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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. Documentation of the Sub-Commission on Prevention of
Discrimination and Protection of Minorities 1/

The Economic and Social Council,

1. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities henceforth to submit to the Commission on Human Rights, after a thorough examination, the studies and reports prepared by the Special Rapporteurs of the Sub-Commission with a brief written introductory statement by the respective Special Rapporteur, and to discontinue the practice of requesting Special Rapporteurs to introduce their reports personally to the Commission;
2. Further requests the Sub-Commission to adhere strictly to the guidelines governing the limitation of documents and to ensure that Special Rapporteurs responsible for preparing reports and studies be brief and concise so that their reports and studies, as far as possible, do not exceed 32 pages;
3. Requests the Secretary-General to transmit to member States and/or organizations concerned only those resolutions or decisions of the Commission or the Sub-Commission which would require specific responses on their part;
4. Decides that henceforth studies prepared by Special Rapporteurs of the Sub-Commission shall be printed only following an express decision to that effect by the Commission and subsequently by the Council, which should have an opportunity to study the relevant financial implications.

*/ 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 1986/31, and chap. XIX.

II. Study of the problem of discrimination against indigenous populations 2/

The Economic and Social Council,

Mindful of its resolution 1982/34 of 7 May 1982, by which it authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a pre-sessional working group on indigenous populations 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,

Recalling General Assembly resolution 40/131 of 13 December 1985, by which the Assembly decided to establish the United Nations Voluntary Fund for Indigenous Populations with a view to securing a broad geographical representation of indigenous organizations in the future work of the Working Group,

Convinced of the need for the widest possible exchange of views in this field among Governments, specialized agencies, organizations of indigenous peoples and other non-governmental organizations,

Decides that the Working Group on Indigenous Populations shall meet for up to eight working days before the annual sessions of the Sub-Commission, the first three working days to be devoted to unserviced meetings for the purpose of the preliminary drafting of international standards.

III. Procedure for the election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities 3/

The Economic and Social Council,

Mindful of the need to ensure better continuity in the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Decides that, from 1987 onwards, members of the Sub-Commission shall be elected for a term of four years;

2. Further decides that half of the membership of the Sub-Commission and the corresponding alternates, if any, shall be elected every two years and that accordingly, at the elections held in 1987 the Chairman shall draw lots to select those members whose terms shall expire in two years;

2/ See chap. II, sect. A, resolution 1986/35, and chap. XIX.

3/ See chap. II, sect. A, resolution 1986/42, and chap. XII.

3. Authorizes the Chairman of the forty-third session of the Commission on Human Rights to draw lots to select the members and, as applicable, their corresponding alternates, whose terms will expire after two years in accordance with the following pattern: 3 from African States; 3 from Asian States; 3 from Latin American States; 1 from Eastern European States; and 3 from Western European and other States,

4. Invites the Secretary-General to make the necessary arrangements so as to enable elections of members of the Sub-Commission to be conducted from 1987 onwards in accordance with the above-mentioned decisions.

IV. Summary or arbitrary executions 4/

The Economic and Social Council,

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

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

Recalling General Assembly resolution 34/175 of 17 December 1979, in which the Assembly reaffirmed that mass and flagrant violations of human rights 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, 39/110 of 14 December 1984 and 40/143 of 13 December 1985,

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,

Bearing in mind the endorsement by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders of safeguards guaranteeing protection of the rights of those facing the death penalty, as well as the ongoing work on summary or arbitrary executions within the Committee on Crime Prevention and Control,

4/ See chap. II, sect. A, resolution 1986/42, and chap. XII.

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

1. Strongly condemns, 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; 5/

4. Decides to renew 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 or when such an execution has occurred;

7. Takes note of the need to develop international standards designed to ensure effective legislation and other domestic measures so that proper investigations are conducted by appropriate authorities into all cases of suspicious death, including provisions for adequate autopsy;

8. Invites the Special Rapporteur to receive information from appropriate United Nations agencies and other international organizations and to examine the elements to be included in such standards and to report to the Commission on Human Rights on progress made in this respect;

9. Requests the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur;

10. Urges all Governments and all others concerned to co-operate with and assist the Special Rapporteur so that he may carry out his mandate effectively;

5/ E/CN.4/1986/21.

11. Requests the Commission on Human Rights to consider the question of summary or arbitrary executions as a matter of high priority at its forty-third 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. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms 6/

The Economic and Social Council,

Recalling the Commission on Human Rights resolution 1986/44 of 12 March 1986,

1. Authorizes an open-ended working group, with a view to continuing the elaboration of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, to meet for a period of one week prior to the forty-third session of the Commission on Human Rights;

2. Requests the Secretary-General to extend all facilities to the working group for its meeting prior to and during the forty-third session of the Commission, and to transmit the report of the working group that met prior to and during the forty-second session 7/ and all documentation submitted to the group to all member States in advance of its meeting to enable it to continue its work on the elaboration of the draft declaration.

VI. Study on amnesty laws 8/

The Economic and Social Council,

Taking account of resolution 1985/33 of 30 August 1985 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and Commission on Human Rights resolution 1986/51 of 13 March 1986 entitled "Study on amnesty laws",

6/ See chap. II, sect. A, resolution 1986/44, and chap. XII.

7/ E/CN.4/1986/40.

8/ See chap. II, sect. A, resolution 1986/51, and chap. X.

1. Expresses its appreciation to the Special Rapporteur of the Sub-Commission, Mr. Louis Joinet, for his report 9/ on the study on amnesty laws and their role in the safeguard and promotion of human rights;

2. Decides that the study should be disseminated as widely as possible in all the official languages of the United Nations.

VII. Situation in Equatorial Guinea 10/

The Economic and Social Council,

Recalling its resolutions 1982/36 of 7 May 1982, 1983/35 of 27 May 1983, 1984/36 of 24 May 1984 and 1985/39 of 30 May 1985,

Bearing in mind Commission on Human Rights resolution 1986/53 of 13 March 1986,

Considering that the conclusions and recommendations 11/ of the expert appointed by the Secretary-General pursuant to Council resolution 1984/36 of 24 May 1984 concerning his most 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 12/ proposed by the United Nations and accepted by the Government of Equatorial Guinea,

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 reports;

9/ E/CN.4/Sub.2/1985/16.

10/ See chap. II, sect. A, resolution 1986/53, and chap. XXII.

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

12/ Ibid., annex II.

3. Appeals to the Government of Equatorial Guinea to accede to 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, among other international instruments concerning human rights and fundamental freedoms;

4. Requests the Secretary-General, with a view to implementing the plan of action and bearing in mind the discussions held in New York between the Government of Equatorial Guinea and the expert, to seek ways and means of establishing a system for co-ordinating assistance furnished by the Centre for Human Rights under the programme of advisory services in the field of human rights with all other forms of assistance to Equatorial Guinea, both multilateral and bilateral;

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-third session.

VIII. Question of a convention on the rights of the child 13/

The Economic and Social Council,

Recalling General Assembly resolution 40/113 of 13 December 1985, 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-second session to complete, the draft convention and to submit it, through the Economic and Social Council, to the General Assembly at its forty-first session,

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

Taking note of Commission on Human Rights resolution 1986/59 of 13 March 1986,

13/ See chap. II, sect. A, resolution 1986/59, and chap. XIII.

1. Authorizes a meeting of an open-ended working group for a period of one week prior to the forty-third 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-third 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. The right to development 14/

The Economic and Social Council, noting Commission on Human Rights resolution 1986/16 of 10 March 1986, approves the Commission's decision to convene its Working Group of Governmental Experts on the Right to Development for three weeks in January 1987 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.

2. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief 15/

The Economic and Social Council, noting Commission on Human Rights resolution 1986/20 of 10 March 1986, approves the Commission's decision to appoint for one year a special rapporteur to examine incidents and governmental actions in all parts of the world which are inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures, including, as appropriate, the promotion of a dialogue between communities of religion or belief and their Governments. The Council also approves the Commission's request to the Special Rapporteur to submit a report to the Commission at its forty-third session on his activities regarding questions involving implementation of the Declaration, including the occurrence and extent of incidents and actions inconsistent with the provisions of the Declaration, 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.

3. Situation of human rights in El Salvador 16/

The Economic and Social Council, noting Commission on Human Rights resolution 1986/39 of 12 March 1986, 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 human rights situation in El Salvador to the General Assembly at its forty-first session

14/ See chap. II, sect. A, resolution 1986/16, and chap. VIII.

15/ See chap. II, sect. A, resolution 1986/20, and chap. XXIII.

16/ See chap. II, sect. A, resolution 1986/39, and chap. XII.

and to the Commission at its forty-third 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.

4. Question of human rights and fundamental freedoms in Afghanistan 17/

The Economic and Social Council, noting Commission on Human Rights resolution 1986/40 of 12 March 1986, approves the Commission's decision to extend the mandate of the Special Rapporteur for a year and to request him to report to the General Assembly at its forty-first session and to the Commission at its forty-third session on the question of human rights and fundamental freedoms in Afghanistan. The Council further approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Rapporteur.

5. Human rights situation in the Islamic Republic of Iran 18/

The Economic and Social Council, noting Commission on Human Rights resolution 1986/41 of 12 March 1986, approves the Commission's decision to extend the mandate of the Special Representative on the human rights situation in the Islamic Republic of Iran, as contained in Commission resolution 1984/54 of 14 March 1984, for a year and to request its Chairman to appoint an individual of recognized international standing to fill the vacancy created by the resignation of Mr. Andrés Aguilar. The Council also approves the Commission's request to the newly appointed Special Representative to present an interim report to the General Assembly at its forty-first 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-third 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.

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

The Economic and Social Council, noting Commission on Human Rights resolution 1986/50 of 13 March 1986, approves the Commission's decision to continue the mandate of the Special Rapporteur for another year, in order to enable him to submit further conclusions and recommendations to the

17/ See chap. II, sect. A, resolution 1986/40, and chap. XII.

18/ See chap. II, sect. A, resolution 1986/41, and chap. XII.

19/ See chap. II, sect. A, resolution 1986/50, and chap. X.

Commission. The Council also approves the Commission's request to the Special Rapporteur to submit a comprehensive report to the Commission at its forty-third 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.

7. Question of enforced or involuntary disappearances 20/

The Economic and Social Council, noting Commission on Human Rights resolution 1986/55 of 13 March 1986, approves the Commission's decision to extend for two years, on an experimental basis, the mandate of the Working Group on Enforced or Involuntary Disappearances, as laid down in Commission on Human Rights resolution 20 (XXXVI), in accordance with the recommendations of the Working Group, while maintaining the Working Group's annual reporting cycle, and to reconsider the question at its forty-fourth session. 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, so as to reduce to the minimum any discontinuity in the activities of the Working Group.

8. Situation of human rights in Guatemala 21/

The Economic and Social Council, noting Commission on Human Rights resolution 1986/62 of 13 March 1986, approves the Commission's decision to request the Chairman of the Commission on Human Rights at its forty-second session to appoint a special representative to receive and evaluate full and detailed information which the Government of Guatemala has expressed its willingness to provide on the implementation of the new legal order for the protection of human rights and its efforts to guarantee the full enjoyment of fundamental freedoms in Guatemala, to solicit any other relevant information from reliable sources, and to submit a report to the Commission on Human Rights at its forty-third session. The Council further approves the Commission's request to the Secretary-General to provide such advisory services and other assistance as may be requested by the constitutional Government of Guatemala under paragraph 7 of Commission resolution 1986/62.

20/ See chap. II, sect. A, resolution 1986/55, and chap. X.

21/ See chap. II, sect. A, resolution 1986/62, and chap. XII.

9. Organization of the work of the Commission 22/

The Economic and Social Council, noting Commission on Human Rights decision 1986/108 of 13 March 1986, decides to authorize, if possible within existing financial resources, 20 fully-serviced additional meetings, including summary records, for the Commission's forty-third session. The Council takes note of the Commission's decision to request its Chairman at the forty-third 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.

10. 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 23/

The Economic and Social Council approves the decision of the Commission on Human Rights, in its decision 1986/109 of 13 March 1986, to set up a working group composed of five of its members to meet for one week prior to its forty-third 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-ninth session under Council resolution 1503 (XLVIII) of 27 May 1970 and those situations of which the Commission is seized.

11. Situation of human rights in Chile 24/

The Economic and Social Council, noting Commission on Human Rights resolution 1986/63 of 14 March 1986, approves the Commission's decision to extend the mandate of the Special Rapporteur for one year and to request him to report on the situation of human rights in Chile to the General Assembly at

22/ See chap. II, sect. B, decision 1986/108, and chap. III.

23/ See chap. II, sect. B, decision 1986/109, and chap. XII.

24/ See chap. II, sect. A, resolution 1986/63, and chap. V.

its forty-first session and to the Commission on Human Rights at its forty-third session. The Council further approves the Commission's recommendation, in paragraph 10 of resolution 1986/63, that the necessary financial resources and sufficient staff be provided to implement the resolution.

12. Report of the Commission on Human Rights 25/

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

25/ See chap. XXVI.

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

A. Resolutions

1986/1. 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/ of The Hague Convention of 1907, 3/ 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, 39/95 A to H of 14 December 1984 and 40/161 A to G of 16 December 1985 and all other relevant General Assembly resolutions on Israeli violations of the human rights of the population of occupied Arab territories,

1/ Adopted at the 25th meeting, on 20 February 1986, by a roll-call vote of 29 to 7, with 6 abstentions. See chap. IV, para. 42.

