chapter II, section A, resolution 1985/32.

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.



IV. QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE  
OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

41. The Commission considered agenda item 4 concurrently with item 9 (see chap. IX) at its 3rd to 10th meetings, held from 5 to 11 February, and at its 21st meeting, held on 19 February 1985. 1/

42. The Commission had before it the following documents:

Report of the Secretary-General on the measures taken to give Commission resolutions 1984/1 A and B the widest possible publicity (E/CN.4/1985/5);

Note by the Secretary-General listing all United Nations reports issued since the fortieth session of the Commission that deal with the situation of the population of the occupied territories, including Palestine (E/CN.4/1985/6);

Note verbale dated 30 November 1984 from the Permanent Mission of Israel to the United Nations Office at Geneva addressed to the Secretary-General (E/CN.4/1985/34);

Note verbale dated 28 January 1985 from the Permanent Mission of Jordan to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1985/35);

Letter dated 8 February 1985 from the Permanent Representative of the Syrian Arab Republic to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1985/45);

Note verbale dated 6 February 1985 from the Permanent Mission of Jordan to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1985/48);

Written statement submitted by the International Association of Democratic Lawyers, a non-governmental organization in consultative status (category II) (E/CN.4/1985/NGO/1).

43. In the general debate on this item, 2/ statements were made by the following members of the Commission: Argentina (6th), Austria (9th), Bangladesh (6th), Bulgaria (6th), China (6th), Colombia (4th), Cyprus (8th), France (5th), German Democratic Republic (6th), India (6th), Ireland (6th), Jordan (5th), Libyan Arab Jamahiriya (8th), Netherlands (4th), Peru (4th and 8th), Senegal (7th), Spain (9th), Sri Lanka (6th), Syrian Arab Republic (3rd, 4th and 6th), Ukrainian Soviet Socialist Republic (8th), Union of Soviet Socialist Republics (4th), United Kingdom of Great Britain and Northern Ireland (5th), United Republic of Tanzania (9th), United States of America (6th), Yugoslavia (8th).

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1/ For the summary records, see E/CN.4/1985/SR.3 to SR.10 and SR.21, and E/CN.4/1985/SR.1-58/Corrigendum, as appropriate.

2/ The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.

44. The Commission also heard statements by the observers for: Afghanistan (6th), Algeria (5th), Byelorussian Soviet Socialist Republic (9th), Cuba (9th), Czechoslovakia (8th), Democratic Yemen (7th), Egypt (5th), Hungary (9th), Iran (Islamic Republic of) (9th), Iraq (8th), Israel (4th and 7th), Kuwait (6th), Morocco (4th), Oman (9th), Poland (9th), Sudan (9th), Tunisia (5th), Turkey (9th), Yemen (4th).
45. A statement was made by the representative of the League of Arab States (5th).
46. Statements were made by the representative of the Palestine Liberation Organization (3rd and 9th).
47. Statements were also made by the following non-governmental organizations: International Association of Democratic Lawyers (9th), International Commission of Jurists (3rd and 4th), International Union of Students (9th), Women's International Democratic Federation (4th).
48. Statements in right of reply or equivalent to right of reply were made by the representatives of Jordan (5th and 7th), the Syrian Arab Republic (3rd, 8th and 10th), the Union of Soviet Socialist Republics (9th) and the United States of America (5th); by the observers for Afghanistan (4th), Iran (Islamic Republic of) (7th), Iraq (10th) and Israel (3rd, 4th, 7th, 8th and 10th) and by the representative of the Palestine Liberation Organization (7th and 10th).
49. At the 21st meeting, on 19 February 1985, the Commission took up consideration of the draft resolutions submitted under agenda item 4.
50. The representative of Bangladesh introduced two draft resolutions, A and B (E/CN.4/1985/L.13), sponsored by Algeria, \*/ Bangladesh, Bulgaria, China, the Congo, Cyprus, the German Democratic Republic, India, Jordan, the Libyan Arab Jamahiriya, Mauritania, Morocco, \*/ Nicaragua, Senegal, the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic and Yugoslavia. Afghanistan, \*/ the Byelorussian Soviet Socialist Republic, \*/ Cuba, \*/ Czechoslovakia, \*/ the Gambia, Malaysia, \*/ Pakistan, \*/ Sri Lanka and Viet Nam \*/ subsequently joined the sponsors.
51. A statement relating to the draft resolutions was made by the observer for Israel.
52. Statements in explanation of vote before the vote were made by the representatives of the United Kingdom of Great Britain and Northern Ireland and the United States of America.
53. At the request of the representative of Peru, a separate vote was taken on operative paragraphs 4, 7 and 15 of draft resolution A (E/CN.4/1985/L.13) and, at the request of the representative of the Ukrainian Soviet Socialist Republic, the vote was taken by roll-call.

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

54. Operative paragraph 4 was adopted by 26 votes to 8, with 7 abstentions. The voting was as follows: 3/

In favour: Argentina, Austria, Bangladesh, Bulgaria, Cameroon, China, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Liberia, Libyan Arab Jamahiriya, Mozambique, Nicaragua, Philippines, Senegal, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: Australia, Costa Rica, Finland, France, Germany, Federal Republic of, Ireland, Netherlands, United States of America.

Abstaining: Brazil, Colombia, Japan, Mexico, Peru, Spain, United Kingdom of Great Britain and Northern Ireland.

55. Operative paragraph 7 was adopted by 19 votes to 14, with 8 abstentions. The voting was as follows: 3/

In favour: Bangladesh, Bulgaria, China, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Libyan Arab Jamahiriya, Mozambique, Nicaragua, Senegal, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia.

Against: Australia, Brazil, Colombia, Costa Rica, Finland, France, Germany, Federal Republic of, Liberia, Mexico, Netherlands, Philippines, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: Argentina, Austria, Cameroon, Ireland, Japan, Kenya, Peru, Spain.

56. Operative paragraph 15 was adopted by 21 votes to 13, with 7 abstentions. The voting was as follows: 4/

In favour: Bangladesh, Bulgaria, Cameroon, China, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Libyan Arab Jamahiriya, Mozambique, Nicaragua, Senegal, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia.

Against: Australia, Austria, Costa Rica, Finland, France, Germany, Federal Republic of, Ireland, Japan, Liberia, Mexico, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Brazil, Colombia, Peru, Philippines, Spain, Venezuela.

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3/ The representative of Lesotho subsequently indicated that, had he been present during the voting, he would have voted in favour.

4/ The representative of Lesotho subsequently indicated that, had he been present during the voting, he would have abstained.

57. At the request of the representative of the Ukrainian Soviet Socialist Republic, a roll-call vote was taken on draft resolution A (E/CN.4/1985/L.13) as a whole. The draft resolution was adopted by 28 votes go 5, with 8 abstentions. The voting was as follows: 3/

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Liberia, Libyan Arab Jamahiriya, Mozambique, Nicaragua, Peru, Philippines, Senegal, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: France, Germany, Federal Republic of, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Costa Rica, Finland, Ireland, Japan, Mexico, Spain.

58. For the text of the resolution, see chapter II, section A, resolution 1985/1 A.

59. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, a separate vote was taken on operative paragraph 1 of draft resolution B (E/CN.4/1985/L.13) and, at the request of the representatives of Bulgaria and the Libyan Arab Jamahiriya, the vote was taken by roll-call. Operative paragraph 1 was adopted by 41 votes to none. The voting was as follows: 3/

In favour: Argentina, Australia, Austria, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, India, Ireland, Japan, Jordan, Kenya, Liberia, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Peru, Philippines, Senegal, Spain, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Yugoslavia.

Against: None.

Abstaining: None.

60. At the request of the representative of Finland, a separate vote was taken on operative paragraph 4 of the same draft resolution and, at the request of the representative of Bulgaria, the vote was taken by roll-call. Operative paragraph 4 was adopted by 30 votes to 3, with 8 abstentions. The voting was as follows: 3/

In favour: Argentina, Austria, Bangladesh, Bulgaria, Cameroon, China, Colombia, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Liberia, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Philippines, Senegal, Spain, Sri Lanka, Syrian Arab Republic,

Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: Costa Rica, Netherlands, United States of America.

Abstaining: Australia, Brazil, Finland, France, Germany, Federal Republic of, Ireland, Japan, United Kingdom of Great Britain and Northern Ireland.

61. At the request of the representative of the Ukrainian Soviet Socialist Republic, a roll-call vote was taken on draft resolution B (E/CN.4/1985/L.13) as a whole. The draft resolution was adopted by 33 votes to 1, with 7 abstentions. The voting was as follows: 3/

In favour: Argentina, Austria, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Cyprus, Finland, Gambia, German Democratic Republic, India, Japan, Jordan, Kenya, Liberia, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Philippines, Senegal, Spain, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: United States of America.

Abstaining: Australia, Costa Rica, France, Germany, Federal Republic of, Ireland, Netherlands, United Kingdom of Great Britain and Northern Ireland.

62. For the text of the resolution, see chapter II, section A, resolution 1985/1 B.

63. At the same meeting the Commission considered draft resolution E/CN.4/1985/L.16, introduced by the representative of India. The draft resolution was sponsored by Algeria, \*/ Bulgaria, Cyprus, Cuba, \*/ the German Democratic Republic, India, Jordan, the Libyan Arab Jamahiriya, Morocco, \*/ Nicaragua, Senegal, the Syrian Arab Republic, Tunisia, \*/ the Ukrainian Soviet Socialist Republic and Yugoslavia. Afghanistan, \*/ Bangladesh, the Byelorussian Soviet Socialist Republic, \*/ the Congo, Czechoslovakia, \*/ the Gambia, Pakistan, \*/ Qatar \*/and Viet Nam \*/ subsequently joined the sponsors.

64. Statements in explanation of vote before the vote were made by the representatives of Colombia, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

65. At the request of the representative of the United Kingdom, a separate vote was taken on operative paragraph 3 of draft resolution E/CN.4/1985/L.16 and, at the request of the representative of the Syrian Arab Republic, the vote was taken by roll-call. Operative paragraph 3 was adopted by 19 votes to 15, with 6 abstentions. The voting was as follows: 4/

In favour: Bangladesh, Bulgaria, Cameroon, China, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Libyan Arab Jamahiriya, Nicaragua, Senegal, Syrian Arab Republic,

Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia.

Against: Australia, Austria, Brazil, Colombia, Costa Rica, Finland, France, Germany, Federal Republic of, Ireland, Japan, Liberia, Netherlands, Philippines, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Mexico, Peru, Spain, Sri Lanka, Venezuela.

The representative of Mozambique stated that his delegation was not participating in the vote.

66. At the request of the representative of the Ukrainian Soviet Socialist Republic, a roll-call vote was taken on draft resolution E/CN.4/1985/L.16 as a whole. The draft resolution was adopted by 30 votes to 1, with 10 abstentions. The voting was as follows: 3/

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Liberia, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Philippines, Senegal, Spain, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: United States of America.

Abstaining: Australia, Austria, Costa Rica, Finland, France, Germany, Federal Republic of, Ireland, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland.

67. For the text of the resolution, see chapter II, section A, resolution 1985/2.

68. Statements in explanation of vote after the vote on the resolutions were made by the representatives of Argentina, Australia, Austria, Brazil, Colombia, Finland, France, Germany, Federal Republic of, Ireland, the Netherlands, Peru, the Philippines, Spain, the United Republic of Tanzania and Venezuela.

69. Other statements in relation to the vote were made by the observer for Israel and the representative of the Syrian Arab Republic.

V. QUESTION OF HUMAN RIGHTS IN CHILE

70. The Commission considered agenda item 5 at its 53rd meeting, held on 12 March 1985, and at its 57th meeting, held on 14 March 1985. 1/

71. The Commission had before it the following documents:

Report of the Special Rapporteur on the situation of human rights in Chile to the General Assembly (A/39/631);

Two notes by the Chairman (E/CN.4/1985/38 and E/CN.4/1985/41);

Letter dated 19 September 1984 from the Permanent Representative of Mexico to the United Nations Office at Geneva addressed to the Assistant-Secretary-General for Human Rights (E/CN.4/1985/23);

Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I) (E/CN.4/1985/NGO/5);

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1985/NGO/11);

Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization on the Roster (E/CN.4/1985/NGO/19);

Written statement submitted by the Christian Democratic International, a non-governmental organization in consultative status (category II) (E/CN.4/1985/NGO/32);

Written statement submitted by the International Youth and Student Movement for the United Nations, a non-governmental organization in consultative status (category I) (E/CN.4/1985/NGO/35);

Written statement submitted by the International Indian Treaty Council, a non-governmental organization in consultative status (category II) (E/CN.4/1985/NGO/39);

Written statement submitted by the World Student Christian Federation, a non-governmental organization in consultative status (category II) (E/CN.4/1985/NGO/40);

Written statement submitted by the Women's International League for Peace and Freedom, a non-governmental organization in consultative status (category II) (E/CN.4/1985/NGO/42);

Written statement submitted by the World Peace Council, a non-governmental organization on the Roster (E/CN.4/1985/NGO/43);

Written statement submitted by the Commission of the Churches on International Affairs of the World Council of Churches, a non-governmental organization in consultative status (category II) (E/CN.4/1985/NGO/51);

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1/ For the summary records, see E/CN.4/1985/SR.53 and SR.57, and E/CN.4/1985/SR.1-58/Corrigendum, as appropriate.

Written statement submitted by the World Council of Indigenous Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/1985/NGO/58).

72. In the general debate on this item, which took place at the 53rd meeting, statements were made by the following members: Bulgaria, France, German Democratic Republic, Ireland, Mexico, Nicaragua, Spain, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela.

73. The Commission heard statements by the observers for: Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Hungary, Poland, Viet Nam.

74. Statements were also made by the following non-governmental organizations: Amnesty International, International Commission of Jurists, International Confederation of Free Trade Unions, International Indian Treaty Council, International Youth and Student Movement for the United Nations, Pax Romana, Women's International Democratic Federation.

75. At the 57th meeting, on 14 March 1985, the representative of Mexico introduced draft resolution E/CN.4/1985/L.49, sponsored by Algeria, \*/ Cuba, \*/ France, Italy, \*/ Mexico, Mozambique, the Netherlands, Spain and Yugoslavia. Australia and the Libyan Arab Jamahiriya subsequently joined the sponsors.

76. The representative of Mexico orally revised the draft resolution as follows:

(a) In the sixth preambular paragraph, the word "vicious" was replaced by the word "systematic";

(b) In operative paragraph 6 (f), the words "economic and" were inserted between the words "improve the" and "social status".

77. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1985/L.79) 2/ of draft resolution E/CN.4/1985/L.49.

78. A statement in explanation of vote before the vote was made by the representative of the United States of America.

79. At the request of the representative of Mexico, a roll-call vote was taken on draft resolution E/CN.4/1985/L.49. The draft resolution, as orally revised, was adopted by 32 votes to 1, with 8 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Bulgaria, Colombia, Congo, Costa Rica, Cyprus, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, India, Ireland, Japan, Kenya, Lesotho, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Senegal, Spain, Sri Lanka, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Venezuela, Yugoslavia.

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

2/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.



Against: United States of America.

Abstaining: Bangladesh, Brazil, Cameroon, China, Jordan, Liberia, Peru, Philippines.

80. Statements in explanation of vote after the vote were made by the representatives of Cyprus, the Federal Republic of Germany, Japan and the United Kingdom of Great Britain and Northern Ireland.

81. For the text of the resolution, see chapter II, section A, resolution 1985/47.

VI. VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA:  
REPORT OF THE AD HOC WORKING GROUP OF EXPERTS

82. The Commission considered agenda item 6 together with item 7 at its 8th meeting, held on 8 February 1985, and together with items 7, 16 and 17 (see chaps. VII, XVI and XVII) at its 10th to 19th meetings, held from 11 to 15 February, at its 28th meeting, held on 22 February 1985, and at its 32nd meeting, held on 26 February 1985. 1/

83. The Commission had before it the following documents:

Reports of the Ad Hoc Working Group of Experts (E/CN.4/1985/8 and E/CN.4/1985/14);

Report of the Secretary-General on the Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid (A/39/460);

Note verbale dated 8 February 1985 from the Permanent Mission of Senegal to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1985/47);

Note verbale dated 26th February 1985 from the Permanent Representative of Senegal to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1985/56);

Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I) (E/CN.4/1985/NGO/3).

84. At the 10th meeting, on 11 February 1985, Mr. Annan A. Cato, Chairman-Rapporteur of the Ad Hoc Working Group of Experts, introduced the reports of the Group.

85. At the 28th meeting, on 22 February 1985, the representative of Senegal made a statement on behalf of the African States members of the Commission (E/CN.4/1985/56).

86. In the general debate on this item, 2/ statements were made by the following members of the Commission: Argentina (15th), Australia (16th), Austria (15th), Bangladesh (17th), Brazil (14th), Bulgaria (14th), Cameroon (8th), China (12th), Colombia (12th), Congo (16th), Costa Rica (14th), Cyprus (15th), France (12th), Finland (on behalf of the Nordic countries) (13th), German Democratic Republic (14th), Germany, Federal Republic of (15th), India (12th), Ireland (12th), Japan (16th), Jordan (18th), Kenya (15th), Lesotho (16th), Liberia (14th), Libyan Arab Jamahiriya (19th), Mexico (18th), Mozambique (17th), Netherlands (14th), Peru (17th), Philippines (17th), Senegal (17th), Spain (16th), Sri Lanka (17th), Syrian Arab Republic (11th and 15th), Ukrainian Soviet Socialist Republic (12th), Union of Soviet Socialist Republics (12th and 18th), United Kingdom of Great Britain and Northern Ireland (14th), United Republic of Tanzania (15th), United States of America (16th), Venezuela (12th), Yugoslavia (17th).

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1/ For the summary records, see E/CN.4/1985/SR.8, SR.10 to SR.19, SR.28 and SR.32, and E/CN.4/1985/SR.1-58/Corrigendum, as appropriate.

2/ The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.

87. The Commission also heard statements by the observers for: Afghanistan (13th), Algeria (11th), Angola (18th), Byelorussian Soviet Socialist Republic (14th and 16th), Canada (15th), Cuba (18th), Czechoslovakia (16th), Democratic Yemen (13th), Egypt (15th), Ethiopia (17th), Hungary (18th), Iran (Islamic Republic of) (17th), Iraq (17th), Israel (16th), Morocco (11th), Poland (17th), Somalia (14th), Sudan (17th), Tunisia (16th), Uganda (19th), Viet Nam (13th).

88. Statements were made by the representatives of: the Special Committee against Apartheid (13th), the United Nations Council for Namibia (11th) and the Organization of African Unity (10th).

89. Statements were made also by the representatives of the African National Congress of South Africa (15th), the Palestine Liberation Organization (18th), the Pan Africanist Congress of Azania (11th) and the South West Africa People's Organization (11th).

90. The Commission also heard statements by the following non-governmental organizations: Afro-Asian People's Solidarity Organization (13th), International Association for the Defence of Religious Liberty (14th), International Commission of Jurists (11th), International Confederation of Free Trade Unions (17th), International Federation of Human Rights (16th), International League for the Rights and Liberation of Peoples (13th), International Movement for Fraternal Union Among Races and Peoples (13th), Pax Christi (13th), Pax Romana (16th), Women's International Democratic Federation (11th).

91. At its 32nd meeting, on 26th February 1985, the Commission took up consideration of the draft resolutions submitted under agenda item 6.

92. The representative of the United Republic of Tanzania introduced draft resolution E/CN.4/1985/L.22, sponsored by Algeria, \*/ Angola, \*/ Cameroon, the Congo, Cuba, \*/ Egypt, \*/ Ethiopia, \*/ the Gambia, Kenya, Mozambique, Senegal, the Syrian Arab Republic, Uganda, \*/ and the United Republic of Tanzania. Afghanistan, \*/ Bolivia, \*/ China, India, Lesotho, the Libyan Arab Jamahiriya, Mauritania, Nicaragua, Nigeria \*/ and Pakistan \*/ subsequently joined the sponsors.

93. The representative of the United States of America requested a vote on draft resolution A/CN.4/1985/L.22; at the request of the representative of the United Republic of Tanzania, the vote was taken by roll-call. The draft resolution was adopted by 39 votes to none, with 4 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Finland, Gambia, German Democratic Republic, India, Ireland, Japan, Jordan, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Mauritania, Mexico, Mozambique, Netherlands, Nicaragua, Peru, Philippines, Senegal, Spain, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Against: None.

Abstaining: France, Germany, Federal Republic of, United Kingdom of Great Britain and Northern Ireland, United States of America.

94. Statements in explanation of vote after the vote were made by the representatives of Australia, France and the United States of America.

95. For the text of the resolution, see chapter II, section A, resolution 1985/7.

96. The representative of the United Republic of Tanzania also introduced draft resolution E/CN.4/1985/L.23, sponsored by Algeria, \*/ Angola, \*/ Cameroon, the Congo, Cuba, \*/ Egypt, \*/ the Gambia, \*/ Kenya, Mozambique, Senegal, the Syrian Arab Republic, Uganda \*/ and the United Republic of Tanzania. Afghanistan, \*/ Bolivia, \*/ China, Ethiopia, \*/ India, Lesotho, the Libyan Arab Jamahiriya, Mauritania, Nigeria and Pakistan \*/ subsequently joined the sponsors.

97. In introducing draft resolution E/CN.4/1985/L.23, the representative of the United Republic of Tanzania, speaking on behalf of the sponsors, orally revised operative paragraphs 1 and 2, replacing the word "reports" by the word "report". He also orally revised operative paragraph 14, which read:

"Commends the Ad Hoc Working Group for its studies and conclusion that the criminal effects of apartheid amount to genocide and requests the Group to examine the question of international criminal responsibility for acts of apartheid which constitute an element of genocide;"

to read as follows:

"Takes note of the studies and findings of the Ad Hoc Working Group of Experts on the relationship between apartheid and genocide contained in the report prepared pursuant to paragraph 14 of Commission on Human Rights resolution 1983/9 and requests the Ad Hoc Working Group of Experts to continue its investigation of the matter;"

98. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1985/L.28) 3/ of draft resolution E/CN.4/1985/L.23.

99. The representative of the United Republic of Tanzania requested a roll-call vote on draft resolution E/CN.4/1985/L.23, which was adopted by 41 votes to 1, with 1 abstention. The voting was as follows:

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3/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

In favour: Argentina, Australia, Austria, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, India, Ireland, Japan, Jordan, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Mauritania, Mexico, Mozambique, Netherlands, Nicaragua, Peru, Philippines, Senegal, Spain, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: United States of America.

Abstaining: United Kingdom of Great Britain and Northern Ireland.

100. Statements in explanation of vote after the vote were made by the representatives of Australia, France, Germany, Federal Republic of, the Netherlands, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

101. For the text of the resolution, see chapter II, section A, resolution 1985/8.

VII. THE ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF  
HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC  
AND OTHER FORMS OF ASSISTANCE GIVEN TO  
COLONIAL AND RACIST REGIMES IN SOUTHERN AFRICA

102. The Commission considered agenda item 7 together with item 6 at its 8th meeting, held on 8 February 1985, and together with items 6, 16 and 17 (see chaps. VI, XVI and XVII) at its 10th to 19th meetings, held from 11 to 15 February 1985, and at its 32nd meeting, held on 26 February 1985. <sup>1/</sup>

103. The Commission had before it the following documents:

Updated report prepared by Mr. A. Khalifa, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1984/8 and Add.1 and 2) and draft resolution I recommended by the Sub-Commission (E/CN.4/1985/3, chap. I, sect. A);

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1985/NGO/17).

104. In the general debate on this item, <sup>2/</sup> statements were made by the following members of the Commission: Argentina (15th), Australia (16th), Austria (15th), Brazil (14th), Bulgaria (14th), Cameroon (8th), China (12th), Colombia (13th), Congo (16th), Cyprus (15th), Finland (on behalf of the Nordic countries) (13th), France (12th), German Democratic Republic (14th), Germany, Federal Republic of (15th), India (12th), Ireland (12th), Japan (16th), Jordan (18th), Kenya (15th), Lesotho (16th), Libyan Arab Jamahiriya (19th), Mexico (18th), Mozambique (17th), Netherlands (14th), Peru (17th), Senegal (17th), Spain (16th), Syrian Arab Republic (11th and 15th), Ukrainian Soviet Socialist Republic (12th and 15th), Union of Soviet Socialist Republics (12th and 18th), United Kingdom of Great Britain and Northern Ireland (14th), United Republic of Tanzania (15th and 18th), United States of America (16th), Yugoslavia (17th).

105. The Commission also heard statements by the observers for: Afghanistan (13th), Algeria (11th), Angola (18th), Byelorussian Soviet Socialist Republic (14th and 16th), Canada (15th), Cuba (18th), Czechoslovakia (16th), Democratic Yemen (13th), Ethiopia (17th), Hungary (18th), Indonesia (16th), Iran (Islamic Republic of) (17th), Iraq (17th), Morocco (11th), Poland (17th), Somalia (14th), Sudan (17th), Tunisia (16th), Uganda (19th), Viet Nam (13th).

106. Statements were made by the representatives of the Special Committee against Apartheid (12th) and the Organization of African Unity (10th).

107. Statements were made by the representatives of the African National Congress of South Africa (15th), the Palestine Liberation Organization (18th) and the Pan Africanist Congress of Azania (11th).

108. Statements were also made by the following non-governmental organizations: Afro-Asian People's Solidarity Organization (13th), Pax Romana (16th), Women's International Democratic Federation (11th).

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<sup>1/</sup> For the summary records, see E/CN.4/1985/SR.8, SR.10 to SR.19 and SR.32, and E/CN.4/1985/SR.1 - 58/Corrigendum, as appropriate.

<sup>2/</sup> The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.

109. Statements in right of reply or equivalent to right of reply were made by the representative of the United States of America (17th and 18th) and by the observers for Israel (12th) and Italy (12th).

110. At its 32nd meeting, on 26 February 1985, the representative of the Libyan Arab Jamahiriya introduced draft resolution E/CN.4/1985/L.25, sponsored by Algeria, \*/ the Byelorussian Soviet Socialist Republic, \*/ Cameroon, Cuba, \*/ India, Kenya, the Libyan Arab Jamahiriya, Somalia, \*/ Sudan, \*/ the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Republic of Tanzania and Viet Nam. \*/ Afghanistan, \*/ Bolivia, \*/ Bulgaria, the Congo, the Gambia, the German Democratic Republic, Iran (Islamic Republic of), \*/ Mauritania, Mongolia \*/ Nigeria \*/ and Pakistan \*/ subsequently joined the sponsors.

111. The representative of the United States of America requested a roll-call vote on the draft resolution. The draft resolution was adopted by 31 votes to 5, with 7 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Mauritania, Mexico, Mozambique, Nicaragua, Peru, Philippines, Senegal, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: France, Germany, Federal Republic of, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Costa Rica, Finland, Ireland, Japan, Spain.

112. Statements in explanation of vote after the vote were made by the representatives of Australia, Japan, Lesotho, Mozambique and the Netherlands.

113. For the text of the resolution, see chapter II, section A, resolution 1985/9.

114. The Chairman of the Commission stated that, in view of the adoption of resolution 1985/9, no action was required on draft resolution I recommended by the Sub-Commission for adoption by the Commission (E/CN.4/1985/3, chap. I, sect. A).

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

VIII. 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, INCLUDING: (a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; THE RIGHT TO DEVELOPMENT; (b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS; (c) POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS

115. The Commission considered agenda item 8 together with item 18 (see chapter XVIII) at its 42nd to 44th meetings, held on 5 and 6 March 1985, and at its 55th and 56th meetings, held on 13 and 14 March 1985. <sup>1/</sup>

116. The Commission had before it the following documents:

Study by the Secretary-General on popular participation in its various forms as an important factor in development and in the full realization of all human rights (E/CN.4/1985/10 and Add.1 and 2);

Report of the Working Group of Governmental Experts on the Right to Development (E/CN.4/1985/11);

Note verbale dated 28 February 1985 from the Permanent Mission of Guatemala to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1985/58);

Letter dated 7 March 1985 from the representative of Yugoslavia on the Commission on Human Rights addressed to the Chairman of the Commission on Human Rights (E/CN.4/1985/62);

Written statement submitted by the International Association of Democratic Lawyers, a non-governmental organization in consultative status (category II) (E/CN.4/1985/NGO/7);

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1985/NGO/9);

Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization on the Roster (E/CN.4/1985/NGO/21);

Written statement submitted by Christian Democratic International, a non-governmental organization in consultative status (category II) (E/CN.4/1985/NGO/33);

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<sup>1/</sup> For the summary records, see E/CN.4/1985/SR.42 to SR.44, SR.55 and SR.56, and E/CN.4/1985/SR.1-58/Corrigendum, as appropriate.



Written statement submitted by the International Federation of Women in Legal Careers, a non-governmental organization in consultative status category II (E/CN.4/1985/NGO/49).

117. The report of the Working Group of Governmental Experts on the Right to Development was introduced by the Chairman of the Group, Mr. A. Sène, at the 42nd meeting.

118. In the general debate on this item, statements <sup>2/</sup> were made by the following members of the Commission: Argentina (44th), Australia (44th), Austria (42nd), Brazil (43rd), Bulgaria (44th), Cameroon (44th), China (44th), Cyprus (44th), Finland (43rd), France (44th), German Democratic Republic (43rd), Germany, Federal Republic of (44th), India (44th), Ireland (42nd), Japan (44th), Jordan (42nd), Kenya (44th), Libyan Arab Jamahiriya (44th), Netherlands (44th), Nicaragua (44th), Peru (44th), Senegal (44th), Spain (43rd), Syrian Arab Republic (44th), Ukrainian Soviet Socialist Republic (43rd), Union of Soviet Socialist Republics (43rd), United Kingdom of Great Britain and Northern Ireland (43rd), United States of America (44th), Venezuela (44th), Yugoslavia (42nd).

119. The Commission heard statements by the observers for: Algeria (44th), Belgium (44th), Byelorussian Soviet Socialist Republic (44th), Cuba (44th), Ethiopia (44th), Italy (44th), Panama (44th).

120. A statement was made by the representative of the International Labour Organisation (43rd).

121. Statements were also made by the following non-governmental organizations: All-India Women's Conference (42nd), Baha'i International Community (42nd), Caritas Internationalis (44th), Christian Democratic International (43rd), International Commission of Jurists (43rd), International Federation of Rural Adult Catholic Movements (42nd), International Federation of Women in Legal Careers (44th), International Fellowship of Reconciliation (44th), International Indian Treaty Council (44th), International League for the Rights and Liberation of Peoples (43rd), Pax Romana (44th), United Towns Organization (42nd), World Council of Indigenous Peoples (42nd).

122. A statement equivalent to right of reply was made by the observer for Cuba (43rd).

123. At the 56th meeting, on 14 March 1985, the representative of the German Democratic Republic introduced draft resolution E/CN.4/1985/L.65, sponsored by Bulgaria, Cuba, <sup>\*/</sup> the Gambia, the German Democratic Republic, Hungary, <sup>\*/</sup> India, the Libyan Arab Jamahiriya, Nicaragua, Peru, the Syrian Arab Republic and the Ukrainian Soviet Socialist Republic, Afghanistan, <sup>\*/</sup> Argentina and the Byelorussian Soviet Socialist Republic <sup>\*/</sup> subsequently joined the sponsors.

124. Statements relating to the draft resolution were made by the representatives of Austria, Bulgaria, France, the German Democratic Republic and the Netherlands.

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<sup>\*/</sup> In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

<sup>2/</sup> The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.

125. The representative of France, supported by the representative of the Netherlands, proposed, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, that the Commission take no decision on draft resolution E/CN.4/1985/L.65.

126. The representative of the German Democratic Republic, supported by the representative of Bulgaria, requested a roll-call vote on this proposal. The proposal was rejected by 27 votes to 11, with 2 abstentions. The voting was as follows:

In favour: Australia, Austria, Finland, France, Germany, Federal Republic of, Ireland, Japan, Netherlands, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, German Democratic Republic, India, Jordan, Kenya, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Philippines, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Abstaining: Lesotho, Senegal.

The representative of Liberia stated that his delegation was not participating in the vote.

127. The representative of Brazil made a statement in explanation of vote before the vote on draft resolution E/CN.4/1985/L.65.

128. At the request of the representative of the German Democratic Republic, a roll-call vote was taken on draft resolution E/CN.4/1985/L.65, which was adopted by 29 votes to 6, with 5 abstentions. The voting was as follows: 3/

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, German Democratic Republic, India, Jordan, Kenya, Lesotho, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Philippines, Senegal, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: France, Germany, Federal Republic of, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Finland, Ireland, Spain.

129. For the text of the resolution, see chapter II, section A, resolution 1985/42.

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3/ The representative of Liberia subsequently indicated that, had he been present during the voting, he would have voted in favour.

130. At the 55th meeting, on 13 March 1985, the representative of Senegal introduced draft resolution E/CN.4/1985/L.52, sponsored by Cameroon, the Gambia, Lesotho, Liberia, Senegal and Somalia. \*/ Belgium, \*/ France, Kenya and the Netherlands subsequently joined the sponsors. The draft resolution read as follows:

"The Commission on Human Rights,

"Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms,

"Considering also the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

"Recalling General Assembly 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 General Assembly resolutions 3281 (XXIX) of 12 December 1974, containing the Charter of Economic Rights and Duties of States, 3362 (S-VII) of 16 September 1975 and 35/56 of 5 December 1980, containing the International Development Strategy for the Third United Nations Development Decade,

"Recalling also the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations and the Final Document of the Tenth Special Session of the General Assembly, the first devoted to disarmament,

"Particularly concerned at the deterioration in the conditions of life in some regions of the world and at the adverse effects thereof on full enjoyment of human rights in those same regions,

"Convinced that the drafting of a declaration on the right to development will make a useful contribution to the promotion and enjoyment of human rights and fundamental freedoms,

"Bearing in mind General Assembly resolution 39/145 of 14 December 1984, requesting the Secretary-General to transmit to the Assembly at its fortieth session a detailed report containing information on the progress made by the Working Group of Governmental Experts of the Commission on Human Rights in the drafting of a declaration on the right to development,

"Recalling its resolution 1984/16 of 16 March 1984,

"1. Notes with interest the report of the Working Group of Governmental Experts on the Right to Development and the work it has accomplished, as apparent from its report;

"2. Decides to reconvene the same Working Group with the same mandate so as to enable it to draw up, on the basis of its report and of all the documents already submitted, a draft declaration on the right to development;

"3. Requests the Working Group to hold a meeting lasting three weeks in January 1986;

"4. Invites the Chairman of the Working Group to hold consultations, in co-operation with the other members of the Bureau, with the members of the Group and other interested States, with a view to reconciling positions;

"5. Also invites all Member States to inform the Chairman of the Working Group, through the Centre for Human Rights, of their views on the topic, for the purpose of securing the widest possible consultation;

"6. Requests the Working Group to submit to the Commission on Human Rights, at its forty-second session, a report and concrete proposals, in the light of the views of Governments and of the consultations held by the Chairman of the Group, for the purposes of a draft declaration on the right to development;

"7. Requests the Secretary-General to provide all necessary assistance to the Working Group;

"8. Decides to consider this question as a matter of high priority at its forty-second session, with a view to taking a decision on the work undertaken on the draft declaration submitted by the Working Group."

131. At the 56th meeting, on 13 March 1985, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1985/L.89) 4/ of the draft resolution.

132. At the 55th meeting, the observer for Cuba \*/ introduced amendments (E/CN.4/1985/L.88) to draft resolution E/CN.4/1985/L.52, sponsored by Cuba, \*/ Mozambique and Nicaragua.

133. At the same meeting, speaking on behalf of the sponsors of the amendments (E/CN.4/1985/L.88), the representative of Cuba \*/ orally revised them, by deleting amendment 8, which read as follows:

"8. Insert the following as the tenth preambular paragraph:

'Bearing in mind that international instruments have noted that it is essential immediately to give particular attention to the right to development, as well as the duty entirely to liberate Africa, whose peoples are continuing to struggle for their real independence and their dignity and are undertaking to do away with colonialism, neo-colonialism, apartheid, zionism, foreign military bases of aggression and all forms of discrimination, particularly those based on race, ethnicity, colour, sex, language, religion or political opinion,"

and adding the words "so as to enable the Assembly to adopt a declaration on the right to development" at the end of amendment 12.

134. At the same meeting, statements relating to the draft resolution and the amendments thereto were made by the representatives of Argentina, Brazil, Cameroon, France, Germany, Federal Republic of, Kenya, Nicaragua, Senegal and the United Republic of Tanzania, and by the observer for Cuba.

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4/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

135. At the same meeting, the representative of Senegal proposed that a vote be taken first on draft resolution E/CN.4/1985/L.52 since the proposed amendments (E/CN.4/1985/L.88) did not constitute amendments as defined in rule 63 of the rules of procedure of the functional commissions of the Economic and Social Council, but a new proposal.

136. The motion by Senegal was supported by the representative of France.

137. The representative of Bulgaria requested a roll-call vote on the motion by Senegal.

138. The motion was rejected by 23 votes to 15, with 3 abstentions. The voting was as follows:

In favour: Australia, Austria, Cameroon, Finland, France, Germany, Federal Republic of, Ireland, Japan, Kenya, Lesotho, Liberia, Netherlands, Senegal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Argentina, Bangladesh, Brazil, Bulgaria, China, Colombia, Congo, Cyprus, German Democratic Republic, India, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Philippines, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia.

Abstaining: Gambia, Spain, Venezuela.

139. At the 56th meeting, on 14 March 1985, the representative of the United Republic of Tanzania requested that separate roll-call votes be taken on proposed amendments 2, 4, 5, 7 and 9 (E/CN.4/1985/L.88) in that order, and that the remaining amendments should then be voted on together.

140. At the same meeting, statements relating to the amendments were made by the representatives of Cameroon, India, Lesotho and Nicaragua.

141. Statements in explanation of vote before the vote were made by the representatives of France, India and Senegal.

142. Amendment 2 was adopted by 30 votes to 6, with 3 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Philippines, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: Finland, Germany, Federal Republic of, Ireland, Japan, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Spain.

The representatives of France, the Netherlands and Senegal stated that their delegations were not participating in the vote.

143. Amendment 4 was adopted by 30 votes to 6, with 3 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Philippines, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: Finland, Germany, Federal Republic of, Ireland, Japan, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Spain.

The representatives of France, the Netherlands and Senegal stated that their delegations were not participating in the vote.

144. Amendment 5 was adopted by 29 votes to 5, with 5 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: Finland, Germany, Federal Republic of, Ireland, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Japan, Philippines, Spain.

The representatives of France, the Netherlands and Senegal stated that their delegations were not participating in the vote.

145. Amendment 7 was adopted by 30 votes to none, with 9 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Philippines, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: None.

Abstaining: Australia, Austria, Finland, Germany, Federal Republic of, Ireland, Japan, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

The representatives of France, Netherlands and Senegal stated that their delegations were not participating in the vote.

146. Amendment 9 was adopted by 30 votes to 6, with 3 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Philippines, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: Finland, Germany, Federal Republic of, Ireland, Japan, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Spain.

The representatives of France, the Netherlands and Senegal stated that their delegations were not participating in the vote.

147. The representative of Lesotho proposed that, in amendment 12, the words "at its forty-first session" should be inserted after the words "General Assembly". His proposal was not accepted by the sponsors of document E/CN.4/1985/L.88.

148. Statements were made by the representatives of Kenya and Venezuela.

149. The representative of Nicaragua requested a roll-call vote on the amendment proposed by Lesotho. The proposal was rejected by 28 votes to 3, with 7 abstentions. The voting was as follows:

In favour: Kenya, Lesotho, Netherlands.

Against: Argentina, Australia, Austria, Bangladesh, Brazil, Bulgaria, China, Colombia, Congo, Costa Rica, Cyprus, German Democratic Republic, Germany, Federal Republic of, India, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Philippines, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Abstaining: Finland, Ireland, Japan, Liberia, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

The representatives of Cameroon, France, the Gambia and Senegal stated that their delegations were not participating in the vote.

150. The representative of the United Kingdom of Great Britain and Northern Ireland requested a separate vote on the words "so as to enable the Assembly to adopt a declaration on the right to development" in amendment 12 as orally revised (see para. 133 above).

151. A statement was made by the representative of the United Republic of Tanzania.

152. The representative of Peru made a statement in explanation of vote before the vote.

153. At the request of the representative of Nicaragua, the vote requested by the representative of the United Kingdom was taken by roll-call. The words "so as to enable the Assembly to adopt a declaration on the right to development" in amendment 12 as orally revised were adopted by 24 votes to 9, with 6 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, China, Colombia, Congo, Costa Rica, Cyprus, German Democratic Republic, India, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Philippines, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: Australia, Austria, Finland, Germany, Federal Republic of, Ireland, Japan, Jordan, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Cameroon, Gambia, Kenya, Lesotho, Liberia, Spain.

The representatives of France, the Netherlands and Senegal stated that their delegations were not participating in the vote.

154. Amendments 1, 3, 6, 10, 11, 12 as orally revised, and 13 to 16 (E/CN.4/1985/L.88) were adopted by 25 votes to 8, with 6 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, China, Colombia, Congo, Costa Rica, Cyprus, German Democratic Republic, India, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Philippines, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: Australia, Austria, Finland, Germany, Federal Republic of, Ireland, Japan, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Cameroon, Gambia, Kenya, Lesotho, Liberia, Spain.

The representatives of France, the Netherlands and Senegal stated that their delegations were not participating in the vote.

155. The representative of Finland proposed, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, that the Commission take no decision on draft resolution E/CN.4/1985/L.52 as amended.

156. The representative of Bulgaria requested a roll-call vote on that proposal. The proposal was rejected by 25 votes to 12, with 3 abstentions. The voting was as follows.

In favour: Australia, Austria, Finland, France, Germany, Federal Republic of, Ireland, Japan, Kenya, Netherlands, Senegal, United Kingdom of Great Britain and Northern Ireland, United States of America.



Against: Argentina, Bangladesh, Brazil, Bulgaria, China, Colombia, Congo, Cyprus, German Democratic Republic, India, Jordan, Liberia, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Philippines, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Abstaining: Cameroon, Gambia, Spain.

The representative of Costa Rica stated that his delegation was not participating in the vote.

157. Statements on draft resolution E/CN.4/1985/L.52, as amended, were made by the representatives of: Argentina, Austria, Brazil, Bulgaria, Cameroon, China, Finland, Jordan, Lesotho, Liberia, Libyan Arab Jamahiriya, Netherlands, Peru, United Republic of Tanzania, United States of America.

158. The representatives of Belgium, Cameroon, France, the Gambia, Kenya, Lesotho, Liberia, the Netherlands, Senegal and Somalia announced that their delegations no longer wished to sponsor draft resolution E/CN.4/1985/L.52, as amended. The representatives of Angola, Argentina, Bolivia, Bulgaria, the Congo, Cuba, the German Democratic Republic, the Libyan Arab Jamahiriya, Mozambique, Nicaragua, Uganda and the United Republic of Tanzania announced that their delegations wished to sponsor draft resolution E/CN.4/1985/L.52, as amended.

159. Statements in explanation of vote before the vote on draft resolution E/CN.4/1985/L.52, as amended, were made by the representatives of: Australia, China, France, Germany, Federal Republic of, Japan, Syrian Arab Republic, Spain, United Kingdom of Great Britain and Northern Ireland, Venezuela.

160. At the request of the representative of Bulgaria, a roll-call vote was taken on draft resolution E/CN.4/1985/L.52, as amended. The draft resolution was adopted by 25 votes to 10, with 6 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, China, Colombia, Congo, Costa Rica, Cyprus, German Democratic Republic, India, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Philippines, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: Australia, Austria, Finland, France, Germany, Federal Republic of, Ireland, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Cameroon, Gambia, Kenya, Lesotho, Liberia, Spain.

The representative of Senegal stated that his delegation was not participating in the vote.

161. For the text of the resolution, see chapter II, section A, resolution 1985/43.

162. On 8 March 1985, a draft resolution (E/CN.4/1985/L.82) was submitted by Angola,\* Argentina, Bolivia,\* the Congo, Costa Rica, Cuba,\* Cyprus, Ethiopia,\* Mexico, Mozambique, Nicaragua, Panama,\* the United Republic of Tanzania and Yugoslavia. The draft resolution read as follows:

"The Commission on Human Rights,

"Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms,

"Bearing in mind the Universal Declaration of Human Rights as well as the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

"Recalling the relevant agreements, conventions, resolutions, recommendations and other instruments of the United Nations and its specialized agencies concerning the integral development of the human being, economic and social progress and development of all peoples, including those instruments concerning decolonization, prevention of discrimination, respect for and observance of, human rights and fundamental freedoms, maintenance of international peace and security and further promotion of friendly relations and co-operation among States in accordance with the Charter of the United Nations,

"Taking into account General Assembly resolutions 32/130 of 16 December 1977, 34/46 of 23 November 1979, 35/174 of 15 December 1980, 36/133 of 14 December 1981, 37/199 of 18 December 1982, 38/124 of 16 December 1983, 39/145 of 14 December 1984 and all other relevant resolutions of the General Assembly,

"Recalling its resolutions 2 (XXXI) of 10 February 1975, 4 (XXXIII) of 21 February 1977, 4 (XXXV) and 5 (XXXV) of 2 March 1979, 6 (XXXVI) and 7 (XXXVI) of 21 February 1980, 36 (XXXVII) of 11 March 1981, 1982/17 of 9 March 1982, 1983/15 of 22 February 1983 and 1984/16 of 6 March 1984,

"Mindful of General Assembly resolution 39/145 which requested the Secretary-General to report to it at its fortieth session on the progress made by the Working Group of Experts of the Commission on Human Rights in the drafting of a declaration on the right to development,

"Particularly concerned over the deterioration of the conditions of life in many parts of the world, especially in Africa and by the effects of the heavy external debt of many countries in Latin America and their consequences for the enjoyment of human rights of peoples and individuals in these regions,

"Having considered the report of the Working Group of Governmental Experts on the Right to Development,

"1. Reiterates the need to create, at the national and international levels, conditions for the full promotion and protection of the human rights of individuals and peoples;

"2. Expresses its deep concern at the present situation in the attainment of the aims and objectives for the establishment of a new international economic order and the adverse effects on the full achievement of human rights and in particular of the right to development;

"3. Commends the report of the Working Group of Governmental Experts on the Right to Development which met at Geneva on two occasions between 24 September and 14 December 1984;

"4. Takes note of the progress made by the Working Group as reflected in its report;

"5. Decides to transmit to the General Assembly, through the Economic and Social Council the report of the Working Group, the part of the report of the Commission on Human Rights relating to the issue of development, the summary records of the Commission's debate during its forty-first session as well as other relevant documents;

"6. Recommends that the Chairman of the Working Group be designated to present to the Economic and Social Council and, subsequently, to the General Assembly, in accordance with its resolution 39/145, a report on the progress so far made by the Working Group of the Commission in the drafting of a declaration on the right to development."

163. At the 56th meeting, on 14 March 1985, draft resolution E/CN.4/1985/L.82 was withdrawn by the sponsors.

164. At the same meeting, the representative of Yugoslavia introduced draft resolution E/CN.4/1985/L.68, sponsored by Algeria, \*/ Bangladesh, China, Colombia, Costa Rica, Cuba, \*/ Cyprus, Ethiopia, \*/ India, Jordan, the Libyan Arab Jamahiriya, Mexico, Nicaragua, Peru, the Philippines, Poland, \*/ the Syrian Arab Republic and Yugoslavia.

165. The draft resolution was adopted without a vote.

166. For the text of the resolution, see chapter II, section A, resolution 1985/44.

IX. THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS  
APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN  
DOMINATION OR FOREIGN OCCUPATION

167. The Commission considered agenda item 9 concurrently with item 4 (see chap. IV) at its 3rd to 10th meetings, held from 5 to 11 February 1985. Item 9 was further considered by the Commission at its 19th, 20th and 22nd to 24th meetings, held from 15 to 20 February, and its 32nd and 34th meetings, held on 26 and 27 February 1985. 1/

168. The Commission had before it the following documents:

Letter dated 4 February 1985 from the Permanent Representative of Viet Nam to the United Nations addressed to the Secretary-General (A/40/116);

Note by the Secretary-General containing a list of reports, studies and publications prepared by the Division for Palestinian Rights (E/CN.4/1985/12);

Report of the Secretary-General transmitting summaries of the replies received from Governments on legislation against mercenaries, submitted pursuant to Commission resolution 1984/14 (E/CN.4/1985/13);

Letters dated 16 and 22 November 1984 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1985/39 and E/CN.4/1985/40);

Letter dated 22 January 1985 from the Permanent Representative of Viet Nam to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1985/37);

Letter dated 7 February 1985 from the head of the delegation of Democratic Kampuchea to the Chairman of the Commission on Human Rights (E/CN.4/1985/46);

Letter dated 13 February 1985 from the Permanent Representative of Malaysia to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1985/49);

Note verbale dated 19 February 1985 from the Permanent Mission of Afghanistan to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1985/51);

Letter dated 20 February 1985 from the Permanent Representative of China to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1985/53);

Letter dated 21 February 1985 from the Permanent Representative of Guatemala to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1985/54);

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1/ For the summary records, see E/CN.4/1985/SR.3 to SR.10, SR.19, SR.20, SR.22 to SR.24, SR.32 and SR.34, and E/CN.4/1985/SR.1-58/Corrigendum, as appropriate.

Note verbale dated 28 February 1985 from the Permanent Mission of Guatemala to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1985/58);

Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I) (E/CN.4/1985/NGO/2);

Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II) (E/CN.4/1985/NGO/6);

Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II) (E/CN.4/1985/NGO/8);

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1985/NGO/12);

Two written statements submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1985/NGO/16 and E/CN.4/1985/NGO/27).

Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization on the Roster (E/CN.4/1985/NGO/18);

Written statement submitted by Pax Christi and Pax Romana, non-governmental organizations in consultative status (category II) (E/CN.4/1985/NGO/25);

Written statement submitted by the World Peace Council, a non-governmental organization on the Roster (E/CN.4/1985/NGO/30).

169. In the general debate on this item, 2/ statements were made by the following members of the Commission: Argentina (22nd), Australia (20th), Austria (19th), Bangladesh (19th), Bulgaria (22nd), China (19th), Cyprus (19th), France (9th), German Democratic Republic (19th), Germany, Federal Republic of (19th), Japan (20th), Jordan (22nd), Mozambique (20th), Nicaragua (22nd), Spain (9th), Sri Lanka (19th), Syrian Arab Republic (6th), Ukrainian Soviet Socialist Republic (19th), Union of Soviet Socialist Republics (22nd), United Kingdom of Great Britain and Northern Ireland (20th), United Republic of Tanzania (20th), United States of America (20th).

170. The Commission also heard statements by the observers for: Afghanistan (20th), Algeria (19th), Byelorussian Soviet Socialist Republic (22nd), Cuba (22nd), Czechoslovakia (22nd), Democratic Kampuchea (19th), Democratic Yemen (19th), Indonesia (23rd), Iran (Islamic Republic of) (20th), Iraq (8th), Israel (19th), Mongolia (22nd), Morocco (22nd), Oman (9th), Pakistan (19th), Poland (20th), Portugal (23rd), Sudan (9th), Turkey (22nd), Viet Nam (19th).

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2/ The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.

171. The Commission heard statements by the representatives of the following national liberation movements: Palestine Liberation Organization (9th), South West Africa People's Organization (19th).

172. Statements were also made by the representatives of the following non-governmental organizations: Christian Democratic International (19th), Four Directions Council (22nd), International Indian Treaty Council (20th), International League for the Rights and Liberation of Peoples (22nd), International Union of Students (9th), International Youth and Student Movement for the United Nations (19th), Pax Christi (19th), Pax Romana (19th), World Muslim Congress (23rd).

173. Statements in exercise of the right of reply or equivalent to right of reply were made by the representatives of China (24th), Costa Rica (23rd), France (10th), Nicaragua (24th), the Syrian Arab Republic (19th), the Union of Soviet Socialist Republics (9th) and the United States of America (23rd); by the observers for Afghanistan (4th, 10th, 23rd and 24th), Canada (23rd), Democratic Kampuchea (23rd), El Salvador (23rd), Honduras (24th), Iraq (19th), Israel (23rd), Morocco (24th), Pakistan (23rd and 24th) and Viet Nam (23rd); and by the representative of the Palestine Liberation Organization (23rd).

174. At its 32nd and 34th meetings, on 26 and 27 February 1985, the Commission took up consideration of the draft resolutions submitted under this item.

175. Draft resolution E/CN.4/1985/L.14, which had been introduced by the representative of Pakistan at the 19th meeting, on 15 February 1985, was sponsored by Bahrain, \*/ Bangladesh, Colombia, Egypt, \*/ Guatemala, \*/ Honduras, \*/ Malaysia, \*/ Mauritania, Morocco, \*/ Nepal, \*/ Oman, \*/ Pakistan, \*/ the Philippines, Qatar, \*/ Saudi Arabia, \*/ Senegal, Singapore, \*/ Somalia, \*/ Sudan, \*/ Thailand, \*/ Tunisia, \*/ Turkey, \*/ and the United Arab Emirates. \*/ Costa Rica, the Gambia, Haiti, \*/ Jordan and Paraguay \*/ subsequently joined the sponsors.

176. At the 32nd meeting, comments relating to the draft resolution were made by the observer for Afghanistan.

177. At the same meeting, statements in explanation of vote before the vote were made by the representatives of Bulgaria, the German Democratic Republic, the Libyan Arab Jamahiriya, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics.

178. At the request of the representative of the Libyan Arab Jamahiriya, a roll-call vote was taken on draft resolution E/CN.4/1985/L.14. The draft resolution was adopted by 31 votes to 7, with 5 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Bangladesh, Brazil, Cameroon, China, Colombia, Costa Rica, France, Gambia, Germany, Federal Republic of, Ireland, Japan, Jordan, Kenya, Lesotho, Liberia, Mauritania, Mexico, Netherlands, Peru, Philippines, Senegal, Spain, Sri Lanka, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Yugoslavia.

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Against: Bulgaria, German Democratic Republic, Libyan Arab Jamahiriya, Mozambique, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Congo, Cyprus, Finland, India, Nicaragua.

179. For the text of the resolution, see chapter II, section A, resolution 1985/3.

180. At the 32nd meeting, the representative of the Congo introduced a revised draft resolution (E/CN.4/1985/L.15/Rev.1), <sup>3/</sup> sponsored by Algeria, <sup>\*</sup>/ Bangladesh, Bulgaria, the Congo, Cuba, <sup>\*</sup>/ the German Democratic Republic, India, Jordan, the Libyan Arab Jamahiriya, Mauritania, Morocco, <sup>\*</sup>/ Nicaragua, Pakistan, <sup>\*</sup>/ the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic and Yugoslavia. The Byelorussian Soviet Socialist Republic and Viet Nam subsequently joined the sponsors.

181. At the same meeting, comments relating to the draft resolution were made by the representatives of Jordan and the Libyan Arab Jamahiriya, by the observers for the Islamic Republic of Iran and Israel, and by the representative of the Palestine Liberation Organization.

182. Statements in explanation of vote before the vote were made by the representatives of the United States of America and Venezuela.

183. The representative of the United States requested separate roll-call votes on the last preambular paragraph and on operative paragraphs 3, 8, 9, 10 and 12 of draft resolution E/CN.4/1985/L.15/Rev.1.

184. The last preambular paragraph was adopted by 15 votes to 13, with 14 abstentions. The voting was as follows:

In favour: Bangladesh, Bulgaria, China, Congo, German Democratic Republic, India, Jordan, Libyan Arab Jamahiriya, Mauritania, Nicaragua, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia.

Against: Australia, Austria, Costa Rica, Finland, France, Germany, Federal Republic of, Ireland, Japan, Netherlands, Philippines, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Brazil, Cameroon, Colombia, Cyprus, Gambia, Kenya, Lesotho, Liberia, Mexico, Peru, Senegal, Sri Lanka, Venezuela.

The representative of Mozambique stated that his delegation was not participating in the vote.

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<sup>3/</sup> The revised draft resolution differed from draft resolution E/CN.4/1985/L.15 only in that operative paragraph 14 of the original draft, which read:

"14. Requests the Secretary-General to make available to the Commission on Human Rights and to the Sub-Commission on Prevention of Discrimination and Protection of Minorities the reports, studies and publications prepared by the Division for Palestinian Rights.",

was deleted and replaced by two new operative paragraphs.

185. Operative paragraph 3 was adopted by 24 votes to 9, with 10 abstentions.  
The voting was as follows:

In favour: Bangladesh, Bulgaria, Cameroon, China, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Libyan Arab Jamahiriya, Mauritania, Mozambique, Nicaragua, Senegal, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: Australia, Costa Rica, Finland, France, Germany, Federal Republic of, Ireland, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Austria, Brazil, Colombia, Japan, Liberia, Mexico, Peru, Philippines, Spain.

186. Operative paragraph 8 was adopted by 21 votes to 10, with 12 abstentions.  
The voting was as follows:

In favour: Argentina, Bangladesh, Bulgaria, China, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Libyan Arab Jamahiriya, Mauritania, Mozambique, Nicaragua, Senegal, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia.

Against: Australia, Costa Rica, Finland, France, Germany, Federal Republic of, Ireland, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Brazil, Cameroon, Colombia, Kenya, Lesotho, Liberia, Mexico, Peru, Philippines, Spain, Venezuela.

187. Operative paragraph 9 was adopted by 17 votes to 11, with 15 abstentions.  
The voting was as follows:

In favour: Bangladesh, Bulgaria, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Libyan Arab Jamahiriya, Mauritania, Mozambique, Nicaragua, Senegal, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Australia, Colombia, Costa Rica, Finland, France, Germany, Federal Republic of, Japan, Netherlands, Philippines, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Austria, Brazil, Cameroon, China, Ireland, Kenya, Lesotho, Liberia, Mexico, Peru, Spain, Sri Lanka, United Republic of Tanzania, Venezuela.



188. Operative paragraph 10 4/ was rejected by 17 votes to 15, with 10 abstentions. The voting was as follows:

In favour: Bangladesh, Bulgaria, China, Congo, German Democratic Republic, India, Jordan, Libyan Arab Jamahiriya, Mauritania, Nicaragua, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia.

Against: Australia, Austria, Brazil, Colombia, Costa Rica, Finland, France, Germany, Federal Republic of, Ireland, Japan, Liberia, Netherlands, Philippines, Spain, Sri Lanka, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Cameroon, Cyprus, Gambia, Kenya, Lesotho, Mexico, Peru, Senegal, Venezuela.

189. Operative paragraph 12 was adopted by 24 votes to 8, with 11 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Bulgaria, Cameroon, China, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Libyan Arab Jamahiriya, Mauritania, Mexico, Mozambique, Nicaragua, Peru, Senegal, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia.

Against: Australia, Finland, France, Germany, Federal Republic of, Ireland, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Brazil, Colombia, Costa Rica, Japan, Lesotho, Liberia, Philippines, Spain, Sri Lanka, Venezuela.

190. Draft resolution E/CN.4/1985/L.15/Rev.1 as a whole was adopted by 29 votes to 7, with 7 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Libyan Arab Jamahiriya, Mauritania, Mozambique, Nicaragua, Peru, Philippines, Senegal, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

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4/ Operative paragraph 10 read:

"10. Denounces the agreements on strategic co-operation between the United States of America and Israel signed on 30 November 1981, as well as the agreements recently concluded in this respect, which encourage Israel to persist in its policies and practices of aggression and expansion in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and which undermine efforts aimed at establishing a comprehensive and just peace in the Middle East and endanger peace in the region;"

Against: Australia, Costa Rica, Germany, Federal Republic of, Ireland, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Finland, France, Japan, Liberia, Mexico, Spain.

191. For the text of the resolution, see chapter II, section A, resolution 1985/4.

192. Also at the 32nd meeting, the representative of the United Republic of Tanzania introduced draft resolution E/CN.4/1985/L.17, sponsored by Afghanistan, \*/ Algeria, \*/ Angola, \*/ Bolivia, \*/ the Congo, Costa Rica, Cuba, \*/ Cyprus, Iran (Islamic Republic of), \*/ Lesotho, Liberia, Mauritania, Mexico, Mozambique, Nicaragua, Nigeria, \*/ Senegal, Uganda, \*/ the United Republic of Tanzania, Viet Nam \*/ and Yugoslavia. Argentina and the Gambia subsequently joined the sponsors.

193. At the same meeting, comments relating to the draft resolution were made by the observer for Morocco.

194. Statements in explanation of vote before the vote were made by the representatives of Colombia and Jordan.

195. The representative of the Libyan Arab Jamahiriya requested a roll-call vote on draft resolution E/CN.4/1985/L.17. The draft resolution was adopted by 30 votes to none, with 12 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Brazil, Bulgaria, Cameroon, Colombia, Congo, Costa Rica, Cyprus, Finland, Gambia, German Democratic Republic, India, Kenya, Lesotho, Liberia, Mauritania, Mexico, Mozambique, Nicaragua, Peru, Senegal, Spain, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: None.

Abstaining: Bangladesh, China, France, Germany, Federal Republic of, Ireland, Japan, Jordan, Netherlands, Philippines, Sri Lanka, United Kingdom of Great Britain and Northern Ireland, United States of America.

The representative of the Libyan Arab Jamahiriya stated that his delegation was not participating in the vote.

196. For the text of the resolution, see chapter II, section A, resolution 1985/5.

197. The consideration of draft resolution E/CN.4/1985/L.18 was postponed until the 34th meeting. The representatives of Austria, China and the Union of Soviet Socialist Republics made statements.

198. At the 32nd meeting, the representative of Cameroon introduced draft resolution E/CN.4/1985/L.19, sponsored by Bangladesh, Bulgaria, Cameroon, the Congo, Cuba, \*/ Egypt, \*/ the Gambia, the German Democratic Republic, Kenya, the Libyan Arab Jamahiriya, Senegal, Somalia, \*/ Sudan, \*/ the Ukrainian Soviet Socialist Republic and the United Republic of Tanzania. Afghanistan, \*/ Algeria, \*/ the Byelorussian Soviet Socialist Republic, \*/ Ethiopia, \*/ Iran (Islamic Republic of), \*/ Liberia, Mauritania, Pakistan, \*/ the Syrian Arab Republic and Viet Nam \*/ subsequently joined the sponsors.

199. The representative of Colombia made a statement in explanation of vote before the vote.

200. The representative of Costa Rica requested a separate vote on operative paragraph 2 of draft resolution E/CN.4/1985/L.19; at the request of the representative of the Gambia, the vote was taken by roll-call. Operative paragraph 2 was adopted by 29 votes to 8, with 6 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Mauritania, Mexico, Mozambique, Nicaragua, Senegal, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: Australia, Finland, France, Germany, Federal Republic of, Netherlands, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Costa Rica, Ireland, Japan, Peru, Philippines.

201. The representative of Peru requested a separate vote on operative paragraph 3 of the same draft resolution; at the request of the representative of the Gambia, the vote was taken by roll-call. Operative paragraph 3 was adopted by 28 votes to 8, with 6 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Liberia, Libyan Arab Jamahiriya, Mauritania, Mexico, Mozambique, Nicaragua, Senegal, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: Australia, Finland, France, Germany, Federal Republic of, Netherlands, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Costa Rica, Ireland, Japan, Peru, Philippines.

The representative of Lesotho stated that his delegation was not participating in the vote.

202. At the request of the representative of the United Republic of Tanzania, a roll-call vote was taken on draft resolution E/CN.4/1985/L.19 as a whole. The draft resolution was adopted by 32 votes to 4, with 7 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Mauritania, Mexico, Mozambique, Nicaragua, Peru, Philippines, Senegal, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: France, Germany, Federal Republic of, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Finland, Ireland, Japan, Netherlands, Spain.

203. For the text of the resolution, see chapter II, section A, resolution 1985/6.

204. Statements in explanation of vote after the votes on the draft resolutions were made by the representatives of Argentina, Australia, Austria, Finland, France, Mozambique, the Netherlands, Peru, Spain, Sri Lanka and the United States of America.

205. At the 34th meeting, on 27 February 1985, the representative of the Philippines introduced draft resolution E/CN.4/1985/L.18, sponsored by Bangladesh, Belgium, \*/ Canada, \*/ Costa Rica, the Gambia, Germany, Federal Republic of, Haiti, \*/ Honduras, \*/ Italy, \*/ Japan, Liberia, Luxembourg, \*/ Malaysia, \*/ Nepal, \*/ the Netherlands, New Zealand, \*/ Oman, \*/ Pakistan, \*/ the Philippines, Qatar, \*/ Singapore, \*/ Somalia, \*/ Sudan, \*/ Thailand, \*/ Turkey \*/ and the United Kingdom of Great Britain and Northern Ireland. Mauritania subsequently joined the sponsors.

206. At the same meeting, comments on the draft resolution were made by the observers for Democratic Kampuchea and Viet Nam.

207. Statements in explanation of vote before the vote were made by the representatives of Bulgaria, the German Democratic Republic, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics.

208. The representative of the Philippines requested a roll-call vote on draft resolution E/CN.4/1985/L.18. The draft resolution was adopted by 28 votes to 8, with 5 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Bangladesh, Brazil, Cameroon, China, Colombia, Costa Rica, France, Gambia, Germany, Federal Republic of, Ireland, Japan, Kenya, Lesotho, Liberia, Mauritania, Netherlands, Peru, Philippines, Senegal, Spain, Sri Lanka, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

Against: Bulgaria, Congo, German Democratic Republic, India, Libyan Arab Jamahiriya, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Finland, Mexico, Mozambique, Nicaragua, United Republic of Tanzania.

The representatives of Cyprus and Jordan stated that their delegations were not participating in the vote.

209. For the text of the resolution, see chapter II, section A, resolution 1985/12.

210. Statements relating to the resolution were made by the representatives of China and the Union of Soviet Socialist Republics.

X. QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED  
TO ANY FORM OF DETENTION OR IMPRISONMENT

211. The Commission considered agenda item 10 and subitems 10 (a) and 10 (b) at its 27th to 31st and 33rd meetings, held from 22 to 27 February, at its 51st meeting, on 11 March, and at its 55th meeting, on 13 March 1985. 1/

212. In relation to item 10, the Commission had before it the following documents:

Note verbale dated 28 February 1985 from the Permanent Mission of Guatemala to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1985/58);

Written statements submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1985/NGO/26 and E/CN.4/1985/NGO/46);

Report on restraints in the use of force prepared by the Secretary-General in accordance with Sub-Commission resolution 1983/24 (E/CN.4/Sub.2/1984/14);

Preliminary report by Mr. Louis Joinet, Special Rapporteur of the Sub-Commission, on the study on amnesty laws and their role in the safeguard and promotion of human rights (E/CN.4/Sub.2/1984/15);

Guide by the Secretary-General to conventions, resolutions and reports of the United Nations concerning the death penalty (E/CN.4/Sub.2/1984/17);

Report of the sessional working group of the Sub-Commission on the question of persons detained on the grounds of mental ill-health or suffering from mental disorder (E/CN.4/Sub.2/1984/19).

213. In the general debate on item 10, 2/ statements were made by the following members of the Commission: Cameroon (31st), Japan (28th), Peru (28th), Spain (30th), Syrian Arab Republic (30th), Union of Soviet Socialist Republics (28th), United States of America (33rd), Venezuela (31st).

214. The Commission heard statements by the observers for: Canada (28th), Iran (Islamic Republic of) (33rd), Iraq (29th), Israel (28th), Paraguay (31st).

215. The representative of the League of Arab States (33rd) made a statement.

216. The Commission also heard a statement by the representative of the Palestine Liberation Organization (31st).

217. Statements were also made by the following non-governmental organizations: Centre Europe-Tiers Monde (29th), Christian Democratic International (28th),

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1/ For the summary records, see E/CN.4/1985/SR.27 to SR.31, SR.33, SR.51 and SR.55, and E/CN.4/1985/SR.1-58/Corrigendum, as appropriate.

2/ The number given in parentheses following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.

International Commission of Jurists (28th), International Indian Treaty Council (28th), International League for the Rights and Liberation of Peoples (29th), International Movement for Fraternal Union among Races and Peoples (33rd), Pax Christi (30th), Pax Romana (31st), Union of Arab Jurists (29th), Women's International League for Peace and Freedom (31st), World Confederation of Labour (30th), World Council of Indigenous Peoples (31st).

218. Statements in right of reply or equivalent to right of reply were made by the representatives of Brazil (33rd), Peru (31st), the Philippines (33rd), the Syrian Arab Republic (29th) and the United States of America (29th), and by the observers for Guatemala (33rd), Iraq (33rd), Morocco (29th), Sudan (29th), Turkey (29th) and Yemen (29th).

219. At the 51st meeting, on 11 March 1985, the representative of the Ukrainian Soviet Socialist Republic introduced draft resolution E/CN.4/1985/L.34, sponsored by Bulgaria, the Gambia, the German Democratic Republic, Jordan, the Libyan Arab Jamahiriya, Mauritania, Sri Lanka, the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic and the United Republic of Tanzania. Afghanistan, \*/ Algeria, \*/ Bangladesh, the Congo, Cuba, \*/ India and Somalia \*/ subsequently joined the sponsors.

220. The representatives of France and the United States of America made statements in explanation of vote before the vote.