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

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

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 United Nations Educational, Scientific and Cultural Organization and the World Health Organization as well as the report of the seminar on violations of human rights in the Palestinian and other Arab territories occupied by Israel, held at Geneva from 29 November to 3 December 1982, 4/ the Geneva Declaration adopted by the International Conference on the Question of Palestine, held at Geneva from 29 August to 7 September 1983, 5/ and the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, particularly its report to the General Assembly at its fortieth session, 6/

Recalling its previous resolutions in this connection, particularly resolutions 1982/1 A and B of 11 February 1982, 1983/1 A and B and 1983/2 of 15 February 1983, 1984/1 A and B and 1984/2 of 20 February 1984 and 1985/1 A and B of 19 February 1985 on the "Question of the violation of human rights in the occupied Arab territories, including Palestine",

1. Reaffirms the fact that occupation itself constitutes a fundamental violation of the human rights of the civilian population of the occupied Arab territories, including Palestine;
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 concern expressed by the Special Committee in its reports submitted to the General Assembly 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;

4/ ST/HR/SER.A/14.

5/ 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.

6/ A/40/702.

4. Reaffirms the fact that Israel'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 7/ to the Geneva Conventions of 1949 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 Jerusalem, 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 from Palestinian camps and institutions, causing injury and death and wide-scale damage to Arab property;

(d) Striking at Muslim and Christian religious and holy places and repeated attacks on Al Aqsa Mosque aimed at seizing and destroying it;

(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;

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

(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;

(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) 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 by dismissal of the elected mayors as well as the municipal councils and prevention of 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 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. 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;

13. 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-third session on the implementation of the present resolution;

14. 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;

15. 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-third session;

16. Further requests the Secretary-General to provide the Commission with all United Nations reports appearing between sessions of the Commission and dealing with the situation of the population of those occupied territories;

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

The Commission on Human Rights,

Recalling its resolutions 1982/1 B of 11 February 1982, 1983/1 B of 15 February 1983, 1984/1 B of 20 February 1984 and 1985/1 B of 19 February 1985 and General Assembly resolutions 2674 (XXV) and 2675 (XXV) of 9 December 1970, 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, 39/95 D of 14 December 1984 and 40/161 A to G of 16 December 1985,

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,

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 ^{9/} 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,

Deeply alarmed at the situation of Palestinians detained by Israel in Israeli prisons,

Recognizing that the persistent refusal 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,

^{8/} Adopted at the 25th meeting, on 20 February 1986, by a roll-call vote of 32 to 1, with 9 abstentions. See chap. IV, para. 48.

^{9/} United Nations, Treaty Series, vol. 75, Nos. 970-973.

1. Reaffirms the fact that the fundamental human rights as established by international law and set forth in international instruments remain fully applicable in cases of armed conflict;

2. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to all Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;

3. 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;

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

5. Strongly condemns Israel for its policies of ill-treatment and torture of Palestinian detainees and prisoners in Israeli prisons;

6. Urges Israel to grant prisoner-of-war status, in accordance with the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949, 10/ to all Palestinian fighters captured by Israel, and to treat them accordingly;

7. 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, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War and The Hague Convention of 1907; and demands that Israel cease forthwith all acts of torture and ill-treatment of Arab detainees and prisoners;

8. Urges once more all States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War to make every effort to ensure respect for and compliance with the provisions of that Convention in all the Arab territories occupied by Israel since 1967, including Jerusalem;

10/ Ibid., No. 972, p. 135.

9. Strongly condemns Israel for its deportation of the liberated Palestinian prisoners in contravention of the agreement for the exchange of prisoners, and in violation of the principles of international law and United Nations resolutions, and calls upon Israel, the occupying Power, to refrain forthwith from the deportation of Palestinians, to rescind the deportation decision in order to enable those who were deported to return to their homeland and property, and to comply strictly with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

10. Urges Israel to co-operate with the International Committee of the Red Cross and to allow it to visit all Palestinian detainees in Israeli prisons;

11. 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-third session;

12. Decides to consider this subject at its forty-third session as a matter of high priority.

1986/2. Human rights in occupied Syrian territory 11/

The Commission on Human Rights,

Gravely concerned at the fact that Syrian Arab territories occupied by Israel in 1967 are still suffering from the Israeli military occupation, which is becoming increasingly severe and vicious,

Recalling once again the provisions of the Charter of the United Nations and the Universal Declaration of Human Rights and guided by the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

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,

11/ Adopted at the 25th meeting, on 20 February 1986, by a roll-call vote of 31 to 1, with 10 abstentions. See chap. IV, para. 56.

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, 12/

Noting with severe disapproval, after having considered the above report, that Israel continues its flagrant violations of human rights in Syrian and other Arab territories occupied by Israel since 1967, despite the resolutions on occupied Arab territories adopted by the Commission, the Security Council, the General Assembly and other United Nations organs and specialized agencies,

Affirming its resolution 1985/2 of 19 February 1985,

Recalling World Health Assembly resolution WHA 38.15 of 16 May 1985, 13/ which condemns Israel for its policy aiming at making the population of the occupied Arab territories, including Palestine and the Syrian Golan Heights, dependent on the Israeli health system, by hindering the normal development of the Arab health institutions, as part of Israel's overall plan of annexation of those territories,

Reaffirming the resolutions of the Security Council, the General Assembly and other bodies which state that the acquisition of territory by force is inadmissible under the principles of international law and relevant United Nations resolutions,

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,

Recalling 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, 38/79 D of 15 December 1983, 39/146 B of 14 December 1984 and 40/161 D to F of 16 December 1985, relating to the population of the Syrian territory that has been occupied since 1967,

12/ A/40/702.

13/ World Health Organization, Thirty-eighth World Health Assembly, Geneva, 6-20 May 1985, Resolutions and Decisions (WHA38/1985/REC/1), Geneva, 1985.

Reaffirming that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 14/ applies to the Syrian territory that has been occupied since 1967,

1. Strongly condemns Israel for its persistent disregard for, and defiance of, the provisions of Security Council resolution 497 (1981) and all other resolutions relating to occupied Syrian territory adopted by the General Assembly and other United Nations bodies and specialized agencies, and strongly deprecates Israel's failure to implement the provisions of these resolutions by ending its occupation and ceasing its repressive measures and violations of human rights;

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 in defiance of the international community;

3. Strongly deplores 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. Deplores 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 forthwith 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

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

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;

7. 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-third session;

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

1986/3. Situation of human rights in Namibia 15/

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, 1984/4 of 28 February 1984 and 1985/7 of 26 February 1985,

Recalling General Assembly resolution 40/97 A to F of 13 December 1985,

Recalling further other resolutions and decisions declaring the illegality of the continued occupation of Namibia by South Africa, in particular Security Council resolution 284 (1970) of 29 July 1970 and the advisory opinion of the International Court of Justice of 21 June 1971, 16/

15/ Adopted at the 38th meeting, on 28 February 1986, by a roll-call vote of 36 to none, with 6 abstentions. See chap. VI, para. 89.

16/ Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council resolution 276 (1970), Advisory Opinion, I.C.J. Reports, 1971, p. 16.

Taking note of Security Council resolution 566 (1985) of 19 June 1985, by which the Council condemned the racist régime of South Africa for its installation of a so-called interim government and declared such action to be illegal, null and void,

Having examined the chapters on Namibia contained in the progress report 17/ submitted by the Ad hoc Working Group of Experts on southern Africa,

Reaffirming its recognition of 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,

Deeply concerned at the explosive situation in Namibia arising from South Africa's continued illegal occupation of the Territory, its denial of the right of self-determination to the Namibian people and its militarization of the Territory, which it uses as a base for aggression against Angola,

Strongly reiterating that such continuing illegal and colonial occupation of Namibia by South Africa, in defiance of repeated General Assembly and Security Council resolutions, 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,

Deeply concerned at the continued collaboration of certain States and international institutions with the racist régime of South Africa, in disregard of the relevant resolutions of the General Assembly and the Security Council,

Indignant at the continuing arbitrary imprisonment and detention of leaders, members and supporters of the South West Africa People's Organization, the killing, torture and murder of innocent Namibians and other inhuman measures by the illegal occupation régime designed to intimidate the Namibian people and to destroy their determination to fulfil their legitimate aspirations for self-determination, freedom and national independence in a united Namibia,

Deeply concerned also at the gross violations of human rights in Namibia,

1. Reiterates its affirmation of the inalienable right of the Namibian people to self-determination and independence and the rights enshrined in the Universal Declaration of Human Rights and other relevant international instruments, and declares again that the right to self-determination and

17/ E/CN.4/1986/9, part two.

independence can be legally exercised only in accordance with the conditions determined by the United Nations in Security Council resolutions 435 (1978) of 29 September 1978 and 439 (1978) of 13 November 1978;

2. Once again condemns South Africa for:

- (a) The militarization in Namibia;
- (b) The use of mercenaries to suppress the Namibian people;
- (c) The recruitment and training of Namibians for tribal armies;
- (d) Its proclamation of a so-called security zone in Namibia;
- (e) Forcible displacement of Namibians from their homes;
- (f) 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;
- (g) 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;
- (h) The exploitation and depletion of natural resources in violation of the decision of the United Nations and Decree No. 1 for the Protection of the Natural Resources of Namibia, enacted by the United Nations Council for Namibia on 27 September 1974; 18/

3. Demands once again 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;

4. Declares that South Africa's illegal occupation of Namibia constitutes an act of aggression against the Namibian people in terms of the Definition of Aggression contained in General Assembly resolution 3314 (XXIX) of 14 December 1974;

5. Strongly condemns as unacceptable attempts by South Africa to impose the so-called interim government on Namibian people in total disregard of Security Council resolutions 385 (1976) of 30 January 1976, 435 (1978) of

18/ Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 24 (A/35/24), vol. I, annex II.

29 September 1978, 439 (1978) of 13 November 1978, 532 (1983) of 31 May 1983 and 539 (1983) of 28 October 1983 and of other relevant resolutions of the General Assembly and the Security Council;

6. 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;

7. Demands that South Africa unconditionally terminate all acts of aggression against neighbouring countries, particularly Angola, and withdraw all its armed forces from Angola;

8. Welcomes and endorses the universal and categorical rejection of the "linkage" advanced by South Africa and her allies between the independence of Namibia and irrelevant and extraneous issues, such as the presence of Cuban forces in Angola, and emphasizes unequivocally that such "linkage", in addition to delaying the decolonization process in Namibia, constitutes an interference in the internal affairs of Angola;

9. Strongly condemns the continued collaboration of certain States and international institutions with the racist régime of South Africa in disregard of the relevant resolutions of the General Assembly and the Security Council, and expresses its deep conviction that such collaboration helps to prolong South Africa's domination and control over the people and territory of Namibia;

10. Welcomes the decision of the United Nations Council for Namibia of 2 May 1985 19/ to initiate legal proceedings in the domestic courts of States against corporations or individuals involved in the exploitation, transport, processing or purchase of Namibia's natural resources, as part of its efforts to give effect to Decree No. 1 for the Protection of the Natural Resources of Namibia;

11. Demands once again that South Africa immediately release all Namibian political prisoners, including all those imprisoned or detained under the so-called internal security laws, martial law or any other arbitrary measures, whether such Namibians have been charged or tried or are being held without charge in Namibia or South Africa;

19/ See A/AC.131/194.

12. Demands that South Africa account for all "disappeared" Namibians and release any who are still alive, and declares that South Africa shall be liable to compensate the victims, their families and the future lawful Government of an independent Namibia for the losses sustained;

13. Welcomes the decision of the General Assembly, in paragraph 20 of resolution 40/97 C, that an international conference for the immediate independence of Namibia should be held in 1986, as well as its decision, in resolution 40/97 F, to convene a special session of the General Assembly on the question of Namibia before its forty-first regular session;

14. Reiterates the request that South Africa allow the Ad hoc Working Group of Experts to make an on-the-spot investigation of living conditions in the prisons in Namibia and the treatment of prisoners;

15. Renews its request to the Ad hoc Working Group of Experts 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 Namibia which may come to its attention;

16. Requests the Ad hoc Working Group of Experts to report to the Commission on Human Rights at its forty-third session on the policies and practices which violate human rights in Namibia and to submit appropriate recommendations;

17. 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;

18. 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.

1986/4. Situation of human rights in South Africa 20/

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,

20/ Adopted at the 38th meeting, on 28 February 1986, by a roll-call vote of 39 to none, with 3 abstentions. See chap. VI, para. 98.

12 (XXXV) of 6 March 1979, 5 (XXXVII) of 23 February 1981, 1982/8 of 25 February 1982, 1983/9 of 18 February 1983, 1984/5 of 28 February 1984 and 1985/8 of 26 February 1985,

Recalling General Assembly resolutions 39/15 of 23 November 1984 and 40/64 A to I of 10 December 1985 and Economic and Social Council resolution 1984/42 of 24 May 1984,

Having examined the progress report of the Ad Hoc Working Group of Experts on southern Africa, 21/

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 progress report;
2. Expresses its profound indignation at the fact that apartheid remains institutionalized;
3. Denounces again the policy of "bantustanization", the forced removals of the black population, the policy of so-called "voluntary" removals and the policy of denationalization;
4. Affirms the conviction that apartheid cannot be reformed but should be abolished in all its forms and hence 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;

21/ E/CN.4/1986/9.