221. At the request of the representative of Costa Rica, a separate vote was taken on operative paragraph 1 of the draft resolution; at the request of the representative of the Gambia, the vote was taken by roll-call. The paragraph was adopted by 22 votes to 7, with 13 abstentions. The voting was as follows:

In favour: Bangladesh, Bulgaria, China, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Senegal, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia.

Against: Australia, Costa Rica, Germany, Federal Republic of, Ireland, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Austria, Brazil, Cameroon, Colombia, Finland, France, Japan, Liberia, Peru, Philippines, Spain, Venezuela.

222. The representative of the United States of America asked for a vote on the draft resolution as a whole; at the request of the representative of the Gambia, the vote was taken by roll-call. The draft resolution was adopted by 32 votes to 1, with 9 abstentions. The voting was as follows:

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

In favour: Argentina, Austria, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Cyprus, Finland, France, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Philippines, Senegal, Spain, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: United States of America.

Abstaining: Australia, Costa Rica, Germany, Federal Republic of, Ireland, Japan, Liberia, Netherlands, Peru, United Kingdom of Great Britain and Northern Ireland.

223. The representatives of Ireland and Peru made statements in explanation of vote after the vote.

224. For the text of the resolution, see chapter II, section A, resolution 1985/15.

225. At the same meeting, the representative of Argentina introduced draft resolution E/CN.4/1985/L.41, sponsored by Argentina, Australia, Jordan and the Netherlands. Cyprus and Costa Rica subsequently joined the sponsors.

226. The draft resolution was adopted without a vote.

227. For the text of the resolution, see chapter II, section A, resolution 1985/16.

228. At the same meeting, the representative of Australia introduced draft resolution E/CN.4/1985/L.43, sponsored by Australia, Belgium, \*/ Bulgaria, Canada, \*/ Colombia, Costa Rica, the Gambia, India, Japan, the Netherlands, Peru, Spain, Sri Lanka and Venezuela. Argentina and Portugal \*/ subsequently joined the sponsors.

229. The draft resolution was adopted without a vote.

230. For the text of the resolution, see chapter II, section A, resolution 1985/17.

231. At the same meeting, the representative of Finland introduced draft resolution E/CN.4/1985/L.45, sponsored by Argentina, Australia, Austria, Belgium, \*/ Costa Rica, Cyprus, Denmark, \*/ Finland, France, Greece, \*/ Italy, \*/ the Netherlands, Norway, \*/ Senegal, Spain, Sweden, \*/ Venezuela and Yugoslavia. Portugal \*/ subsequently joined the sponsors.

232. The representative of Austria made a statement.

233. The draft resolution was adopted without a vote.

234. For the text of the resolution, see chapter II, section A, resolution 1985/18.

235. At the 55th meeting, on 13 March 1985, the representative of Argentina introduced draft resolution E/CN.4/1985/L.44/Rev.1, 3/ sponsored by Argentina, Austria, Belgium, \*/ Bolivia, \*/ Colombia, Costa Rica, Denmark, \*/ Finland, France, the Gambia, Ireland, Italy, \*/ Jordan, Lesotho, the Netherlands, Norway, \*/ Portugal, \*/ Senegal, Spain, Sweden, \*/ the United States of America, Venezuela and Yugoslavia.

236. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1985/L.64) 4/ of the draft resolution.

237. Statements relating to the draft resolution were made by the representatives of Argentina, Cameroon, the Netherlands and the United Republic of Tanzania.

238. The representative of the United Republic of Tanzania asked for a vote on the draft resolution, and a roll-call vote was requested by the representative of the Netherlands. The draft resolution was adopted by 30 votes to none, with 12 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Bangladesh, Brazil, Colombia, Costa Rica, Cyprus, Finland, France, Gambia, Germany, Federal Republic of, India, Ireland, Japan, Jordan, Kenya, Lesotho, Libyan Arab Jamahiriya, Mexico, Netherlands, Nicaragua, Peru, Senegal, Spain, Sri Lanka, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

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3/ The revised draft resolution (E/CN.4/1985/L.44/Rev.1) differed from the original draft resolution (E/CN.4/1985/L.44) only in the text of operative paragraphs 1, 3, 6 and 7, which in the original draft read as follows:

"1. Decides to appoint for one year a special rapporteur to examine questions relevant to torture and other cruel, inhuman or degrading treatment or punishment;"

"3. Decides further that the special rapporteur, in carrying out his mandate, shall seek and receive information from Governments, as well as specialized agencies, intergovernmental organizations and non-governmental organizations;"

"6. Invites the special rapporteur, in carrying out his mandate, to bear in mind the need to be able to respond effectively to information that comes before him and to carry out his work with discretion;"

"7. Requests the special rapporteur to submit a comprehensive report to the Commission at its forty-second session on his activities regarding the question of torture and other cruel, inhuman and degrading treatment or punishment, including the occurrence and extent of these practices, together with his conclusions and recommendations."

4/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.



Against: None.

Abstaining: Bulgaria, Cameroon, China, Congo, German Democratic Republic, Liberia, Mozambique, Philippines, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania.

239. For the text of the resolution, see chapter II, section A, resolution 1985/33.

A. Torture and other cruel, inhuman or degrading treatment or punishment

240. In relation to agenda item 10 (a), the Commission had before it the following documents:

Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/39/662);

General Assembly resolution 39/46, the annex to which contains the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

Note by the Secretary-General updating the information in his report (A/39/662) on pledges and contributions to the Fund (E/CN.4/1985/55).

241. In the general debate on item 10 (a), 2/ statements were made by the following members of the Commission: Australia (30th), Austria (31st), Cameroon (31st), China (28th), Costa Rica (27th), Cyprus (31st), France (30th), Germany, Federal Republic of (30th), India (30th), Ireland (30th), Japan (28th), Netherlands (28th), Senegal (28th), Spain (30th), Sri Lanka (30th), Ukrainian Soviet Socialist Republic (31st), Union of Soviet Socialist Republics (28th), United Kingdom of Great Britain and Northern Ireland (27th), United States of America (33rd), Venezuela (31st).

242. The Commission heard statements by the observers for: Afghanistan (31st), Bolivia (30th), Canada (28th), Cuba (31st), Greece (31st), Israel (28th), Italy (29th), Uganda (33rd).

243. Statements were also made by the following non-governmental organizations: Amnesty International (28th), Baha'i International Community (29th).

244. At the 51st meeting, on 11 March 1985, the representative of Finland introduced draft resolution E/CN.4/1985/L.46, sponsored by Argentina, Australia, Canada, \*/ Cyprus, Denmark, \*/ Finland, France, Germany, Federal Republic of, Greece, \*/ the Netherlands, Norway, \*/ Sweden, \*/ the United States of America and Yugoslavia. Costa Rica subsequently joined the sponsors.

245. The draft resolution was adopted without a vote.

246. For the text of the resolution, see chapter II, section A, resolution 1985/19.

B. Question of enforced or involuntary disappearances

247. In relation to agenda item 10 (b), the Commission had before it the following documents:

Report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1985/15 and Add.1);

Letter dated 28 February 1985 from the representative of Peru on the Commission on Human Rights addressed to the Chairman of the Commission (E/CN.4/1985/61);

Written statement submitted by the International Association of Democratic Lawyers, a non-governmental organization in consultative status (category II) (E/CN.4/1985/NGO/10);

Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization on the Roster (E/CN.4/1985/NGO/23).

248. At the 27th meeting, held on 22 February 1985, Mr. Ivan Toševski, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, introduced the Group's report. At the 33rd meeting, held on 27 February 1985, at the end of the discussion of item 10 (b), the Chairman-Rapporteur made a concluding statement.

249. In the general debate on item 10 (b), 2/ statements were made by the following members of the Commission: Argentina (30th), Australia (30th), Austria (31st), Cameroon (31st), Cyprus (31st), Finland (27th), France (30th), Germany, Federal Republic of (30th), India (30th), Ireland (30th), Japan (28th), Netherlands (28th), Nicaragua (31st), Peru (28th), Spain (30th), Sri Lanka (30th), Syrian Arab Republic (30th), Ukrainian Soviet Socialist Republic (31st), Union of Soviet Socialist Republics (28th), United Kingdom of Great Britain and Northern Ireland (27th), United States of America (33rd).

250. The Commission heard statements by the observers for: Afghanistan (31st), Bolivia (30th), Canada (28th), Cuba (31st), Iran (Islamic Republic of) (33rd), Israel (28th), Paraguay (31st), Uganda (33rd).

251. Statements were also made by the following non-governmental organizations: Amnesty International (30th), Centre Europe-Tiers Monde (29th), Christian Christian Democratic International (28th), International Federation of Human Rights (29th), International Movement for Fraternal Union among Races and Peoples (33rd), Pax Christi (30th), Pax Romana (31st), Women's International League for Peace and Freedom (31st), World Confederation of Labour (30th).

252. Statements in right of reply or equivalent to right of reply were made by the representatives of Peru (29th and 31st) and the Philippines (33rd), and by the observers for Guatemala (33rd), Morocco (29th) and Yemen (29th).

253. At the 51st meeting, on 11 March 1985, the representative of France introduced draft resolution E/CN.4/1985/L.42, sponsored by Argentina, Canada, \*/ Costa Rica, France, the Gambia, Germany, Federal Republic of, Ireland, Italy, \*/ the Netherlands, Senegal, Spain and the United Kingdom of Great Britain and Northern Ireland. Austria and Portugal \*/ subsequently joined the sponsors.

254. At the same meeting, the Commission's attention was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1985/L.85) 4/ of the draft resolution.

255. The draft resolution was adopted without a vote.

256. For the text of the resolution, see chapter II, section A, resolution 1985/20.

XI. FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION; ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS; NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

257. The Commission considered agenda item 11 at its 53rd meeting, held on 12 March, and at its 57th meeting, held on 14 March 1985. <sup>1/</sup>

258. The Commission had before it the following documents:

Report of the Secretary-General on national institutions for the promotion and protection of human rights (A/39/556 and Add.1);

Report of the Secretary-General on the development of public information activities in the field of human rights (E/CN.4/1985/16);

Information submitted by the Council of Europe on its activities in the field of human rights in 1984 (E/CN.4/1985/42);

Report of the open-ended working group established under Commission resolution 1983/51 (E/CN.4/1984/73);

Written statement submitted by the Arab Lawyers Union, a non-governmental organization in consultative status (category II) (E/CN.4/1985/NGO/55);

Written statement submitted by the Brahma Kumaris World Spiritual University, a non-governmental organization on the Roster (E/CN.4/1985/NGO/56).

259. In the general debate on the item, which took place at the 53rd meeting, on 12 March 1985, statements were made by the following members of the Commission: Australia, Bulgaria, China, India, Ireland, Sri Lanka, Union of Soviet Socialist Republics.

260. The Commission also heard a statement by the observer for Italy.

261. A statement was made by the observer for the Republic of Korea.

262. Statements were also made by the following non-governmental organizations: Amnesty International, Pax Romana.

263. At the 57th meeting, on 14 March 1985, the representative of Sri Lanka introduced draft resolution E/CN.4/1985/L.63, sponsored by Australia and Sri Lanka. Bangladesh subsequently joined the sponsors.

264. The Commission adopted draft resolution E/CN.4/1985/L.63 without a vote.

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<sup>1/</sup> For the summary records, see E/CN.4/1985/SR.53 and SR.57, and E/CN.4/1985/SR.1-58/Corrigendum, as appropriate.

265. For the text of the resolution, see chapter II, section A, resolution 1985/48.

266. At the same meeting, the representative of Australia introduced draft resolution E/CN.4/1985/L.70, sponsored by Australia, Colombia, Ireland, Peru and Yugoslavia. Argentina, Cyprus, the Gambia, India, Jordan, the Libyan Arab Jamahiriya and the Netherlands subsequently joined the sponsors.

267. In introducing the draft resolution, the representative of Australia orally revised operative paragraph 6, which read:

"Requests the Secretary-General, taking into account material in the field of human rights already prepared by specialized agencies, regional bodies, Governments, groups and individuals, to prepare, as a matter of priority, within existing resources during the current budget period, a basic human rights teaching booklet in the six official languages of the United Nations and to include this project as an item in the next biennial budget;"

to read as follows:

"Requests the Secretary-General to collect, within existing resources during the current budget period, relevant material in the field of human rights already prepared by specialized agencies, regional bodies, groups and individuals with a view to preparing a basic human rights teaching booklet in the six official languages of the United Nations and to include this project as a priority item in a future biennial budget;"

268. The representative of Senegal proposed that the words "non-governmental organizations" be inserted between the words "groups" and "and individuals" in the revised version of operative paragraph 6. This amendment was accepted by the sponsors.

269. Draft resolution E/CN.4/1985/L.70, as orally revised and amended, was adopted without a vote.

270. For the text of the resolution, see chapter II, section A, resolution 1985/49.

271. At the same meeting, the representative of Yugoslavia introduced draft decision E/CN.4/1985/L.77, sponsored by India and Yugoslavia. Cyprus subsequently joined the sponsors.

272. Draft decision E/CN.4/1985/L.77 was adopted without a vote.

273. For the text of the decision, see chapter II, section B, decision 1985/110.

XII. 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

274. The Commission considered agenda item 12 together with subitem 12 (a) at its 41st and 42nd meetings, held on 5 March 1985, and at its 45th to 53rd meetings, held from 7 to 12 March 1985. <sup>1/</sup> Subitem 12 (b) was considered by the Commission at its 38th to 41st (closed) meetings, held on 1 to 5 March, and at its 47th and 48th (closed) meetings, held on 8 March 1985.

275. In connection with the consideration of this item, the Commission had before it the following documents:

Note by the Secretary-General transmitting the interim report on the situation of human rights in Guatemala prepared by the Special Rapporteur of the Commission on Human Rights (A/39/635);

Note by the Secretary-General transmitting the report on the situation of human rights in El Salvador prepared by the Special Representative of the Commission on Human Rights (A/39/636);

Note by the Secretary-General transmitting the report on the provision of expert assistance in the field of human rights to Equatorial Guinea submitted by the expert, Mr. Fernando Volio Jiménez (E/CN.4/1985/9);

Introductory note to the report by the expert, Mr. Fernando Volio Jiménez, appointed in accordance with Economic and Social Council resolution 1984/36 (E/CN.4/1985/9/Add.1);

Report on summary or arbitrary executions by the Special Rapporteur, Mr. S. Amos Wako, appointed pursuant to Economic and Social Council resolution 1984/35 of 24 May 1984 (E/CN.4/1985/17);

Final report on the situation of human rights in El Salvador, submitted by Mr. José Antonio Pastor Ridruejo in fulfilment of the mandate conferred under Commission resolution 1984/52 (E/CN.4/1985/18);

Report on the situation of human rights in Guatemala prepared by the Special Rapporteur, Viscount Colville of Culross, in accordance with paragraph 14 of Commission on Human Rights resolution 1984/53 of 14 March 1984 (E/CN.4/1985/19);

Preliminary report by the Special Representative of the Commission, Mr. Andrés Aguilar, appointed pursuant to resolution 1984/54, on the human rights situation in the Islamic Republic of Iran (E/CN.4/1985/20);

Report on the situation of human rights in Afghanistan prepared by the Special Rapporteur, Mr. Felix Ermacora, in accordance with Commission on Human Rights resolution 1984/55 (E/CN.4/1985/21);

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<sup>1/</sup> For the summary records, see E/CN.4/1984/SR.41, SR.42 and SR.45 to SR.53, and E/CN.4/1985/SR.1-57/Corrigendum, as appropriate.

Report of the Secretary-General on the question of human rights in Cyprus submitted pursuant to Commission on Human Rights decision 1984/117 (E/CN.4/1985/22);

Note verbale dated 3 September 1984 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1985/2);

Letter dated 21 December 1984 from the Chairman of the Arab Group for the month of December addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1985/7/Rev.1);

Letter dated 11 December 1984 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1985/44);

Letter dated 21 February 1985 from the Permanent Representative of Guatemala to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1985/54);

Letter dated 28 February 1985 from the Permanent Representative of the United States of America to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1985/57);

Note verbale dated 28 February 1985 from the Permanent Mission of Guatemala to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1985/58);

Note verbale dated 1 March 1985 from the Permanent Mission of Guatemala to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1985/60);

Letter dated 12 March 1985 from the Permanent Representative of Guatemala to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1985/63);

Written statements submitted by Amnesty International, a non-governmental organization in consultative status (category II) (E/CN.4/1985/NGO/4, E/CN.4/1985/NGO/8, E/CN.4/1985/NGO/29);

Written statements submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1985/NGO/13, E/CN.4/1985/NGO/15);

Written statement submitted by the Procedural Aspects of International Law Institute, a non-governmental organization on the Roster (E/CN.4/1985/NGO/14);

Written statements submitted by Pax Christi, a non-governmental organization in consultative status (category II) (E/CN.4/1985/NGO/20, E/CN.4/1985/NGO/34);

Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization on the Roster (E/CN.4/1985/NGO/21);

Written statement submitted by Pax Christi and Pax Romana, non-governmental organizations in consultative status (category II) (E/CN.4/1985/NGO/25);

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I) (E/CN.4/1985/NGO/28 and Add.1);

Written statement submitted by Christian Democratic International, a non-governmental organization in consultative status (category II) (E/CN.4/1985/NGO/36);

Written statements submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1985/NGO/38, E/CN.4/1985/NGO/50);

Written statement submitted by Disabled People's International, a non-governmental organization in consultative status (category II) (E/CN.4/1985/NGO/44);

Written statements submitted by the International Youth and Student Movement for the United Nations, a non-governmental organization in consultative status (category I) (E/CN.4/1985/NGO/52, E/CN.4/1985/NGO/54);

Written statement submitted by the International Association of Democratic Lawyers, a non-governmental organization in consultative status (category II) (E/CN.4/1985/NGO/57).

276. Before opening the public debate on item 12 as a whole, at the Commission's 41st meeting, on 5 March 1985, the Chairman announced that the Commission had taken action in private session under Economic and Social Council resolution 1503 (XLVIII) with regard to the following countries: Albania, Benin, Haiti, Indonesia (East Timor), Pakistan, Paraguay, the Philippines, Turkey and Zaire. He added that the Commission would take action later during the current session with regard to one remaining country, namely, Uruguay, under Council resolution 1503 (XLVIII).

277. The Chairman reminded the members of the Commission that, in conformity with paragraph 8 of Council resolution 1503 (XLVIII), they should not make any reference in the public debate to the confidential decisions taken under Council resolution 1503 (XLVIII) nor to any confidential material relating thereto. The Chairman also announced that the situations relating to Benin, Indonesia (East Timor) and Pakistan were no longer under consideration by the Commission under Council resolution 1503 (XLVIII).

278. At the 48th meeting, on 8 March 1985, the Chairman announced that the Commission had concluded consideration of item 12 (b) and had decided to discontinue consideration of the human rights situation in Uruguay under Council resolution 1503 (XLVIII). He also announced that the Commission had decided to recommend to the Economic and Social Council that the material relating to Uruguay which had been before the Commission under Council resolution 1503 (XLVIII) should no longer be restricted (see para. 357 below).

279. At the 47th meeting, on 8 March 1985, the Special Envoy of the Government of Uruguay, Senator Alberto Zumarán, addressed the Commission. In that connection, statements were made by the representatives of Argentina, Brazil, Colombia, Costa Rica, France, the German Democratic Republic (on behalf of the

Eastern European States), Jordan (on behalf of the Asian States), Mexico, Nicaragua, Peru, Senegal (on behalf of the African States), Spain (on behalf of the Western European and other States) and Venezuela, and by the observers for Bolivia, Cuba, Ecuador, El Salvador, Guatemala and Panama. The representative of the International Association of Penal Law made a statement on behalf of the non-governmental organizations.

280. In the general debate on item 12 as a whole, 2/ statements were made by the following members of the Commission: Australia (48th), Austria (51st), Bulgaria (46th), Cameroon (46th), China (49th), Colombia (47th), Finland (46th), France (49th), German Democratic Republic (46th and 48th), Germany, Federal Republic of (48th), India (48th), Ireland (50th), Japan (46th), Jordan (52nd), Libyan Arab Jamahiriya (51st), Mexico (49th), Netherlands (45th, 48th and 51st), Nicaragua (52nd), Spain (46th), Sri Lanka (49th), Syrian Arab Republic (49th), Ukrainian Soviet Socialist Republic (46th and 49th), Union of Soviet Socialist Republics (45th, 49th, 50th and 52nd), United Kingdom of Great Britain and Northern Ireland (51st), United States of America (49th and 51st), Venezuela (45th).

281. The Commission also heard statements by the observers for: Afghanistan (48th and 49th), Belgium (46th), Byelorussian Soviet Socialist Republic (50th), Canada (49th), Cuba (46th), Czechoslovakia (46th), Denmark (46th and 49th), El Salvador (49th), Guatemala (45th), Iran (Islamic Republic of) (50th), Israel (46th), Italy (46th), Lebanon (49th), Mongolia (50th), Norway (46th), Poland (52nd), Suriname (49th), Sweden (46th).

282. A statement was made by the representative of the Palestine Liberation Organization (50th).

283. Statements were also made by the following non-governmental organizations: Amnesty International (46th), Anti-Slavery Society for the Protection of Human Rights (46th), Arab Lawyers Union (46th), Baha'i International Community (46th), Centre Europe-Tiers Monde (49th), Christian Democratic International (45th), Disabled People's International (46th), Four Directions Council (46th), International Association for the Defence of Religious Liberty (46th), International Commission of Jurists (46th), International Confederation of Free Trade Unions (46th), International Council of Jewish Women (46th), International Federation of Human Rights (46th), International Federation of Rural Adult Catholic Movements (46th), International Fellowship of Reconciliation (50th), International Indian Treaty Council (51st), International League for Human Rights (49th), International League for the Rights and Liberation of Peoples (46th), International Movement for Fraternal Union among Races and Peoples (46th), International Young Catholic Students (46th), International Youth and Student Movement for the United Nations (46th), Inter-Parliamentary Union (46th), Pax Christi (46th), Pax Romana (46th), Union of Arab Jurists (50th), Women's International League for Peace and Freedom (46th), World Student Christian Federation (46th), World University Service (50th).

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2/ The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.



284. Statements in right of reply were made by the following members of the Commission: China (53rd), Germany, Federal Republic of (53rd), India (52nd), Libyan Arab Jamahiriya (53rd), Netherlands (53rd), Peru (52nd), Sri Lanka (52nd), Ukrainian Soviet Socialist Republic (53rd), United States of America (53rd).

285. Statements equivalent to right of reply were made by the observers for: Afghanistan (53rd), Cuba (53rd), Denmark (53rd), El Salvador (52nd), Guatemala (52nd), Iran (Islamic Republic of) (53rd), Iraq (53rd), Italy (53rd), Lebanon (53rd), Pakistan (52nd), Sudan (52nd), Uganda (53rd), Viet Nam (53rd).

#### Situation of human rights in El Salvador

286. In connection with the consideration of this matter, the Commission had before it the following documents: E/CN.4/1985/18, E/CN.4/1985/NGO/4, E/CN.4/1985/NGO/13, E/CN.4/1985/NGO/38, E/CN.4/1985/NGO/52.

287. At the 42nd meeting, on 5 March 1985, the Special Representative, Mr. José Antonio Pastor Ridruejo, introduced his report (E/CN.4/1985/18) to the Commission.

288. On 6 February 1985, a draft resolution (E/CN.4/1985/L.12) was submitted by Costa Rica and Venezuela, reading as follows:

#### "The Commission on Human Rights,

"Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments,

"Reaffirming also that it is one of the essential tasks of the United Nations to ensure the observance, promotion and strengthening of human rights among the Member States,

"Recalling that in resolutions 35/192 of 15 December 1980, 36/155 of 16 December 1981, 37/185 of 17 December 1982 and 38/101 of 16 December 1983, the General Assembly expressed its deep concern at the situation of human rights in El Salvador,

"Bearing in mind the Commission's resolution 32 (XXVII) of 11 March 1981 in which it decided to appoint a special representative on the situation of human rights in El Salvador, and its resolutions 1982/28 of 11 March 1982, 1983/29 of 8 March 1983 and 1984/52 of 14 March 1984 whereby it extended the mandate of the Special Representative for another year, requesting him to report, inter alia, to the General Assembly at its thirty-ninth session, and to the Commission on Human Rights at its forty-first session,

"Taking note of the report prepared at the request of the Commission on Human Rights in resolution 1984/52 by the Special Representative,

"Recognizing that the new legitimacy given to the Salvadorian Government by the elections of May 1984, and the manifest will of that Government to establish a democracy upholding the rule of law and respect for human rights are helping to create a climate more propitious for national reconciliation,

"Observing that the Special Representative of the Commission on Human Rights reiterates in his report that the adoption of a new government policy there has brought a distinct reduction in the number of violations of human rights, which he welcomes, but that El Salvador is nevertheless still in a situation of war and wholesale violence, that serious violations of human rights are persisting, that the number of attacks on life and on the economic structure are still a matter of concern, and that the ability of the judicial system to investigate and sanction violations against human rights committed in the country is still quite unsatisfactory,

"Considering that El Salvador is a prey to armed conflict not of an international character in which the Salvadorian Government and the opposition forces are under an obligation to apply the minimum standard of protection of human rights and of humane treatment laid down in article 3 common to the 1949 Geneva Conventions and Additional Protocol II of 1977,

"Bearing in mind also the praiseworthy humanitarian work carried out in El Salvador by the International Committee of the Red Cross,

"Noting the statement by the President of El Salvador in the General Assembly that the main purpose of the mandate given to him in the elections of 6 May 1984 is to ensure social harmony and domestic peace in El Salvador, and the Special Representative's gratified recognition of the manifest intent of the new Government to establish democracy upholding the rule of law and guaranteeing full respect for human rights,

"Recognizing that dialogue is an important step towards reaching, in a generous and open-minded spirit, an over-all political solution which will make for genuine national reconciliation, put an end to the sufferings of the Salvadorian people and stem the growing flow of refugees and displaced persons within the country,

"Considering that the two rounds of conversation held are the first stage in a process for the solution of the political crisis in El Salvador,

"Concerned at the fact that certain sectors in the country do not understand what should be the purpose of the dialogue,

"1. Commends the Special Representative for his report on the situation of human rights in El Salvador;

"2. Expresses its concern at the fact that in spite of the substantial decline in the number of political assassinations, detentions and disappearances, no doubt as a result of the adoption of a new government policy, as pointed out by the Special Representative in his report, a critical situation still exists which militates against the enjoyment by the Salvadorian people of important human rights, including economic, social and cultural rights;

"3. Voices its profound concern at the effect which warlike action by the Salvadorian armed forces, and the damage to the economy of the country as a result of systematic attacks against the economic infrastructure by the guerrilla forces, is having on present and future enjoyment of important economic, social and cultural rights by the people of El Salvador;

"4. Calls upon the Government of El Salvador to continue to support the activities of the International Committee of the Red Cross and other humanitarian organizations as an earnest of its concern for respect for human rights in El Salvador;

"5. Reiterates its appeal to the Government of El Salvador and the opposition forces to co-operate fully with the humanitarian organizations dedicated to alleviating the sufferings of the civilian population, wherever these organizations operate;

"6. Welcomes the invitation to a dialogue made in the General Assembly at its thirty-ninth session by the President of El Salvador on behalf of his Government, and the favourable reply to that invitation by the opposition forces;

"7. Calls for a serious and realistic dialogue which will help to strengthen and institutionalize the democratic system without excluding any sector of political life in the country;

"8. Requests all States to abstain from intervening in any way in the internal situation in El Salvador so as to avoid prolonging and aggravating the conflict, and to stimulate the pursuit of the dialogue until a just and lasting peace is achieved;

"9. Deplores the lack of any perceptible improvement in the capacity of the judicial system of El Salvador to investigate violations of human rights committed in the country and again urges the competent authorities to speed up the process of reform of the Salvadorian penal judicial system with a view to prosecuting and punishing speedily and effectively those responsible for the grave violations of human rights which have been and continue to be committed in the country;

"10. Recommends the continuation and intensification of the reforms necessary in El Salvador, including effective application of agrarian reform, for the solution of the economic and social problems which are at the root of the internal conflict in that country;

"11. Calls upon the competent authorities in El Salvador to amend any legislation or other measures incompatible with the provisions of the international instruments on human rights binding upon the Government of El Salvador;

"12. Decides to extend the mandate of the Special Representative for another year, in the hope that the situation in regard to human rights in El Salvador will have improved so substantially that no further extension will be necessary;

"13. Requests 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 fortieth session and to the Commission on Human Rights at its forty-second session;

"14. Reiterates its appeal to the Government of El Salvador and to the other interested parties to continue to extend their co-operation to the Special Representative of the Commission on Human Rights;

"15. Requests the Secretary-General to give all necessary assistance to the Special Representative of the Commission;

"16. Decides to consider the question of human rights in El Salvador at its forty-second session."

289. At the 55th meeting, on 13 March 1985, the representative of Costa Rica introduced a revised version of the draft resolution (E/CN.4/1985/L.12/Rev.1), sponsored by Costa Rica and Venezuela. The Netherlands subsequently joined the sponsors.

290. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1985/L.30) <sup>3/</sup> of draft resolution E/CN.4/1985/L.12, which applied also to the revised draft resolution.

291. Statements relating to the draft resolution were made by the representatives of Nicaragua and Senegal, and by the observer for El Salvador.

292. A statement in explanation of vote before the vote was made by the representative of the United States of America.

293. At the request of the representative of Nicaragua, a roll-call vote was taken on draft resolution E/CN.4/1985/L.12/Rev.1, which was adopted by 39 votes to none, with 3 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Bangladesh, Brazil, Bulgaria, Colombia, Congo, Costa Rica, Cyprus, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, India, Ireland, Japan, Jordan, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Peru, Senegal, Spain, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Yugoslavia.

Against: None.

Abstaining: Cameroon, China, Philippines.

294. Statements in explanation of vote after the vote were made by the representatives of the Federal Republic of Germany, Japan and the United Kingdom of Great Britain and Northern Ireland.

295. For the text of the resolution, see chapter II, section A, resolution 1985/35.

#### Situation of human rights in Guatemala

296. In connection with the consideration of this matter, the Commission had before it the following documents: A/39/635, E/CN.4/1985/19, E/CN.4/1985/54, E/CN.4/1985/58, E/CN.4/1985/60, E/CN.4/1985/63, E/CN.4/1985/NGO/15, E/CN.4/1985/NGO/20, E/CN.4/1985/NGO/21, E/CN.4/1985/NGO/50, E/CN.4/1985/NGO/54, E/CN.4/1985/NGO/57.

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<sup>3/</sup> An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

297. At the 45th meeting, on 7 March 1985, the Special Rapporteur, Viscount Colville of Culross, introduced his report (E/CN.4/1985/19) to the Commission.

298. At the 55th meeting, on 13 March 1985, the representative of the Netherlands introduced draft resolution E/CN.4/1985/L.48, sponsored by Austria, Canada, \*/ France, Ireland, the Netherlands and Spain.

299. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1985/L.90) 3/ of draft resolution E/CN.4/1985/L.48.

300. The representative of the Netherlands orally revised operative paragraph 12 of draft resolution E/CN.4/1985/L.48, which read:

"Calls upon Governments to refrain from supplying arms and other military assistance to all parties in conflict in Guatemala, in order to contribute to the improvement of the human rights situation in that country;"

to read as follows:

"Requests all States to refrain from intervening in any way in the internal situation of Guatemala which could prolong or worsen the conflict and the situation of human rights violations in that country;"

301. Following the introduction of that oral revision, the representative of Ireland announced that his delegation no longer wished to sponsor draft resolution E/CN.4/1985/L.48.

302. The representative of the United States of America announced the withdrawal of his delegation's amendment (E/CN.4/1985/L.91) to operative paragraph 12 of draft resolution E/CN.4/1985/L.48, by which the paragraph would have read as follows:

"Requests all States to contribute to the improvement of the human rights situation in Guatemala by refraining from any type of intervention in the internal situation of that country that might prolong and intensify the armed conflict;"

303. Statements relating to draft resolution E/CN.4/1985/L.48 were made by the representative of Ireland and by the observer for Guatemala.

304. The representatives of Colombia and the United States of America made statements in explanation of vote before the vote.

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

305. At the same meeting, the representative of Colombia requested a separate vote on operative paragraph 3 of the draft resolution, and the representative of the Gambia requested that the vote be taken by roll-call. The paragraph was adopted by 24 votes to 2, with 16 abstentions. The voting was as follows:

In favour: Australia, Austria, Bulgaria, Congo, Finland, France, Gambia, German Democratic Republic, India, Ireland, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Senegal, Spain, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: Brazil, United States of America.

Abstaining: Argentina, Bangladesh, Cameroon, China, Colombia, Costa Rica, Cyprus, Germany, Federal Republic of, Japan, Jordan, Kenya, Lesotho, Liberia, Peru, Philippines, Sri Lanka.

306. At the request of the representative of the Gambia, a roll-call vote was taken on draft resolution E/CN.4/1985/L.48 as a whole, as orally revised. The draft resolution was adopted by 32 votes to none, with 10 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Bulgaria, Colombia, Congo, Cyprus, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, India, Ireland, Japan, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Senegal, Spain, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: None.

Abstaining: Bangladesh, Brazil, Cameroon, China, Costa Rica, Jordan, Peru, Philippines, Sri Lanka, United States of America.

307. The representatives of Australia, the Federal Republic of Germany and Japan made statements in explanation of vote after the vote.

308. The observer for Guatemala made a statement on the resolution.

309. For the text of the resolution, see chapter II, section A, resolution 1985/36.

#### Summary or arbitrary executions

310. In connection with the consideration of this matter, the Commission had before it document E/CN.4/1985/17.

311. At the 42nd meeting, on 5 March 1985, the Special Rapporteur on summary or arbitrary executions, Mr. S. Amos Wako, introduced his report (E/CN.4/1985/17) to the Commission.

312. At the 55th meeting, on 13 March 1985, the representative of Finland introduced draft resolution E/CN.4/1985/L.57, sponsored by Costa Rica, Cyprus, Denmark, \*/ Finland, France, the Gambia, Kenya, Mexico, the Netherlands and the United States of America. Spain subsequently joined the sponsors.

313. At the same meeting, the representative of Finland orally revised operative paragraph 7 of the draft resolution recommended for adoption by the Economic and Social Council, adding at the end of the paragraph the words "and to take due account of official declarations and government information which come to his attention".

314. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1985/L.80) 3/ of draft resolution E/CN.4/1985/L.57.

315. At the same meeting, the draft resolution, as orally revised, was adopted without a vote.

316. For the text of the resolution, see chapter II, section A, resolution 1985/37.

#### Question of human rights and fundamental freedoms in Afghanistan

317. In connection with the consideration of this matter, the Commission had before it the following documents: E/CN.4/1985/21, E/CN.4/1985/NGO/34.