5. Expresses its deep concern at the dramatic escalation of violations of human rights in South Africa since the imposition of the state of emergency in July 1985, particularly:

(a) The harassment, intimidation and repression of opponents of apartheid and racial discrimination;

(b) The unrestrained use of violence, including lethal force, in dealing with unarmed demonstrators and legitimate protests against the policies of apartheid;

(c) The banning and harassment of popular organizations opposed to the apartheid system in all its forms;

(d) The persistent persecution of the trade-union movement as exemplified by the current attempts to prosecute some of the trade-union leadership on charges of treason;

(e) The indiscriminate arrests, detention and torture of political activists;

(f) The widespread physical and psychological abuse of detainees and prisoners, particularly evident since the declaration of the state of emergency;

(g) The sinister emergence of abductions, disappearances and assassinations directed at opponents of apartheid in South Africa;

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

(i) The persistence of a discriminatory educational system of inferior quality for black South Africans;

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

(k) The widespread detention and incarceration of minors in the inhumane apartheid penal system;

(l) The unilateral restrictions imposed by the South African Government on the mass media in their reporting of the apartheid atrocities;

6. Totally rejects any manoeuvres by South Africa to avoid the abolition of apartheid through the so-called reform measures;

7. Demands the unconditional and immediate release of Mr. Nelson Mandela, Mr. Zephania Mothopeng and all political prisoners in South Africa;
8. Demands that South Africa desist from its brutal repression, torture and harassment of organizations and individuals engaged in the legitimate struggle against the apartheid policies;
9. Stongly condemns South Africa for its indiscriminate use of force against unarmed demonstrators, its widespread use of torture against political opponents and its inhumane detention and incarceration of minors;
10. 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;
11. Demands that South Africa repeal its ban on the popular organizations so as to afford the masses of South Africa access to legitimate vehicles for expressing their political, social and cultural aspirations;
12. Demands that South Africa take immediate steps to ensure that all South Africans are afforded the opportunity of access to a unified, free educational system designed to be consistent with the development of a profound appreciation of the brotherhood of mankind, liberty and peace;
13. Demands that South Africa immediately and completely abolish the unjust and inhumane system of apartheid in all its forms;
14. Condemns South Africa for its military pressures and other destabilization policies towards the front-line States and for its support, encouragement and provision of material resources to armed bands and mercenaries who seek to destabilize front-line and neighbouring States;
15. Urges all States which have not yet done so to cease any form of collaboration with or assistance to the racist régime of South Africa;
16. Recalls the decision of the General Assembly in resolution 40/64 C of 10 December 1985 to organize a World Conference on Sanctions against Racist South Africa in 1986;
17. Recalls the adoption by the General Assembly of the International Convention against Apartheid in Sports in resolution 40/64 G of 10 December 1985;
18. 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 Jankovic (Yugoslavia); Mr. Felix Ermacora (Austria); Mr. Humberto Díaz Casanueva (Chile); Mr. Mulka Govinda Reddy (India) and Mr. Mikuin Leliel Balanda (Zaire);

19. 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;

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

21. 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 22/ 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;

22. 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 prisons in South Africa and Namibia and the treatment of prisoners in such a manner that:

(a) The Ad Hoc Working Group of Experts would be guaranteed free, confidential access to any prisoner, detainee, ex-prisoner, ex-detainee or any other persons;

(b) The South African Government would provide a firm undertaking that any person providing evidence for such an investigation would be granted immunity from any State action arising from participation in such investigations;

23. 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;

24. 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;

25. Requests the Ad Hoc Working Group to submit its final report to the Commission at its forty-third session;

22/ E/CN.4/1985/14.

26. 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;

27. 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 23/ to enable the Ad Hoc Working Group to continue its study, and to submit a report to the Commission at its forty-third session.

1986/5. 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 24/

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,

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,

23/ E/CN.4/1426.

24/ Adopted at the 38th meeting, on 28 February 1986, by a roll-call vote of 29 to 5, with 8 abstentions. See chap. VII, para. 115.

Taking into account, in particular, the relevant decisions adopted by the Council of Ministers of the Organization of African Unity at its forty-second ordinary session, held at Addis Ababa from 10 to 17 July 1985, 25/

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, 1984/6 of 28 February 1984, and 1985/9 of 26 February 1985,

Taking into account resolution 1985/3 of 27 August 1985 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 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, 26/

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, 27/

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 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

25/ See A/40/666, annex II, CM/Res.987-1014 (XLII).

26/ E/CN.4/Sub.2/1985/8 and Add.1 and 2.

27/ E/CN.4/1986/30, para. 36.

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 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. Notes with appreciation the recent measures taken by some States, parliamentarians, institutions and non-governmental organizations in order to exert pressure on the racist régime of South Africa and calls upon them to

redouble and intensify their efforts to force the racist régime to comply with resolutions and decisions of the United Nations on Namibia and South Africa;

7. 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;

8. 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;

9. 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;

10. 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;

11. 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;

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

13. 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;

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

15. 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;

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

17. 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;

18. Welcomes the decision of the General Assembly, in its resolution 39/15, 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;

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

20. 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;

21. 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;

22. Decides to consider the revised report at its forty-third 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".

1986/6. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa 28/

The Commission on Human Rights,

Mindful of General Assembly resolution 39/15 of 23 November 1984,

Recalling its resolution 1985/9 of 26 February 1985,

Noting resolution 1985/3 of 27 August 1985 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Expresses its satisfaction to the Special Rapporteur of the Sub-Commission, Mr. Ahmed Khalifa, for his updated report 29/ and its appreciation for his continuing attention to the relevant comments expressed during the debates thereon;

2. Invites the Special Rapporteur:

(a) To continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist régime of South Africa, giving such details regarding enterprises listed as the

28/ Adopted at the 38th meeting, on 28 February 1986, by a roll-call vote of 32 to 4, with 6 abstentions. See chap. VII, para. 123.

29/ E/CN.4/Sub.2/1985/8 and Add.1 and 2.

Rapporteur may consider necessary and appropriate, including explanations of responses, if any, and to submit the updated report through the Sub-Commission to the Commission on Human Rights;

(b) To use all available material from other United Nations organs, Member States, specialized agencies and other intergovernmental or non-governmental organizations and 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 intensify 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;

3. Calls upon all Governments:

(a) To co-operate with the Special Rapporteur in making the report even more accurate and informative;

(b) To disseminate the updated report and give its contents the widest possible publicity;

4. Requests the Secretary-General to give the Special Rapporteur all the assistance that he may require in the exercise of his mandate, with a view to intensifying direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid, and to make available to him two economists to assist him to expand his work on the analyses and annotations of certain selected cases as reflected in his report;

5. Invites the Secretary-General to continue to give the updated report of the Special Rapporteur the widest distribution and publicity as a United Nations publication;

6. Decides to consider the revised report at its forty-third 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".

1986/7. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid 30/

The Commission on Human Rights,

Recalling General Assembly resolution 40/27 of 29 November 1985,

30/ Adopted at the 38th meeting, on 28 February 1986, by a roll-call vote of 31 to 1, with 10 abstentions. See chap. XVI.

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, 1984/7 of 28 February 1984 and 1985/10 of 26 February 1985,

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 31/ of the Group of three members of the Commission appointed under article IX of the Convention,

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

Convinced that the 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,

Reaffirming that it is the responsibility of the United Nations and the international community as a whole to assist the people of South Africa to eliminate 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,

Welcoming the decision of the General Assembly, in its resolution 40/64C of 10 December 1985, to convene a World Conference on Sanctions against Racist South Africa,

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

31/ E/CN.4/1986/30.

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 1985/10;

3. Commends those States parties to the Convention 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;

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; 32/

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 transnational corporations operating in South Africa and Namibia must be considered accomplices in the crime of apartheid, in accordance with article III (b) of the Convention;

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. Calls on all States to participate actively in the World Conference on Sanctions against Racist South Africa;

11. 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;

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

12. Notes the importance of measures to be taken by States parties in the field of teaching and education for fuller implementation of the Convention;

13. Appeals to all States, United Nations organs, specialized agencies and international and national non-governmental organizations to step up their activities in enhancing public awareness by denouncing the crimes committed by the racist régime of South Africa;

14. 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;

15. 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-third session;

16. 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;

17. Requests the Secretary-General to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a view to promoting further ratifications of or accessions to the Convention;

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

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

1986/8. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination 33/

The Commission on Human Rights,

Reaffirming the obligation 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 1985/11 of 26 February 1985,

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 remedial measures,

Recalling General Assembly resolution 40/22, adopted without a vote on 29 November 1985, by which the Assembly appealed to all Governments, organizations and individuals to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination,

Taking note with satisfaction of the declarations made by some States regarding their contributions to that Fund,

Convinced of the need to take more effective and sustained international measures for the elimination of all forms of racism and racial discrimination and the total eradication of apartheid in South Africa and Namibia,

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

33/ Adopted at the 38th meeting, on 28 February 1986, without a vote. See chap. XVII.

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; 34/

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; 35/

4. Appeals to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination, so as to enable the Secretary-General to implement the various programme elements outlined in the plan of activities for 1985-1989;

5. 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;

6. Welcomes the decision of the Economic and Social Council 36/ to organize a seminar on international assistance and support to peoples and movements fighting against colonialism, racism, racial discrimination and apartheid, to be held in Yaoundé, Cameroon, from 28 April to 9 May 1986;

7. Reiterates its decision to give thematic consideration, each year, to a selected topic within the plan of activities for 1985-1989;

8. Further decides that the topic for such thematic consideration in 1988 will be "The main obstacles to the total elimination of racism, racial discrimination and apartheid";

9. Welcomes General Assembly resolution 40/22, in which the Assembly authorized the Secretary-General to organize in 1988 a global consultation on racial discrimination involving representatives of the United Nations system, regional intergovernmental organizations and interested non-governmental organizations in consultative status with the Economic and Social Council, to focus on the co-ordination of international activities to combat racism and racial discrimination;

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

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

36/ Economic and Social Council decision 1985/141 of 30 May 1985.

10. 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-third session.

1986/9. Use of scientific and technological developments for the promotion and protection of human rights and fundamental freedoms 37/

The Commission on Human Rights,

Recalling its resolutions 1983/41 of 9 March 1983 and 1984/27 of 12 March 1984,

Recalling once again the relevant provisions of the Proclamation of Teheran 38/ and the relevant resolutions of the General Assembly and the Commission on Human Rights concerning human rights and scientific and technological developments,

Recalling also the Vienna Programme of Action on Science and Technology for Development 39/ adopted by the United Nations Conference on Science and Technology for Development,

Convinced of the paramount importance of the application of science and technology to economic and social progress and to the promotion and enjoyment of human rights and fundamental freedoms,

Recognizing the need to extend the benefits of science and technological developments to the developing countries,

Noting that various useful studies have been undertaken by United Nations bodies in accordance with General Assembly resolution 2450 (XXIII) of 19 December 1968 and subsequent resolutions with respect to human rights issues arising from developments in science and technology,

37/ Adopted at the 50th meeting, on 10 March 1986, without a vote. See chap. XV, para. 398.

38/ 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.

39/ Report of the United Nations Conference on Science and Technology for Development, Vienna, 20-31 August 1979 (United Nations publication, Sales No. E.79.I.21 and corrigenda), chap. VII.

Recognizing that the effects of scientific and technological developments on human rights and fundamental freedoms have both beneficial and harmful aspects and therefore must be examined in their totality,

Taking into account the reports of the Secretary-General 40/ prepared in accordance with Commission resolutions 1983/41 and 1984/27,

1. Expresses its appreciation to Member States and relevant international organizations which have submitted their views to the Secretary-General on the most effective ways and means of using the results of scientific and technological developments for the promotion and realization of human rights and fundamental freedoms,

2. Calls upon all States to make every effort to utilize the benefits of scientific and technological developments for the promotion and protection of human rights and fundamental freedoms,

3. Invites the United Nations University, in co-operation with other interested academic and research institutions, to study both the positive and the negative impacts of scientific and technological developments on human rights and fundamental freedoms and expresses the hope that the United Nations University will inform the Commission on Human Rights of the results of its study on the question.

1986/10. Human rights and scientific and technological developments 41/

The Commission on Human Rights,

Reaffirming the determination of the peoples of the United Nations to save succeeding generations from the scourge of war, to reaffirm faith in the dignity and worth of the human person, to maintain international peace and security and to develop friendly relations among peoples and international co-operation in promoting and encouraging universal respect for human rights and fundamental freedoms,

Recalling the relevant provisions of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

40/ E/CN.4/1984/33 and Add.1 and 2, E/CN.4/1986/27 and Corr.1 and Add.1.

41/ Adopted at the 50th meeting, on 10 March 1986, by a roll-call vote of 25 to 8, with 9 abstentions. See chap. XV, para. 405.

Recalling also the Charter of Economic Rights and Duties of States 42/ and the Declaration and the Programme of Action on the Establishment of a New International Economic Order, 43/

Recalling further the Declaration on the Strengthening of International Security, 44/ the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, 45/ the Declaration on the Preparation of Societies for Life in Peace, 46/ the Declaration on the Prevention of Nuclear Catastrophe 47/ and the Declaration on the Right of Peoples to Peace, 48/ as well as General Assembly resolutions 36/92 I of 9 December 1981 on the non-use of nuclear weapons and prevention of nuclear war, and 37/100 C of 13 December 1982 and 38/73 G of 15 December 1983 on a convention on the prohibition of the use of nuclear weapons,

Bearing in mind that, in its resolution 38/75 of 15 December 1983, the General Assembly resolutely, unconditionally and for all time condemned nuclear war as being contrary to human conscience and reason, as the most monstrous crime against peoples and as a violation of the foremost human right - the right to life,

Noting that the General Assembly has called for the conclusion of an international convention on the prohibition of the use of nuclear weapons with the participation of all the nuclear-weapon States,

Noting General Assembly resolutions 37/189 A and B of 18 December 1982, 38/113 of 16 December 1983 and 40/111 of 13 December 1985 and its own resolutions 1982/7 of 19 February 1982, 1983/43 of 9 March 1983 and 1984/28 of 12 March 1984,

Reaffirming the inherent right to life,

42/ General Assembly resolution 3281 (XXIX).

43/ General Assembly resolutions 3201 (S-VI) and 3202 (S-VI).

44/ General Assembly resolution 2734 (XXV).

45/ General Assembly resolution 3384 (XXX).

46/ General Assembly resolution 33/73.

47/ General Assembly resolution 36/100.

48/ General Assembly resolution 39/11.

Profoundly concerned that international peace and security continue to be threatened by the arms race in all its aspects, particularly the nuclear arms race, as well as by violations of the principles of the Charter of the United Nations regarding the sovereignty and territorial integrity of States and the self-determination of peoples,

Aware that all the horrors of past wars and all other calamities that have befallen people would pale in comparison with what is inherent in the use of nuclear weapons capable of destroying civilization on Earth,

Noting the pressing need for urgent measures towards general and complete disarmament, particularly nuclear disarmament, for the sake of life on Earth,

Bearing in mind that, in accordance with the International Covenant on Civil and Political Rights, any propaganda for war shall be prohibited by law,

Recalling the historic responsibility of the Governments of all countries of the world to remove the threat of war from the lives of people, to preserve civilization and to ensure that everyone enjoys his inherent right to life,

Convinced that for no people in the world today is there a more important question than that of the preservation of peace and of ensuring the cardinal right of every human being, namely, the right to life,

Recalling that the General Assembly in its resolution 40/3 of 24 October 1985 solemnly adopted the Proclamation of the International Year of Peace as a timely impetus for renewed thought and action for the promotion of peace and an opportunity for Governments, intergovernmental and non-governmental organizations and others to express in practical terms the common aspiration of all peoples for peace,

Noting the call of the General Assembly for all peoples to join with the United Nations in resolute efforts to safeguard peace and the future of humanity,

1. Reaffirms that all peoples and all individuals have an inherent right to life and that the safeguarding of this cardinal right is an essential condition for the enjoyment of the entire range of economic, social and cultural as well as civil and political rights;

2. Stresses once again the urgent need for the international community to make every effort to strengthen peace, remove the growing threat of war, particularly nuclear war, halt the arms race and achieve general and complete disarmament under effective international control and prevent violations of the principles of the Charter of the United Nations regarding the sovereignty and territorial integrity of States and the self-determination of peoples, thus contributing to ensuring the right to life;

3. Stresses further the foremost importance of the implementation of practical measures of disarmament for releasing substantial additional resources, which should be utilized for social and economic development, particularly for the benefit of the developing countries;

4. Calls upon all States to do their utmost to assist in implementing the right to life through the adoption of appropriate measures at both the national and the international level;

5. Calls upon all States, appropriate organs of the United Nations and the specialized agencies and intergovernmental and non-governmental organizations concerned to take the necessary measures to ensure that the results of scientific and technological progress are used exclusively in the interests of international peace, for the benefit of mankind and for promoting and encouraging universal respect for human rights and fundamental freedoms;

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 propaganda for doctrines and concepts aimed at unleashing nuclear war;

7. Requests the Secretary-General, in the light of the comments and views of Member States, to submit the report on the implementation of the present resolution to the Commission at its forty-fourth session;

8. Decides to consider this question at its forty-fourth session under the item entitled "Human rights and scientific and technological developments".

1986/11. Human rights and scientific and technological developments 49/

The Commission on Human Rights,

Noting that scientific and technological progress is one of the decisive factors in the development of society,

Reaffirming the major significance of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, adopted by the General Assembly in its resolution 3384 (XXX) of 10 November 1975,

49/ Adopted at the 50th meeting, on 10 March 1986, by a roll-call vote of 32 to none, with 11 abstentions. See chap. XV, para. 409.

Convinced that implementation of that Declaration by all States would contribute to the strengthening of international peace and security and the economic and social development of peoples as well as to international co-operation in the field of human rights,

Expressing serious concern at the fact that the results of scientific and technological progress can be used to the detriment of international peace and security and social progress, human rights and fundamental freedoms, human dignity, and the most basic human right - the right to life,

Recognizing that the establishment of the new international economic order calls, in particular, for a substantial contribution by science and technology to economic and social progress,

Bearing in mind that the exchange and transfer of scientific and technological knowledge is one of the basic ways to accelerate the social and economic development of developing countries,

1. Stresses the importance for the promotion of the exercise of human rights and fundamental freedoms under conditions of scientific and technological progress of the implementation by all States of the provisions and principles contained in the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind;

2. Calls upon all States to make the necessary efforts to use the achievements of scientific and technological progress for peaceful economic, social and cultural development and to improve the well-being of peoples;

3. Requests once again the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake as a matter of priority a study on the use of the achievements of scientific and technological progress to ensure the right to work and development;

4. Decides to consider that study as a matter of priority at its forty-fourth session under the agenda item entitled "Human rights and scientific and technological developments".

1986/12. Implications of scientific and technological developments for human rights 50/

The Commission on Human Rights,

Mindful of the provisions of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights relating to the humane treatment of all persons,

50/ Adopted at the 50th meeting, on 10 March 1986, without a vote. See chap. XV, para. 413.

Recalling its resolution 10 A (XXXIII) of 11 March 1977, by which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to study the question of the protection of persons detained on the grounds of mental ill-health, with a view to formulating guidelines,

Expressing deep concern at the repeated evidence of the misuse of psychiatry to detain persons on non-medical grounds, as reflected in the report 51/ of the Special Rapporteur of the Sub-Commission, Mrs. Erica-Irene A. Daes,

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

Noting that at the thirty-eighth session of the Sub-Commission, the sessional working group on the question of persons detained on the grounds of mental ill-health or suffering from mental disorder made progress, starting its second preliminary reading of the text of the draft body of principles, guidelines and guarantees prepared by the Special Rapporteur, 52/

Recalling further its resolution 1984/47 of 13 March 1984 and General Assembly resolution 40/110 of 13 December 1985,

1. Reiterates the urgent need for principles and guidelines to prevent the misuse of psychiatry and to safeguard the rights of all individuals;
2. Notes that because the Sub-Commission on Prevention of Discrimination and Protection of Minorities has not completed its work, the Commission is not yet able to consider the matter;
3. Invites States Members of the United Nations to give careful consideration to the conclusions and recommendations of the Special Rapporteur of the Sub-Commission; 53/
4. Further invites States Members of the United Nations, pending the adoption of a body of principles, guidelines and guarantees, to adhere to the existing standards set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and to take such steps as may be necessary to protect the rights of all those persons detained on grounds of mental ill-health or suffering from mental disorder;

51/ E/CN.4/Sub.2/1983/17.

52/ E/CN.4/Sub.2/1985/20.

53/ E/CN.4/Sub.2/1983/17, paras. 224-252.

5. Urges the Sub-Commission, as a matter of high priority, to allocate sufficient time to its sessional working group in order to enable the Sub-Commission to complete its consideration of the draft body of principles, guidelines and guarantees at its thirty-ninth session, so that the Commission may submit its views and recommendations, including a draft body of principles, guidelines and guarantees, to the General Assembly at its forty-second session.

1986/13. 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 54/

The Commission on Human Rights,

Recalling that the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, and have determined to promote social progress and better standards of life in larger freedom,

Mindful that the Universal Declaration of Human Rights provides that all persons are entitled to realization of the economic, social and cultural rights which are indispensable to their dignity and the free development of their personality,

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other,

Aware that, despite progress achieved by the international community with respect to the setting of standards for the realization of economic, social and cultural rights contained in the International Covenant on Economic, Social and Cultural Rights, much remains to be done with regard to their implementation,

54/ Adopted at the 50th meeting, on 10 March 1986, without a vote. See chap. VIII.

Recalling the essential importance of national efforts and international co-operation based on free consent to the realization of the right of all persons to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to a continuous improvement in living conditions,

Recognizing that the implementation of the International Covenant on Economic, Social and Cultural Rights is inextricably linked with the process of development, the central purpose of which is the realization of the potentialities of the human person in harmony with the community, and that full and sustained implementation of the Covenant requires the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development,

Conscious of the need to secure full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights, including the rights of individuals belonging to vulnerable and disadvantaged groups,

Reaffirming the importance to the promotion and protection of economic, social and cultural rights of public information activities, including education programmes in the field of human rights,

Welcoming Economic and Social Council resolution 1985/17 of 28 May 1985, by which the Council established a Committee on Economic, Social and Cultural Rights, to be entrusted from 1987 with the important task of examining the implementation of the International Covenant on Economic, Social and Cultural Rights,

Recalling relevant resolutions and decisions of the Economic and Social Council relating to its Sessional Working Group of Governmental Experts, including resolution 1979/43 of 11 May 1979, which remain in force in so far as they are not superseded or modified by resolution 1985/17,

1. Urges all States which have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights;
2. Welcomes the establishment of the Committee on Economic, Social and Cultural Rights and encourages States parties to the Covenant to extend their full support and co-operation to this Committee;
3. Reiterates the appeal to Governments made by the General Assembly, in its resolution 40/114 of 13 December 1985, to give careful consideration to nominations for the Committee on Economic, Social and Cultural Rights in due recognition of the status of Committee members as experts with recognized competence in the field of human rights, serving in their personal capacity;
4. Expresses the hope that the Committee on Economic, Social and Cultural Rights will consider as a matter of priority the development of

general guidelines for the preparation of reports pursuant to articles 16 and 17 of the Covenant, taking into account the compilation of guidelines prepared by the Secretary-General and the proposal that brief country profiles be prepared containing information on the geography, population, economic situation and legal framework of States parties;

5. Affirms the importance of the reports to be made to the Economic and Social Council by the Committee on Economic, Social and Cultural Rights in view of the relevance of the Committee's work to activities being undertaken throughout the United Nations system relating to economic, social and cultural development;

6. Urges the specialized agencies and other relevant United Nations bodies to extend their full co-operation and support to the Committee on Economic, Social and Cultural Rights, inter alia by providing for the attendance of their representatives at meetings of the Committee;

7. Requests the Economic and Social Council to consider improved ways of bringing to the attention of other United Nations organs, their subsidiary organs and specialized agencies concerned with furnishing technical assistance, including the regional commissions, any matters arising out of reports to the Committee on Economic, Social and Cultural Rights which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to progressive, effective implementation of the International Covenant on Economic, Social and Cultural Rights;

8. Requests the Secretary-General to continue his efforts under the programme of advisory services in the field of human rights to assist States parties in discharging their reporting obligations under the Covenant and, in this regard, requests the Secretary-General to consider holding a training course on the preparation of reports on implementation of the Covenant;

9. Encourages the Secretary-General to take determined steps within existing resources to give publicity to the Committee on Economic, Social and Cultural Rights and to ensure that it receives full administrative support to enable it to discharge its functions as effectively as possible.

1986/14. Popular participation in its various forms as an important factor in development and in the full realization of all human rights 55/

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, 38/24 of 22 November 1983

55/ Adopted at the 50th meeting, on 10 March 1986, without a vote. See chap. VIII, para. 137.

and 40/99 of 13 December 1985, 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 development and in the full realization of all human rights,

Recalling its resolution 1983/14 of 22 February 1983 and Economic and Social Council resolution 1983/31 of 27 May 1983,

Recalling also its resolution 1984/15 of 6 March 1984 and Economic and Social Council decision 1984/131 of 24 May 1984,

Recalling further its resolution 1985/44 of 14 March 1985 in which it requested the Secretary-General to submit the study on popular participation in its various forms as an important factor in development and in the full realization of all human rights 56/ to the General Assembly at its fortieth session, to circulate that study to all States Members of the United Nations, United Nations organs and specialized agencies and to non-governmental organizations for comments and to submit a report containing the comments received for consideration by the Commission at its forty-second session,

1. Takes note with appreciation of the report of the Secretary-General; 57/
2. Invites Governments, United Nations organs and specialized agencies and non-governmental organizations which have not yet done so to make their comments on the study on popular participation in its various forms as an important factor in development and in the full realization of all human rights;
3. Requests the Secretary-General to submit a report containing comments made by Governments, United Nations organs, specialized agencies and non-governmental organizations for consideration by the Commission at its forty-third session;
4. Decides to continue consideration of this question at its forty-third session under a sub-item 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".

56/ E/CN.4/1985/10 and Add.1 and 2.

57/ E/CN.4/1986/11 and Add.1.