318. At the 41st meeting, held on 5 March 1985, the Special Rapporteur, Mr. Felix Ermacora, introduced his report (E/CN.4/1985/21) to the Commission.

319. At the 55th meeting, on 13 March 1985, the representative of the Federal Republic of Germany introduced draft resolution E/CN.4/1985/L.62, sponsored by Australia, Costa Rica, France, Germany, Federal Republic of, Ireland, Japan, Liberia, Mauritania, Spain and the United Kingdom of Great Britain and Northern Ireland. Belgium, \*/ Canada, \*/ Italy, \*/ the Netherlands and Singapore \*/ subsequently joined the sponsors.

320. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1985/L.81) 3/ of draft resolution E/CN.4/1985/L.62.

321. Statements relating to the draft resolution were made by the representatives of Senegal, the United Republic of Tanzania and the United States of America and by the observer for Afghanistan.

322. Statements in explanation of vote before the vote were made by the representatives of Bulgaria, the German Democratic Republic, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics.

323. At the same meeting, the representative of the Federal Republic of Germany orally revised operative paragraph 2, replacing the word "evidenced" by the word "reflected". At the beginning of operative paragraph 3 the words "and alarm" between the words "distress" and "in particular" were deleted.

324. At the request of the representative of the Gambia, a roll-call vote was taken on the draft resolution as a whole. The draft resolution was adopted by 26 votes to 8, with 8 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Bangladesh, Brazil, Cameroon, China, Colombia, Costa Rica, France, Gambia, Germany, Federal Republic of, Ireland, Japan, Kenya, Lesotho, Liberia, Mexico, Netherlands, Philippines, Senegal, Spain, Sri Lanka, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Bulgaria, German Democratic Republic, India, Libyan Arab Jamahiriya, Mozambique, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Congo, Cyprus, Finland, Jordan, Nicaragua, Peru, United Republic of Tanzania, Yugoslavia.

325. For the text of the resolution, see chapter II, section A, resolution 1985/38.

Situation of human rights in the Islamic Republic of Iran

326. In connection with the consideration of this matter, the Commission had before it the following documents: E/CN.4/1985/2, E/CN.4/1985/7/Rev.1, E/CN.4/1985/20, E/CN.4/1985/44, E/CN.4/1985/57, E/CN.4/1985/NGO/28 and Add.1, E/CN.4/1985/NGO/29.

327. At the 50th meeting, on 11 March 1985, the Special Representative of the Commission, Mr. Andrés Aguilar, introduced his report (E/CN.4/1985/20) to the Commission.

328. At the 55th meeting, on 13 March 1985, the representative of the Netherlands introduced draft resolution E/CN.4/1985/L.66, sponsored by Australia, Canada, \*/ Costa Rica, the Netherlands, Panama \*/ and the United Kingdom of Great Britain and Northern Ireland.

329. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1985/L.83) 3/ of draft resolution E/CN.4/1985/L.66.

330. The observer for the Islamic Republic of Iran made a statement relating to draft resolution E/CN.4/1985/L.66.

331. The representative of Argentina made a statement in explanation of vote before the vote.

332. At the request of the representative of the Syrian Arab Republic, a roll-call vote was taken on draft resolution E/CN.4/1985/L.66. The draft resolution was adopted by 21 votes to 5, with 15 abstentions. The voting was as follows:

In favour: Australia, Austria, Bulgaria, Colombia, Congo, Costa Rica, Finland, France, Germany, Federal Republic of, Ireland, Jordan, Kenya, Lesotho, Mexico, Netherlands, Peru, Spain, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Bangladesh, Libyan Arab Jamahiriya, Nicaragua, Syrian Arab Republic, United Republic of Tanzania.



Abstaining: Argentina, Brazil, Cameroon, China, Cyprus, Gambia, German Democratic Republic, India, Japan, Mozambique, Philippines, Senegal, Sri Lanka, Venezuela, Yugoslavia.

333. The representative of Japan made a statement in explanation of vote after the vote.

334. For the text of the resolution, see chapter II, section A, resolution 1985/39.

#### Human rights and mass exoduses

335. At the 55th meeting, on 13 March 1985, the representative of Australia introduced a revised draft resolution (E/CN.4/1985/L.71/Rev.1), 4/ sponsored by Australia, Bangladesh, Canada, \*/ Costa Rica, Germany, Federal Republic of, Ireland, Japan, Jordan, Pakistan \*/ and Sudan. \*/ Colombia subsequently joined the sponsors.

336. At the same meeting, the representative of Australia orally revised the beginning of operative paragraph 3, deleting the word "special" between the words "Welcomes the" and "interest".

337. Statements relating to the draft resolution were made by the representatives of Australia, the Syrian Arab Republic and the United Republic of Tanzania.

338. At the same meeting, the draft resolution was adopted without a vote.

339. For the text of the resolution, see chapter II, section A, resolution 1985/40.

#### Situation in southern Lebanon

340. At the 55th meeting, on 13 March 1985, the representative of the Syrian Arab Republic introduced draft resolution E/CN.4/1985/L.73, sponsored by Afghanistan, \*/ Algeria, \*/ Bahrain, \*/ Bulgaria, Cuba, \*/ Democratic Yemen, \*/ the Libyan Arab Jamahiriya, Morocco, \*/ Mongolia, \*/ Mozambique, Pakistan, \*/ Senegal, the Syrian Arab Republic, Tunisia, \*/ the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Republic of Tanzania, Viet Nam \*/ and Yemen. \*/ Bangladesh, the Byelorussian Soviet Socialist Republic, India, Iran (Islamic Republic of), \*/ Iraq, \*/ Jordan and Qatar \*/ subsequently joined the sponsors.

341. A statement relating to the draft resolution was made by the observer for Israel.

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4/ The only difference between the original draft resolution (E/CN.4/1985/L.71) and the revised version was that the original draft contained an additional preambular paragraph between the penultimate and last preambular paragraphs, which read as follows:

"Taking note of the Declaration on the Critical Economic Situation in Africa adopted by the General Assembly at its thirty-ninth session,".

342. Statements in explanation of vote before the vote were made by the representatives of Cameroon, France, Ireland, the Libyan Arab Jamahiriya, Mexico, the Netherlands, Peru, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

343. At the request of the representative of the Syrian Arab Republic, a separate roll-call vote was taken on operative paragraph 1 of the draft resolution. The paragraph was adopted by 25 votes to 1, with 15 abstentions. The voting was as follows:

In favour: Austria, Bangladesh, Bulgaria, Cameroon, China, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Libyan Arab Jamhiriya, Mozambique, Nicaragua, Philippines, Senegal, Spain, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia.

Against: United States of America.

Abstaining: Argentina, Australia, Brazil, Colombia, Finland, France, Germany, Federal Republic of, Ireland, Japan, Liberia, Mexico, Netherlands, Peru, United Kingdom of Great Britain and Northern Ireland, Venezuela.

344. The representative of the Syrian Arab Republic requested a separate roll-call vote on operative paragraph 3 of the draft resolution. The paragraph was adopted by 19 votes to 7, with 15 abstentions. The voting was as follows:

In favour: Bangladesh, Bulgaria, China, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Libyan Arab Jamahiriya, Mozambique, Nicaragua, Senegal, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia.

Against: Australia, Finland, France, Germany, Federal Republic of, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Austria, Brazil, Cameroon, Colombia, Ireland, Japan, Lesotho, Liberia, Mexico, Peru, Philippines, Spain, Sri Lanka, Venezuela.

345. At the request of the representative of the Syrian Arab Republic, a roll-call vote was taken on draft resolution E/CN.4/1985/L.73 as a whole, which was adopted by 24 votes to 1, with 16 abstentions. The voting was as follows:

In favour: Bangladesh, Brazil, Bulgaria, Cameroon, China, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Libyan Arab Jamahiriya, Mozambique, Nicaragua, Philippines, Senegal, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia.

Against: United States of America.

Abstaining: Argentina, Australia, Austria, Colombia, Finland, France, Germany, Federal Republic of, Ireland, Japan, Liberia, Mexico, Netherlands, Peru, Spain, United Kingdom of Great Britain and Northern Ireland, Venezuela.

346. Statements in explanation of vote after the vote were made by the representatives of Australia, Austria and Spain.

347. For the text of the resolution, see chapter II, section A, resolution 1985/41.

A. Question of human rights in Cyprus

348. The Commission had before it the report of the Secretary-General (E/CN.4/1985/22) prepared pursuant to Commission decision 1984/117.

349. In connection with the consideration of item 12 (a), statements were made at the 55th meeting, held on 13 March 1985, by the following members of the Commission: Colombia, Cyprus, India, Syrian Arab Republic, Yugoslavia.

350. The Commission also heard a statement by the observer for Turkey.

351. A statement was also made by the representative of the Palestine Liberation Organization.

352. At the same meeting, the Chairman proposed, after consultations with the interested parties, that consideration of item 12 (a) be postponed to the forty-second session of the Commission and given priority at that session. The Commission adopted that proposal without a vote, it being understood that action required by previous resolutions of the Commission on that subject would continue to remain operative, including the request to the Secretary-General that he provide a report to the Commission regarding their implementation. The observer for Turkey requested that his reservations with regard to the previous resolutions of the Commission be placed on record.

353. For the text of the decision, see chapter II, section B, decision 1985/108.

B. Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group established by the Commission at its fortieth session

354. The Commission considered item 12 (b) at its 38th to 41st and 47th to 48th (closed) meetings, held from 1 to 5 March and on 8 March 1985. The Commission had before it confidential documents relating to the particular situations referred to it under Economic and Social Council resolution 1503 (XLVIII), including observations thereon received from the Governments concerned and a confidential report submitted to the Commission by the working group on situations established by Commission decision 1984/114 of 6 March 1984.

355. At its 41st (closed) meeting, on 5 March 1985, the Commission adopted a general decision that a working group of five of its members should be established to meet for one week prior to the Commission's forty-second session to examine such particular situations as might be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-eighth session under Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission was seized. At the same meeting, it was agreed that the general decision should be made public.

356. For the text of the decision, see chapter II, section B, decision 1985/106.

357. At its 48th (closed) meeting, on 8 March 1985, the Commission adopted a decision containing a draft decision recommended for adoption by the Economic and Social Council, to the effect that the material relating to Uruguay which had been before the Commission under Council resolution 1503 (XLVIII) should no longer be restricted. At the same meeting, it was agreed that the decision should be made public.

358. For the text of the decision, see chapter II, section B, decision 1985/107.

359. At the 58th meeting, on 15 March 1985, the Chairman announced that, in accordance with rule 21 of the rules of procedure of the functional commissions of the Economic and Social Council, and after consultations with the regional groups, the following members of the Commission had been designated to serve in their personal capacity on the working group on situations of violations of human rights:

Mr. Carlton Anyangwe (Cameroon)

Mr. Ghaleb Z. Barakat (Jordan)

Mr. Todor Dichev (Bulgaria)

Mr. Francis Mahon Hayes (Ireland), subject to election of Ireland to the Commission

Mr. Jorge Montaña (Mexico).

XIII. QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD

360. The Commission considered agenda item 13 at its 53rd meeting, held on 12 March, at its 54th meeting, held on 13 March, and at its 57th meeting, held on 14 March 1985. 1/

361. The Commission had before it the following documents:

Report of the Working Group on a draft convention on the rights of the child (E/CN.4/1985/L.1);

Written statement submitted by the World Young Women's Christian Association, a non-governmental organization in consultative status (category II) (E/CN.4/1985/NGO/24);

Written statement submitted by the International Commission of Jurists, Rádda Barnen International and the International Abolitionist Federation, non-governmental organizations in consultative status (category II) and the Defence for Children International Movement, a non-governmental organization on the Roster, on behalf of the Ad Hoc Group of Non-Governmental Organizations on the question of a convention on the rights of the child (E/CN.4/1985/NGO/41);

Written statement submitted by the International Federation of Business and Professional Women, a non-governmental organization in consultative status (category I) (E/CN.4/1985/NGO/48).

362. At the 53rd meeting, on 12 March 1985, Mr. A. Lopatka, Chairman-Rapporteur of the open-ended working group on a draft convention on the rights of the child, introduced the report of the working group (E/CN.4/1985/L.1).

363. In the general debate on this item, 2/ statements were made by the following members of the Commission: Argentina (54th), Australia (53rd), France (53rd), Senegal (53rd), Union of Soviet Socialist Republics (53rd).

364. The Commission also heard statements by the observers for Algeria (53rd) and Canada (53rd).

365. Statements were also made by the following non-governmental organizations: International Federation of Human Rights (54th), Pax Romana (54th).

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1/ For the summary records, see E/CN.4/1985/SR.53, SR.54 and SR.57, and E/CN.4/1985/SR.1-58/Corrigendum, as appropriate.

2/ The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.

366. At the 57th meeting, on 14 March 1985, the representative of the Ukrainian Soviet Socialist Republic introduced draft resolution E/CN.4/1985/L.74, sponsored by Afghanistan \*/ , Algeria \*/ , Angola \*/ , Argentina, Australia, Bangladesh, Bolivia \*/ , Bulgaria, the Byelorussian Soviet Socialist Republic \*/ , Cameroon, Canada \*/ , China, Colombia, the Congo, Costa Rica, Cuba \*/ , Cyprus, Czechoslovakia \*/ , Democratic Yemen \*/ , Egypt \*/ , Ethiopia \*/ / Finland, France, Gabon \*/ , the Gambia, the German Democratic Republic, Hungary \*/ , India, Iran (Islamic Republic of) \*/ , Jordan, Lesotho, Liberia, the Libyan Arab Jamahiriya, Mexico, Mongolia \*/ , Morocco \*/ , Mozambique, Nicaragua, Pakistan \*/ , Panama \*/ , Peru, the Philippines, Poland \*/ , Senegal, Spain, Somalia \*/ , Sri Lanka, Sudan \*/ , the Syrian Arab Republic, Tunisia \*/ , the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Republic of Tanzania, the United States of America, Viet Nam \*/ and Yugoslavia. Greece \*/ , Italy \*/ , New Zealand \*/ and Venezuela subsequently joined the sponsors.

367. The Commission's attention was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1985/L.86) 3/ of the draft resolution.

368. Draft resolution E/CN.4/1985/L.74 was adopted without a vote.

369. The representative of the German Democratic Republic made a statement.

370. For the text of the resolution, see chapter II, section A, resolution 1985/50.

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

3/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

XIV. MEASURES TO IMPROVE THE SITUATION AND ENSURE THE  
HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS

371. The Commission considered agenda item 14 at its 57th meeting, held on 14 March 1985. 1/

372. The Commission had before it the following documents:

Reports of the working group of the General Assembly on the drafting of an international convention on the protection of the rights of all migrant workers and their families (A/C.3/39/1 and A/C.3/39/4 and Corr.1);

Written statements submitted by the International Youth and Student Movement for the United Nations, a non-governmental organization in consultative status (category I) (E/CN.4/1985/NGO/59, E/CN.4/1985/NGO/61);

Written statement submitted by Pax Romana, a non-governmental organization in consultative status (category II) (E/CN.4/1985/NGO/62).

373. The representative of Mexico introduced draft resolution E/CN.4/1985/L.69, sponsored by Algeria, \*/ Argentina, Bangladesh, Bolivia, \*/ Colombia, Costa Rica, Cuba, \*/ Egypt, \*/ Finland, France, Greece, \*/ India, Italy, \*/ Lesotho, Mexico, Morocco, \*/ Nicaragua, Pakistan, \*/ Panama, \*/ Peru, the Philippines, Spain, Turkey, \*/ Venezuela and Yugoslavia. Portugal subsequently joined the sponsors.

374. At the same meeting, the Commission adopted draft resolution E/CN.4/1985/L.69 without a vote.

375. For the text of the resolution, see chapter II, section A, resolution 1985/52.

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

1/ For the summary record, see E/CN.4/1985/SR.57 and E/CN.4/1985/SR.1-58/Corrigendum, as appropriate.

XV. THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS  
INCLUDING THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

376. The Commission considered agenda item 15 at its 26th and 27th meetings, on 21 and 22 February, at its 51st and 55th meetings, on 11 and 13 March, and at its 57th meeting, on 14 March 1985. 1/

377. The Commission had before it the following documents:

Report of the Secretary-General on the implementation of the programme of measures and activities in connection with International Youth Year (E/CN.4/1983/26);

Report by the Secretary-General on the role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service (E/CN.4/1985/25 and Add. 1-4);

Written statement submitted by the International Peace Bureau, a non-governmental organization on the Roster (E/CN.4/1985/NGO/37);

Report by Mr. Eide and Mr. Mubanga-Chipoya on the question of conscientious objection to military service (E/CN.4/Sub.2/1983/30).

378. In the general debate on the item, 2/ statements were made by the following members of the Commission: Australia (26th), Austria (27th), Bulgaria (27th), France (27th), German Democratic Republic (26th), Germany, Federal Republic of (26th), Ireland (26th), Netherlands (26th), Senegal (26th), Spain (27th), Sri Lanka (26th), Ukrainian Soviet Socialist Republic (27th), Union of Soviet Socialist Republics (26th), Venezuela (27th).

379. The Commission also heard statements by the observers for the Byelorussian Soviet Socialist Republic (26th) and Viet Nam (27th).

380. Statements were also made by the following non-governmental organizations: Amnesty International (26th), Baha'i International Community (26th), Friends World Committee for Consultation (26th), International Commission of Jurists (27th), International Fellowship of Reconciliation (26th), Pax Christi (27th), World Association for the School as an Instrument of Peace (27th).

381. On 27 February 1985, a draft resolution (E/CN.4/1985/L.31) was submitted by Afghanistan, \*/ Bulgaria, the Byelorussian Soviet Socialist Republic, \*/ the Congo, Cuba, \*/ Czechoslovakia, \*/ India, the Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Peru, Romania, \*/ the Syrian Arab Republic and the United Republic of Tanzania, reading as follows:

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

1/ For the summary records, see E/CN.4/1985/SR.26, SR.27, SR.51, SR.55 and SR.57, and E/CN.4/1985/SR.1-58/Corrigendum, as appropriate.

2/ The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.



"The Commission on Human Rights,

"Recalling that 1985 is the fortieth anniversary of the United Nations,

"Aware that peace constitutes one of the principal aspirations of mankind and that the attainment and preservation of peace is a universal responsibility,

"Bearing in mind that the Charter of the United Nations expresses the determination of the peoples to save succeeding generations from the scourge of war and to reaffirm faith in the equal rights of all without any distinction and to practise tolerance and live together in peace with one another as good neighbours,

"Considering that the Universal Declaration of Human Rights proclaims that recognition of the inherent dignity and of the equal rights of all members of the human family is the foundation of freedom, justice and peace in the world,

"Recalling that the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights proclaim that everyone has the right to life, liberty and security of person,

"Emphasizing the necessity 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, the International Covenant on Civil and Political Rights and all other relevant international instruments, as indispensable for human dignity and the free development of the human personality,

"Convinced of the importance of preserving peace and ensuring the inherent right of every human being to life,

"Stressing the particular importance of ensuring the active participation of youth in promoting the right to life as well as international peace and co-operation,

"Welcoming the contribution of youth to the promotion of the ideals of peace and international co-operation, of human rights and fundamental freedoms, the exercise of the right to self-determination, the elimination of colonialism, racism, racial discrimination and apartheid and the promotion of human solidarity and dedication to the objectives of progress and development,

"Welcoming also the contribution of youth to the progressive achievement of full realization of economic, social and cultural rights,

"Recognizing the importance of the direct participation of youth in shaping the future of mankind and the valuable contribution that youth can make to the implementation of the new international economic order based on equality and justice,

"Recalling the emphasis placed in the Universal Declaration of Human Rights on teaching and education, aimed at promoting human rights and fundamental freedoms,

"Appreciating the efforts undertaken in preparation for the International Youth Year: Participation, Development, Peace by the General Assembly, the Advisory Committee for the International Youth Year and the Centre for Social Development and Humanitarian Affairs, which is a focal point for related activities,

"Reaffirming the objectives of the International Youth Year: Participation, Development, Peace, as well as their interdependence,

"Mindful of the important role of youth in the field of human rights.

"1. Reaffirms the role of youth in promoting the full and effective enjoyment of the entire range of human rights and fundamental freedoms for all;

"2. Reaffirms also the fact that youth attaches crucial importance to the promotion of international peace and co-operation, the full and effective enjoyment of human rights and fundamental freedoms and the establishment of a new international economic order;

"3. Appeals to all Governments to consider appropriate measures to ensure that young people have equal opportunities to participate in the economic, social, cultural, civil and political life of society as well as in the endeavour to promote human rights and fundamental freedoms, international peace and co-operation, understanding, tolerance and friendship among all nations;

"4. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to pay due attention to the role of youth in the field of human rights, particularly in achieving the objectives of the International Youth Year: Participation, Development, Peace, and taking into consideration the Specific Programme of Measures and Activities to be undertaken prior to and during the International Youth Year;

"5. Requests the Secretary-General, in consultation with the relevant specialized agencies, to give special emphasis in 1985, as International Youth Year, to educational materials and programmes for youth, in the light of its objectives 'Participation, development, peace', as they are key elements in the ongoing promotional activities of the United Nations in the field of human rights;

"6. Decides to consider the matter at its forty-third session under the item 'The role of youth in the field of human rights'."

382. At the 51st meeting, on 11 March 1985, the representative of Bulgaria introduced a revised version of the draft resolution (E/CN.4/1985/L.31/Rev.1), sponsored by Bulgaria, the Byelorussian Soviet Socialist Republic, \*/ Czechoslovakia, \*/ Egypt, \*/ the German Democratic Republic, India, the Libyan Arab Jamahiriya, Mexico, Mozambique, Peru, Romania, \*/ the Syrian Arab Republic, the United Republic of Tanzania and Viet Nam. \*/ Afghanistan, \*/ the Congo, Cuba \*/ and Nicaragua subsequently joined the sponsors.

383. Statements relating to the revised draft resolution were made by the representative of the United Republic of Tanzania and the observer for Romania.

384. The Commission adopted the revised draft resolution (E/CN.4/1985/L.31/Rev.1) without a vote.

385. For the text of the resolution, see chapter II, section A, resolution 1985/13.

386. On 27 February 1985, a draft resolution (E/CN.4/1985/L.32) was submitted by Bulgaria, the Byelorussian Soviet Socialist Republic \*/ and Czechoslovakia, \*/ which read as follows:

"The Commission on Human Rights,

"Bearing in mind that one of the main purposes of the United Nations is to save succeeding generations from the scourge of war and to promote social progress and development,

"Noting that the United Nations is also called upon to promote universal respect for and observance of human rights and fundamental freedoms for all, better standards of living, full employment and accelerated economic and social progress and development,

"Considering that young people constitute a substantial part of the world's population and play an important role in all fields of human activity, as well as the fact that the future belongs to youth,

"Convinced of the need to educate young people in the ideals of peace and in mutual understanding among nations, respect for human rights and fundamental freedoms and dedication to the aims of social progress and development,

"Drawing attention to the exceptional importance of promoting in every way the mass involvement of youth in energetic, socially useful activities for the economic and social development of all countries and the realization of economic, social, cultural, political and civil rights,

"Convinced that youth can make a valuable contribution to the struggle for peace, the economic and social development of all countries, and international co-operation for the establishment of a new international economic order,

"Recognizing that inadequate education and unemployment among young people limit their opportunities to participate in the development process, and stressing in this connection the importance of secondary and higher education and of access by youth to appropriate technical training, vocational guidance and educational programmes,

"Expressing its serious interest in the success of International Youth Year under the motto: 'Participation, development, peace',

"1. Emphasizes the important role of young people in the struggle for peace and international co-operation, in ensuring the political, economic and social development of all countries, and especially in the struggle against such obstacles to political and socio-economic development as colonialism and neo-colonialism, racial discrimination in all its forms, racism, apartheid, foreign domination and occupation, aggression and threats to national sovereignty, national unity and territorial integrity, and denial of the exercise of human rights and fundamental freedoms and of the recognition of the right of peoples to self-determination and to the exercise of full sovereignty over their natural wealth and resources;

"2. Calls upon all States, governmental and non-governmental organizations, the United Nations organs concerned and the specialized agencies to devote constant attention to the exercise and use by young people of all human rights, including the right to education and vocational training and the right to work, with a view to ensuring full employment and the solution of the problem of unemployment among young people;

"3. Calls upon all States to take appropriate legislative, administrative and other action for the exercise by youth of all human rights and fundamental freedoms, including the right to education and the right to work, with a view to creating conditions for the active participation of young people in the formation and implementation of programmes for the economic and social development of their countries;

"4. Requests the Secretary-General in his report reviewing the carrying out of the Specific Programme of Measures and Activities to be undertaken prior to and during the International Youth Year, to give attention to the implementation of all aspects of International Youth Year, held under the motto 'Participation, development, peace'."

387. At the 51st meeting, the observer for the Byelorussian Soviet Socialist Republic introduced a revised draft resolution (E/CN.4/1985/L.32/Rev.1), sponsored by Bulgaria, the Byelorussian Soviet Socialist Republic \*/ and Czechoslovakia. \*/

388. The revised draft resolution (E/CN.4/1985/L.32/Rev.1) was adopted without a vote.

389. For the text of the resolution, see chapter II, section A, resolution 1985/14.

390. On 27 February 1985, a draft resolution (E/CN.4/1985/L.33) was submitted by Austria, Costa Rica, the Netherlands and Spain, reading as follows:

"Conscientious objection to military service

"The Commission on Human Rights

"Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international human rights instruments,

"Mindful of articles 3 and 18 of the Universal Declaration of Human Rights, which proclaim the right to life, liberty and security of person and the right to freedom of thought, conscience and religion,

"Bearing in mind that the International Covenant on Civil and Political Rights recognizes everyone's right to freedom of thought, conscience and religion,

"Bearing in mind also General Assembly resolutions 34/151 of 17 December 1979, which designates 1985 as International Youth Year: Participation, Development and Peace, and 2037 (XX) of 7 December 1965, which states that youth shall be brought up with an understanding, and in the spirit, of peace, justice and respect for all persons, as well as General Assembly resolution 2447 (XXIII),

"Recalling its resolution 40 (XXXVII), which pointed to the need for a better understanding of the circumstances under which military service may be objected to on the grounds of conscience,

"Noting the important role youth may play in the furtherance of peace and the promotion of human rights,

"Recalling General Assembly resolution 33/165 of 20 December 1978, which recognized the right of all persons to refuse service in military or police forces used to enforce apartheid, and which called upon Member States to grant asylum or safe transit to another State, in the spirit of the Declaration on Territorial Asylum, to persons compelled to leave their country of nationality solely because of a conscientious objection to assisting in the enforcement of apartheid through service in military or police forces;

"Taking into consideration its resolution 1984/33 of 12 March 1984 and Economic and Social Council resolution 1984/27 of 24 May 1984 by which it was decided to give the widest possible distribution to the report prepared by Mr. Eide and Mr. Mubanga-Chipoya, with a view to receiving comments from Governments, relevant United Nations bodies and specialized agencies, other intergovernmental and non-governmental organizations,

"Welcoming the comprehensive report submitted by Mr. Eide and Mr. Mubanga-Chipoya on the question of conscientious objection to military service containing conclusions and recommendations,

"Taking note of the replies of Governments and international organizations in response to the Secretary-General's request for comments and observations,

"Having carefully considered the Sub-Commission's report on the question of conscientious objection to military service, which reflects the relevant international norms and standards embodied in various human rights instruments, and describes State practice concerning voluntary or compulsory performance of military service,

"Recognizing that conscientious objection to military service derives from principles and reasons of conscience or profound conviction, arising from religious, ethical, moral or similar motives, and is a legitimate expression of the right to freedom of thought, conscience and religion,

"1. Considers that the right to conscientious objection to military service is a legitimate exercise of the right to freedom of thought, conscience and religion recognized by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

"2. Urges States to recognize the right to be exempted from military service on the basis of a genuinely held conscientious objection to armed service;

"3. Requests States which have not already done so to reconsider their legislation or administrative arrangements with a view to recognizing the right of persons who, for reasons of conscience or profound conviction, refuse to perform armed service to be released from the obligation to perform military service;

"4. Recommends to States with a system of compulsory military service, that have not already done so, to introduce alternative service for conscientious objectors, which should be non-military in nature so as not to conflict with the reasons for objecting to the performance of armed service, and not to subject such persons to imprisonment;

"5. Recommends to Member States, if they have not already done so, that they establish independent decision-making procedures to determine whether a conscientious objection is valid in any specific case;

"6. Requests the Secretary-General to submit an updated report to the Commission at its forty-third session regarding the implementation of this resolution, and taking into account further comments and information provided by Governments, relevant United Nations bodies and specialized agencies, other intergovernmental and non-governmental organizations;

"7. Decides to consider this matter further at its forty-third session under the agenda item 'The role of youth in the promotion and protection of human rights, including the right of conscientious objection to military service', and to consider further steps with a view to improving protection of persons whose conscience causes them to refuse military service."

391. At the 51st meeting, at the request of the representative of the Netherlands, consideration of draft resolution E/CN.4/1985/L.33 was deferred.

392. At the 55th meeting, on 13 March 1985, the representative of the Netherlands introduced a revised draft resolution (E/CN.4/1985/L.33/Rev.1), sponsored by Austria, Costa Rica, France, the Netherlands, Spain and the United Kingdom of Great Britain and Northern Ireland, which read as follows:

"Conscientious objection to military service

"The Commission on Human Rights,

"Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international human rights instruments,

"Mindful of articles 3 and 18 of the Universal Declaration of Human Rights, which proclaim the right to life, liberty and security of person and the right to freedom of thought, conscience and religion,

"Bearing in mind that the International Covenant on Civil and Political Rights recognizes that everyone has the right to freedom of thought, conscience and religion,

"Bearing in mind also General Assembly resolutions 34/151 of 17 December 1979, which designates 1985 as International Youth Year: Participation, Development, Peace and 2037 (XX) of 7 December 1965, which states that youth shall be brought up with an understanding and in the spirit, of peace, justice and respect for all persons, and 2447 (XXIII) of 19 December 1968,

"Recalling its resolution 40 (XXXVII) of 12 March 1981, which pointed to the need for a better understanding of the circumstances under which military service might be objected to on the grounds of conscience,

"Noting the important role of youth in the promotion of international peace and co-operation as well as of human rights and fundamental freedoms,

"Recalling General Assembly resolution 33/165 of 20 December 1978, which recognized the right of all persons to refuse service in military or police forces used to enforce apartheid, and which called upon Member States to grant asylum or safe transit to another State, in the spirit of the Declaration on Territorial Asylum, to persons compelled to leave their country of nationality solely because of a conscientious objection to assisting in the enforcement of apartheid through service in military or police forces,

"Taking into consideration its resolution 1984/33 of 12 March 1984 and Economic and Social Council resolution 1984/27 of 24 May 1984 by which it was decided to give the widest possible distribution to the report prepared by Mr. Eide and Mr. Mubanga-Chipoya (E/CN.4/Sub.2/1983/30), with a view to receiving comments from Governments, relevant United Nations bodies and specialized agencies, other intergovernmental and non-governmental organizations,

"Taking note of the comprehensive report submitted by Mr. Eide and Mr. Mubanga-Chipoya on the question of conscientious objection to military service containing conclusions and recommendations,

"Taking note also of the replies of Governments and international organizations to the Secretary-General's request for comments and observations (E/CN.4/1985/25 and Add.1-4),

"Having carefully considered the Sub-Commission's report on the question of conscientious objection to military service (E/CN.4/Sub.2/1983/30), which reflects the relevant international norms and standards embodied in various human rights instruments and describes State practice concerning voluntary or compulsory performance of military service,

"Recognizing that conscientious objection to military service derives from principles and reasons of conscience including profound convictions, arising from religious, ethical, moral or similar motives, and is a legitimate expression of the right to freedom of thought, conscience and religion,

"1. Considers that conscientious objection to military service is a legitimate exercise of the right to freedom of thought, conscience and religion recognized by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

"2. Appeals to States to take measures aimed at recognizing the right to be exempted from military service on the basis of a genuinely held conscientious objection to armed service;

"3. Requests States which have not already done so to reconsider their legislation or administrative arrangements with a view to recognizing the right of persons who, for reasons of conscience including profound convictions, refuse to perform armed service, to be released from the obligation to perform military service;

"4. Recommends to States with a system of compulsory military service, that have not already done so, that they introduce various forms of non-military service for conscientious objectors, which should not conflict with the reasons for objecting to the performance of armed service, bearing in mind the experience of some States in this respect, and that they refrain from subjecting such persons to imprisonment;

"5. Recommends to Member States, if they have not already done so, that they establish independent decision-making procedures to determine whether a conscientious objection is valid in any specific case;

"6. Requests the Secretary-General to submit an updated report to the Commission at its forty-third session regarding the implementation of this resolution, and taking into account further comments and information provided by Governments, relevant United Nations bodies and specialized agencies, other intergovernmental and non-governmental organizations;

"7. Decides to consider this matter further at its forty-third session under the agenda item 'The role of youth in the promotion and protection of human rights, including conscientious objection to military service', and to consider further steps with a view to improving protection of persons whose conscience causes them to refuse military service."

393. At the same meeting, the representative of Bulgaria introduced amendments to draft resolution E/CN.4/1985/L.33, contained in document E/CN.4/1985/L.60, sponsored by Bulgaria and the German Democratic Republic, which read as follows:

"(1) Amend the sixth preambular paragraph to read:

'Noting the important role of youth in the promotion of international peace and co-operation as well as of human rights and fundamental freedoms;

"(2) Add an additional preambular paragraph after the seventh preambular paragraph, to read:

'Convinced that consistent and sincere efforts on the part of all States aimed at the definitive removal of the threat of war, the preservation of international peace and at the development of international co-operation in accordance with the Charter of the United Nations, would ultimately result in the creation of conditions under which military service would become unnecessary,'.

"(3) In the ninth preambular paragraph, replace the word 'Welcoming' by the words 'Taking note of'.

"(4) In the tenth preambular paragraph, add the word 'also' after the words 'Taking note'.

"(5) In the eleventh preambular paragraph, delete everything after the words '... of conscientious objection to military service'.



"(6) Amend the twelfth preambular paragraph to read:

'Bearing in mind that conscientious objection to military service derives from principles and reasons of conscience or profound conviction, arising from religious, ethical, moral or similar motives,'.

"(7) Amend operative paragraph 1 to read:

'Considers that conscientious objection to military service, when exercised in accordance with national legislation, can be construed as an expression of the right to freedom of thought, conscience and religion;'

"(8) Amend operative paragraph 2 to read:

'Invites States to consider the possibility of taking measures aimed at recognizing the right to be exempted from military service on the basis of a genuinely held conscientious objection to armed service and in accordance with national legislation;'

"(9) Amend operative paragraph 3 to read:

'Appeals to States to consider the question of the right of persons who, for reasons of conscience or profound conviction, refuse to perform armed service;'

"(10) Amend operative paragraph 4 to read:

'Draws the attention of all States to the experience of some States in introducing various forms of non-military alternative service for conscientious objectors;'

"(11) Delete operative paragraph 5.

"(12) Amend operative paragraph 6 to read:

'Requests the Secretary-General to report to the Commission at its forty-third session on the question of conscientious objection to military service, taking into account further comments and information provided by Governments;'

"(13) Amend operative paragraph 7 to read:

'Decides to consider this matter further at its forty-third session under the agenda item "The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service".'."

394. Statements relating to the draft resolution and the amendments were made by the representatives of Australia, Bulgaria and Peru.

395. The representative of Bulgaria stated that, following the introduction of the revised draft resolution (E/CN.4/1985/L.33/Rev.1), the sponsors of the amendments in document E/CN.4/1985/L.60 withdrew amendments 1, 3, 4 and 5 but wished to maintain amendments 2, 6, 7, 8, 9, 10, 11, 12 and 13 and apply them to the revised draft resolution. He requested separate roll-call votes on those amendments.

396. Amendment 2 was accepted by the sponsors of the revised draft resolution.

397. Statements in explanation of vote before the vote were made by the representatives of Colombia, Cameroon, Ireland, Jordan, the Libyan Arab Jamahiriya, Mexico, Nicaragua, Peru, Senegal and the United Republic of Tanzania.

398. At the same meeting, at the request of the representative of the Libyan Arab Jamahiriya, consideration of the revised draft resolution and the amendments was deferred.

399. At the 57th meeting, on 14 March 1985, the representative of the Netherlands moved, under rule 49 of the rules of procedure of the functional commissions of the Economic and Social Council, the adjournment of the debate on the item under discussion until the forty-third session of the Commission. The representatives of Senegal and the United Republic of Tanzania spoke in favour of the motion. The motion was adopted without a vote.

400. For the text of the decision, see chapter II, section B, decision 1985/114.

XVI. IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE  
SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

401. The Commission considered agenda item 16 together with items 6, 7 and 17 (see chaps. VI, VII and XVII) at its 10th to 19th meetings, held from 11 to 15 February 1985, and at its 32nd meeting, held on 26 February 1985. 1/

402. The Commission had before it the following documents:

Report of the Group of Three established under the Convention (E/CN.4/1985/27);

Note by the Secretary-General concerning the status of the Convention and of the submission of reports by States parties under article VII of the Convention (E/CN.4/1985/26);

Reports submitted by States parties under article VII of the Convention (E/CN.4/1984/36/Add.9 and 10 and E/CN.4/1985/26/Add.1-7);

Report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1985/8), part two, chapter IV, which contains information concerning persons suspected of being guilty of the crime of apartheid or of a serious violation of human rights.

403. At the 10th meeting, on 11 February 1985, Mr. I. Khmel, Chairman-Rapporteur of the Group of Three, introduced the report of the Group on its eighth session (E/CN.4/1985/27).

404. At the same meeting, Mr. A.A. Cato, Chairman-Rapporteur of the Ad Hoc Working Group of Experts on southern Africa, introduced the report of the Group (E/CN.4/1985/8).

405. In the general debate on this item, 2/ statements were made by the following members of the Commission: Argentina (15th), Bangladesh (17th), Bulgaria (14th), China (12th), Costa Rica (14th), German Democratic Republic (14th), Jordan (18th), Lesotho (16th), Mexico (18th), Netherlands (14th), Peru (17th), Senegal (17th), Ukrainian Soviet Socialist Republic (15th), Union of Soviet Socialist Republics (18th), United Republic of Tanzania (18th), Yugoslavia (17th).

406. The Commission also heard statements by the observers for: Algeria (11th), Byelorussian Soviet Socialist Republic (14th), Cuba (18th), Czechoslovakia (16th), Hungary (18th), Poland (17th), Somalia (14th), Sudan (11th).

407. A statement was made by the representative of the Special Committee against Apartheid (12th).

408. The Commission also heard a statement by the International League for the Rights and Liberation of Peoples (13th), a non-governmental organization.

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1/ For the summary records, see E/CN.4/1985/SR.10 to SR.19 and SR.32, and E/CN.4/1985/SR.1-58/Corrigendum, as appropriate.

2/ The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.

409. At the 32nd meeting, on 26 February 1985, the representative of the Ukrainian Soviet Socialist Republic introduced draft resolution E/CN.4/1985/L.20, sponsored by Algeria, \*/ Angola, \*/ Bolivia, \*/ Bulgaria, the Byelorussian Soviet Socialist Republic, \*/ Cameroon, the Congo, Costa Rica, Cuba, \*/ El Salvador, \*/ Ethiopia, \*/ the Gambia, the German Democratic Republic, Honduras, \*/ Hungary, \*/ India, Kenya, Lesotho, Liberia, the Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Nigeria, \*/ Poland, \*/ Senegal, Sudan, \*/ the Syrian Arab Republic, Tunisia, \*/ Uganda, \*/ the Ukrainian Soviet Socialist Republic, the United Republic of Tanzania, Venezuela and Viet Nam. \*/ Afghanistan, \*/ Iran (Islamic Republic of), \*/ Mauritania, Mongolia, \*/ Pakistan \*/ and Peru subsequently joined the sponsors.

410. At the request of the representative of the United States of America, a roll-call vote was taken on the draft resolution. The draft resolution was adopted by 32 votes to 1, with 10 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Mauritania, Mexico, Mozambique, Nicaragua, Peru, Philippines, Senegal, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: United States of America.

Abstaining: Australia, Austria, Finland, France, Germany, Federal Republic of, Ireland, Japan, Netherlands, Spain, United Kingdom of Great Britain and Northern Ireland.

411. Statements in explanation of vote after the vote were made by the representatives of Australia, France, Japan and the Netherlands.

412. For the text of the resolution, see chapter II, section A, resolution 1985/10.

413. At the 58th meeting, on 15 March 1985, the Chairman announced that the Group of three members of the Commission, who were also representatives of States parties to the Convention, appointed in accordance with article IX of the Convention to consider reports submitted by States parties under article VII was composed as follows: German Democratic Republic, Nicaragua (subject to election of Nicaragua to the Commission) and Senegal.

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

**XVII. STUDY IN COLLABORATION WITH THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES OF WAYS AND MEANS OF ENSURING THE IMPLEMENTATION OF UNITED NATIONS RESOLUTIONS BEARING ON APARTHEID, RACISM AND RACIAL DISCRIMINATION; IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION**

414. The Commission considered agenda item 17 together with items 6, 7 and 16 (see chaps. VI, VII and XVI) at its 10th to 19th meetings, held from 11 to 15 February 1985, and at its 32nd meeting, held on 26 February 1985. 1/

415. The Commission had before it the following documents:

Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-seventh session (E/CN.4/1985/3);

Annual report on racial discrimination submitted by the International Labour Organisation (E/CN.4/1985/28);

Annual report on racial discrimination submitted by the United Nations Educational, Scientific and Cultural Organization (E/CN.4/1985/29).

416. In the general debate on this item, 2/ statements were made by the following members of the Commission: Argentina (15th), Australia (16th), Bangladesh (17th), Bulgaria (14th), China (12th), Colombia (13th), Costa Rica (14th), Cyprus (15th), France (12th), German Democratic Republic (14th), Germany, Federal Republic of (15th), India (12th), Ireland (12th), Japan (16th), Jordan (18th), Mozambique (17th), Netherlands (14th), Peru (17th), Senegal (17th), Spain (16th), Sri Lanka (17th), Ukrainian Soviet Socialist Republic (15th), Union of Soviet Socialist Republics (18th), United Kingdom of Great Britain and Northern Ireland (14th), United Republic of Tanzania (18th).

417. The Commission also heard statements by the observers for: Afghanistan (13th), Algeria (11th), Angola (18th), Byelorussian Soviet Socialist Republic (14th), Cuba (18th), Czechoslovakia (16th), Egypt (15th), Indonesia (16th), Iraq (17th), Israel (16th), Poland (17th), Somalia (14th), Tunisia (16th), Viet Nam (13th).

418. Statements were also made by the following non-governmental organizations: Baha'i International Community (13th), International Association for the Defence of Religious Liberty (14th).

419. A statement equivalent to a right of reply was made by the observer for the Islamic Republic of Iran.

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1/ For the summary records, see E/CN.4/1985/SR.10 to SR.19 and SR.32, and E/CN.4/1985/SR.1-58/Corrigendum, as appropriate.

2/ The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.

420. At the 32nd meeting, on 26 February 1985, the representative of Senegal introduced draft resolution E/CN.4/1985/L.24, sponsored by Angola, \*/ Bangladesh, Cameroon, the Congo, Cuba, \*/ Egypt, \*/ India, Kenya, Lesotho, the Libyan Arab Jamahiriya, Mozambique, Nicaragua, Senegal, the Syrian Arab Republic, Uganda \*/ and the United Republic of Tanzania. Afghanistan, \*/ Algeria, \*/ Iran (Islamic Republic of), \*/ Mauritania and Pakistan \*/ subsequently joined the sponsors.

421. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1985/L.29) 3/ of draft resolution E/CN.4/1985/L.24.

422. The draft resolution was adopted without a vote.

423. Statements in explanation of vote after the vote were made by the representatives of Australia, France, the Federal Republic of Germany, Japan, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

424. For the text of the resolution, see chapter II, section A, resolution 1985/11.

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

3/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

XVIII. STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS:  
ELABORATION OF A SECOND OPTIONAL PROTOCOL TO THE  
INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS  
AIMING AT THE ABOLITION OF THE DEATH PENALTY

425. The Commission considered agenda item 18 together with item 8 (see chap. VIII) at its 42nd to 44th meetings, held on 5 and 6 March 1985, and at its 57th meeting held on 14 March 1985. 1/

426. The Commission had before it the following documents:

Report of the Secretary-General on the status of the International Covenants on Human Rights and the Optional Protocol to the International Covenant on Civil and Political Rights (A/39/461);

Report of the meeting of the chairmen of the Commission on Human Rights, the Human Rights Committee, the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination on the reporting obligations of States parties to the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination (A/39/484);

Draft resolution submitted by Austria, Costa Rica, Italy, Germany, Federal Republic of, Portugal and Sweden to the Third Committee of the General Assembly at its thirty-fifth session (A/C.3/35/L.75);

General comments under article 40, paragraph 4, of the International Covenant on Civil and Political Rights adopted by the Human Rights Committee at its 311th meeting (thirteenth session) on 28 July 1981 (A/36/40, annex VII);

Note verbale dated 24 August 1984 from the Permanent Representative of the Netherlands to the United Nations Office at Geneva addressed to the Secretary-General (E/CN.4/1985/4);

Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II) (E/CN.4/1985/NGO/53).

427. In the general debate on this item, 2/ statements were made by the following members of the Commission: Argentina (44th), Austria (42nd), Bulgaria (44th), Cyprus (42nd), German Democratic Republic (43rd), Germany, Federal Republic of (42nd), Japan (44th), Libyan Arab Jamahiriya (44th), Netherlands (42nd), Nicaragua (44th), Senegal (44th), Spain (43rd), Syrian Arab Republic (44th), Ukrainian Soviet Socialist Republic (44th), Union of Soviet Socialist Republics (44th), United Kingdom of Great Britain and Northern Ireland (43rd), Venezuela (44th), Yugoslavia (42nd).

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1/ For the summary records, see E/CN.4/1985/SR.42 to SR.44 and SR.57, and E/CN.4/1985/SR.1-58/Corrigendum, as appropriate.

2/ The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.

428. The Committee heard statements by the observers for Belgium (44th) and Mongolia (42nd).

429. A statement was made by the representative of the International Labour Organisation (43rd).

430. At the 57th meeting, on 14 March 1985, the representative of Finland introduced draft resolution E/CN.4/1985/L.75, sponsored by Austria, Colombia, Costa Rica, Denmark, \*/ Finland, Nicaragua, Norway, \*/ Peru, Senegal, Sweden \*/ and the United Kingdom of Great Britain and Northern Ireland. Cyprus and the Netherlands subsequently joined the sponsors.

431. Draft resolution E/CN.4/1985/L.75 was adopted without a vote.

432. For the text of the resolution, see chapter II, section A, resolution 1985/45.

433. On 7 March 1985, a draft decision (E/CN.4/1985/L.76) was submitted by the Federal Republic of Germany.

434. At the 57th meeting, the representative of the Federal Republic of Germany introduced a revised text (E/CN.4/1985/L.76/Rev.1), in which the following words were deleted at the end of the draft decision: "under a subitem to the agenda item on the status of the International Covenants on Human Rights, entitled 'Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty'."

435. Draft decision E/CN.4/1985/L.76/Rev.1 was adopted without a vote.

436. For the text of the decision, see chapter II, section B, decision 1985/109.

437. At the same meeting, the Commission considered draft resolution II recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its report (E/CN.4/1985/3, chap. I, sect. A) for adoption by the Commission.

438. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1985/L.35) 3/ of draft resolution II.

439. The draft resolution was adopted without a vote.

440. For the text of the resolution, see chapter II, section A, resolution 1985/46.

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

3/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.



XIX. REPORT OF THE SUB-COMMISSION ON PREVENTION OF  
DISCRIMINATION AND PROTECTION OF MINORITIES  
ON ITS THIRTY-SEVENTH SESSION

441. The Commission considered agenda item 19 from its 33rd to 37th meetings, held from 27 February to 1 March 1985, and at its 51st meeting, held on 11 March 1985. <sup>1/</sup>

442. The Commission had before it the following documents:

Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-seventh session (E/CN.4/1985/3);

Report on the mission to Mauritania, prepared by Mr. Marc Bossuyt, expert of the Sub-Commission (E/CN.4/Sub.2/1984/23), with a note by the Secretary-General containing a written presentation of the report by the expert (E/CN.4/1985/50);

Final report on the study of the problem of discrimination against indigenous populations, submitted by Mr. José R. Martínez Cobo, Special Rapporteur of the Sub-Commission (E/CN.4/Sub.2/476 and Add.1-6, E/CN.4/Sub.2/1982/2 and Add.1-7, E/CN.4/Sub.2/1983/21 and Add.1-8);

Report of the Sub-Commission's Working Group on Indigenous Populations on its third session (E/CN.4/Sub.2/1984/20).

443. In the general debate on this item, <sup>2/</sup> statements were made by the following members of the Commission: Argentina (36th), Australia (36th), Austria (35th), Brazil (33rd), Bulgaria (36th), China (36th), Colombia (36th), Cyprus (36th), Finland (36th), France (36th), Gambia (36th), German Democratic Republic (34th), Germany, Federal Republic of (36th), India (36th), Ireland (34th), Japan (34th), Netherlands (34th), Nicaragua (36th), Senegal (34th), Spain (36th), Syrian Arab Republic (36th), Ukrainian Soviet Socialist Republic (36th), Union of Soviet Socialist Republics (36th), United Kingdom of Great Britain and Northern Ireland (36th), United States of America (36th), Venezuela (36th).

444. The Commission heard statements by the observers for: Afghanistan (36th), Belgium (36th), Canada (34th and 36th), Guatemala (35th), Italy (35th), Norway (35th), Paraguay (35th).

445. Statements were also made by the following non-governmental organizations: Anti-Slavery Society for the Protection of Human Rights (35th), Centre Europe-Tiers Monde (36th), Christian Democratic International (34th), Four Directions Council (34th), International Abolitionist Federation (34th), International Commission of Jurists (36th), International Federation of Women in Legal Careers (36th), International Indian Treaty Council (35th), International Movement for Fraternal Union among Races and Peoples (36th), Pax Christi (35th), Pax Romana (36th), World Council of Indigenous Peoples (34th), World Federation for Mental Health (35th).

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<sup>1/</sup> For the summary records, see E/CN.4/1985/SR.33 to SR.37 and SR.51, and E/CN.4/1985/SR.1-58/Corrigendum, as appropriate.

<sup>2/</sup> The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.

446. Statements in right of reply or equivalent to right of reply were made by the representatives of Argentina (36th) and Sri Lanka (36th) and by the observers for Indonesia (36th) and Paraguay (36th).

447. At the 37th meeting, on 1 March 1985, Mr. Ivan Toševski<sup>V</sup>, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-seventh session, made a statement at the conclusion of the general debate.

448. At the 51st meeting, on 11 March 1985, the representative of Australia introduced draft decision E/CN.4/1985/L.53, sponsored by Australia.

449. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1985/L.56) 3/ of the draft decision.

450. The representatives of Australia, Brazil and the United States of America made statements.

451. Statements in explanation of vote before the vote were made by the representatives of Japan, the Netherlands, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

452. The representative of the United States of America requested a vote on the draft decision. The draft decision was adopted by 34 votes to 1, with 7 abstentions.

453. For the text of the decision, see chapter II, section B, decision 1985/103.

454. At the same meeting, the representative of Finland introduced draft resolution E/CN.4/1985/L.54, sponsored by Argentina, Australia, Canada, \*/ China, Denmark, \*/ Finland, the German Democratic Republic, Honduras, \*/ the Netherlands, Nicaragua, Norway, \*/ Peru, Sweden, \*/ the United Republic of Tanzania and the United States of America. Cuba \*/ subsequently joined the sponsors.

455. The representative of Finland orally revised the second preambular paragraph of the draft resolution by inserting the words "promotion and protection of the human rights and fundamental" between the words "pertaining to the" and "freedoms of".

456. The draft resolution, as orally revised, was adopted without a vote.

457. For the text of the resolution, see chapter II, section A, resolution 1985/21.

458. At the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland introduced draft decision E/CN.4/1985/L.55, sponsored by the United Kingdom.

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

3/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

459. The draft decision was adopted without a vote.
460. For the text of the decision, see chapter II, section B, decision 1985/104.
461. At the same meeting, the representative of the Netherlands introduced draft resolution E/CN.4/1985/L.67, sponsored by Belgium, \*/ Cameroon, Costa Rica, France, Germany, Federal Republic of, Ireland, the Netherlands, Peru and the United States of America. Argentina, Australia, Jordan and Senegal subsequently joined the sponsors.
462. The representative of the Netherlands orally revised the draft resolution by deleting operative paragraph 4, which read:
- "Decides to consider this subject at its forty-second session under an agenda item entitled 'Right of everyone to leave any country, including his own, and to return to his country'."
463. The draft resolution, as orally revised, was adopted without a vote.
464. For the text of the resolution, see chapter II, section A, resolution 1985/22.
465. At the same meeting, the Commission considered draft resolution V recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1985/3, chap. I, sect. A) for adoption by the Commission.
466. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1985/3, annex II, paras. 23 and 24) 3/ of the draft resolution.
467. Statements relating to the draft resolution were made by the representatives of Argentina, Brazil, France, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland.
468. The representative of Austria made a statement in explanation of vote before the vote.
469. The representative of Brazil proposed that no action should be taken on the draft resolution. The representative of the United Kingdom of Great Britain and Northern Ireland requested a vote on that proposal. The Brazilian proposal was rejected by 16 votes to 7, with 17 abstentions.
470. The draft resolution was adopted by 28 votes to none, with 9 abstentions.
471. For the text of the resolution, see chapter II, section A, resolution 1985/23.
472. At the same meeting, the Commission considered draft resolution VI recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1985/3, chap. I, sect. A) for adoption by the Commission.
473. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1985/L.37) 3/ of the draft resolution.
474. The draft resolution was adopted without a vote.
475. For the text of the resolution, see chapter II, section A, resolution 1985/24.

476. At the same meeting, the Commission considered draft resolution VII recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1985/3, chap. I, sect. A) for adoption by the Commission.

477. The representative of Brazil proposed that the words "and invites the Secretary-General of the United Nations to communicate with Governments and pursue the matter in an appropriate manner, urging early ratification;" should be deleted from operative paragraph 1.

478. The Commission accepted the proposal.

479. The representative of the Union of Soviet Socialist Republics proposed that the words "or to explain why they feel unable to do so" should also be deleted from the end of the remaining text of operative paragraph 1.

480. The Commission accepted the proposal.

481. The draft resolution, as amended, was adopted without a vote.

482. For the text of the resolution, see chapter II, section A, resolution 1985/25.

483. At the same meeting, the representative of Australia introduced draft resolution E/CN.4/1985/L.58, sponsored by Australia, Austria, Jordan and Senegal.

484. Statements relating to the draft resolution were made by the representatives of Australia, Austria, Brazil, Bulgaria, Colombia, the Gambia, Japan, Jordan, the Netherlands, Peru, Senegal, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and the United States of America.

485. The representative of Australia introduced the following oral revisions to the text: (a) in the fifth preambular paragraph, the addition of the words "and its resolution 1984/60 of 15 March 1984" after the word "Sub-Commission"; (b) in operative paragraph 4, the replacement of the words "independent experts who are not subject to government direction in the performance of their functions" by the words "independent experts not subject to government instructions in the performance of their functions as members of the Sub-Commission"; (c) the amalgamation of operative paragraphs 7 and 8, which read:

"7. Endorses the need for better continuity in the work of the Sub-Commission, as reflected in the principle of electing the experts members of the Sub-Commission for a term of four years, with half the members elected every two years, or in other methods providing for such continuity;

"8. Requests the Secretary-General, after consultation with member States, to submit a report on existing election procedures which could provide for such continuity to the Commission at its forty-second session, with a view to a decision being taken on the matter;"

into a single operative paragraph 7, reading:

"7. Endorses the desirability of better continuity in the work of the Sub-Commission and requests the Secretary-General, after consultation with member States, to submit a report on existing election procedures which could provide for such continuity to the Commission at its forty-second session, with a view to a decision being taken on the matter;"

and the consequent renumbering of paragraphs 9 to 16 of the text, and (d) in operative paragraph 15 (formerly 16), the replacement of the words "consider further" by the words "study additional".

486. The draft resolution, as orally revised, was adopted without a vote.

487. For the text of the resolution, see chapter II, section A, resolution 1985/28.

488. At the same meeting, the Commission considered draft resolution VIII B recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1985/3, chap. I, sect. A) for adoption by the Commission.

489. Statements relating to the draft resolution were made by the representatives of Argentina, Australia, Colombia, the Netherlands and the Syrian Arab Republic.

490. The representative of Colombia proposed that the words "and taking into account Economic and Social Council resolution 1296 (XLIV) of 23 May 1968 entitled 'Arrangements for consultation with non-governmental organizations'" should be added after the words "indigenous populations" at the end of the first preambular paragraph.

491. The proposal was accepted by the Commission.

492. The draft resolution, as amended, was adopted without a vote.

493. For the text of the resolution, see chapter II, section A, resolution 1985/29.

XX. RIGHTS OF PERSONS BELONGING TO NATIONAL,  
ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

494. The Commission considered agenda item 20 at its 57th meeting, held on 14 March 1985. 1/

495. The Commission had before it the following documents:

Report of the open-ended working group set up by the Commission on Human Rights at its fortieth session to consider the drafting of a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities (E/CN.4/1984/74);

Note by the Secretariat containing comments and proposals received from Governments (E/CN.4/1985/24) in response to a request by the open-ended working group established by the Commission on Human Rights at its thirty-ninth session (E/CN.4/1983/66, para.31);

Written statement submitted by the Baha'i International Community, a non-governmental organization in consultative status (category II) (E/CN.4/1985/NGO/22);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1985/NGO/45);

Written statement submitted by the International Association for the Defence of Religious Liberty, a non-governmental organization on the Roster (E/CN.4/1985/NGO/60);

Written statement submitted by Pax Romana, a non-governmental organization in consultative status (category II) (E/CN.4/1985/NGO/63).

496. An informal open-ended working group was established by the Commission in order to consider further the drafting of a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities.

497. At the 57th meeting, on 14 March 1985, Mr. I. Toševski<sup>V</sup>, Chairman-Rapporteur, introduced the report of the working group (E/CN.4/1985/L.3).

498. At the same meeting, the representative of Yugoslavia introduced draft resolution E/CN.4/1985/L.84, sponsored by Yugoslavia.

499. The draft resolution was adopted without a vote.

500. For the text of the resolution, see chapter II, section A, resolution 1985/53.

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1/ For the summary record, see E/CN.4/1985/SR.57 and E/CN.4/1985/SR.1-58/Corrigendum, as appropriate.

XXI. 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

501. The Commission considered agenda item 21 at its 24th to 26th meetings, held on 20 and 21 February 1985, and at its 55th meeting, held on 13 March 1985, 1/

502. The Commission had before it a note by the Secretary-General (E/CN.4/1985/52).

503. In the general debate on the item, 2/ statements were made by the following members of the Commission: Argentina (26th), Australia (24th), Bulgaria (26th), France (26th), German Democratic Republic (25th), Germany, Federal Republic of (24th), Libyan Arab Jamahiriya (26th), Netherlands (24th), Syrian Arab Republic (25th), Ukrainian Soviet Socialist Republic (24th), Union of Soviet Socialist Republics (25th), United Kingdom of Great Britain and Northern Ireland (25th), United States of America (25th), Venezuela (25th).

504. The Commission heard statements by the observers for: Afghanistan (26th), Byelorussian Soviet Socialist Republic (26th), Czechoslovakia (24th), Hungary (26th), Iran (Islamic Republic of) (26th), Israel (24th), Mongolia (26th), Poland (26th), Viet Nam (26th).

505. Statements were also made by the following non-governmental organizations: Christian Democratic International (24th), Women's International Democratic Federation (24th), World Jewish Congress (24th).

506. Statements in right of reply or equivalent to right of reply were made by the representatives of the Philippines (25th), the Syrian Arab Republic (24th), the Union of Soviet Socialist Republics (24th, 25th and 26th) and the United States of America (25th and 26th), by the observer for Democratic Kampuchea (26th) and by the representative of the League of Arab States (26th).

507. On 21 February 1985, a draft resolution (E/CN.4/1985/L.21) was submitted by Afghanistan,<sup>\*</sup>/ Bulgaria, the Byelorussian Soviet Socialist Republic,<sup>\*</sup>/ Cuba,<sup>\*</sup>/ Czechoslovakia,<sup>\*</sup>/ Democratic Yemen,<sup>\*</sup>/ German Democratic Republic, Hungary,<sup>\*</sup>/ the Libyan Arab Jamahiriya, Mongolia,<sup>\*</sup>/ Mozambique, Poland,<sup>\*</sup>/ the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, Viet Nam,<sup>\*</sup>/ and Yugoslavia, reading as follows:

"The Commission on Human Rights,

"Mindful of the determination proclaimed by the peoples of the world in the Charter of the United Nations to reaffirm faith in fundamental

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1/ For the summary records, see E/CN.4/1985/SR.24 to SR.26 and SR.55, and E/CN.4/1985/SR.1-58/Corrigendum, as appropriate.

2/ The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.

<sup>\*</sup>/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to promote social progress and better standards of life in larger freedom,

"Recalling 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, the International Convention on the Suppression and Punishment of the Crime of Apartheid and other relevant international instruments,

"Recalling also the Declaration on the Granting of Independence to Colonial Countries and Peoples according to which the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation,

"Recalling also General Assembly resolution 39/114 of 14 December 1984 entitled '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',

"Deeply concerned that in the contemporary world there continue to exist racist, colonialist and other repressive régimes which, having inherited the totalitarian ideologies and practices of nazism and fascism, practice mass and flagrant violations of human rights and deprive the oppressed peoples of their rights to self-determination and free development,

"Deeply alarmed at the existence and intensification of activities of groups and organizations which propagate Nazi, Fascist and neo-Fascist ideologies and practices, call for the revision of the results of the Second World War and thus pose a threat to international peace and security, to the freedom and independence of peoples and to the realization of human rights,

"Noting that the totalitarian entities and régimes based on racial or ethnic exclusiveness or intolerance, hatred or terror pursue the purpose of ensuring their domination and their economic and social privileges at the expense of other peoples or racial or ethnic groups, which they suppress and exploit,

"Bearing in mind that precisely these purposes were pursued by the Nazi and Fascist régimes which plunged mankind into the Second World War,

"Emphasizing that the doctrines of racial or ethnic superiority, on which the totalitarian entities and régimes are based, contradict the spirit and principles of the United Nations and that the realization of such doctrines in practice leads to wars, mass and flagrant violations of human rights and crimes against humanity, such as genocide, and creates obstacles for friendly relations among nations and for social progress in the world,

"Firmly convinced that the best bulwark against nazism and racial discrimination is the establishment and maintenance of democratic institutions, that the existence of genuine political, social and economic democracy is an effective vaccine and an equally effective antidote against the formation or development of Nazi movements and that a



political system which is based on freedom and effective participation by the people in the conduct of public affairs, and under which economic and social conditions are such as to ensure a decent standard of living for the population, makes it impossible for fascism, nazism or other ideologies based on racism and racial discrimination, hatred or terror to succeed,

"Acknowledging with satisfaction the fact that many States have set up legal regulations which are designed to prevent the activities of Nazi, Fascist and neo-Fascist groups and organizations,

"1. Again resolutely condemns nazism, fascism, neo-fascism and other totalitarian ideologies and practices based on racial or ethnic exclusiveness or intolerance, hatred or terror;

"2. Notes in particular the totalitarian nature of racist régimes which constitutes a domination based on doctrines of racial superiority and enslavement;

"3. 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;

"4. Urges all States to observe strictly in their international relations the purposes and principles laid down in the Charter of the United Nations, 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;

"5. Appeals to all States that have not yet done so to ratify, accede to or give serious consideration to acceding 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 upon the appropriate specialized agencies, as well as intergovernmental and international non-governmental organizations, to initiate or intensify measures against the ideologies and practices of nazism, fascism and neo-fascism and against war propaganda;

"7. Requests all States to submit to the Secretary-General their comments and information on the implementation of General Assembly resolution 39/114 and of the present resolution;

"8. Requests the Secretary-General to submit a report on this question to the Commission at its forty-second session, taking into account the comments and information of States referred to in paragraph 7 above;

"9. Decides to include in the agenda of its forty-second session an item entitled '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'.

508. On 25 February 1985, a draft resolution (E/CN.4/1985/L.26) was submitted by Bulgaria, the Byelorussian Soviet Socialist Republic,\* Czechoslovakia,\* the German Democratic Republic, Hungary,\* the Libyan Arab Jamahiriya, Mongolia,\* Mozambique, Poland,\* the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and Yugoslavia, reading as follows:

"The Commission on Human Rights,

"Solemnly commemorating the fortieth anniversary of the victory of peoples over the forces of nazism and fascism in the Second World War,

"Solemnly commemorating also the fortieth anniversary of the United Nations, which was created as a result of that victory,

"Bearing in mind the loss of life and the suffering inflicted upon humanity by nazism and fascism in their criminal disregard for human rights,

"Recalling that the United Nations embodies the resolve of peoples to save succeeding generations from the scourge of war and to reaffirm faith in fundamental human rights and in the dignity and worth of the human person,

"Profoundly concerned that, 40 years after the conclusion of the Second World War, international peace and security continue to be threatened by war, in particular by nuclear war capable of destroying civilization on earth,

"Expressing its serious concern at the existence and the intensification of the activities of forces which call for the revision of the results of the Second World War and thus pose a threat to international peace and security, the freedom and independence of peoples and the realization of human rights,

"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,

"1. Pays a tribute of respect and profound gratitude to the peoples whose titanic efforts and countless losses during the Second World War were crowned, 40 years ago, by the victory over the forces of nazism and fascism and the establishment of the United Nations;

"2. Notes the great importance of that victory for saving world civilization, ensuring the success of the peoples' struggle for their social and national liberation, precipitating the collapse of the colonial system and ensuring the realization of human rights and fundamental freedoms;

"3. Welcomes General Assembly resolution 39/114 of 14 December 1984, in which the General Assembly declared 8 and 9 May 1985 the days of the fortieth anniversary of victory over nazism and fascism in the Second World War and of the struggle against them;

"4. Calls upon all States widely and solemnly to commemorate the fortieth anniversary of the victory of the freedom-loving peoples in the Second World War and to give expression to the respect felt by today's generations for the veterans who were the architects of that victory;

"5. Considers that the solemn celebration by all States of the anniversary should serve to mobilize the efforts of the world community to strengthen peace, remove the threat of a new war, particularly a nuclear war, and halt the arms race, and so secure the foremost human right - the right to life;

"6. Again calls upon all States that have not yet done so to take effective measures with a view to prohibiting any propaganda for war, in particular the formulation, propounding and dissemination of and propaganda for doctrines and concepts aimed at unleashing nuclear war;

"7. Calls upon the relevant specialized agencies, as well as intergovernmental and international non-governmental organizations to take part in the celebration of this anniversary and in this connection to intensify measures aimed at preventing the threat of a new war;

"8. Requests the Secretary-General to submit to the Commission at its forty-second session a report containing information on the measures taken by Governments, specialized agencies and intergovernmental and non-governmental organizations to commemorate the fortieth anniversary of the victory over the forces of nazism and fascism in the Second World War."

509. Draft resolution E/CN.4/1985/L.26 was subsequently revised and submitted under agenda item 3 as E/CN.4/1985/L.26/Rev.1 (see chap. III).

510. On 25 February 1985, a draft resolution (E/CN.4/1985/L.27) was submitted by Bulgaria, the Byelorussian Soviet Socialist Republic,\* Czechoslovakia,\* the German Democratic Republic, the Libyan Arab Jamahiriya, Poland,\* the Syrian Arab Republic and the Ukrainian Soviet Socialist Republic, reading as follows:

"The Commission on Human Rights,

"Recalling General Assembly resolutions 3 (I) of 13 February 1946 and 170 (II) of 31 October 1947, concerning the extradition and punishment of war criminals, and 95 (I) of 11 December 1946, concerning the affirmation of the principles of international law recognized by the Charter and judgement of the International Nürnberg Tribunal,

"Bearing in mind that the fortieth anniversary of the victory over fascism and nazism in the Second World War will be celebrated in May 1985,

"Convinced that the thorough investigation of war crimes and crimes against humanity and the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity are important to the prevention of such crimes, the defence of human rights and fundamental freedoms, the strengthening of trust and the development of co-operation among peoples and the safeguarding of international peace and security.

"1. Reaffirms that, as indicated in international law, war crimes and crimes against humanity are crimes of the most heinous sort;

"2. Draws attention to the particular need to adopt international measures to ensure the prosecution and punishment of persons guilty of war crimes and crimes against humanity;

"3. Reiterates the great importance of the principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity proclaimed by the General Assembly in its resolution 3074 (XXVIII) of 3 December 1973;

"4. Calls upon all States to take, in accordance with the resolutions of the General Assembly, the measures necessary to ensure the thorough investigation and the detection, arrest, extradition and punishment of all war criminals and persons guilty of crimes against humanity during the Second World War who have not yet been brought before a court and paid an appropriate penalty;

"5. Urges all States to co-operate with each other in, in particular, the collection and exchange of information that would assist in the detection, arrest, extradition, prosecution and punishment of persons guilty of war crimes and crimes against humanity;

"6. Decides to examine this matter at its forty-second session."