The Commission on Human Rights,

Recalling its resolutions 4 (XXXIII) of 21 February 1977 and 1985/42 of 14 March 1985 on the realization of economic, social and cultural rights,

Taking note of General Assembly resolution 40/114 of 13 December 1985, in which the Assembly requested the Commission to continue its consideration of the realization of economic, social and cultural rights and to submit to the General Assembly at its forty-second session, through the Economic and Social Council, its views and recommendations on these 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 and universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

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 59/, 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,

Reaffirming the provisions of General Assembly resolution 32/130 of 16 December 1977, and convinced that the promotion and protection of one category of rights can never exempt or excuse States from the promotion and protection of the other rights,

Recalling also that the Declaration on Social Progress and Development 60/ provides that social progress and development shall be founded on respect for the dignity and value of the human person and shall ensure the promotion of human rights and social justice,

58/ Adopted at the 50th meeting, on 10 March 1986, by a roll-call vote of 32 to 7, with 4 abstentions. See chap. VIII, para. 143.

59/ 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.

60/ General Assembly resolution 2542 (XXIV).

Recognizing that colonialism, neo-colonialism, aggression and threats against national sovereignty, national unity and territorial integrity, foreign occupation, racism, apartheid and all forms of discrimination and domination, as well as the refusal to recognize the fundamental rights of peoples to self-determination and of every nation to exercise full sovereignty over its national wealth and resources, still constitute essential obstacles to the full realization of human rights and fundamental freedoms,

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,

Convinced that equal attention and urgent consideration should be given to the implementation, promotion and protection of both civil and political and economic, social and cultural rights,

Recognizing also that the realization of the right to development will promote the enjoyment of economic, social, cultural, civil and political rights,

Concerned at the serious situation with regard to the implementation of economic, social and cultural rights in some parts of the world,

Mindful that the implementation and promotion of economic, social and cultural rights and the obstacles to their realization have not received sufficient attention within the framework of the United Nations system,

1. Appeals to all States to pursue policies directed towards the implementation, promotion and protection of economic, social, cultural, civil and political rights;

2. Calls upon all States to co-operate in creating such national and international conditions as are conducive to the enjoyment of all human rights and fundamental freedoms;

3. Urges once again 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. Takes note with appreciation of the reports 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, submitted to the Commission on the state of implementation of the rights to food, health, education and work; 61/

5. Requests once again the Sub-Commission to examine the conclusions and recommendations of the report entitled The Realization of Economic, Social and Cultural Rights: Problems, Policies, Progress 62/ 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 and the reports on the state of implementation of the rights to food, health, education and work submitted to the Commission by the specialized agencies mentioned in paragraph 4 above;

6. Invites Governments, United Nations organs, specialized agencies and non-governmental organizations to comment on their policies for the implementation, promotion and protection of economic, social and cultural rights;

7. 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-third session.

1986/16. The right to development 63/

The Commission on Human Rights,

Recalling the resolutions of the General Assembly and the Commission on Human Rights relating to the right to development,

Convinced that the adoption by the General Assembly of a declaration on the right to development will make a valuable contribution to the promotion and enjoyment of human rights and fundamental freedoms for all,

1. Welcomes the consideration given by the General Assembly at its fortieth session to the question of the adoption of a declaration on the right to development;

61/ E/CN.4/1986/38 and Corr.1 and Add.1-3.

62/ United Nations publication, Sales No. E.75.XIV.2, part six, chaps. II and III.

63/ Adopted at the 50th meeting, on 10 March 1986, by a roll-call vote of 34 to 1, with 8 abstentions. See chap. VIII, para. 156.

2. Strongly urges the General Assembly to give the highest priority to the consideration of the draft declaration on the right to development with a view to the adoption of the declaration at the forty-first session of the Assembly;

3. Decides to convene the Working Group of Governmental Experts on the Right to Development of the Commission on Human Rights for three weeks in January 1987 to study the measures necessary to promote the right to development;

4. Requests the Working Group to submit to the Commission, at its forty-third session, a report and proposals concerning concrete measures to promote the right to development;

5. Requests the Secretary-General to provide all necessary assistance to the Working Group;

6. Decides to consider this question as a matter of high priority at its forty-third session.

1986/17. Status of the International Covenants on Human Rights 64/

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 1985/45 of 14 March 1985 and General Assembly resolution 40/115 of 13 December 1985,

Calling attention to the twentieth anniversary of the adoption of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Having considered the report of the Secretary-General 65/ 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,

64/ Adopted at the 50th meeting, on 10 March 1986, without a vote. See chap. XVIII, para. 456.

65/ A/40/605.

Noting in this regard that only half of the States Members of the United Nations have acceded to the International Covenants on Human Rights,

Bearing in mind the important responsibilities of the Economic and Social Council in relation to the co-ordination of activities undertaken in accordance with 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. Appeals strongly, on the occasion of the twentieth anniversary of the adoption of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, to all States that have not yet become parties to these instruments to do so, so that the Covenants acquire genuine universality, as well as to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights;

3. Invites the Secretary-General, on the same occasion, to continue systematically encouraging States to become parties to the International Covenants and, through the programme of advisory services in the field of human rights, to provide technical assistance to the States that are not parties to the Covenants with a view to assisting them to ratify them or accede thereto;

4. Again invites the States parties to the International Covenant on Civil and Political Rights which have not yet done so 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 to the International Covenant on Civil and Political Rights;

6. Stresses the importance of avoiding the erosion of human rights by derogation and underlines the necessity of strict observance of the agreed condition and procedures for derogation under article 4 of the International Covenant on Civil and Political Rights;

7. Recommends to States parties that they continually review whether any reservation made in respect of the provisions of the International Covenants on Human Rights should be upheld;

8. Recognizes 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, expresses its satisfaction with the serious and

constructive manner in which the Committee is continuing to undertake its functions, and requests the Secretary-General to continue to transmit the general comments of the Human Rights Committee to the Commission on Human Rights on a regular basis;

9. Appreciates that the Human Rights Committee continues to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights;

10. Welcomes the decision of the Economic and Social Council, in its resolution 1985/17 of 28 May 1985, to establish the Committee on Economic, Social and Cultural Rights, which will be entrusted as of 1987 with the important task of overseeing the implementation of the International Covenant on Economic, Social and Cultural Rights;

11. Encourages States parties to give careful consideration to nominations to the Committee on Economic, Social and Cultural Rights in due recognition of the status of the Committee members as experts with recognized competence in the field of human rights, serving in their personal capacity, and urges States parties to the Covenant and the specialized agencies concerned to extend their full support and co-operation to the new Committee;

12. 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;

13. Again 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 and, similarly, to the work of the Economic and Social Council and the Committee on Economic, Social and Cultural Rights 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;

14. 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;

15. Notes the progress already made towards the publication of the official public records of the Human Rights Committee in bound volumes and looks forward to receiving the first two volumes in the near future;

16. Requests the Secretary-General to submit to the Commission on Human Rights, at its forty-third 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;

17. Decides to consider at its forty-third session an agenda item entitled "Status of the International Covenants on Human Rights".

1986/18. Status of the Convention on the Prevention and Punishment of the Crime of Genocide 66/

The Commission on Human Rights,

Recalling General Assembly resolution 40/142 of 13 December 1985,

Mindful of the fact that the year 1986 marks the thirty-fifth anniversary of the entry into force of the Convention on the Prevention and Punishment of the Crime of Genocide,

Reaffirming its conviction that genocide is a crime under international law, contrary to the spirit and aims of the United Nations,

Expressing its conviction that strict observance of the provisions of the Convention by all States is necessary for the prevention and punishment of the crime of genocide,

1. Strongly condemns once again the crime of genocide;
2. Reaffirms the necessity of international co-operation in order to liberate mankind from such an odious scourge;
3. Takes note with appreciation of the fact that many States have ratified the Convention on the Prevention and Punishment of the Crime of Genocide or acceded thereto;
4. Urges those States that have not yet become parties to the Convention to ratify it or accede thereto without further delay.

66/ Adopted at the 50th meeting, on 10 March 1986, without a vote. See chap. XVIII, para. 460.

1986/19. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief 67/

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 Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Noting General Assembly resolution 40/109 of 13 December 1985, in which the Assembly requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration and to report, through the Economic and Social Council, to the General Assembly at its forty-first session,

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 its Special Rapporteur 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 the grounds of religion or belief,

Noting the progress report thereon 68/ submitted to the Sub-Commission at its thirty-eighth session, by its Special Rapporteur,

Concerned that the Sub-Commission was unable to discuss the progress report at its thirty-eighth session,

Recognizing that it is desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and that both Governments and non-governmental organizations have an important role to play in this domain,

Conscious of the importance of education in ensuring tolerance of religion or belief,

67/ Adopted at the 50th meeting, on 10 March 1986, without a vote. See chap. XXIII, para. 557.

68/ E/CN.4/Sub.2/1985/28.

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,

Believing that further efforts are therefore required in order to promote and protect the right to freedom of thought, conscience, religion and belief,

1. Reaffirms that freedom of thought, conscience, religion and belief is a right guaranteed to all without discrimination;
2. Urges States, therefore, in accordance with their respective constitutional systems, and in accordance with such internationally accepted instruments as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, to provide, where they have not already done so, adequate constitutional and legal guarantees for freedom of thought, conscience, religion and belief;
3. Requests the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mrs. Odio Benito, to submit to the Sub-Commission, at its thirty-ninth session, her study prepared on the basis of information supplied by Governments, specialized agencies, intergovernmental and non-governmental organizations and other sources, including the views expressed on the subject in the General Assembly and the Commission;
4. Urges Governments, specialized agencies, intergovernmental organizations and non-governmental organizations to facilitate the completion of the report of the Special Rapporteur by supplying relevant material to her as soon as possible;
5. Requests the Secretary-General to provide the Special Rapporteur with all the assistance she requires to enable her to submit her final report to the Sub-Commission at its thirty-ninth session;
6. Requests the Sub-Commission to examine, as a matter of priority at its thirty-ninth session, the report of the Special Rapporteur and to transmit it to the Commission at its forty-third session;
7. Urges States that have not already done so to supply to the Secretary-General information on their national legislation and regulations 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 prepare, on the basis of the information so supplied, an addendum to the 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;

9. Urges all States to take all appropriate measures to combat intolerance and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief and, in this context, 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;

10. 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;

11. Invites the Secretary-General to continue to give high priority to the dissemination of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, in all official languages of the United Nations and in national languages, and to take all appropriate measures to make the text available for use by United Nations information centres as well as by other interested bodies;

12. Requests the Secretary-General in this context to invite interested non-governmental organizations to consider what further role they could envisage playing regarding the dissemination of the Declaration in national and local languages;

13. Requests the Secretary-General to report to the Commission at its forty-third session on measures to implement the present resolution;

14. Decides to continue its consideration of this matter at its forty-third 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".

1986/20. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief 69/

The Commission on Human Rights,

Recalling the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, which was proclaimed without a vote by the General Assembly in its resolution 36/55 of 25 November 1981,

Bearing in mind that the General Assembly has, most recently in resolution 40/109 of 13 December 1985, repeatedly requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration,

Seriously concerned by frequent, reliable reports from all parts of the world which reveal that, because of governmental actions, universal implementation of the Declaration has not yet been achieved,

Determined to promote full implementation of the existing guarantees under the relevant international instruments of the right to freedom of thought, conscience and religion, including the freedom of everyone to have a religion or whatever belief of his choice without fear of intolerance or discrimination,

Recognizing the value of constructive dialogue on the complex and serious questions of intolerance and of discrimination based on religion or belief, and that the problem of such intolerance and discrimination requires sensitivity in its resolution,

Recognizing the valuable nature of the study undertaken by Mrs. Odio Benito, the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, on the root causes and current dimensions of the general problems of intolerance and of discrimination on the grounds of religion or belief, including recommended educational and other specific measures to combat these problems,

Convinced also of the need to deal urgently with questions of intolerance and of discrimination based on religion or belief by promoting implementation of the Declaration,

69/ Adopted at the 50th meeting, on 10 March 1986, by a roll-call vote of 26 to 5, with 12 abstentions. See chap. XXIII, para. 568.

1. Expresses its deep concern about reports of incidents and governmental actions in all parts of the world which are inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;
2. Decides therefore to appoint for one year a special rapporteur to examine such incidents and actions and to recommend remedial measures, including, as appropriate, the promotion of a dialogue between communities of religion or belief and their Governments;
3. Requests the Chairman of the Commission, after consultations within the Bureau, to appoint an individual of recognized international standing as special rapporteur;
4. Decides further that the Special Rapporteur in carrying out his mandate shall seek credible and reliable information from Governments, as well as specialized agencies, intergovernmental organizations and non-governmental organizations, including communities of religion or belief;
5. Requests the Secretary-General to appeal to all Governments to co-operate with and assist the Special Rapporteur in the performance of his duties and to furnish all information requested;
6. Further requests the Secretary-General to provide all necessary assistance to the Special Rapporteur;
7. 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 and independence;
8. Requests the Special Rapporteur to submit a report to the Commission at its forty-third session on his activities regarding questions involving implementation of the Declaration, including the occurrence and extent of incidents and actions inconsistent with the provisions of the Declaration, together with his conclusions and recommendations;
9. Decides to consider this question again at its forty-third 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".

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 General Assembly resolution 40/50 of 2 December 1985,

Recalling resolution AHG/Res.104 (XIX) on Western Sahara, 71/ 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,

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, 1984/13 of 29 February 1984, and 1985/5 of 26 February 1985,

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 also that the solution of 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 political solution to the Western Sahara conflict;
3. Again requests, to that end, the parties to the conflict, the Kingdom of Morocco and the Frente Popular para la Liberación de Sagua el-Hamra y de Río de Oro, to undertake direct negotiations in the shortest possible time, with a view to bringing about a cease-fire to create the

70/ Adopted at the 50th meeting, on 10 March 1986, by a roll-call vote of 29 to none, with 13 abstentions. See chap. IX, para. 171.

71/ For the text, see General Assembly resolution 38/40, para. 1.

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 current Chairman of the Organization of African Unity and the Secretary-General of the United Nations to achieve a just and definitive solution to the question of Western Sahara;

5. Welcomes also the invitation by the General Assembly to the current Chairman of the Organization of African Unity and the Secretary-General of the United Nations to exert every effort to persuade the two 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 negotiate, in the shortest possible time, in conformity with Organization of African Unity resolution AHG/Res.104 (XIX) and General Assembly resolution 40/50, the terms of a cease-fire and the modalities for organizing the said referendum;

6. Expresses its satisfaction at 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);

7. 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-third session, as a matter of high priority.

1986/22. Situation in occupied Palestine 72/

The Commission on Human Rights,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947, which called for the establishment of a Palestinian State in Palestine, 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

72/ Adopted at the 50th meeting, on 10 March 1986, by a roll-call vote of 28 to 8, with 7 abstentions. See chap. IX, para. 179.

24 September 1982, 37/86 A to E of 10 and 20 December 1982, 38/58 A to E of 13 December 1983, 39/49 A to D of 11 December 1984 and 40/96 A to D of 12 December 1985,

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, 1984/11 of 29 February 1984 and 1985/4 of 26 February 1985,

Recalling Security Council resolution 573 (1985) of 4 October 1985,

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

Emphasizing once more the right of the Palestinian people 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 continues to prevent 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 and of United Nations resolutions,

Expresses 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 part of Lebanon, in addition to its continued occupation of Palestinian and other Arab territories,

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

Reiterating its grave concern 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, expansion and continued occupation of Palestinian and other Arab territories,

Reaffirming its support for the outcome of the proceedings of the International Conference on the Question of Palestine held at Geneva in 1983,

1. Strongly condemns Israel, the occupying Power, for its non-compliance with the relevant resolutions of the Security Council, the General Assembly and the Commission on Human Rights;

2. 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, because the Israeli occupation of the Palestinian territories constitutes the major obstacle hindering the exercise of the right to self-determination by the Palestinian people;

3. 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;

4. Strongly condemns the Israeli armed aggression on Tunisia and on offices of the Palestine Liberation Organization in Tunisia on 1 October 1985;

5. 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 in September 1982;

6. Reaffirms the inalienable right of the Palestinian people to self-determination without external interference and the establishment of their independent and sovereign State on their national soil in accordance with General Assembly resolutions;

7. 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 in accordance with the principles of international law and General Assembly resolutions;

8. Affirms 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 and with relevant United Nations resolutions;

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

10. 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;

11. Reiterates its strong rejection of any plan for "autonomy" which would constitute flagrant disregard of the inalienable right of the Palestinian people to self-determination without external interference, in accordance with the provisions of the Charter of the United Nations and with relevant United Nations resolutions;

12. Reaffirms its support for the Geneva Declaration on Palestine adopted by the International Conference on the Question of Palestine, 73/ and affirms its support for the call to convene an international peace conference on the Middle East, in accordance with the provisions of General Assembly resolution 38/58 C, and appeals to all States to make further constructive efforts towards the convening of such a conference without delay, with a view to achieving a just peace in the region;

13. 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 towards the question of peace in the area, 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, as well as of the Union of Soviet Socialist Republics and the United States of America;

14. 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 of the United Nations and with relevant United Nations resolutions;

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

16. Decides to place on the provisional agenda of its forty-third 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".

73/ 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 1, chap. I, sect. A.

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, 1984/10 of 29 February 1984 and 1985/3 of 26 February 1985,

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, 39/13 of 15 November 1984 and 40/12 of 13 November 1985 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 constraint of any kind whatsoever, and which called for the immediate withdrawal of the 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, 39/18 of 23 November 1984 and 40/24 of 29 November 1985 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,

74/ Adopted at the 50th meeting, on 10 March 1986, by a roll-call vote of 31 to 6, with 5 abstentions. See chap. IX, para. 185.

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-third 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".

1986/24. Situation in southern Africa 75/

The Commission on Human Rights,

Bearing in mind the importance for the effective guarantee and observance of human rights of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights, as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Bearing in mind that the provisions of the Geneva Conventions of 12 August 1949 76/ apply to all the freedom fighters in South Africa and Namibia fighting for their independence and self-determination,

Recalling General Assembly resolutions 2621 (XXV) of 12 October 1970, containing the programme of action for the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, 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,

75/ Adopted at the 50th meeting, on 10 March 1986, by a roll-call vote of 31 to 5, with 7 abstentions. See chap. IX, para. 189.

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

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, 1984/14 of 29 February 1984 and 1985/6 of 26 February 1985,

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 77/ 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, 78/

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,

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,

77/ 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.

78/ General Assembly resolution 2625 (XXV).

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 79/ and the Special Declaration on Namibia adopted by the International Conference on Sanctions against South Africa, 80/ 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. Strongly condemns the wanton killing of peaceful and defenceless demonstrators and workers on strike, as well as the arbitrary arrests of the leaders and activists of the United Democratic Front, the National Forum, trade unions and other mass organizations, and demands their immediate and unconditional release, in particular that of Nelson Mandela and Zephania Mothopeng;

10. 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;

79/ 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, chap. I, paras. 192 and 194.

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

11. Condemns the racist régime of South Africa for its installation of a so-called "interim administration" in Windhoek and declares that action to be illegal, null and void;

12. 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;

13. 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;

14. 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;

15. 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;

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

17. 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;

18. 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;

19. Welcomes the decision of the General Assembly, in resolution 40/97 C, that an international conference for the immediate independence of Namibia should be held in 1986, as well as its decision, in resolution 40/97 F, to convene a special session of the General Assembly on the question of Namibia before its forty-first regular session;

20. 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;

21. 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;

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

1986/25. Situation in Kampuchea 81/

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, 1984/12 of 29 February 1984 and 1985/12 of 27 February 1985, and Economic and Social Council decisions 1981/154 of 8 May 1981, 1982/143 of 7 May 1982, 1983/155 of 27 May 1983, 1984/148 of 24 May 1984 and 1985/155 of 30 May 1985,

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, 39/5 of 30 October 1984 and 40/7 of 5 November 1985, which called inter alia for an end to armed intervention, the total withdrawal of foreign forces from Kampuchea, and urgent recourse to a negotiated peaceful settlement, particularly in the context of these resolutions,

81/ Adopted at the 50th meeting, on 10 March 1986, by a roll-call vote of 30 to 9, with 2 abstentions. See chap. IX, para. 195.

Emphasizing in particular General Assembly resolutions 36/5, 38/3, 39/5 and 40/7, in which the Assembly approved the report of the International Conference on Kampuchea, 82/ 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, 83/ with the request that the Committee continue its work pending the reconvening of the Conference,

Further recalling General Assembly resolutions 37/6, 38/3, 39/5 and 40/7 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,

Deploring the continuance of foreign armed intervention in and occupation of Kampuchea, which deprive the Kampuchean people of their right to the exercise of self-determination,

Recognizing the importance of the continued effectiveness of the coalition with Samdech Norodom Sihanouk as President of Democratic Kampuchea in the struggle against foreign occupation in Kampuchea,

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 Kampuchean to flee their own homeland as refugees and displaced persons outside Kampuchea,

Emphasizing that it is the inalienable right of the Kampuchean people who have sought refuge in neighbouring countries to return safely to their homeland,

Emphasizing further that the effective and full enjoyment of human rights by the Kampuchean people as well as the solution of humanitarian problems cannot be achieved without a comprehensive political settlement of the Kampuchean conflict,

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

83/ A/CONF.109/7, A/CONF.109/8 and A/CONF.109/9.

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 currently 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, 1984/12 and 1985/12;

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 during the last dry season which forced 250,000 Kampuchean civilians to flee their homeland to seek temporary refuge in 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 84/ adopted on 17 July 1981, in order that:

84/ 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 effectively in the field of human rights and fundamental freedoms in Kampuchea;

(c) In the exercise of their fundamental freedoms and inalienable 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 with a view to establishing an independent, free and non-aligned Kampuchea and thereby achieving durable peace for South-East Asia;

6. Expresses its deep appreciation to the Secretary-General for his report on the implementation of General Assembly resolution 39/5 85/ and requests him to continue to take constructive steps in order to bring about a solution to the Kampuchean problem;

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 and that the Conference be reconvened at an appropriate time, in accordance with General Assembly resolution 40/7;

9. Recommends that the Economic and Social Council at its first regular session of 1986 continue to consider, and in particular to undertake, appropriate measures towards the early implementation of relevant recommendations, with a view to achievement of 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-third 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".

85/ A/40/759.

1986/26. The use of mercenaries as a means to impede the exercise of the right of peoples to self-determination 86/

The Commission on Human Rights,

Bearing in mind the need for strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples, 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, 87/

Deeply concerned about the increasing menace which the activities of mercenaries represent for all States, particularly African States and other developing States of the world,

Recognizing that mercenarism is a threat to international peace and security and, like genocide, is a crime against humanity,

Recognizing also that the activities of mercenaries are contrary to fundamental principles of international law, such as non-interference in the internal affairs of States, territorial integrity and independence, and seriously impede the process of self-determination of peoples struggling against colonialism, racism and apartheid and all forms of foreign domination,

Bearing in mind the provision concerning mercenaries of Additional Protocol I to the Geneva Conventions of 1949, 88/

Recalling the resolutions of the General Assembly, particularly resolutions 1514 (XV) of 14 December 1960, 2395 (XXIII) of 29 November 1968, 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 34/140 of 14 December 1979, in which the United Nations denounced the practice of using mercenaries, in particular against developing countries and national liberation movements,

86/ Adopted at the 50th meeting, on 10 March 1986, by a roll-call vote of 32 to 1, with 10 abstentions. See chap. IX, para. 199.

87/ General Assembly resolution 2625 (XXV), annex.

88/ International Committee of the Red Cross, Protocols additional to the Geneva Conventions of 12 August 1949 (Geneva, 1977), Additional Protocol I, article 47.

Recalling also Security Council resolutions 239 (1967) of 10 July 1967, 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 Council, inter alia, condemned any State which persisted in permitting or tolerating the recruitment of mercenaries, and the provision of facilities to them, with the objective of overthrowing the Governments of States Members of the United Nations,

Reaffirming the decision in General Assembly resolution 32/130 of 16 December 1977 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, inter alia, from aggression and threats against national sovereignty, national unity and territorial integrity,

Recalling the relevant resolutions of the Organization of African Unity and the Convention adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its fourteenth ordinary session, held at Libreville from 2 to 5 July 1977, condemning and outlawing mercenarism and its adverse effects on the independence and territorial integrity of African States,

Deeply concerned at the loss of life, the substantial damage to property and the long-term negative effects on the economy of southern African countries resulting from mercenary aggressions,

Strongly condemning the racist régime of South Africa for its increasing use of groups of armed mercenaries against national liberation movements and for the destabilization of the Governments of southern African States,

1. Condemns the increased recruitment, financing, training, assembly, transit and use of mercenaries, as well as other forms of support to mercenaries, including so-called humanitarian aid for the purpose of destabilizing and overthrowing the Governments of southern African States and fighting against the national liberation movements of peoples struggling for the exercise of their right of self-determination;
2. Denounces any State which persists in the recruitment and/or permits or tolerates the recruitment of mercenaries and provides facilities to them;
3. Calls upon all States to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to ensure, by both administrative and legislative measures, that their territory and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries, or the planning of such activities designed to destabilize or overthrow the Government of any State and to fight the national liberation movements;

4. Urges all States to take the necessary measures under their respective domestic laws to prohibit the recruitment, financing, training and transit of mercenaries on their territory and other territories under their control;

5. Invites the Secretary-General to prepare a report on this question;

6. Decides to consider this matter with high priority at its forty-third session.

1986/27. Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities 89/

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,

Recalling Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually 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,

Recalling also its resolution 1985/21 of 11 March 1985, in which it urged the Working Group on Indigenous Populations to intensify its efforts, in carrying out its plan of action, to develop international standards in this field,

Recalling also Sub-Commission resolution 1985/22 of 29 August 1985, whereby the Sub-Commission endorsed the plan of action drawn up by the Working Group for its future work, and the Group's decision to emphasize the part of its mandate related to standard-setting activities,

Having examined the report of the Working Group on its fourth session, 90/ held from 29 July to 2 August 1985,

89/ Adopted at the 51st meeting, on 11 March 1986, without a vote. See chap. XIX, para. 472.

90/ E/CN.4/Sub.2/1985/22 and Add.1.