511. On 28 February 1985, the Netherlands and the United Kingdom of Great Britain and Northern Ireland submitted amendments (E/CN.4/1985/L.38) to draft resolution E/CN.4/1985/L.21, reading as follows:

"(1) After the third preambular paragraph, add the following new preambular paragraph:

'Recalling also that 1985 will mark the fortieth anniversary of the end of the Second World War and of the founding of the United Nations,'.

"(2) After the fourth preambular paragraph, add the following new preambular paragraph:

'Recalling also its resolutions 1983/28 of 7 March 1983 and 1984/42 of 12 March 1984, entitled "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",,'.

"(3) Before the fifth preambular paragraph, add the fourth preambular paragraph of Commission resolution 1984/42:

'Recalling also the close relationship between all totalitarian ideologies and practices based on racial or ethnic exclusiveness or intolerance, hatred and terror and systematic denial of human rights and fundamental freedoms,'.

"(4) In the fifth preambular paragraph, replace the words 'having inherited the totalitarian ideologies and practices of' by the words 'in their implementation of totalitarian ideologies and practices such as ...'.

"(5) In the sixth preambular paragraph, replace the words 'Nazi, Fascist and neo-Fascist ... realization of human rights' by the following: 'totalitarian ideologies and practices, including Nazi, Fascist and neo-Fascist ideologies and practices, which violate human rights and fundamental freedoms, in particular the rights to self-determination, to life, liberty and security of person and to freedom from discrimination, and which thereby threaten the purposes and principles laid down in the Charter of the United Nations,'.

"(6) In the seventh preambular paragraph, add the words 'or systematic denial of human rights and fundamental freedoms' after the words 'hatred or terror'.

"(7) After the seventh preambular paragraph, add the seventh preambular paragraph of Commission resolution 1984/42:

'Emphasizing that all such 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, may jeopardize world peace, constitute obstacles to friendly relations between States and the realization of human rights and fundamental freedoms,'.

"(8) After the eighth preambular paragraph, add the twentieth preambular paragraph of Commission resolution 1984/42:

'Expressing also its concern that totalitarian ideologies and practices are applied by other repressive régimes, based on the systematic denial of human rights and fundamental freedoms,'.

"(9) After the ninth preambular paragraph, add the fourteenth to seventeenth preambular paragraphs of Commission resolution 1984/42:

'Reaffirming that all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic and other exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences, are incompatible with the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Non-Applicability of Statutory Limitations of War Crimes and Crimes against Humanity, the International Convention on the Suppression and Punishment of the Crime of Apartheid and other relevant international instruments,

'Mindful of the principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity set forth in General Assembly resolution 3074 (XXVIII) of 3 December 1973,

'Acknowledging with satisfaction the fact that many States have established systems based on the inherent dignity and the equal and inalienable rights of all human beings, which are the basis of democratic society and the best bulwark against totalitarian ideologies and practices,

'Noting that, nevertheless, in the contemporary world there continue to exist various forms of totalitarian ideologies and practices which entail contempt for the individual or a denial of the intrinsic dignity and equality of all human beings and of equality of opportunity in civil, political, economic, social and cultural spheres,'.

"(10) Replace operative paragraph 1 by paragraphs 1 and 2 of Commission resolution 1984/42:

1. Again condemns 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;

'2. Expresses its determination to resist all totalitarian ideologies and especially their practices, which deprive people of basic human rights and fundamental freedoms and of equality of opportunity;'

"(11) After operative paragraph 2 of draft resolution E/CN.4/1985/L.21, add the following paragraphs:

'Considers that the pursuit of all totalitarian ideologies and practices represents a serious threat to the exercise of many fundamental human rights, including the right to life, liberty and security of person, the right to self-determination of peoples, the right to freedom from discrimination based on race, religion, ethnic origin or other status, the right to freedom of thought, conscience and religion, and the right to hold opinions without interference;

'Considers further that the best defence against all totalitarian ideologies lies in free and effective popular participation in democratic institutions, based on respect for the human rights proclaimed in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international instruments;'

"(12) Replace operative paragraph 3 by paragraph 3 of Commission resolution 1984/42:

'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 of groups or organizations or whoever is practising those ideologies;'

"(13) After operative paragraph 5, add paragraphs 7, 8 and 12 of Commission resolution 1984/42:

'Calls upon all States to assist each other in detecting, arresting and bringing to trial persons suspected of having committed war crimes and crimes against humanity and, if they are found guilty, in punishing them;

'Notes that the fortieth anniversary of the conclusion of the Second World War will occur in 1985 and should serve to mobilize the efforts of the world community in its struggle against all totalitarian ideologies and practices, including those described in paragraphs 1 and 2 above;

'Invites all States, on the occasion of the fortieth anniversary of the conclusion of the Second World War, to renew their efforts to counter the spread of the totalitarian ideologies and practices described in paragraphs 1 and 2 above and thereby to help to maintain international peace and avoid future conflict;'

"(14) Replace operative paragraph 6 by paragraph 4 of Commission resolution 1984/42:

'Calls upon the appropriate specialized agencies as well as intergovernmental and international non-governmental organizations to initiate or intensify measures against all totalitarian ideologies and practices, including those described in paragraphs 1 and 2 above;'

"(15) In operative paragraph 9, replace the words between inverted commas by the current title of the agenda item: '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'."

512. At the 55th meeting, on 13 March 1985, the representative of the Ukrainian Soviet Socialist Republic introduced a revised draft resolution (E/CN.4/1985/L.21/Rev.1) submitted by the same sponsors as draft resolution E/CN.4/1985/L.21 (see para. 507 above).

513. Draft resolution E/CN.4/1985/L.27 and the amendments to draft resolution E/CN.4/1985/L.21 contained in document E/CN.4/1985/L.38 were withdrawn by the sponsors.

514. The representatives of Cameroon, the German Democratic Republic and the United Kingdom of Great Britain and Northern Ireland made statements.

515. Draft resolution E/CN.4/1985/L.21/Rev.1 was adopted without a vote.

516. For the text of the resolution, see chapter II, section A, resolution 1985/31.

XXII. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

517. The Commission considered agenda item 22 at its 36th and 37th meetings, held on 28 February and 1 March, at its 42nd meeting, held on 5 March, at its 51st meeting, held on 11 March, and at its 55th meeting, held on 13 March 1985. 1/

518. The Commission had before it the following documents:

Provision of expert assistance in the field of human rights -  
Equatorial Guinea: note by the Secretary-General (E/CN.4/1985/9);

Provision of expert assistance in the field of human rights -  
Equatorial Guinea: introductory note to the report by the expert,  
Mr. Fernando Volio Jiménez, appointed in accordance with Economic and  
Social Council resolution 1984/36 (E/CN.4/1985/9/Add.1);

Report of the Secretary-General submitted in pursuance of Commission  
resolution 1984/44 (E/CN.4/1985/30);

Assistance to Bolivia: report of the Secretary-General (E/CN.4/1985/31);

Assistance to Haiti: report of the Secretary-General (E/CN.4/1985/32);

Advisory services in the field of human rights: report of the  
Secretary-General (E/CN.4/1985/36).

519. At the 36th meeting, on 28 February 1985, Mr. Volio Jiménez introduced his  
report on assistance to Equatorial Guinea (E/CN.4/1985/9 and Add.1).

520. In the general debate on this item, 2/ statements were made by the  
following members of the Commission: Australia (42nd), Austria (37th),  
Bulgaria (42nd), Cyprus (37th), Finland (37th),  
German Democratic Republic (37th), Germany, Federal Republic of (37th),  
Japan (37th), Netherlands (37th), Union of Soviet Socialist Republics (37th),  
United Kingdom of Great Britain and Northern Ireland (37th).

521. The Commission heard statements by the observers for Canada (37th),  
Belgium (37th) and Bolivia (42nd).

522. A statement was made by the representative of the International Labour  
Organisation (37th).

523. Statements were also made by the following non-governmental organizations:  
International Commission of Jurists (42nd), International Movement for  
Fraternal Union among Races and Peoples (42nd).

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1/ For the summary records, see E/CN.4/1985/SR.36, SR.37, SR.42, SR.51  
and SR.55, and E/CN.4/1985/SR.1-58/Corrigendum, as appropriate.

2/ The number given in parenthesis following the name of a country or  
organization indicates the meeting at which the statement was made and  
corresponds to the relevant summary record.



524. At the 51st meeting, on 11 March 1985, the representative of the Federal Republic of Germany introduced draft resolution E/CN.4/1985/L.51, sponsored by Canada, \*/ Costa Rica, Finland, France, the Gambia, Germany, Federal Republic of, Peru, Senegal and Yugoslavia. Austria, Bolivia \*/ and Uganda \*/ subsequently joined the sponsors.

525. Draft resolution E/CN.4/1985/L.51 was adopted without a vote.

526. For the text of the resolution, see chapter II, section A, resolution 1985/26.

527. At the same meeting, the representative of the Gambia introduced draft resolution E/CN.4/1985/L.59, sponsored by the Congo, Ethiopia, \*/ the Gambia, Kenya, Lesotho, Mozambique, Nigeria, \*/ Uganda, \*/ the United Republic of Tanzania and Yugoslavia. Algeria \*/ and Liberia subsequently joined the sponsors.

528. Draft resolution E/CN.4/1985/L.59 was adopted without a vote.

529. For the text of the resolution, see chapter II, section A, resolution 1985/27.

530. At the same meeting, the representative of the Ukrainian Soviet Socialist Republic introduced draft resolution E/CN.4/1985/L.61, sponsored by Bulgaria, the Byelorussian Soviet Socialist Republic, \*/ Cuba, \*/ Czechoslovakia, \*/ the German Democratic Republic, Hungary, \*/ the Libyan Arab Jamahiriya, Mongolia, \*/ Poland, \*/ the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics. Afghanistan \*/ subsequently joined the sponsors. The draft resolution reads as follows:

"The Commission on Human Rights,

"Welcoming the decision by the General Assembly to declare 1986 the Year of Peace,

"Conscious that the United Nations, the fortieth anniversary of which is being celebrated during the current year, has contributed for forty forty years to the prevention of a new world war,

"Recalling that the right to life is proclaimed in article 6, paragraph 1, of the International Covenant on Civil and Political Rights as an inherent right of every human being,

"Welcoming also general comment 14 (23) of the Human Rights Committee, which declared nuclear war to be a most dangerous threat to life and expressed serious concern in that respect,

"Noting the great importance of United Nations seminars for mutual understanding among representatives of States,

"Requests the Secretary-General to organize in 1986, within the framework of the programme of advisory services in the field of human rights, a seminar on the right of peoples to life and peace."

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

531. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1985/L.87) <sup>3/</sup> of draft resolution E/CN.4/1985/L.61.

532. The representatives of Austria, Bulgaria, Costa Rica, the Federal Republic of Germany, the Netherlands, Senegal, the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America made statements.

533. The representative of Costa Rica proposed, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, that the Commission take no decision on draft resolution E/CN.4/1985/L.61.

534. The representative of the Union of Soviet Socialist Republics orally revised the operative paragraph of the draft resolution so that the words "Requests the Secretary-General to organize in 1986," were replaced by "Requests the Secretary-General to consider the possibility of organizing,".

535. In the light of that oral revision, the representative of Costa Rica withdrew his proposal.

536. The representative of Austria proposed that the words "Welcoming also" at the beginning of the fourth preambular paragraph be amended to read "Taking note of".

537. The representative of the Federal Republic of Germany proposed, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, that the Commission take no decision on draft resolution E/CN.4/1985/L.61.

538. The representative of the Ukrainian Soviet Socialist Republic requested a roll-call vote on the proposal. The proposal that the Commission take no decision on draft resolution E/CN.4/1985/L.61 was adopted by 14 votes to 13, with 15 abstentions. The voting was as follows:

In favour: Australia, Austria, Colombia, Costa Rica, France, Germany, Federal Republic of, Ireland, Japan, Netherlands, Philippines, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Bulgaria, Congo, German Democratic Republic, India, Jordan, Libyan Arab Jamahiriya, Mozambique, Nicaragua, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia.

Abstaining: Argentina, Bangladesh, Brazil, Cameroon, China, Cyprus, Finland, Gambia, Kenya, Lesotho, Liberia, Mexico, Peru, Senegal, Sri Lanka.

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<sup>3/</sup> An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

539. For the text of the decision, see chapter II, section B, decision 1985/105.

540. At the 51st meeting, on 11 March 1985, the representative of Costa Rica introduced draft resolution E/CN.4/1985/L.39, sponsored by Costa Rica, Peru and Venezuela.

541. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1985/L.78) 3/ of the draft resolution.

542. Statements relating to the draft resolution were made by the representatives of Costa Rica, Peru and the Union of Soviet Socialist Republics.

543. In the light of the statement made by the representative of the Union of Soviet Socialist Republics, the representative of Costa Rica, on behalf of the sponsors, orally revised the draft resolution as follows:

(a) At the beginning of operative paragraph 1 of the draft resolution recommended for adoption by the Economic and Social Council, the words "Requests the Government of Equatorial Guinea to implement the plan of action fully," were replaced by the words "Requests the Government of Equatorial Guinea to consider the possibility of continuing to implement the plan of action,";

(b) [Not applicable to the English text.]

(c) At the beginning of operative paragraph 3, the word "Urges" was replaced by the words "Appeals to".

544. At the same meeting, draft resolution E/CN.4/1985/L.39, as orally revised, was adopted without a vote.

545. For the text of the resolution, see chapter II, section A, resolution 1985/30.

546. On 6 March 1985, a draft resolution (E/CN.4/1985/L.50) was submitted by Argentina, Colombia, Costa Rica, Mexico, Nicaragua, Peru and Venezuela, the operative part of which 4/ read as follows:

[The Commission on Human Rights]

"1. Decides to reiterate its request to the Economic and Social Council and, through it, to the Secretary-General for acceleration of the actions recommended by the above-mentioned resolutions and, in particular, for co-operation in the following:

(a) The project submitted by the Ministry of Education and Culture to introduce the subject of human rights at all levels of education;

(b) The project submitted by the University of Bolivia to create a chair of human rights in the various higher institutions of learning;

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4/ The preamble was identical with that of the revised draft resolution (E/CN.4/1985/L.50/Rev.1) (see paras. 547-549 below).

(c) An increase in the number of human rights fellowships in Bolivia;

(d) The project for remodelling national prison installations and for training specialized personnel;

(e) Technical assistance in the matter of enforced or involuntary disappearances;

(f) The project submitted by the Ministry of Health requesting assistance in improving basic economic conditions and in overcoming the problems of the health sector, and the project dealing with child health centres;

(g) The project submitted by the Ministry of Planning and Co-ordination entitled 'Extreme poverty';

"2. Again invites all Member States, organizations of the United Nations and non-governmental organizations to support Bolivia in its efforts to strengthen the enjoyment of human rights and fundamental freedoms;

"3. Requests the Centre for Human Rights to act as co-ordinator in the implementation of the various assistance programmes for which other agencies are responsible, such as the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, with a view to providing the Government of Bolivia with the required assistance in this field."

547. At the 55th meeting, on 13 March 1985, the representative of Colombia introduced a revised draft resolution (E/CN.4/1985/L.50/Rev.1), sponsored by Argentina, Colombia, Costa Rica, Cuba \*/ Mexico, Nicaragua, Peru and Venezuela. Brazil and Spain subsequently joined the sponsors.

548. Draft resolution E/CN.4/1985/L.50/Rev.1 was adopted without a vote.

549. For the text of the resolution, see chapter II, section A, resolution 1985/34.

XXIII. IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

550. The Commission considered agenda item 23 at its 54th and 57th meetings, held on 13 and 14 March 1985. 1/

551. The Commission had before it the following documents:

Report of the Secretary-General prepared in accordance with Economic and Social Council resolution 1984/39 (E/CN.4/1985/33);

Preliminary report by Mrs. Odio Benito, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1984/28);

Report on the seminar on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief (ST/HR/SER.A/16);

Written statement submitted by the Baha'i International Community, a non-governmental organization in consultative status (category II) (E/CN.4/1985/NGO/47).

552. In the general debate on this item, which took place at the 54th meeting, on 13 March 1985, statements were made by the following members of the Commission: Australia, China, Ireland, Senegal, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

553. The Commission heard statements by the observers for Israel and the Holy See.

554. Statements were also made by the following non-governmental organizations: Baha'i International Community, Christian Democratic International, International Association for the Defence of Religious Liberty, International Council of Jewish Women, International Fellowship of Reconciliation, Pax Romana, World Jewish Congress, Co-ordinating Board of Jewish Organizations.

555. Statements equivalent to right of reply were made 2/ by the observer for Burundi (57th) and by the representative of the League of Arab States (54th).

556. At the 57th meeting, on 14 March 1985, the representative of Ireland introduced draft resolution E/CN.4/1985/L.72, sponsored by Australia, Austria, Canada, \*/ Costa Rica, Finland, France, the Gambia, Ireland, Italy, \*/ Japan, the Netherlands, Panama, \*/ Peru, Uganda \*/ and the United States of America. Argentina, India, the Libyan Arab Jamahiriya, Senegal and Sri Lanka subsequently joined the sponsors.

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\*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

1/ For the summary records, see E/CN.4/1985/SR.54 and SR.57, and E/CN.4/1985/SR.1-58/Corrigendum, as appropriate.

2/ The number given in parenthesis following the name of a country or organization indicates the meeting at which the statement was made and corresponds to the relevant summary record.

557. In introducing the draft resolution, the representative of Ireland orally revised the ninth preambular paragraph, replacing the word "may" by the word "can", and operative paragraph 5, by inserting the words "where necessary" between the words "to examine" and "the supervision and training".

558. The draft resolution, as orally revised, was adopted without a vote.

559. For the text of the resolution, see chapter II, section A, resolution 1985/51.

XXIV. DRAFT PROVISIONAL AGENDA FOR THE FORTY-SECOND SESSION  
OF THE COMMISSION

560. The Commission considered agenda item 24 at its 58th meeting, on 15 March 1985. In accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII), the Commission had before it a note by the Secretary-General (E/CN.4/1985/L.5) containing a draft provisional agenda for the forty-second session of the Commission and indicating the documents to be submitted under each item and the legislative authority for their preparation.

561. At the same meeting, the Commission took note of the draft provisional agenda.

562. The draft provisional agenda for the forty-second session of the Commission reads as follows:

1. Election of officers
2. Adoption of the agenda
3. Organization of the work of the session

Legislative authority: relevant resolutions and decisions of the General Assembly, the Economic and Social Council and the Commission.

4. Question of the violation of human rights in the occupied Arab territories, including Palestine

Legislative authority: Commission resolutions 1985/1 A, 1985/1 B and 1985/2.

Documentation:

- (a) Report of the Secretary-General (paragraph 16 of resolution 1985/1 A and paragraph 6 of resolution 1985/1 B);
- (b) List of United Nations reports appearing between sessions of the Commission that deal with the situation of the population of the occupied territories (paragraph 17 of resolution 1985/1 A)

5. Question of human rights in Chile

Legislative authority: Commission resolution 1985/47.

Documentation:

Report of the Special Rapporteur (paragraph 8)

6. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts

Legislative authority: Commission resolutions 1985/7 and 1985/8.

Documentation:

Report of the Ad Hoc Working Group of Experts (paragraphs 11 and 12 of resolution 1985/7, paragraphs 16 and 18 of resolution 1985/8).

7. 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

Legislative authority: Commission resolution 1985/9.

Documentation:

Updated version of the report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (paragraph 21).

8. 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, including:

- (a) Problems related to the right to enjoy an adequate standard of living; the right to development
- (b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms
- (c) Popular participation in its various forms as an important factor in development and in the full realization of all human rights

Legislative authority: Commission resolutions 1985/43 and 1985/44.

Documentation:

- (a) Report of the Working Group (paragraph 6 of resolution 1985/43).
- (b) Report of the Secretary-General (paragraph 5 of resolution 1985/44).

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

Legislative authority: Commission resolutions 1985/3, 1985/4, 1985/5, 1985/6 and 1985/12.

Documentation:

Note by the Secretary-General transmitting information pertaining to the implementation of resolution 1985/4 (paragraph 13).

10. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

- (a) Torture and other cruel, inhuman or degrading treatment or punishment
- (b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment



(c) Question of enforced or involuntary disappearances

Legislative authority: Commission resolutions 1985/15, 1985/17, 1985/18, 1985/19, 1985/20 and 1985/33.

Documentation:

- (a) Note by the Secretary-General transmitting information pertaining to the question of the human rights of all persons subjected to any form of detention or imprisonment (paragraph 8 of resolution 1985/15);
  - (b) Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (paragraph 4 of resolution 1985/18);
  - (c) Report of the Secretary-General on the operations of the United Nations Voluntary Fund for Victims of Torture (paragraph 6 of resolution 1985/19);
  - (d) Report of the Working Group on Enforced or Involuntary Disappearances (paragraph 3 of resolution 1985/20);
  - (e) Report of the Special Rapporteur appointed to examine questions relevant to torture (paragraph 7 of resolution 1985/33).
11. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

Legislative authority: Commission resolutions 24 (XXXV), 1985/48 and 1985/49; Commission decision 1985/110.

Documentation:

- (a) Interim report of the Secretary-General incorporating comments from Governments on the report of the seminar on national, local and regional arrangements for the promotion and protection of human rights in the Asian region (paragraph 5 of resolution 1985/48);
  - (b) Report of the Secretary-General on the implementation of Commission resolution 1985/49 (paragraph 10).
12. 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, including:
- (a) Question of human rights in Cyprus
  - (b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group established by the Commission at its forty-first session

Legislative authority: Commission resolutions 1985/35, 1985/36, 1985/37, 1985/38, 1985/39 and 1985/40; Commission decision 1985/108.

Documentation:

- (a) Report of the Special Rapporteur (operative paragraph 4 of draft resolution IV recommended for adoption by the Economic and Social Council in Commission resolution 1985/37);
- (b) Report by the Special Representative (paragraph 14 of resolution 1985/35);
- (c) Report of the Special Rapporteur (paragraphs 14 and 15 of resolution 1985/36);
- (d) Report of the Special Rapporteur (paragraph 6 of resolution 1985/38);
- (e) Report of the Special Representative (paragraph 5 of resolution 1985/39);
- (f) Report of the Secretary-General (decision 1985/108).

13. Question of a convention on the rights of the child

Legislative authority: Commission resolution 1985/50.

Documents relating to the draft convention on the rights of the child (operative paragraph 2 of draft resolution VI recommended to the Economic and Social Council for adoption).

14. Measures to improve the situation and ensure the human rights and dignity of all migrant workers

Legislative authority: Commission resolution 1985/52.

Documentation:

Note by the Secretary-General containing information on the further progress attained (paragraph 4).

15. Human rights and scientific and technological developments

Legislative authority: Commission resolutions 1984/27, 1984/28, 1984/29, 1984/30 and 1984/47.

Documentation:

- (a) Report of the Secretary-General (paragraph 2 of resolution 1984/27);
- (b) Draft body of principles, guidelines and guarantees annexed to the report of the Special Rapporteur (paragraph 2 of Economic and Social Council resolution 1984/33, adopted as recommended in Commission resolution 1984/47).

16. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid

Legislative authority: Commission resolution 1985/10.

Documentation:

Report of the Group of Three established under article IX of the Convention (paragraph 13).

17. (a) Study in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities of ways and means of ensuring the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination
- (b) Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination

Legislative authority: Commission resolution 1985/11.

Documentation:

Report of the Secretary-General on the progress made in carrying out the plan of activities for the period 1985-1989 (paragraph 4).

18. Status of the International Covenants on Human Rights

Legislative authority: Commission resolution 1985/45.

Documentation:

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, including information on the work of the Economic and Social Council and its Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights (paragraph 12).

19. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-eighth session

Documentation:

Report of the Sub-Commission on its thirty-eighth session.

20. Rights of persons belonging to national, ethnic, religious and linguistic minorities

Legislative authority: Commission resolution 1985/53.

Documentation:

Proposals by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for the definition of the term "minority" as it relates to the proposed draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities (paragraph 2).

21. 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

Legislative authority: Commission resolution 1985/31.

Documentation:

Report of the Secretary-General (paragraph 13).

22. Advisory services in the field of human rights

Legislative authority: Commission resolutions 1985/26, 1985/27, 1985/30 and 1985/34.

Documentation:

- (a) Report of the Secretary-General (paragraphs 2 and 5 of resolution 1985/26);
- (b) Report of the Secretary-General (paragraphs 1 and 4 of resolution 1985/27).

23. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

Legislative authority: Commission resolution 1985/51.

Documentation:

Report of the Secretary-General (paragraph 8).

24. Draft provisional agenda for the forty-third session of the Commission

Legislative authority: Economic and Social Council resolution 1894 (LVII).

Documentation:

Note by the Secretary-General containing the draft provisional agenda for the forty-third session of the Commission, together with information concerning documentation relating thereto.

25. Report to the Economic and Social Council on the forty-second session of the Commission

Legislative authority: rule 38 of the rules of procedure of the functional commissions of the Economic and Social Council.

**XXV. ADOPTION OF THE REPORT**

563. At its 58th meeting, on 15 March 1985, the Commission considered the draft report on the work of its forty-first session. The draft report, as amended in the course of the discussion, was adopted.

Annex I

ATTENDANCE

Members

Argentina

Mr. Horacio Ravenna, Mr. Osvaldo Lopez NogueroL,\* Mr. Leandro Despouy,\*\*  
Mrs. Norma Nascimbene de Dumont,\*\* Mr. Jaime Sergio Cerda,\*\*  
Mr. Alberto Pedro d'Alotto,\*\* Mrs. Lidia Narezo Monaco\*\*

Australia

Mr. Robert H. Robertson, Mr. M. S. G. Curtin,\* Miss R. Pearce,\*\*  
Mr. J. Moore,\*\* Mr. J. D. Thwaites,\*\* Mr. J. P. Quinn,\*\*  
Mr. K. O'Connor,\*\* Miss M. C. Doyle\*\*

Austria

Mr. Felix Ermacora, Mr. Harald Wiesner,\* Mr. Ferdinand Trauttmansdorff,\*\*  
Mr. Franz Cermak,\*\* Mr. Helmit Tichy\*\*

Bangladesh

Mr. Abu Sayeed Chowdhury, Mr. A. H. S. Ataul Karim,\* Mr. Waliur Rahman,\*  
Mr. Syed Noor Hossain,\* Mr. Liaquat Ali Choudhury,\*  
Mr. A. B. M. Abdul Mannan,\*\* Mr. Abdur Rab\*\*

Brazil

Mr. Carlos Calero Rodrigues, Mr. Luiz Antonio Jardim Gagliardi,\*  
Mr. Brian Michael Frazer Neele,\* Mr. Fernando José de Carvalho Lopes,\*  
Mr. Carmelito de Melo,\* Mr. Carlos Sergio Duarte,\*  
Mrs. Dalva Canha Sorsby\*\*

Bulgaria

Mr. Todor Dichev, Mr. Raytcho Haralampiev,\* Miss Ludmila Bojkova,\*  
Mr. Iordan Velitchkov,\*\* Mr. Emil Golemanov\*\*

Cameroon

Mr. Paul Bamela Engo, Mr. Gaspard Towa Atangana,\* Mr. Nestor Fomekong,\*  
Mr. George Tamanji\*

China

Mr. Li Luye, Mrs. Gu Yijie,\* Mr. Xu Zhaochun,\* Mr. Chen Shiqiu,\*  
Mrs. Zhang Yanling,\* Mr. Pan Weihuang,\* Mrs. Tu Lifang,\* Mrs. Gu Yiren,\*  
Mr. Wang Mingyi,\*\* Mr. Wu Shanxiu,\*\* Mr. Zhang Saijing,\*\*  
Miss Zhang Honghong,\*\* Mr. Zhang Jun,\*\* Mr. Pang Sen\*\*

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\* Alternate

\*\* Adviser

Colombia

Mr. Héctor Charry Samper, Mrs. Bessie de Alvarez,\* Mr. Luis Alberto Luna,\*  
Mr. Luis Fernando Paredes,\* Mr. Ciro A. Arévalo Yepes,\*  
Mrs. Clara Jaramillo\*

Congo

Mr. H. Bikou-M'Bys, Mrs. Joséphine Ngourou,\* Mr. Massamba\*\*

Costa Rica

Mr. Elías Soley Soler, Mr. Jorge Rhenán Segura\*

Cyprus

Mr. Andreas Movrommatis, Mr. Andros A. Nicolaides,\* Mr. Andreas Pirishis,\*  
Mr. Christophoros Yiangou\*

Finland

Mr. Björn Ekblom, Ms. Marjatta Rasi,\* Mr. Alpo Rusi,\*\* Mr. Frank Edman,\*\*  
Mr. Ilkka Uusitalo,\*\* Ms. Hanna Lehtinen\*\*

France

Mr. Claude-Albert Colliard, Mr. Robert de Souza,\* Mr. Jean Clément,\*  
Mr. Jacques Warin,\* Mr. Jean-François Bouffandeau,\*\*  
Miss Sylvaine Carta,\*\* Mr. Serge Telle,\*\*  
Mrs. Isabelle Costa de Beauregard,\*\* Mr. Jean-Marc Fenet,\*\*  
Mr. Georges Gautier\*\*

Gambia

Mr. O. A. J. Mahoney

German Democratic Republic

Mr. Hermann Klenner, Mr. Rudolf Frambach,\* Mr. Gerhard Richter,\*  
Mr. Klaus-Dieter Peters,\* Mrs. Sabine Kramarczyk,\* Mr. Roland Nuetzel\*

Germany, Federal Republic of

Mr. Richard Jaeger, Mr. Wilhelm Höynck,\* Mr. Manfred Giesder,\*  
Mr. Karl Borchard,\* Mr. Klaus Platz,\*\* Mr. Jürgen Dröge,\*\*  
Mr. Hans-Michael Schwandt,\*\* Mr. Bernd Braun,\*\* Mr. Ulrich Lunscken,\*\*  
Mr. Reinhard Junghanns,\*\* Mr. Jürgen Weerth\*\*

India

Mr. Gurdial Singh Dhillon, Mr. M. Dubey,\* Mr. Jayant Prasad,\*  
Mr. R. S. Dhiman,\* Mr. M. Lal\*

Ireland

Mr. Francis Mahon Hayes, Mr. Edward Barrington,\* Mr. John D. Biggar,\*  
Mrs. Kathryn Coll,\* Ms. Anne Barrington,\* Mr. Michael Craddock\*\*

Japan

Mrs. Sadako Ogata, Mr. Minoru Endo,\* Mrs. Hisami Kurokochi,\*  
Mr. Tadashi Masui,\* Mr. Hiromi Sato,\* Mr. Toshifumi Minami,\*\*  
Mr. Yuichi Kusumoto,\*\* Mr. Koichi Sakamoto,\*\* Mr. Tsuneshige Iiyama,\*\*  
Miss Mayuri Jibiki\*\*

Jordan

Mr. Ghaleb Z. Barakat, Mr. Hisham Muhaisen,\* Miss Lina Tukan,\*  
Mr. Mazen El-Tal\*

Kenya

Mr. Raphael M. Kiilu, Mr. H. B. N. Gicheru,\* Mr. P. K. Mathanjuki\*

Lesotho

Mr. P. K. Moonyane

Liberia

Mr. Marcus M. Kofa, Mr. Gabriel Fernandez\*

Libyan Arab Jamahiriya

Mr. Ali Abdussalam Treiki, Mr. Abdalla Farhat Yaaly,\*  
Mr. Massaud El Hofary,\*\* Mr. Giuma Ferjani,\*\* Mr. Khalifa El Gady,\*\*  
Mr. Mousa Y. Drouji,\*\* Mr. Abdussalam Sergiwa,\*\* Mr. Nureddin Said,\*\*  
Mr. Taher El Woher\*\*

Mauritania

Mr. Tayaa Sid'Ahmed

Mexico

Mr. Jorge Montaña, Mr. Vicente Montemayor,\* Mrs. Orpha Garrido Ruiz\*\*

Mozambique

Mr. Murade Isaac Murargy, Mrs. Esperança Machavela,\* Mr. Pedro Davane\*

Netherlands

Mr. Peter H. Kooijmans, Mr. Hans J. Heinemann,\* Mr. Alexander Heldring,\*  
Mr. Alphons C. M. Hamer,\*\* Mr. Teunis Kamper,\*\* Mr. I. Jansen,\*\*  
Mr. L. J. van den Dool\*\*

Nicaragua

Mrs. Rita-Delia Casco, Mr. Gustavo-Adolfo Vargas,\* Mr. Norman Miranda,\*  
Mr. Oscar Alemán,\*\* Mr. Luis Alvarado\*\*

Peru

Mr. Nicolás de Piérola, Mr. Roberto Villarán Koechlin,\* Mr. César Castillo\*\*



Philippines

Mr. Armando D. Manalo, Mr. Hortencio J. Brillantes,\*  
Mrs. Victoria Sisante-Bataclan,\*\* Mr. Alejandro L. Catubig\*\*

Senegal

Mr. Alioune Sène, Mr. Youssoupha Ndiaye,\* Mr. Ibrahima Sy,\*  
Mr. Ousmane Tanor Dieng,\* Mr. Samba Cor Konate,\*  
Mr. Georges Thiathy Dione,\* Mr. Mamadou Moustapha Ndiaye,\*  
Mr. Moussa Sane\*

Spain

Mr. José Manuel Lacleta, Mr. Ignacio Masferrer,\* Mr. Juan Manuel Cabrera,\*  
Mr. Servando De La Torre,\*\* Mr. Juan Francisco Zurita,\*\*  
Mr. Julian Palacios,\*\* Mrs. Silvia Escobar,\*\* Mr. Juan López de Chicheri\*\*

Sri Lanka

Mr. Hector Wilfred Jayewardene, Mr. Jayantha Dhanapala,\*  
Mr. P. Sunil C. de Silva,\* Mr. R. C. A. Vandergert,\*  
Miss Nandini Ranasinghe,\* Mr. H. M. G. S. Palihakkara,\*  
Mr. Kolitha Dharmawardena\*\*

Syrian Arab Republic

Mr. Adib Daoudy, Mr. Ahmad Saker,\* Mrs. Souad Abdalla,\* Mr. Hicham Joundi,\*  
Mr. Muhsen Sayadi,\* Mr. Fahd Salim,\* Mr. Farès Chahine,\*  
Mr. Adnan Hamoui,\* Mr. Adnan Massalimah\*

Ukrainian Soviet Socialist Republic

Mr. Ivan S. Khmel, Mr. Guennadi V. Lebakine,\* Mr. Youri F. Malko,\*  
Mr. Mikhail V. Osnatch\*\*

Union of Soviet Socialist Republics

Mr. M. D. Sytenko, Mr. V. N. Sofinsky,\* Mr. D. N. Kolesnik,\*  
Mr. J. J. Yakovlev,\* Mr. K. F. Gutsenko,\* Mr. S. V. Chernichenko,\*  
Mr. B. D. Linkov,\* Mr. K. G. Guevorguian,\* Mr. V. M. Timofeev,\*\*  
Mr. P. J. Baulin,\*\* Mr. T. A. Bagirov,\*\* Mr. T. O. Ramishvili,\*\*  
Mr. V. J. Vinnik,\*\* Mr. M. A. Kaichuk\*\*

United Kingdom of Great Britain and Northern Ireland

Sir Anthony Williams, Mr. David J. Moss,\* Mr. Richard C. Fursland,\*  
Mr. Brian D. Adams,\*\* Mrs. Katryn Colvin,\*\* Miss Sarah Foulds,\*\*  
Mr. Raymond W. Kyles\*\*

United Republic of Tanzania

Mr. W. K. Chagula, Mr. W. H. Sekule,\* Mr. E. E. E. Mtango\*

United States of America

Mr. Richard Schifter, Mr. Gerald P. Carmen,\* Mr. Warren E. Hewitt,\*  
Mr. Arthur H. Woodruff,\* Mr. Stephen R. Bond,\*\* Ms. Sally M. Grooms,\*\*  
Mr. Robert M. Perito,\*\* Mr. Douglas Wake,\*\* Mr. Gilbert Sheinbaum,\*\*  
Ms. Monique White,\*\* Ms. Jamison M. Selby\*\*

Venezuela

Mr. José Francisco Sucre Figarella, Mr. Alberto Dominguez Roche,\*  
Mr. Luis Teofilo Labrador Rubio,\* Mrs. María Esperanza Ruesta de Furter\*

Yugoslavia

Mr. Ivan Toševski, Mrs. Zagorka Ilić,\* Mrs. Majija Djordjević,\*  
Mr. Danilo Turk\*

States Members of the United Nations represented by observers

Afghanistan, Algeria, Angola, Bahrain, Belgium, Bolivia, Burma, Burundi,  
Byelorussian Soviet Socialist Republic, Canada, Cuba, Czechoslovakia,  
Democratic Kampuchea, Democratic Yemen, Denmark, Dominican Republic, Ecuador,  
Egypt, El Salvador, Ethiopia, Gabon, Greece, Guatemala, Haiti, Honduras,  
Hungary, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Jamaica,  
Kuwait, Lebanon, Luxembourg, Malaysia, Mongolia, Morocco, Nepal, New Zealand,  
Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Poland, Portugal, Qatar,  
Romania, Rwanda, Singapore, Somalia, Suriname, Sudan, Sweden, Thailand,  
Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, Uruguay,  
Viet Nam, Yemen.

United Nations Council for Namibia, representing Namibia

Non-member States represented by observers.

Democratic People's Republic of Korea, Holy See, Republic of Korea, Switzerland

United Nations bodies

Office of the United Nations High Commissioner for Refugees, Special Committee  
against Apartheid

Specialized agencies

International Labour Organisation, United Nations Educational, Scientific and  
Cultural Organization, World Bank

Other intergovernmental organizations

Commission of the European Communities, Council of Europe, Inter-American  
Commission on Human Rights, Intergovernmental Committee for Migration,  
League of Arab States, Organization of African Unity, University for Peace

National liberation movements

African National Congress of South Africa, Palestine Liberation Organization,  
Pan Africanist Congress of Azania, South West Africa People's Organization

Non-governmental organizations in consultative status

Category I

International Alliance of Women, International Confederation of Free Trade Unions, International Council of Women, International Council on Social Welfare, International Federation of Business and Professional Women, International Youth and Student Movement for the United Nations, Inter-Parliamentary Union, Soroptimist International, United Towns Organization, Women's International Democratic Federation, World Confederation of Labour, World Federation of Democratic Youth, World Federation of Trade Unions, World Federation of United Nations Associations, World Muslim Congress

Category II

Afro-Asian People's Solidarity Organization, All-India Women's Conference, Amnesty International, Anti-Slavery Society for the Protection of Human Rights, Arab Lawyers Union, Bahá'i International Community, Balkan-ji-Bari International, Caritas Internationalis, Christian Democratic International, Commission of the Churches on International Affairs of the World Council of Churches, Co-ordinating Board of Jewish Organizations, Disabled People's International, Four Directions Council, Friends World Committee for Consultation, Human Rights Internet, International Abolitionist Federation, International Association for Religious Freedom, International Association of Democratic Lawyers, International Association of Penal Law, International Catholic Child Bureau, International Catholic Migration Commission, International Commission of Jurists, International Committee of the Red Cross, International Council of Jewish Women, International Federation of Human Rights, International Federation of Social Workers, International Federation of University Women, International Federation of Women in Legal Careers, International Federation of Women Lawyers, International Fellowship of Reconciliation, International Indian Treaty Council, International Institute of Humanitarian Law, International League for Human Rights, International Movement for Fraternal Union Among Races and Peoples, International Organization for the Elimination of All Forms of Racial Discrimination, International Union of Students, Pan-Pacific and South-East Asia Women's Association, Pax Christi, Pax Romana, Rëdda Barnen International, Salvation Army, Socialist International, Union of Arab Jurists, War Resisters International, Women's International League for Peace and Freedom, Women's International Zionist Organization, World Association of World Federalists, World Confederation of Organizations of the Teaching Profession, World Council of Indigenous Peoples, World Federation for Mental Health, World Federation of Methodist Women, World Jewish Congress, World Student Christian Federation, World Union of Catholic Women's Organizations, World University Service, World Young Women's Christian Association, Zonta International.

Roster

Brahma Kumaris World Spiritual University, Centre Europe-Tiers Monde, Defense for Children International Movement, Indian Council of South America, Indian Law Resource Center, International Association for the Defence of Religious Liberty, International Association of Conference Interpreters,

International Federation of Rural Adult Catholic Movements, International Human Rights Internship Program, International Humanist and Ethical Union, International League for the Rights and Liberation of Peoples, International Studies Association, International Young Catholic Students, Minority Rights Group, Movement Against Racism and for Friendship Among Peoples, Procedural Aspects of International Law Institute, World Association for the School as an Instrument of Peace, World Peace Council, World Psychiatric Association, World Union for Progressive Judaism

Annex II

AGENDA

1. Election of officers.
2. Adoption of the agenda.
3. Organization of the work of the session.
4. Question of the violation of human rights in the occupied Arab territories, including Palestine.
5. Question of human rights in Chile.
6. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts.
7. 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.
8. 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, including:
  - (a) Problems related to the right to enjoy an adequate standing of living; the right to development;
  - (b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms;
  - (c) Popular participation in its various forms as an important factor in development and in the full realization of all human rights.
9. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.
10. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:
  - (a) Torture and other cruel, inhuman or degrading treatment or punishment;
  - (b) Question of enforced or involuntary disappearances.
11. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms; national institutions for the promotion and protection of human rights.

12. 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, including:
  - (a) Question of human rights in Cyprus;
  - (b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group established by the Commission at its fortieth session.
13. Question of a convention on the rights of the child.
14. Measures to improve the situation and ensure the human rights and dignity of all migrant workers.
15. The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service.
16. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid.
17. (a) Study in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities of ways and means of ensuring the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination;
  - (b) Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.
18. Status of the International Covenants on Human Rights:

Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.
19. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-seventh session.
20. Rights of persons belonging to national, ethnic, religious and linguistic minorities.
21. 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.
22. Advisory services in the field of human rights.
23. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.
24. Draft provisional agenda for the forty-second session of the Commission.
25. Report to the Economic and Social Council on the forty-first session of the Commission.

Annex III

ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF  
RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION  
AT ITS FORTY-FIRST SESSION

1. In the course of its forty-first session, the Commission on Human Rights adopted 16 resolutions and five decisions that have administrative and programme budget implications. The Secretary-General, in compliance with regulation 13.1 of the Financial Regulations of the United Nations and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, submitted statements on the administrative and financial implications of the proposals.
2. If the Economic and Social Council approves the proposals contained in the report of the Commission, the Secretary-General would request the necessary authority for any additional resources needed to implement them during 1985, 1986 and 1987. Those implications are summarized in the following table.

SUMMARY TABLE, BY SECTION, OF ADMINISTRATIVE AND PROGRAMME BUDGET  
IMPLICATIONS FOR 1985, 1986 AND 1987 OF RESOLUTIONS AND DECISIONS  
ADOPTED BY THE COMMISSION AT ITS FORTY-FIRST SESSION

(United States dollars)

	Section 23 Human rights				Section 29 B Conference Services Division, Geneva				Over-all total
	1985	1986	1987	Total	1985	1986	1987	Total	
<u>Resolutions</u>									
1985/8	55 900	160 700	27 500	244 100	56 400	393 500	423 600	873 500	1 117 600
1985/11	-	-	-	-	-	373 400	-	373 400	373 400 <sup>a/</sup>
1985/20	192 500	66 900	-	259 400	174 700	7 800	-	182 500	441 900 <sup>b/</sup>
1985/23	4 800	-	-	4 800	-	-	-	-	4 800
1985/24	900	900	-	1 800	-	-	-	-	1 800
1985/30	-	-	-	-	-	-	-	-	- <sup>c/</sup>
1985/33	40 400	2 500	-	42 900	-	-	-	-	42 900
1985/35	34 900	1 000	-	35 900	-	-	-	-	35 900
1985/36	43 500	900	-	44 400	-	-	-	-	44 400
1985/37	55 500	2 800	-	58 300	-	-	-	-	58 300
1985/38	34 300	1 400	-	35 700	-	-	-	-	35 700
1985/39	39 800	2 900	-	42 700	-	-	-	-	42 700
1985/43	-	-	-	-	-	94 900	-	94 900	94 900
1985/46	900	900	-	1 800	-	-	-	-	1 800
1985/47	68 500	26 800	-	95 300	-	-	-	-	95 300
1985/50	-	-	-	-	-	54 900	-	54 900	54 900
<u>Decisions</u>									
1985/103	28 500	-	-	28 500	-	-	-	-	28 500
1985/106	-	-	-	-	-	36 700	-	36 700	36 700
1985/11	-	-	-	-	-	222 900	-	222 900	222 900
1985/112	-	-	-	-	-	54 900	-	54 900	54 900
1985/113	-	2 500	-	2 500	-	-	-	-	2 500
<b>TOTAL</b>	<b>600 400</b>	<b>270 200</b>	<b>27 500</b>	<b>898 100</b>	<b>231 100</b>	<b>1 239 000</b>	<b>423 600</b>	<b>1 893 700</b>	<b>2 791 800</b>

<sup>a/</sup> Not included is an amount of \$101,200 to be absorbed under section 24 (Regular programme of technical co-operation).

<sup>b/</sup> Not included is an amount of \$24,500 to be absorbed under section 28 G and H (Electronic Data Processing and Information Systems Division, and Division of Administration, Geneva).

<sup>c/</sup> Not included is an amount of \$16,400 to be absorbed under section 24 (Regular programme of technical co-operation).



Resolution 1985/8. Situation of human rights in South Africa

A. Requests contained in the resolution or decision

3. By paragraph 11 of resolution 1985/8, the Commission on Human Rights decided to renew the mandate of the Ad Hoc Working Group of Experts on southern Africa.

4. By paragraph 12, the Commission decided that the Ad Hoc Working Group of Experts should continue to investigate and study the policies and practices which violated human rights in South Africa and Namibia. By paragraph 13, the Group was requested, in co-operation with the Special Committee against Apartheid, to continue to investigate cases of torture and ill-treatment of detainees and the deaths of detainees in South Africa. By paragraph 14, the Commission took note of the studies and findings of the Ad Hoc Working Group of Experts on the relationship between apartheid and genocide in its report prepared pursuant to paragraph 14 of Commission resolution 1983/9 (E/CN.4/1985/14) and requested the Group to continue its investigation of the matter. By paragraph 15, the Commission renewed its request to the Government of South Africa to allow the Ad Hoc Working Group of Experts to make on-the-spot investigations of the living conditions in the prisons in South Africa and Namibia and the treatment of prisoners. By paragraph 16, the Group was requested to continue to bring to the attention of the Chairman of the Commission on Human Rights, for whatever action he might deem appropriate, particularly serious violations of human rights in South Africa which might come to its attention during its studies. By paragraph 17, the Chairman of the Group was authorized to participate in conferences, symposia, seminars or other events connected with action against apartheid organized under the auspices of the Special Committee against Apartheid. By paragraph 18, the Group was requested to submit a report on its findings to the Commission at its forty-third session at the latest and to submit a progress report to the Commission at its forty-second session. By paragraph 19, the Commission requested the Secretary-General to provide every assistance within available resources to enable the Group to discharge its responsibilities in accordance with the relevant provisions of the resolution.

B. Relationship of the requests to current legislative mandates

5. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 1, "Implementation of international standards, instruments and procedures", the objectives of and strategy for which are described in paragraphs 6.20, 6.22 and 6.23 of the medium-term plan for the period 1984-1989 (A/37/6).

6. The following programme element of section 23 (Human rights) of the programme budget for the biennium 1984-1985 (A/38/6) and the proposed programme budget for 1986-1987 is directly affected by the activities referred to in the resolution:

Programme element 1.3 - Servicing special procedures including assistance to ad hoc investigatory or fact-finding bodies

Output: (iv) Substantive servicing of exercises of a fact-finding or conciliatory nature decided upon by policy-making organs during the biennium, including gathering and analysis of materials, consultations, field missions and drafting of reports to responsible organs.

C. Activities by which the requests would be implemented

7. In order to determine the programme budget implications of the resolution, the following assumptions were made:

(a) The Ad Hoc Working Group, composed of six experts, would meet for one week in London in July/August 1985 to organize and plan its work in relation to the terms of its mandate and to gather information relevant to its mandate;

(b) In January 1986 the Ad Hoc Working Group would meet in Geneva for two weeks to consider and adopt its progress report for submission to the Commission at its forty-second session;

(c) In July/August 1986 the Ad Hoc Working Group, accompanied by substantive administrative and conference servicing staff of the Secretariat, would carry out a field mission for a total duration of approximately four weeks and visit London, Dar es Salaam, Lusaka, Harare, Luanda and Geneva for the purpose of hearing testimony and gathering first-hand information on matters falling within its mandate;

(d) In January 1987, the Ad Hoc Working Group would meet again in Geneva for a period of two weeks to consider and adopt its final report for submission to the Commission at its forty-third session.

D. Modifications required in the programme of work

8. No modifications are required in the approved programme of work for 1984-1985 since the activity appears under programme element 1.3. However, as stated in paragraph 23.13 of the programme budget for the biennium 1984-1985, no resources were requested as the mandate and related work programme of the Working Group are subject to review by the Commission.

E. Additional requirements at full cost

9. The estimated cost of the above programme of work is itemized as follows:

<u>I. Meeting in London,</u> <u>July/August 1985 (5 working days)</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
	(US dollars)		
Travel and subsistence of experts	16 200	-	-
Travel and subsistence of staff of the Centre for Human Rights	4 300	-	-
Principal Secretary 1			
Substantive officer 1			
Secretaries 2			
General operating expenses	3 000	-	-
Rental of office facilities, rooms and office space, local transportation and communication			
Total I	<u>23 500</u>	<u>-</u>	<u>-</u>

	<u>1985</u>	<u>1986</u>	<u>1987</u>
	(US dollars)		
<u>II. Meeting in Geneva,</u>			
<u>January 1986 a/ (10 working days)</u>			
Travel and subsistence of experts	-	16 400	-
Total II	-	16 400	-
<u>III. Field mission to Africa,</u>			
<u>July/August 1986 (4 weeks)</u>			
Travel and subsistence of experts	-	41 400	-
Travel and subsistence of staff of the Centre for Human Rights	-	30 300	-
Principal Secretary	1		
Secretary of Committee	1		
Administrative and Finance Officer	1		
Information Officer	1		
Secretaries	2		
General operating expenses, including rental of conference rooms and office space, local transportation and communications	-	18 000	-
Total III	-	89 700	-
<u>IV. Meeting in Geneva,</u>			
<u>January 1987 b/ (10 working days)</u>			
Travel and subsistence of experts	-	-	16 400
Total IV	-	-	16 400
<u>V. Other requirements</u>			
Temporary assistance for gathering information, compiling materials and assisting in the preparation of the report (P-2 staff member for 21 months)	20 800	43 000	11 100
Travel and subsistence of a member of the <u>Ad Hoc Working Group</u> accompanied by a substantive officer to participate in conferences, meetings and seminars against <u>apartheid</u> (calculated on a notional basis of 5 working days for each trip)			
Travel and subsistence of expert (4 x \$2,500)	5 000	5 000	-

	<u>1985</u>	<u>1986</u>	<u>1987</u>
	(US dollars)		
Travel and subsistence of substantive officer (4 x \$2,300)	4 600	4 600	-
Subscriptions to newspapers and periodicals	2 000	2 000	-
Total V	<u>32 400</u>	<u>54 600</u>	<u>11 100</u>

a/ This meeting may be rescheduled to take place in December 1985.

b/ This meeting may be rescheduled to take place in December 1986.

10. The relevant costs to be financed under section 23 (Human rights) are estimated at \$55,900 for 1985, \$160,700 for 1986 and \$27,500 for 1987.

11. The relevant costs under section 29 B (Conference Services Division, Geneva), calculated on a full cost basis, are estimated at \$56,400 for 1985, \$393,500 for 1986 and \$423,600 for 1987.

Resolution 1985/11. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination

A. Requests contained in the resolution or decision

12. In paragraph 7 of resolution 1985/11, the Commission on Human Rights recommended to the Economic and Social Council the organization in 1986 of an international seminar, in Africa, on the topic referred to in paragraph 6 of the resolution.

B. Relationship of the requests to current legislative mandates

13. The activities proposed in the resolution fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 2, "Elimination and prevention of discrimination and protection of minorities and vulnerable groups", the strategy for which is described in paragraph 6.27 of the medium-term plan for the period 1984-1989 (A/37/6).

14. The following programme element of section 23 (Human rights) of the proposed programme budget for 1986-1987 is directly affected by the activities referred to in the resolution:

Programme element 2.1 - Elimination and prevention of discrimination and protection of minorities and vulnerable groups;

Output: (i) Implementing follow-up programmes to the Decade for Action to Combat Racism and Racial Discrimination in the light of decisions taken by the General Assembly at its thirty-ninth session (1986 and 1987) (Actual outputs have not yet been determined).

C. Activities by which the requests would be implemented

15. An international seminar on international assistance and support to peoples and movements struggling against colonialism, racism, racial discrimination and apartheid will be held in Africa along the pattern of similar seminars organized within the United Nations human rights programme.

D. Modifications required in the programme of work

16. No modifications will be required in the proposed programme of work for 1986-1987 since the activity envisaged is anticipated under programme element 2.1.

E. Additional requirements at full cost

17. The estimated cost of the above programme is itemized as follows:

18. On the assumption that the international seminar, 1986, will be held in Addis Ababa (for costing purposes) over a period of 10 working days and will be attended by 32 participants and three representatives of national liberation movements recognized by the Organization of African Unity in accordance with General Assembly resolution 3280 (XXIX), the costs are estimated as follows:

<u>International seminar, 1986</u>	<u>1986</u> (US dollars)
Travel and subsistence of participants	84 500
Travel and subsistence of six staff members from the Centre for Human Rights (one representative of the Secretary-General, three substantive officers and two secretaries)	13 700
Consultants	
Fees for background papers (3 x \$1,000)	3 000
	<hr/>
	<u>101 200</u>

19. The relevant costs to be absorbed under section 24 (Regular programme of technical co-operation) are estimated at \$101,200 for 1986.

20. The relevant costs under section 29 B (Conference Service Division, Geneva) on a full cost basis are estimated at \$373,400 for 1986.

Resolution 1985/20. Question of enforced or involuntary disappearances

A. Requests contained in the resolution or decision

21. In paragraphs 2 and 3 of resolution 1985/20, the Commission on Human Rights decided to extend for one year the mandate of the Working Group on Enforced or Involuntary Disappearances, as laid down in Commission resolution 20 (XXXVI), and requested the Working Group to submit to the Commission, at its

forty-second session, a report on its work, together with its conclusions and recommendations. In paragraph 9, the Commission requested the Secretary-General to ensure that the Working Group received all necessary assistance, in particular the staff and resources it required to perform its functions in an effective and expeditious manner, so as to reduce to the minimum any discontinuity in the activities of the Working Group.

B. Relationship of the requests to current legislative mandates

22. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 1, "Implementation of international standards, instruments and procedures", the objective of and strategy for which are described in paragraphs 6.20, 6.22 and 6.23 of the medium-term plan for the period 1984-1989 (A/37/6).

23. The following programme element of section 23 (Human rights) of the programme budget for the biennium 1984-1985 (A/38/6) and the proposed programme budget for 1986-1987 is directly affected by the activities referred to in the resolution:

Programme element 1.3 - Servicing special procedures including assistance to ad hoc investigatory or fact-finding bodies

Output: (iv) Substantive servicing of exercises of a fact-finding or conciliatory nature decided upon by policy-making organs during the biennium, including gathering and analysis of materials, consultations, field missions and drafting of reports to responsible organs.

C. Activities by which the requests would be implemented

24. The estimate of financial implications is based on the following assumptions:

(a) The Working Group, composed of five members, would meet in Geneva or New York in June or September 1985 for a period of eight working days, in order to receive and examine available information from Governments, intergovernmental organizations, humanitarian organizations, and other reliable sources;

(b) The Working Group would meet in Geneva in December 1985 for a period of eight working days to receive and examine available information;

(c) For the purpose of establishing direct contacts with Governments, one member of the Working Group, accompanied by one substantive officer of the Centre for Human Rights, would undertake three missions (two in 1985 and one in 1986); in addition, in view of invitations received in the past to hold meetings closer to the places directly concerned, provision would be made to hold meetings for a period of eight working days during 1985 in another country, for the purpose of gathering up-to-date information;

(d) A staff member at the P-3 level would be required to provide basic services in connection with the activities of the Working Group, to function as secretary of the Group during its meetings and to assist in the preparation of the report to the Commission;

(e) Two staff members at the P-2 level, assisted by one secretary and two data entry/computer operations clerks would screen the information received from various sources, including the existing backlog, and then classify, analyse and

prepare it in a usable form for the Working Group; they would also deal with all the correspondence with those involved in the procedure;

(f) Computer and word processing services would be required to organize and assess the collected data on missing persons and to reduce staff costs.

D. Modifications required in the programme of work

25. No modifications are required in the programme of work approved for 1984-1985 and proposed for 1986-1987 since the activity appears under programme element 1.3. However, as stated in paragraph 23.13 of the programme budget for the biennium 1984-1985 (A/38/6), no resources were requested as the mandate and related work programme of the Working Group are subject to annual review by the Commission.

E. Additional requirements at full cost

26. The estimated cost of the above programme of work is itemized as follows:

	<u>1985</u>	<u>1986</u>
	(US dollars)	(US dollars)
I. <u>Meeting in Geneva or New York, a/ June or September 1985 (8 working days)</u>		
Travel and subsistence of five experts	11 700	-
Total I	<u>11 700</u>	<u>-</u>
II. <u>Meeting in Geneva, December 1985 (8 working days)</u>		
Travel and subsistence of five experts	11 700	-
Total II	<u>11 700</u>	<u>-</u>
III. <u>Three separate field missions for two members of the Working Group, accompanied by one substantive officer, for establishment of direct contacts (calculated on a notional basis for a period of 5 working days for each visit)</u>		
Travel and subsistence of two members of the Working Group	10 000	5 000
3 x \$2,500 x 2		
Travel and subsistence of one substantive officer <u>b/</u>	4 600	2 300
3 x \$2,300 x 1		
Total III	<u>14 600</u>	<u>7 300</u>

IV. <u>Meetings in another country, c/</u> June or September 1985 (8 working days)	1985	1986
	(US dollars)	
Travel and subsistence of five experts	20 800	-
Travel and subsistence of staff of the Centre for Human Rights	10 500	-
2 substantive officers		
2 secretaries		
General operating expenses		
Rental of office facilities, rooms and office space, local transport and communications	5 000	-
Total IV	36 300	-
V. <u>Staffing resources to service Working Group,</u> <u>July 1985 to March 1986</u>		
1 staff member at the P-3 level	25 800	13 300
2 staff members at the P-2/P-1 level	41 700	21 500
3 staff members at the General Service level	43 300	22 500
Total V	110 800	57 300
VI. <u>Other requirements</u>		
(a) Overtime for General Service staff	1 000	200
(b) Rental of visual display units linked to computer terminals as well as rental and installation costs of printer terminal	6 400	2 100
Total VI	7 400	2 300
VII. <u>Computer services costs</u>		
Data entry, programming, storage and production costs (section 28 G and H)	18 400	6 100

a/ In the event that the meeting takes place in New York, travel and subsistence for two substantive officers and one secretary to service meetings are estimated at \$5,300.

b/ Should a second officer or secretary be required for one of these missions, an additional amount of \$2,300 would be required.

c/ For costing purposes, based on Buenos Aires.



27. On the basis of the foregoing, the relevant costs under section 23 (Human rights) are estimated at \$192,500 for 1985 and \$66,900 for 1986, including a total of \$6,400 for 1985 and \$2,100 for 1986 for the rental of visual display units linked to computer terminals. Additional computer services are estimated at \$18,400 for 1985 and \$6,100 for 1986, to be incurred under section 28 G and H (Electronic Data Processing and Information Systems Division and Division of Administration, Geneva). The related conference servicing costs, calculated on a full cost basis, are estimated at \$174,700 for 1985 and \$7,800 for 1986, to be financed under section 29 B (Conference Services Division, Geneva).

Resolution 1985/23. The administration of justice and the human rights of detainees

28. By draft resolution I recommended for adoption by the Economic and Social Council under Commission on Human Rights resolution 1985/23, the Council would authorize the Sub-Commission to appoint a special rapporteur to carry out the work referred to in paragraph 1 of Sub-Commission resolution 1983/30 and Commission on Human Rights resolution 1983/18 and decision 1984/104 on an annual basis.

29. The related costs under section 23 (Human rights) are estimated as follows:

	<u>1985</u>
	(US dollars)
<u>One round trip to Geneva of the Special Rapporteur for consultations at the Centre for Human Rights (5 working days)</u>	
Travel (Buenos Aires/Geneva/Buenos Aires)	4 200
Subsistence	600
	4 800

Resolution 1985/24. Slavery and slavery-like practices - Mission to Mauritania

A. Requests contained in the resolution or decision

30. In paragraph 5 of its resolution 1985/24, the Commission on Human Rights requested the expert of the Sub-Commission to prepare a follow-up report on the basis of the replies received and taking into account the views expressed by the Sub-Commission at its thirty-seventh session and by the Commission at its forty-first session on the matter, in particular with respect to assistance which could be provided to Mauritania, and to submit an interim report to the Sub-Commission at its thirty-eighth session and a final report at its thirty-ninth session.

B. Relationship of the requests to current legislative mandates

31. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard setting, research and studies", the objectives of and strategy for which are described in paragraphs 6.38 and 6.40 of the medium-term plan for the period 1984-1989 (A/37/6).

32. The following programme element of section 23 (Human rights) of the programme budget for the biennium 1984-1985 (A/38/6) and the proposed programme budget for 1986-1987 is directly affected by the activities referred to in the resolution:

Programme element 4.2 - Research and studies

Output: (viii) Assistance to special rapporteurs for reports or studies mandated by policy-making organs.

C. Activities by which the requests would be implemented

33. The expert envisages the following activities:

	<u>1985</u>	<u>1986</u>
	(US dollars)	
<u>One round trip to Geneva of the expert for consultations at the Centre for Human Rights (5 working days)</u>		
Travel and subsistence	900	-
<u>One round trip to Geneva of the expert for consultations at the Centre for Human Rights (5 working days)</u>		
Travel and subsistence	-	900
	<u>900</u>	<u>900</u>

D. Modifications required in the programme of work

34. No modifications are required in the programme of work approved for 1984-1985 and proposed for 1986-1987 since the activity appears under programme element 4.2.

E. Additional requirements at full cost

35. The relevant costs to be financed under section 23 (Human rights) are estimated at \$900 for 1985 and \$900 for 1986.

Resolution 1985/30. Situation in Equatorial Guinea

A. Requests contained in the draft resolution or decision

36. By paragraph 5 of draft resolution III recommended for adoption by the Economic and Social Council under Commission on Human Rights resolution 1985/30, the Council would request the Secretary-General to appoint an expert to co-operate with the Government of Equatorial Guinea in the full implementation of the plan of action proposed by the United Nations and accepted by that Government.

B. Relationship of the requests to current legislative mandates

37. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 3, "Advisory services technical assistance in the field of human rights, and publications", the objectives of and the strategy for which are described in paragraphs 6.29 and 6.33 to 6.36 of the medium-term plan for the period 1984-1989 (A/37/6).

38. The following programme element of section 23 (Human rights) of the programme budget for the biennium 1984-1985 (A/38/6) would be directly affected by the activities referred to in draft resolution III:

Programme element 3.2 - Advisory services

Output: (v) Advisory services and other forms of expert services to Governments at their request.

C. Activities by which the requests would be implemented

39. In order to carry out his mandate it is envisaged that in May/June 1985, for a period of five working days, the expert will undertake a trip to New York to hold consultations with representatives of the Government of Equatorial Guinea in order to establish a list of priorities in the implementation of the plan of action and to discuss recommendations previously made by the expert in his report. While in New York, the expert will receive administrative and substantive support from the New York Liaison Office of the Centre for Human Rights. In August/September 1985, for a period of 10 working days, the expert, accompanied by two staff members from the Centre for Human Rights, will carry out a field mission to Equatorial Guinea.

D. Modifications required in the programme of work

40. No modifications are required in the approved programme of work for 1984-1985 since the activity appears under programme element 3.2.

E. Additional requirements at full cost

41. The estimated cost of the above programme of work is itemized as follows:

	<u>1985</u> (US dollars)
<u>One round trip to New York of expert, May/June 1985 (5 working days)</u>	
Travel and subsistence of expert	2 300
<u>Field mission to Equatorial Guinea of expert, accompanied by two staff members from the Centre for Human Rights (10 working days)</u>	
Travel and subsistence of expert	7 900
Travel and subsistence of substantive staff	6 200
Total	<u>16 400</u>

42. The relevant costs to be absorbed under section 24 (Regular programme of technical co-operation) are estimated at \$16,400 for 1985.

Resolution 1985/33. Torture and other cruel, inhuman or  
degrading treatment or punishment

A. Requests contained in the resolution or decision

43. By paragraphs 1 and 7 of resolution 1985/33 the Commission on Human Rights decided to appoint for one year a special rapporteur to examine questions relevant to torture and requested the Special Rapporteur to submit a comprehensive report to the Commission at its forty-second session.

B. Relationship of the requests to current legislative mandates

44. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 1, "Implementation of international standards, instruments and procedures", the objective of and strategy for which are described in paragraphs 6.20, 6.22 and 6.23 of the medium-term plan for the period 1984-1989 (A/37/6).

45. The following programme element of section 23 (Human rights) of the programme budget for the biennium 1984-1985 (A/38/6) and the proposed programme budget for 1986-1987 is directly affected by the activities referred to in the resolution:

Programme element 1.3 - Servicing special procedures including assistance to ad hoc investigatory or fact-finding bodies

Output: (iv) Substantive servicing of exercises of a fact-finding or conciliatory nature decided upon by policy-making organs during the biennium, including gathering and analysis of materials, consultations, field missions and drafting of reports to responsible organs.

C. Activities by which the requests would be implemented

46. It is envisaged that in order to carry out his mandate the Special Rapporteur would travel to Geneva in May/June 1985 for a period of five working days to hold consultations at the Centre for Human Rights and to organize and plan his work in relation to his mandate. The Special Rapporteur would travel to Geneva for a period of five working days in October 1985 in order to prepare his report, and in December 1985 in order to finalize it. In February/March 1986, he would travel to Geneva for a period of five working days to present his report to the Commission on Human Rights at its forty-second session. In order to respond to invitations from Governments, the Special Rapporteur, accompanied by two substantive officers, would undertake one field mission during 1985.

47. Six work-months of temporary assistance at the P-3 level would be required to assist the Special Rapporteur in the preparation of his report.

D. Modifications required in the programme of work

48. No modifications are required in the programme of work approved for 1984-1985 and proposed for 1986-1987 since the activity appears under programme element 1.3. However, as stated in paragraph 23.13 of the programme budget for the biennium 1984-1985 (A/38/6), no resources were requested as the mandate and related work programme of the Special Rapporteur are subject to annual review by the Commission.

E. Additional requirements at full cost

49. The estimated cost of the above programme of work is itemized as follows:

	<u>1985</u> (US dollars)	<u>1986</u>
<u>One round trip to Geneva of the Special Rapporteur for consultations at the Centre for Human Rights, May/June 1985 (5 working days)</u>		
Travel and subsistence	2 500	-
<u>One round trip to Geneva of the Special Rapporteur to prepare his report, October 1985 (5 working days)</u>		
Travel and subsistence	2 500	-
<u>One field mission of the Special Rapporteur accompanied by two staff members from the Centre for Human Rights (calculated on a notional basis for a period of 5 working days)</u>		
Travel costs of the Special Rapporteur	2 500	-
Travel costs of substantive staff	4 600	-
<u>One round trip to Geneva of the Special Rapporteur to finalize his report, December 1985 (5 working days)</u>		
Travel and subsistence	2 500	-
<u>One round trip to Geneva of the Special Rapporteur to present his report to the Commission on Human Rights at its forty-second session, February/March 1986 (5 working days)</u>		
Travel and subsistence	-	2 500
<u>General temporary assistance</u>		
Six work-months at P-3 level	25 800	-
Total	40 400	2 500

50. The relevant costs to be financed under section 23 (Human rights) are estimated at \$40,400 for 1985 and \$2,500 for 1986.

51. Should the services of an interpreter be required during the field mission, salary, travel and subsistence costs are estimated at \$4,000, to be financed under section 29 B (Conference Services Division, Geneva).

Resolution 1985/35. Situation of human rights in El Salvador

A. Requests contained in the resolution or decision

52. By paragraphs 13 and 14 of resolution 1985/35, the Commission on Human Rights decided to extend the mandate of the Special Representative for another year and requested 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 fortieth session and to the Commission on Human Rights at its forty-second session.