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

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

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

Welcoming General Assembly resolution 40/131 of 13 December 1985, by which the Assembly decided to establish a voluntary fund to facilitate the participation of representatives of indigenous communities and organizations in the deliberations of the Working Group, to be administered by five trustees with relevant experience on issues affecting indigenous populations, who would serve in their personal capacity, and considering the implementation of the criteria outlined in that resolution as a matter of the highest priority,

1. Expresses its appreciation to the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for its valuable work, in particular the preliminary steps taken at its fourth session in the area of standard-setting, and for its 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 and communities of indigenous peoples;

3. Urges the Working Group to intensify its efforts, in carrying out its plan of action, to continue the development of 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;

4. Requests the Secretary-General to give all necessary assistance to the Working Group in discharging its tasks, including adequate dissemination of information about the activities of the Working Group, to Governments, specialized agencies and relevant organizations of indigenous populations, in order to encourage the widest possible participation in its work.

1986/28. Report of the Working Group on Traditional Practices
Affecting the Health of Women and Children 91/

The Commission on Human Rights,

Stressing the existence of the phenomenon of traditional practices affecting the health of women and children in some parts of the world,

Aware of the importance of education and information and of raising the level of development as effective means of combating such practices,

Recalling its resolution 1984/48 of 13 March 1984,

Having examined the report of the Working Group on Traditional Practices Affecting the Health of Women and Children, 92/

Taking note of the comments on the report,

Welcoming the efforts made by certain Governments and non-governmental organizations at the national and regional levels,

1. Takes note of the report of the Working Group and commends the Group on its efforts to complete its study;
2. Requests the Secretary-General to transmit the report to Governments, the competent organizations and specialized agencies, drawing their attention to the recommendations contained in the report;
3. Calls upon the specialized agencies of the United Nations system and the interested non-governmental organizations, in their respective fields of competence, to provide the necessary assistance to the Governments which request it in order to help them combat such practices.

91/ Adopted at the 51st meeting, on 11 March 1986, without a vote. See chap. XIX, para. 475.

92 E/CN.4/1986/42.

The Commission on Human Rights,

Recognizing that respect for human rights and fundamental freedoms, including self-determination and the elimination of discrimination, apartheid, colonialism and foreign occupation, is one of the important conditions for securing international peace,

Also recognizing that peace, independence, disarmament and development, the central issues of our time, are all necessary for securing, in full measure, human dignity and basic human rights and fundamental freedoms,

Convinced that all the rights and freedoms, as well as all the material goods and spiritual wealth that both man and nations possess, have a common foundation - the right to life,

Believing that the peoples of the world should not be forced to live in fear of annihilation and that they have individually and collectively the right to live free of nuclear fear,

Conscious that the escalating arms race, in particular the nuclear-arms race, accentuates tensions in the areas affected, thereby retarding the achievement of social and economic development,

Aware that rising military expenditures, including those of nuclear-weapon States, have serious implications for the economic prospects of the world, especially those of the developing countries, which also affect the full enjoyment of human rights and fundamental freedoms,

Mindful that the arms race, in particular the nuclear-arms race, is consuming scarce material resources of our planet and wasting much of our human and scientific resources in destructive pursuits,

Also mindful that the implementation of concrete disarmament measures will result in relaxation of international tension and permit all countries, in particular developing countries, to devote a larger share of their resources to their development,

Underlining the importance of the forthcoming International Conference on the Relationship between Disarmament and Development, to be held in Paris in July 1986,

93/ Adopted at the 51st meeting, on 11 March 1986, by a roll-call vote of 34 to none, with 8 abstentions. See chap. XIX, para. 480.

Bearing in mind that the fulfilment of civil, political, economic, social and cultural rights may best be promoted in an atmosphere of disarmament, peace and development,

Recalling resolution 1984/30 adopted on 30 August 1984 by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and, in particular, resolution 1985/2 of 27 August 1985, in which the Sub-Commission stressed the threat that the arms race, in particular the nuclear-arms race, posed for the achievement of social and economic progress and for the universal realization of all human rights,

1. Affirms the need for all concerned parties to realize the adverse effects of the arms race on the enjoyment of human rights;

2. Requests all States, in particular the nuclear-weapon States, to continue and intensify their efforts to end the arms race and for the promotion and universal realization of human rights and fundamental freedoms.

1986/30. The right of everyone to leave any country, including his own, and to return to his country 94/

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,

Taking into account 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, 95/

Recalling that the draft principles 96/ included in that 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

94/ Adopted at the 51st meeting, on 11 March 1986, without a vote. See chap. XIX, para. 483.

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

96/ Ibid., annex VI.

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 also Economic and Social Council resolution 1984/29 of 24 May 1984, by which the Economic and Social Council endorsed 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 progress report prepared by the Special Rapporteur, 97/

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,

Recalling its resolution 1985/22 of 11 March 1985, in which it requested 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,

1. Welcomes the progress so far achieved by the Special Rapporteur in his study;
2. Takes note of Sub-Commission resolution 1985/29 of 30 August 1985;
3. Appeals to the Sub-Commission to consider at its thirty-ninth session as a matter of priority:
 - (a) The final report of the Special Rapporteur on:
 - (i) The right to leave any country, including one's own;
 - (ii) The extent and effect of restrictions under article 12, paragraph 3, of the International Covenant on Civil and Political Rights;
 - (iii) The possibility of entering another country;

97/ E/CN.4/Sub.2/1985/9.

(b) The preliminary draft of a declaration on the right of everyone to leave any country, including his own, and to return to his country, with a view to submitting the requested draft declaration to the Commission as soon as possible.

1986/31. Documentation of the Sub-Commission on Prevention of Discrimination and Protection of Minorities 98/

The Commission on Human Rights,

Taking into account the urgent need for further improving the efficiency of the administrative and financial functioning of the United Nations,

Recalling General Assembly resolution 40/237 of 18 December 1985, in which the Assembly, inter alia, expressed the conviction that an overall increase in efficiency would further enhance the capacity of the United Nations to attain the purposes and implement the principles of the Charter of the United Nations,

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

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

1986/32. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers 99/

The Commission on Human Rights,

Guided by the principles embodied in articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 14 and 26 of the International Covenant on Civil and Political Rights,

Recalling Economic and Social Council decision 1980/124 of 2 May 1980, by which the Council took note of Commission resolution 16 (XXXVI) of 29 February 1980, recommending the appointment of a special rapporteur on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers,

98/ Adopted at the 51st meeting, on 11 March 1986, without a vote. See chap. XIX, para. 489.

99/ Adopted at the 52nd meeting, on 11 March 1986, without a vote. See chap. XIX, para. 492.

Aware of the essential role that judges, jurors, assessors and lawyers play in the protection and promotion of human rights and fundamental freedoms,

Convinced that an independent and impartial judiciary and independent lawyers are essential prerequisites for ensuring that there shall be no discrimination in the administration of justice,

Having regard to resolution 1983/38 adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on 6 September 1983, in which the Sub-Commission requested the Special Rapporteur to consider the most appropriate means by which the international community could contribute to strengthening legal institutions,

Noting Sub-Commission resolution 1984/11 of 29 August 1984 and decision 1985/107, of 27 August 1985, in which, inter alia, the Sub-Commission requested the Special Rapporteur to take into account any comments received from members of the Sub-Commission when presenting his report to it at its thirty-ninth session,

Recalling also General Assembly resolution 40/146, of 13 December 1985, in which the Assembly encouraged the Sub-Commission, in giving further consideration to the issue of the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, to take into account the Basic Principles on the Independence of the Judiciary adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders 100/ in making final recommendations at its thirty-ninth session,

1. Welcomes the completion by the Special Rapporteur, Mr. L.M. Singhvi, of his study on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, 101/

2. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider the report of the Special Rapporteur as a matter of high priority with a view to submitting it to the Commission together with the Sub-Commission's final recommendations.

100/ See A/CONF.121/22, chap. I, sect. D.2.

101/ E/CN.4/Sub.2/1985/18 and Add.1-6.

The Commission on Human Rights,

1. Condemns Israel for its continued occupation of the Palestinian territories, including Jerusalem, and of other Arab territories in violation of relevant United Nations resolutions and of the provisions of international law;
2. Strongly condemns Israeli policies and practices of terrorist action perpetrated against the Palestinian inhabitants of the occupied territories, such as killing, detention and torture, deportation, and confiscation and annexation of land, which constitute grave violations of the Charter of the United Nations, the Universal Declaration of Human Rights and all relevant United Nations resolutions;
3. Condemns Israel for its persistence in developing the colonization of these territories which aims at changing the demographic composition, the institutional structure and the status of the occupied territories, including Jerusalem;
4. Reaffirms that such measures as are described in the foregoing paragraphs constitute grave violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 103/ and of The Hague Convention IV of 1907, 104/ and that they are null and void with regard to international law;
5. Calls upon Israel to withdraw immediately from the occupied Palestinian territories, including Jerusalem, in order to restore to the Palestinian people their inalienable national rights, and from all the other occupied Arab territories.

102/ Adopted at the 52nd meeting, on 11 March 1986, by a roll-call vote of 28 to 6, with 5 abstentions. See chap. XIX, para. 497.

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

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

1986/34. Slavery and slavery-like practices: exploitation of child labour 105/

The Commission on Human Rights,

Recalling the provisions of the Slavery Convention, 106/ the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery 107/ and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 108/

Having considered resolution 1985/23 of 29 August 1985 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-eighth session, in particular those concerning the recommendations of its Working Group on Slavery,

Gravely concerned at the persistence of various slavery-like practices today, in complete 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 sale of children, the exploitation of child labour, debt bondage, the traffic in persons and the exploitation of the prostitution of others, and practices similar to slavery, such as apartheid, have not 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, or to explain why they feel unable to do so;

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;

105/ Adopted at the 52nd meeting, on 11 March 1986, without a vote. See chap. XIX, para. 501.

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

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

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

3. Strongly urges all States, as well as relevant organs and agencies of the United Nations system, competent intergovernmental organizations and non-governmental organizations concerned to submit broader fresh information to the Working Group on Slavery and to participate more actively in its work;

4. Requests the Secretary-General to collect relevant information already published from the United Nations system and other intergovernmental organizations for the Working Group on Slavery;

5. Recommends that in all societies appropriate employment legislation be adopted, education facilities be made available at the place of work or elsewhere, and a legal minimum age and minimum wage for children be introduced, and that all competent national authorities should ensure that no children under the minimum age established by law are employed, either directly or through local subcontractors;

6. Recommends that all competent United Nations agencies, development banks and intergovernmental bodies involved in development projects should encourage policies and measures to protect the human rights of children against abusive labour;

7. Expresses the wish that the United Nations Children's Fund, as the leading United Nations body concerned with children's welfare, should be designated as the body primarily responsible for research and education relating to the sexual exploitation of children;

8. Considers that all Governments should be encouraged to establish national policies to protect children from sexual exploitation and, for that purpose, inter alia, to enact guidelines in order to prevent travel agencies, public carriers and hotel-keepers from co-operating in such exploitation;

9. Recommends that special attention should be devoted to the problem of child prostitution in all its forms;

10. Recommends that effective provisions against the sexual exploitation of children be included in the draft convention on the rights of the child under elaboration by the Commission;

11. Recommends that effective measures should be taken to promote the equality of women and men, and that the mass media should be fully utilized to that end;

12. Recommends that, on the occasion of the thirty-fifth anniversary of the adoption of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 2 December 1986, and the same date in following years, should be proclaimed "World Day for the Abolition of Slavery in All Its Forms".

1986/35. Study of the problem of discrimination against indigenous populations 109/

The Commission on Human Rights,

Having considered resolution 1985/25 of 29 August 1985 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

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

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

1986/36. Realization of the right to adequate housing 110/

The Commission on Human Rights,

Recalling General Assembly resolution 37/221 of 20 December 1982, in which the Assembly proclaimed 1987 International Year of Shelter for the Homeless and decided that the objective of activities before and during the Year would be to improve the shelter and neighbourhoods of some of the poor and disadvantaged by the end of 1987, according to national priorities, and to demonstrate by the year 2000 ways and means of improving the shelter and neighbourhoods of the poor and disadvantaged,

Recalling further that the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights provide that all persons have the right to an adequate standard of living for themselves and their families, including adequate housing, and that States should take appropriate steps to ensure the realization of that right,

Noting that the objectives of the International Year of Shelter for the Homeless are related to the realization of the economic, social and cultural rights contained in the International Covenant on Economic, Social and Cultural Rights and the Universal Declaration of Human Rights and that the Commission on Human Rights could make an important contribution to the achievement of the objectives of the International Year of Shelter for the Homeless, taking into account the activities of the United Nations bodies and agencies in this field, notably the Commission on Human Settlements, which was designated as the body responsible for organizing the Year,

109/ Adopted at the 52nd meeting, on 11 March 1986, without a vote. See chap. XIX, para. 504.

110/ Adopted at the 54th meeting, on 12 March 1986, by a roll-call vote of 40 to none, with 3 abstentions. See chap. VIII, para. 151.

1. Reiterates the right of all persons to an adequate standard of living for themselves and their families, including adequate housing;

2. Expresses its deep concern that millions of people do not enjoy the right to housing;

3. Decides to continue consideration of the question of the realization of the right to housing against the background of the International Year of Shelter for the Homeless, under the item entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights" at its forty-third session.