B. Relationship of the requests to current legislative mandates

53. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 1, "Implementation of international standards, instruments and procedures", the objective of and strategy for which are described in paragraphs 6.20, 6.22 and 6.23 of the medium-term plan for the period 1984-1989 (A/37/6).

54. The following programme element of section 23 (Human rights) of the programme budget for 1984-1985 (A/38/6) and the proposed programme budget for 1986-1987 is directly affected by the activities referred to in the resolution:

Programme element 1.3 - Servicing special procedures including assistance to ad hoc investigatory or fact-finding bodies

Output: (iv) Substantive servicing of exercises of a fact-finding or conciliatory nature decided upon by policy-making organs during the biennium, including gathering and analysis of materials, consultations, field missions and drafting of reports to responsible organs.

C. Activities by which the requests would be implemented

55. The Special Representative envisages that in May/June 1985 he would undertake a trip to Geneva for a period of five working days to hold consultations at the Centre for Human Rights and organize and plan his work in relation to his mandate. In July/August 1985 the Special Representative, accompanied by two staff members from the Centre for Human Rights, would carry out a mission to El Salvador for a period of 15 working days to collect information on the spot. In September 1985, the Special Representative would travel to Geneva for a period of five working days in order to prepare his report and in November he would return to Geneva for a period of five working days in order to finalize it. Subsequently, in November/December 1985 the Special Representative would travel to New York for a period of five working days to present his report to the General Assembly at its fortieth session.

In February/March 1986, the Special Representative would travel to Geneva for a period of five working days to present his report to the Commission on Human Rights at its forty-second session.

56. One substantive officer at the P-3 level would be required on a temporary assistance basis for a period of four months to assist in the preparation of the information collected and in the preparation of the final report.

D. Modifications required in the programme of work

57. No modifications are required in the programme of work approved for 1984-1985 and proposed for 1986-1987 since the activity appears under programme element 1.3. However, as stated in paragraph 23.13 of the programme budget for the biennium 1984-1985 (A/38/6), no resources were requested as the mandate and related work programme of the Special Representative are subject to annual review by the Commission.

E. Additional requirements at full cost

58. The estimated cost of the above programme of work is itemized as follows:

	<u>1985</u>	<u>1986</u>
	(US dollars)	
<u>One round trip to Geneva of the Special Representative for consultations at the Centre for Human Rights, May/June 1985 (5 working days)</u>		
Travel and subsistence	1 000	-
<u>Field mission to El Salvador of the Special Representative, July/August 1985 (15 working days)</u>		
Travel and subsistence of the Special Representative	5 900	-
Travel and subsistence of two staff members from the Centre for Human Rights	5 000	-
General operating expenses: local transportation communications and rental of office facilities	1 000	-
<u>One round trip to Geneva of the Special Representative to prepare his report, September 1985 (5 working days)</u>		
Travel and subsistence	1 000	-





63. The following programme element of section 23 (Human rights) of the programme budget for the biennium 1984-1985 (A/38/6) and the proposed programme budget for 1986-1987 is directly affected by the activities referred to in the resolution:

Programme element 1.3 - Servicing special procedures including assistance to ad hoc investigatory or fact-finding bodies

Output: (iv) Substantive servicing of exercises of a fact-finding or conciliatory nature decided upon by policy-making organs during the biennium, including gathering and analysis of materials, consultations, field missions and drafting of reports to responsible organs.

C. Activities by which the requests would be implemented

64. The Special Rapporteur envisages that in May/June 1985 he would undertake a trip to Geneva for a period of five working days for the purpose of holding consultations at the Centre for Human Rights and to organize and plan his work in relation to his mandate. In July/August 1985 the Special Rapporteur, accompanied by two staff members from the Centre for Human Rights, would carry out a field mission to Guatemala for a period of 10 working days to collect information on the spot. In September 1985, the Special Rapporteur would travel to Geneva for a period of five working days in order to prepare his report. In November/December 1985 the Special Rapporteur would travel to New York for a period of five working days to present his interim report to the General Assembly at its fortieth session. In December 1985, the Special Rapporteur, accompanied by two staff members from the Centre for Human Rights, would undertake a second field mission to Guatemala in order to update his report, and later in the same month he would travel to Geneva for a period of five working days in order to finalize it. In February/March 1986 the Special Rapporteur would travel to Geneva for a period of five working days to present his final report to the Commission on Human Rights at its forty-second session.

65. One substantive officer at the P-3 level would be required on a temporary assistance basis for a period of four months to assist in the preparation of the information collected and in the preparation of the final report.

D. Modifications required in the programme of work

66. No modifications are required in the programme of work approved for 1984-1985 and proposed for 1986-1987 since the activity appears under programme element 1.3. However, as stated in paragraph 23.13 of the programme budget for the biennium 1984-1985 (A/38/6), no resources were requested as the mandate and related work programmes of the Special Rapporteur are subject to annual review by the Commission.

E. Additional requirements at full cost

67. The estimated cost of the above programme of work is itemized as follows:

	<u>1985</u>	<u>1986</u>
	(US dollars)	
<u>One round trip to Geneva of the Special Rapporteur for consultations at the Centre for Human Rights, May/June 1985 (5 working days)</u>		
Travel and subsistence	900	-
<u>Two field missions to Guatemala of the Special Rapporteur, in July/August 1985 and in December 1985 (10 working days for each mission)</u>		
Travel and subsistence of Special Rapporteur	8 200	-
Travel and subsistence of two staff members from the Centre for Human Rights	10 800	-
General operating expenses: local transportation, communications and rental of office facilities	2 000	-
<u>One round trip to Geneva of the Special Rapporteur to prepare his report, September 1985 (5 working days)</u>		
Travel and subsistence	900	-
<u>One round trip to New York of the Special Rapporteur to present his report to the General Assembly at its fortieth session (5 working days)</u>		
Travel and subsistence	2 600	-
<u>One round trip to Geneva of the Special Rapporteur to finalize his report, December 1985 (5 working days)</u>		
Travel and subsistence	900	-
<u>One round trip to Geneva of the Special Rapporteur to present his report to the Commission on Human Rights at its forty-second session, February/March 1986 (5 working days)</u>		
Travel and subsistence	-	900

1985      1986  
(US dollars)

General temporary assistance

Four work-months at the P-3 level	17 200	-
Total	43 500	900

68. The relevant costs to be financed under section 23 (Human rights) are estimated at \$43,500 for 1985 and \$900 for 1986.

69. The services of a Spanish/English interpreter will be required during the field missions. The costs for salary, travel and subsistence are estimated at \$4,000 for each field mission, to be financed under section 29 B (Conference Services Division, Geneva).

Resolution 1985/37. Summary or arbitrary executions

A. Requests contained in the resolution or decision

70. By operative paragraph 4 of draft resolution IV recommended to the Economic and Social Council for adoption under Commission on Human Rights resolution 1985/37, the Council would decide to continue the mandate of the Special Rapporteur for another year, in order to enable him to submit further conclusions and recommendations to the Commission.

B. Relationship of the requests to current legislative mandates

71. The activities referred to above would fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 1, "Implementation of international standards, instruments and procedures", the objective of and strategy for which are described in paragraphs 6.20, 6.22 and 6.23 of the medium-term plan for the period 1984-1989 (A/37/6).

72. The following programme element of section 23 (Human rights) of the programme budget for 1984-1985 and the proposed programme budget for 1986-1987 would be directly affected by the activities referred to in draft resolution IV:

Programme element 1.3 - Servicing special procedures including assistance to ad hoc investigatory or fact-finding bodies.

Output: (iv) Substantive servicing of exercises of a fact-finding or conciliatory nature decided upon by policy-making organs during the biennium, including gathering and analysis of material, consultations, field missions and drafting of reports to responsible organs.

C. Activities by which the requests would be implemented

73. In order to carry out his mandate, the Special Rapporteur would envisage that in May/June 1985 he would travel to Geneva for a period of five working days, to hold consultations at the Centre for Human Rights and organize and

plan his work in relation to his mandate. The Special Rapporteur would travel to Geneva in October 1985 for a period of five working days in order to prepare his report and in December 1985 for a further period of five working days in order to finalize it. In February/March 1986, he would travel to Geneva for a period of five working days to present his report to the Commission on Human Rights at its forty-second session. In order to respond to invitations from Governments, the Special Rapporteur, accompanied by two substantive officers, would undertake three missions during 1985.

74. Six work-months of temporary assistance at the P-3 level would be required to assist the Special Rapporteur in the preparation of his report.

D. Modifications required in the programme of work

75. No modifications are required in the programme of work approved for 1984-1985 and proposed for 1986-1987 since the activity appears under programme element 1.3. However, as stated in paragraph 23.13 of the programme budget for the biennium 1984-1985 (A/38/6), no resources were requested as the mandate and related work programme of the Special Rapporteur are subject to annual review by the Commission.

E. Additional requirements at full cost

76. The estimated cost of the above programme of work is itemized as follows:

	<u>1985</u>	<u>1986</u>
	(US dollars)	
<u>One round trip to Geneva of the Special Rapporteur for consultations with Centre for Human Rights, May/June 1985 (5 working days)</u>		
Travel and subsistence	2 800	-
<u>One round trip to Geneva of the Special Rapporteur to prepare his report, October 1985 (5 working days)</u>		
Travel and subsistence	2 800	-
<u>Three separate field missions of the Special Rapporteur accompanied by two staff members from the Centre for Human Rights (calculated on a notional basis for a period of 5 working days for each visit)</u>		
Travel costs of the Special Rapporteur		
3 x \$2,500	7 500	-
Travel costs of substantive staff		
3 x \$2,300 x 2	13 800	-

1985            1986  
(US dollars)

One round trip to Geneva of the Special Rapporteur to finalize his report, December 1985 (5 working days)

Travel and subsistence	2 800	-
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One round trip to Geneva of the Special Rapporteur to present his report to the Commission on Human Rights at its forty-second session, February/March 1986 (5 working days)

Travel and subsistence	-	2 800
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General temporary assistance

Six work-months at P-3 level	25 800	-
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	55 500	2 800
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77. The relevant costs to be financed under section 23 (Human rights) are estimated at \$55,500 for 1985 and \$2,800 for 1986.

78. Should the services of an interpreter be required during the field missions, salary, travel and subsistence costs are estimated at \$4,000 for each visit, to be financed under section 29 B (Conference Services Division, Geneva).

Resolution 1985/38. Question of human rights and fundamental freedoms in Afghanistan

A. Requests contained in the resolution or decision

79. By paragraph 6 of resolution 1985/38, the Commission on Human Rights decided to extend the mandate of the Special Rapporteur for a year and requested him to report on the situation of human rights in Afghanistan to the General Assembly at its fortieth session and to the Commission on Human Rights at its forty-second session.

B. Relationship of the requests to current legislative mandates

80. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 1, "Implementation of international standards, instruments and procedures", the objectives of and strategy for which are described in paragraphs 6.20, 6.22 and 6.23 of the medium-term plan for the period 1984-1989 (A/37/6).

81. The following programme element of section 23 (Human rights) of the programme budget for the biennium 1984-1985 (A/38/6) and the proposed programme budget for 1986-1987 is directly affected by the activities referred to in the resolution:

Programme element 1.3 - Servicing special procedures including assistance to ad hoc investigatory or fact-finding bodies

Output: (iv) Substantive servicing of exercises of a fact-finding or conciliatory nature decided upon by policy-making organs during the biennium, including gathering and analysis of materials, consultations, field missions and drafting of reports to responsible organs.

C. Activities by which the requests would be implemented

82. It is envisaged that the Special Rapporteur would undertake a trip to Geneva in May/June 1985 for a period of five working days to hold consultations at the Centre for Human Rights and to organize and plan his work in relation to his mandate. Also in 1985, the Special Rapporteur, accompanied by two substantive officers, would carry out a mission to Afghanistan for a period of 10 working days to collect information on the spot. Later in 1985, he would travel to Geneva for a period of five working days to prepare his report for the General Assembly at its fortieth session. Subsequently, he would travel to Geneva for another period of five working days in order to finalize his report. In February/March 1986, the Special Rapporteur would travel to Geneva for a further period of five working days to present his report to the Commission on Human Rights at its forty-second session.

83. Additional staffing resources to assist the Special Rapporteur with the preparation of his report would be required for a period of four months in 1985.

D. Modifications required in the programme of work

84. No modifications are required in the programme of work approved for 1984-1985 and proposed for 1986-1987 since the activity appears under programme element 1.3. However, as stated in paragraph 23.13 of the programme budget for the biennium 1984-1985 (A/38/6), no resources were requested as the mandate and related work programme of the Special Rapporteur are subject to annual review by the Commission.

E. Additional requirements at full cost

85. The estimated cost of the above programme of work is itemized as follows:

	<u>1985</u>	<u>1986</u>
	(US dollars)	
<u>One round trip to Geneva of the Special Rapporteur for consultations at the Centre for Human Rights, May/June 1985 (5 working days)</u>		
Travel and subsistence	1 400	-
<u>Field mission to Afghanistan, August/September 1985 (10 working days)</u>		
Travel and subsistence of the Special Rapporteur	3 600	-

	<u>1985</u>	<u>1986</u>
	(US dollars)	
Travel and subsistence of two substantive officers	4 600	-
General operating expenses: local transport, communications and rental of office space	1 000	-
<u>One round trip to Geneva of the Special Rapporteur to prepare his report, September/October 1985 (5 working days)</u>		
Travel and subsistence	1 400	-
<u>One round trip to New York by the Special Rapporteur to report to the General Assembly at its fortieth session (5 working days)</u>		
Travel and subsistence	3 700	-
<u>One round trip to Geneva of the Special Rapporteur to finalize his report, December 1985 (5 working days)</u>		
Travel and subsistence	1 400	-
<u>One round trip to Geneva of the Special Rapporteur to present his report to the Commission on Human Rights at its forty-second session, February/March 1986 (5 working days)</u>		
Travel and subsistence	-	1 400
<u>General temporary assistance</u>		
Four work-months at P-3 level	17 200	-
Total	<u>34 300</u>	<u>1 400</u>

86. The relevant costs to be financed under section 23 (Human rights) are estimated at \$34,300 for 1985 and \$1,400 for 1986.

87. Should the services of an interpreter be required during the field mission, salary, travel and subsistence costs are estimated at \$4,000, to be financed under section 29 B (Conference Services Division, Geneva).

88. Should a second field mission to Afghanistan become necessary, additional resources will be sought.

Resolution 1985/39. Human rights situation in the  
Islamic Republic of Iran

A. Requests contained in the resolution or decision

89. By paragraph 5 of resolution 1985/39, the Commission on Human Rights decided to extend the mandate of the Special Representative, as contained in Commission resolution 1984/54, for one year and requested him to present an interim report to the General Assembly at its fortieth session on the human rights situation in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, and a final report to the Commission at its forty-second session.

B. Relationship of the requests to current legislative mandates

90. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 1, "Implementation of international standards, instruments and procedures", the objective of and the strategy for which are described in paragraphs 6.20, 6.22 and 6.23 of the medium-term plan for the period 1984-1989 (A/37/6).

91. The following programme element of section 23 (Human rights) of the programme budget for the biennium 1984-1985 (A/38/6) and the proposed programme budget for 1986-1987 is directly affected by the activities referred to in the resolution:

Programme element 1.3 - Servicing special procedures including assistance to ad hoc investigatory or fact-finding bodies

Output: (iv) Substantive servicing of exercises of a fact-finding or conciliatory nature decided upon by policy-making organs during the biennium, including gathering and analysis of materials, consultations, field missions and drafting of reports to responsible organs.

C. Activities by which the requests would be implemented

92. It is envisaged that the Special Representative would undertake a trip to Geneva in May/June 1985 for a period of five working days to hold consultations at the Centre for Human Rights and to organize and plan his work in relation to his mandate. Also in 1985, for a period of 10 working days, the Special Representative, accompanied by two substantive officers, would carry out a mission to the Islamic Republic of Iran to collect information on the spot. Later in 1985, he would travel to Geneva for a period of five working days to prepare his report to the General Assembly at its fortieth session, and subsequently for another period of five working days in order to finalize his report. In February/March 1986, the Special Representative would travel to Geneva for a further period of five working days to present his report to the Commission on Human Rights at its forty-second session.

93. Additional staffing resources to assist the Special Representative with the preparation of his report would be required for a period of four months in 1985.



D. Modifications required in the programme of work

94. No modifications are required in the programme of work approved for 1984-1985 and proposed for 1986-1987 since the activity appears under programme element 1.3. However, as stated in paragraph 23.13 of the programme budget for the biennium 1984-1985 (A/38/6), no resources were requested as the mandate and related work programme of the Special Representative are subject to annual review by the Commission.

E. Additional requirements at full cost

95. The estimated cost of the above programme of work is itemized as follows:

	<u>1985</u>	<u>1986</u>
	(US dollars)	
<u>One round trip to Geneva of the Special Representative for consultations at the Centre for Human Rights, May/June 1985 (5 working days)</u>		
Travel and subsistence	2 900	-
<u>Field mission to the Islamic Republic of Iran, August/September 1985 (10 working days)</u>		
Travel and subsistence of the Special Representative	6 100	-
Travel and subsistence of two substantive officers	5 000	-
General operating expenses: local transport, communication and rental of office space	1 000	-
<u>One round trip to Geneva of the Special Representative to prepare his report, September/October 1985 (5 working days)</u>		
Travel and subsistence	2 900	-
<u>One round trip to New York of the Special Representative to present his report to the General Assembly at its fortieth session, October-December 1985 (5 working days)</u>		
Travel and subsistence	1 800	-
<u>One round trip to Geneva of the Special Representative to finalize his report, December 1985 (5 working days)</u>		
Travel and subsistence	2 900	-

1985            1986  
(US dollars)

One round trip to Geneva of the Special Representative to present his report to the Commission on Human Rights at its forty-second session, February/March 1986 (5 working days)

Travel and subsistence	-	2 900
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General temporary assistance

Four work-months at P-3 level	17 200	-
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	39 800	2 900
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96. The relevant costs to be financed under section 23 (Human rights) are estimated at \$39,800 for 1985 and \$2,900 for 1986.

97. Should the services of an interpreter be required during the field mission, salary, travel and subsistence costs are estimated at \$4,000, to be financed under section 29 B (Conference Services Division, Geneva).

98. Should a second field mission to the Islamic Republic of Iran become necessary, additional resources will have to be sought.

Resolution 1985/43. The right to development

A. Requests contained in the resolution or decision

99. By paragraph 5 of resolution 1985/43, the Commission on Human Rights decided to convene the Working Group of Governmental Experts on the Right to Development for three weeks in January 1986.

B. Relationship of the requests to current legislative mandates

100. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard setting, research and studies", the objectives of and strategy for which are described in paragraphs 6.38 and 6.40 of the medium-term plan for the period 1984-1989 (A/37/6).

101. The following programme element of section 23 (Human rights) of the proposed programme budget for 1986-1987 is directly affected by the activities referred to in the resolution:

Programme element 4.1 - Standard setting

Output: (ii) Substantive servicing of the Working Group of Governmental Experts on the Right to Development.

C. Activities by which the requests would be implemented

102. In order to determine the financial implications of the resolution, it has been noted that the travel expenses of the governmental experts will be covered by their respective Governments.

D. Modifications required in the programme of work

103. No modifications are required in the programme of work proposed for 1986-1987, since the activity appears under programme element 4.1.

E. Additional requirements at full cost

104. Conference servicing costs to be financed under section 29 B (Conference Services Division, Geneva), calculated on a full cost basis, are estimated at \$94,900 for 1986.

Resolution 1985/46. The administration of justice and the human rights of detainees - Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty

A. Requests contained in the resolution or decision

105. By draft resolution V recommended for adoption by the Economic and Social Council under Commission on Human Rights resolution 1985/46, the Council would authorize the Sub-Commission to entrust a special rapporteur with preparing an analysis concerning the proposition to elaborate a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, and invite him to present recommendations for further consideration by the Sub-Commission at its thirty-ninth session.

B. Relationship of the requests to current legislative mandates

106. The activities referred to above would fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard setting, research and studies", the objectives of and strategy for which are described in paragraphs 6.38 and 6.40 of the medium-term plan for the period 1984-1989 (A/37/6).

107. The following programme element of section 23 (Human rights) of the programme budget for the biennium 1984-1985 (A/38/6) and the proposed programme budget for 1986-1987 would be directly affected by the activities referred to in draft resolution V:

Programme element 4.2 - Research and studies

Output: (viii) Assistance to special rapporteurs for reports or studies mandated by policy-making organs.

C. Activities by which the requests would be implemented

108. The Special Rapporteur envisages the following activities:

	<u>1985</u>	<u>1986</u>
	(US dollars)	
<u>One round trip to Geneva of the Special Rapporteur for consultations at the Centre for Human Rights (5 working days)</u>		
Travel (Edegem/Geneva/Edegem)	300	-
Subsistence	600	-
<u>One round trip to Geneva of the Special Rapporteur for consultations at the Centre for Human Rights (5 working days)</u>		
Travel (Edegem/Geneva/Edegem)	-	300
Subsistence	-	600
Total	<u>900</u>	<u>900</u>

D. Modifications required in the programme of work

109. No modifications are required in the programme of work approved for 1984-1985 and proposed for 1986-1987 since the activity appears under programme element 4.2.

E. Additional requirements at full cost

110. The relevant costs to be financed under section 23 (Human rights) are estimated at \$900 for 1985 and \$900 for 1986.

Resolution 1985/47. Question of human rights in Chile

A. Requests contained in the resolution or decision

111. By paragraph 8 of resolution 1985/47 the Commission on Human Rights decided to extend the mandate of the Special Rapporteur for a year and requested him to report on the situation of human rights in Chile to the General Assembly at its fortieth session and to the Commission on Human Rights at its forty-second session.

B. Relationship of the requests to current legislative mandates

112. The activities referred to above fall under chapter 6, section II "Programme: Centre for Human Rights", subprogramme 1, "Implementation of international standards, instruments and procedures", the objective of and the strategy for which are described in paragraphs 6.20, 6.22 and 6.23 of the medium-term plan for the period 1984-1989 (A/37/6).

113. The following programme element of section 23 (Human rights) of the programme budget for the biennium 1984-1985 (A/38/6) and the proposed programme budget for 1986-1987 is directly affected by the activities referred to in the resolution:

Programme element 1.3 - Servicing special procedures including assistance to ad hoc investigatory or fact-finding bodies

Output: (iv) Substantive servicing of exercises of a fact-finding or conciliatory nature decided upon by policy-making organs during the biennium, including gathering and analysis of materials, consultations, field missions and drafting of reports to responsible organs.

C. Activities by which the requests would be implemented

114. In order for the Special Rapporteur to carry out his mandate, the necessary arrangements will have to be made for him to gather relevant information. He will conduct hearings in the region of persons having knowledge and experience of the situation of human rights in Chile and, in the event that the Government of Chile extends its co-operation, the Special Rapporteur will visit that country for that purpose and to collect information.

115. The Special Rapporteur envisages that he would undertake consultations in Geneva at the end of May 1985 for a period of five working days. In July 1985 the Special Rapporteur, accompanied by two staff members from the Centre for Human Rights, would carry out a field mission to the region for a period of 10 working days. He would also visit Geneva during August/September 1985 for a period of five working days to finalize his report to the General Assembly. Subsequently, he would spend five working days in New York at the time of the submission of his report to the General Assembly at its fortieth session, followed by a second field mission to the region for a period of 10 working days in order to update his report. He would then visit Geneva for five working days in January 1986 to finalize the report to the Commission on Human Rights at its forty-second session, and would visit Geneva again to present his report to the Commission at its forty-second session.

116. It is estimated that a monthly average of 190 pieces of information (reports, including press reports, articles, letters, etc.) of varying size would have to be examined and a synthesis of them prepared for the Special Rapporteur. This would necessitate the recruitment, on a temporary assistance basis, of a junior professional staff member and a secretary to assist the Special Rapporteur in the gathering of information, compilation of material, and preparation of his report.

D. Modifications required in the programme of work

117. No modifications are required in the programme of work approved for 1984-1985 or proposed for 1986-1987 since the activity appears under programme element 1.3. However, as stated in paragraph 23.13 of the programme budget for the biennium 1984-1985 (A/38/6), no resources were requested as the mandate and related work programme of the Special Rapporteur are subject to annual review by the Commission.

E. Additional requirements at full cost

118. The estimated cost of the above programme of work is itemized as follows:

	<u>1985</u>	<u>1986</u>
	(US dollars)	
<u>One round trip to Geneva of the Special Rapporteur for consultations at the Centre for Human Rights, May 1985 (5 working days)</u>		
Travel and subsistence	4 200	-
<u>Field mission to region of the Special Rapporteur, June/July 1985 (10 working days)</u>		
Travel and subsistence of Special Rapporteur	3 800	-
Travel and subsistence of two staff members from the Centre for Human Rights	5 500	-
General operating expenses: local transport, communications and rental of office facilities	1 000	-
<u>One round trip to Geneva of the Special Rapporteur for consultations at the Centre for Human Rights, August/September 1985 (5 working days)</u>		
Travel and subsistence	4 200	-
<u>One round trip to New York of the Special Rapporteur to present his report to the General Assembly at its fortieth session (5 working days)</u>		
Travel and subsistence	2 300	-
<u>Field mission to region of the Special Rapporteur, December 1985 (10 working days)</u>		
Travel and subsistence of Special Rapporteur	3 800	-

	<u>1985</u>	<u>1986</u>
	(US dollars)	
Travel and subsistence of two staff members from the Centre for Human Rights	5 500	-
General operating expenses: local transport, communications and rental of office facilities	1 000	-
<u>One round trip to Geneva of the Special Rapporteur for consultations to the Centre for Human Rights, January 1986 (5 working days)</u>		
Travel and subsistence	-	4 200
<u>One round trip to Geneva of the Special Rapporteur to present his report to the Commission on Human Rights at its forty-first session, February/March 1986 (5 working days)</u>		
Travel and subsistence	-	4 200
<u>General temporary assistance</u>		
9 work-months at the P-2 level	20 800	10 700
9 work-months at the General Service level	14 400	7 500
<u>Publications, press clippings and other related services required on a yearly subscription basis</u>	2 000	200
Total	68 500	26 800

119. The related costs to be financed under section 23 (Human rights) are estimated at \$68,500 for 1985 and \$26,800 for 1986.

Resolution 1985/50. Question of a convention on the rights of the child

A. Requests contained in the resolution or decision

120. By operative paragraph 1 of draft resolution VI recommended for adoption by the Economic and Social Council under Commission on Human Rights resolution 1985/50, the Council would authorize a meeting of an open-ended working group for a period of one week prior to the forty-second session of the Commission, with a view to completing the work on the draft convention on the rights of the child at that session.

B. Relationship of the proposed requests to current legislative mandates

121. The activities referred to above would fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 2, "Elimination and prevention of discrimination and protection of minorities and vulnerable groups",

the objective of and the strategy for which are described in paragraphs 6.25 and 6.27 of the medium-term plan for the period 1984-1989 (A/37/6).

122. The following programme element of section 23 (Human rights) of the proposed programme budget for 1986-1987 would be directly affected by the activities referred to in draft resolution VI:

Programme element 2.1 - Elimination and prevention of discrimination and protection of minorities and vulnerable groups

Output: (vii) Substantive servicing of the Working Group of the Commission on Human Rights engaged in drafting a convention on the rights of the child.

C. Activities by which the requests would be implemented

123. In order to determine the financial implications of the decision, it has been noted that the travel expenses of the members concerned will be covered under the normal provision for the attendance of members of the Commission.

D. Modifications required in the programme of work

124. No modifications are required in the programme of work proposed for 1986-1987 since the activity appears under programme element 2.1.

E. Additional requirements at full cost

125. Conference servicing costs to be financed under section 29 B (Conference Services Division, Geneva), calculated on a full cost basis, are estimated at \$54,900 for 1986.

Decision 1985/103. Study of the problem of discrimination against indigenous populations

A. Requests contained in the resolution or decision

126. Under draft decision 1 recommended for adoption by the Economic and Social Council under Commission on Human Rights decision 1985/103, the Council would request the Secretary-General to issue the full report of the Sub-Commission's Special Rapporteur on the problem of discrimination against indigenous populations (E/CN.4/Sub.2/476 and Add.1-6; E/CN.4/Sub.2/1982/2 and Add.1-7; E/CN.4/Sub.2/1983/21 and Add.1-8) in a consolidated form and to disseminate it widely to Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations, and to other academic and research institutions. The Council would also decide that the conclusions and recommendations of the report should be printed, with a suitable introduction to be prepared by the Secretary-General.

B. Relationship of the requests to current legislative mandates

127. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard setting, research and studies", the objectives of and strategy for which are described in paragraphs 6.38 and 6.40 of the medium-term plan for the period 1984-1989 (A/37/6).



128. The following programme element of section 23 (Human rights) of the programme budget for the biennium 1984-1985 (A/38/6) would be directly affected by the activities referred to in the draft decision:

Programme element 4.2 - Research and studies

Output: (viii) Assistance to special rapporteurs for reports or studies mandated by policy-making organs:

C. Activities by which the requests would be implemented

129. Arrangements will be made for the full report to be issued in consolidated form, and for the conclusions and recommendations of the study, with a suitable introduction, to be translated into all the official languages of the United Nations and reproduced and distributed.

D. Modifications required in the programme of work

130. No modifications are required in the programme of work approved for 1984-1985, since the activity appears under programme element 4.2.

E. Additional requirements at full cost

131. There will be no additional costs arising under section 23 (Human rights).

132. The related costs under section 29 B (Conference Services Division, Geneva) of translation, typing, reproduction and distribution of the conclusions and recommendations in all the official languages of the United Nations, calculated on a full cost basis, are estimated at \$28,500 for 1985. To the maximum extent, all printing will be undertaken on an internal basis. Should external printing costs arise they will be treated as part of the Centre's publication programme under section 23 (Human rights) (see A/38/6, para. 23.23).

Decision 1985/106. General decision concerning the establishment of a working group of the Commission to examine situations referred to the Commission under Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission is seized

A. Requests contained in the resolution or decision

133. Under decision 1985/106 the Commission on Human Rights decided, subject to the approval of the Economic and Social Council, to set up a working group composed of five of its members to meet for one week prior to its forty-second session to examine such particular situations as might be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-eighth session under Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission was seized.

B. Relationship of the requests to current legislative mandates

134. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 1, "Implementation of international standards, instruments and procedures", the objective of and

strategy for which are described in paragraphs 6.20, 6.22 and 6.23 of the medium-term plan for the period 1984-1989 (A/37/6).

135. The following programme element of section 23 (Human rights) of the proposed programme budget for 1986-1987 is directly affected by the activities referred to in the decision:

Programme element 1.2 - Implementing procedures for dealing with alleged violations of human rights

Output: (vi) Substantive servicing of the Working Group of the Commission on Human Rights entrusted with examining the particular human rights situations referred to the Commission on Human Rights by the Sub-Commission on Prevention of Discrimination and Protection of Minorities under Economic and Social Council resolution 1503 (XLVIII).

C. Activities by which the requests would be implemented

136. In order to determine the financial implications of the decision, it has been noted that the travel expenses of the members concerned will be covered under the normal provision for the attendance of members of the Commission.

D. Modifications required in the programme of work

137. No modifications are required in the programme of work proposed for 1986-1987 since the activity appears under programme element 1.2.

E. Additional requirements at full cost

138. Conference servicing costs to be financed under section 29 B (Conference Services Division, Geneva), calculated on a full cost basis, are estimated at \$36,700 for 1986.

Decision 1985/111. Organization of the work of the Commission

A. Requests contained in the resolution or decision

139. By decision 1985/111, the Commission on Human Rights decided (a) to recommend to the Economic and Social Council that it authorize, if possible within the existing financial resources, 20 fully-serviced additional meetings, including summary records, for the Commission's forty-second session, and (b) to request the Chairman of the Commission at its forty-second session to make every effort to organize the work of the session within the normal allotted time, the additional meetings that the Economic and Social Council might authorize to be utilized only if such meetings proved to be absolutely necessary.

B. Relationship of the requests to current legislative mandates

140. As a programme element in the programme of work proposed for 1986-1987 in the programme budget, the activities referred to above will fall under "Executive direction and management: substantive servicing of the policy-making organs of the programme, in particular the Commission on Human Rights, and their subsidiary organs".

C. Modifications required in the programme of work

141. No modifications are required in the programme of work proposed for 1986-1987 since this activity appears under Executive Direction and Management.

D. Additional requirements at full cost

142. There will be no additional costs arising under section 23 (Human rights) from the substantive servicing of the additional meetings.

143. The related costs for 20 fully-serviced additional meetings, including summary records, during the forty-second session under section 29 B (Conference Services Division, Geneva), calculated on a full cost basis, are estimated at \$222,900.

Decision 1985/112. Organization of the work of the session

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

A. Requests contained in the resolution or decision

144. In decision 1985/112 the Commission on Human Rights decided that the open-ended working group established under Commission decision 1984/116 to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms should be convened at the forty-second session of the Commission, meeting pre-sessionally for one week.

B. Relationship of the requests to current legislative mandates

145. As a programme element in the programme of work proposed for 1986-1987 in the programme budget, the activities referred to above fall under "Executive direction and management: substantive servicing of the policy-making organs of the programme, in particular the Commission on Human Rights, and their subsidiary organs".

C. Activities by which the requests would be implemented

146. In order to determine the financial implications of the decision, it has been noted that the travel expenses of the members concerned will be covered under the normal provision for the attendance of members of the Commission.

D. Modifications required in the programme of work

147. No modifications are required in the programme of work proposed for 1986-1987 since this activity appears under "Executive direction and management".

E. Additional requirements at full cost

148. There will be no additional costs arising under section 23 (Human rights) from the substantive servicing of the open-ended working group.

149. Conference servicing costs to be financed under section 29 B (Conference Services Division, Geneva), calculated on a full cost basis, are estimated at \$54,900 for 1986.

Decision 1985/113. Organization of the work of the Commission

150. In its decision 1985/113, the Commission on Human Rights decided to invite the Sub-Commission on Prevention of Discrimination and Protection of Minorities to be present, through its Chairman or another member it might designate, at the consideration of its report during the forty-second session of the Commission.

151. The related costs under section 23 (Human rights) are estimated at \$2,500 for 1986.

Annex IV

LIST OF DOCUMENTS ISSUED FOR THE FORTY-FIRST SESSION  
OF THE COMMISSION

<u>Documents issued in the general series</u>		<u>Agenda item</u>
E/CN.4/1985/1	Provisional agenda: note by the Secretary General	2
E/CN.4/1985/1/Add.1 and 2	Annotations to the provisional agenda prepared by the Secretary-General	2
E/CN.4/1985/2	Note verbale dated 3 September 1984 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights	12
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