1986/37. Procedure for the election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities 111/

The Commission on Human Rights,

Recalling its resolution 1985/28 of 11 March 1985 on the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-seventh session,

Expressing its appreciation to the Secretary-General for his report 112/ on election procedures of existing expert bodies, as well as its appreciation to Governments and organizations which have submitted their views on the matter,

Mindful that members of the Sub-Commission are elected by the Commission on Human Rights on the basis of nominations of experts made by States Members of the United Nations and that members of the Sub-Commission have hitherto served for a term of three years,

Taking into account that members have been elected in accordance with Economic and Social Council resolution 1334 (XLIV) and decision 1978/21 of 31 May 1968 and 5 May 1978, respectively, establishing the following geographical pattern: 7 from African States; 5 from Asian States; 5 from Latin American States; 3 from Eastern European States; and 6 from Western European and other States,

111/ Adopted at the 54th meeting, on 12 March 1986, without a vote. See chap. XIX, para. 508.

112/ E/CN.4/1986/41 and Add.1-3.

Reaffirming that the above-mentioned geographical pattern shall continue to be observed in future elections of members of the Sub-Commission and their alternates where such alternates have been nominated,

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

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

1986/38. Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities 113/

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-eighth session, 114/

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, 1983/22 of 4 March 1983 and 1985/28 of 11 March 1985 concerning the reports of the Sub-Commission on its thirty-fourth, thirty-fifth and thirty-seventh sessions,

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

Mindful of the important contribution which non-governmental organizations in consultative status with the Economic and Social Council make to the work of the Sub-Commission, in conformity with the principles embodied in Economic and Social Council resolutions 1296 (XLIV) of 23 May 1968 and 1919 (LVIII) of 5 May 1975,

113/ Adopted at the 54th meeting, on 12 March 1986, without a vote. See chap. XIX, para. 517.

114/ E/CN.4/1986/5.

Reaffirming that the systematic preparation of 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,

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

1. 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 report as well as in the expert studies carried out under its auspices;

2. 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;

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

4. Notes that the Sub-Commission has reviewed its work and made suggestions contained in its resolution 1985/24 of 29 August 1985;

5. Requests the Secretary-General to consider the possibility of providing, from within existing resources, services to enable a maximum of three three-hour meetings to be held, so that a maximum of three sessional working groups of the Sub-Commission may meet concurrently during the session of the Sub-Commission;

6. Takes note of the decision of the Sub-Commission in its resolution 1985/34 of 30 August 1985 to consider certain items on a biennial basis, and requests the Sub-Commission to keep those items under consideration on a biennial basis unless otherwise authorized by the Commission;

7. Calls upon States to nominate as members and alternates persons meeting the criteria of independent experts who should discharge their functions in that capacity as members of the Sub-Commission;

8. Firmly 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 approaching completion;

9. 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;

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

11. Reminds the Sub-Commission that new studies can only be undertaken, or reports involving financial implications requested from the Secretary-General, after authorization by its superior bodies;

12. Recalls Sub-Commission resolution 1984/37 of 31 August 1984, in which the Sub-Commission established a three-year cycle for the finalization of reports undertaken under its auspices and in which it expressed its understanding that the stages to be undergone during that cycle would not normally require repeated approval by the Commission on Human Rights or the Economic and Social Council or further resolutions of the Sub-Commission;

13. Requests the Secretary-General to draw the attention of the Sub-Commission, in all instances where decisions or resolutions would involve financial implications not hitherto approved, to the necessity to submit to its superior bodies draft proposals for their consideration;

14. Invites the Sub-Commission to continue its efforts to rationalize its work so as to arrive at increased efficiency and economical methods of work.

1986/39. Situation of human rights in El Salvador 115/

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

115/ Adopted at the 54th meeting, on 12 March 1986, by 39 votes to none, with 4 abstentions. See chap. XII, para. 299.

Political Rights, and the humanitarian rules laid down in the Geneva Conventions of 12 August 1949 116/ and Additional Protocols I and II thereto, of 1977, 117/

Reaffirming that the Governments of 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 the essential task of the United Nations to ensure the observance, promotion and strengthening of human rights among 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, 39/119 of 14 December 1984 and 40/139 of 13 December 1985, 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 resolutions 1982/28 of 11 March 1982, 1983/29 of 8 March 1983, 1984/52 of 14 March 1984 and 1985/35 of 13 March 1985, whereby it extended the mandate of the Special Representative for another year, requesting him to report to the General Assembly at its fortieth session and to the Commission on Human Rights at its forty-second session,

Noting with satisfaction that the question of the observance of human rights forms an important part of the policy of the present Government of El Salvador,

Expressing regret that the armed conflict is persisting in El Salvador and that economic, political and social rights continue to be seriously jeopardized with the politically-motivated increase in the number of attacks against the economic infrastructure and the similarly motivated increase in the number of abductions, attacks on life and deprivations of liberty,

Considering that there is an armed conflict of a non-international character in El Salvador in which the Government of that country and the guerrilla forces are under an obligation to apply the minimum standards of protection of human rights and humane treatment provided for in article 3 common to the 1949 Geneva Conventions and in Additional Protocol II thereto of 1977,

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

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

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

Considering also, as indicated by the Special Representative, that despite the laudable and serious plans for the reform of the administration of justice submitted by the Government of El Salvador, the capacity of the judicial system in that country continues to be notoriously unsatisfactory,

Taking note of the report 118/ which was prepared by the Special Representative, as instructed by the Commission on Human Rights in resolution 1985/35,

Concerned at the situation of a considerable number of Salvadorian citizens who have been obliged to leave their homes and become displaced persons or refugees,

Recognizing that dialogue is the best way of achieving, in a spirit of generosity and openness, a negotiated comprehensive political settlement that will promote genuine national reconciliation and put an end to the suffering of the Salvadorian people,

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

2. Recognizes with interest and emphasizes that it is important that the Government of El Salvador, as indicated by the Special Representative in his report, should continue to apply policies aimed at improving the observance of human rights;

3. Expresses its deep concern at the serious adverse effect of warlike activities on the enjoyment by the Salvadorian population of undisputed political, civil, economic, social and cultural rights, and at the non-compliance with the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, and for this reason makes a special appeal to both parties to continue to adopt measures intended to humanize the conflict, scrupulously complying with the provisions contained in the above-mentioned international instruments of humanitarian law;

4. Deplores the interruption of the dialogue initiated in October 1984 between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional - Frente Democrático Revolucionario, and accordingly again urges the parties to hold a sincere and realistic dialogue, in a spirit of generosity and openness, which will enable them rapidly to achieve a negotiated political solution which will put an end to the armed conflict and

118/ E/CN.4/1986/22.

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;

5. Further requests all States to promote the resumption of the dialogue between the parties in conflict until a just and lasting peace is achieved in El Salvador;

6. Reiterates its request 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 in the country, and to permit the International Committee of the Red Cross to continue to evacuate those wounded and maimed by the war to places where they can receive the medical attention they need;

7. Requests all States to co-operate in the reception of refugees and to support the autonomous organizations dealing with displaced persons within El Salvador, and requests the Government of that country to continue to grant facilities to Salvadorians wishing to return to their homes;

8. Urges the Government of El Salvador to accelerate the adoption of energetic measures necessary to investigate and punish, in the most swift, exemplary and effective fashion, violations of human rights and fundamental freedoms;

9. Calls upon the competent authorities in El Salvador to amend any legislation or other measures incompatible with the provisions contained in the international instruments on human rights binding on the Government of that country;

10. Recommends the continuation and intensification of the administrative and social reforms in El Salvador, including agrarian reform, so that conditions are established for the full enjoyment by Salvadorian citizens of the economic and social rights proclaimed in the international instruments to which El Salvador is a party;

11. Decides to extend the mandate of the Special Representative for another year, in the hope that the human rights situation in El Salvador will continue to improve;

12. Requests the Special Representative to submit his report on further developments in the human rights situation in El Salvador to the General Assembly at its forty-first session and to the Commission on Human Rights at its forty-third session;

13. Renews its request 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;

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

15. Decides to consider the question of human rights in El Salvador at its forty-third session.

1986/40. Question of human rights and fundamental freedoms in Afghanistan 119/

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the humanitarian rules set out in the Geneva Conventions of 12 August 1949, 120/

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, as well as Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the human rights situation in Afghanistan,

Recalling also its resolution 1985/38 of 13 March 1985, by which the Commission expressed its profound concern at the grave and massive human rights violations in Afghanistan and urged the authorities in that country to put a stop to these violations, in particular the military repression being conducted against the civilian population of Afghanistan,

Recalling further Economic and Social Council decision 1985/147 of 30 May 1985, by which the Council approved the Commission's decision to extend the mandate of the Special Rapporteur and requested him to report to the

119/ Adopted at the 54th meeting, on 12 March 1986, by a roll-call vote of 28 to 9, with 5 abstentions. See chap. XII, para. 307.

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

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,

Recalling also resolution 1985/35 of 30 August 1985 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in which the Sub-Commission requested the Commission to ask the Special Rapporteur to look, in particular, into the fate of women and children as a consequence of the conflict in Afghanistan,

Recalling further General Assembly resolution 40/137 of 13 December 1985, in which the Assembly expressed its profound concern that disregard for human rights in Afghanistan was more widespread and that the conflict continued to engender human rights violations on a large scale, endangering, as a result, not only the lives of individuals but the existence of whole groups of persons and tribes,

Having carefully examined the report of the Special Rapporteur on the question of human rights and fundamental freedoms in Afghanistan, 121/ which reveals continuing grave and massive violations of fundamental human rights in that country,

Recognizing that a situation of armed conflict continues to exist in Afghanistan, leaving large numbers of victims without protection or assistance,

Deploing the continuing refusal of the Afghan authorities to co-operate with the Special Rapporteur,

1. Commends the Special Rapporteur for his report on the situation of human rights in Afghanistan;
2. Expresses its deep concern that the Afghan authorities, with heavy support from foreign troops, are acting with great severity against their opponents and suspected opponents without any respect for the international human rights obligations which they have assumed;
3. Expresses its grave concern at the methods of warfare used, which are contrary to humanitarian standards and the relevant instruments to which the States concerned are parties;
4. Expresses also its grave concern in particular at the severe consequences for the civilian population of indiscriminate bombardments and military operations primarily targeted on villages and the agricultural structure;

121/ E/CN.4/1986/24.

5. Shares the conviction of the Special Rapporteur that the duration of the conflict increases the seriousness of the gross and systematic violations of human rights already existing in the country;

6. Expresses once again its profound distress and alarm, in particular, at the widespread violations of the right to life, liberty and security of person, including the commonplace practice of torture and summary executions of the régime's opponents, as well as increasing evidence of a policy of religious intolerance;

7. Expresses its deep concern about the number of persons detained for seeking to exercise their fundamental human rights and freedoms, and their detention under conditions contrary to internationally recognized standards;

8. Notes with great concern that the educational system does not appear to respect the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions;

9. Notes with great concern that such widespread violations of human rights, which have already caused millions of people to flee their homes and country, are still giving rise to large flows of refugees and displaced persons;

10. Calls once again upon 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;

11. Decides to extend the mandate of the Special Rapporteur for a year and to request him to report to the General Assembly at its forty-first session and to the Commission on Human Rights at its forty-third session on the question of human rights and fundamental freedoms in Afghanistan;

12. Urges once again the authorities in Afghanistan to co-operate with the Commission on Human Rights and its Special Rapporteur, in particular by allowing him to visit Afghanistan;

13. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

14. Decides to continue its consideration of the human rights situation in Afghanistan as a matter of high priority at its forty-third session.

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,

Bearing in mind 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 and requested the Chairman to appoint a special representative on the human rights situation in that country,

Recalling in particular its resolution 1985/39 of 13 March 1985, by which it decided to extend the mandate of the Special Representative 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,

Mindful of resolution 1985/17 of 29 August 1985 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in which the Sub-Commission expressed its alarm at the continuing reports of gross violations of human rights and fundamental freedoms in the Islamic Republic of Iran,

Recalling General Assembly resolution 40/141 of 13 December 1985, by which the Assembly decided to continue its examination of the human rights situation in the Islamic Republic of Iran and requested the Commission on Human Rights to consider further steps for securing effective respect for human rights and fundamental freedoms for all in that country,

Regretting that the Government of the Islamic Republic of Iran has still not extended its full co-operation to the Commission on Human Rights and its Special Representative, in particular by not allowing the Special Representative to visit the country,

122/ Adopted at the 54th meeting, on 12 March 1986, by a roll-call vote of 19 to 4, with 16 abstentions. See chap. XII, para. 317.

Taking into account the specific and detailed allegations of grave and extensive human rights violations to which the Special Representative refers in his interim report 123/ and to which the Government of the Islamic Republic of Iran has not responded,

Endorsing the conclusion of the Special Representative that continued monitoring of the human rights situation in the Islamic Republic of Iran is called for,

Noting that Mr. Andrés Aguilar has informed the Commission that he is not in a position to continue serving as its Special Representative on the human rights situation in the Islamic Republic of Iran, 124/

1. Takes note with appreciation of the report of the Special Representative and the general observations contained therein;
2. Expresses its deep concern over the specific and detailed allegations of grave human rights violations in the Islamic Republic of Iran to which the Special Representative refers in his report and, in particular, 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;
3. Endorses the conclusion of the Special Representative that, on the basis of information available to him, specific and detailed allegations concerning grave human rights violations cannot be dismissed, and urgently appeals to the Government of the Islamic Republic of Iran to respond satisfactorily to these allegations;
4. Urges 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 a year;
6. Requests the Chairman of the Commission to appoint an individual of recognized international standing to fill the vacancy created by the resignation of Mr. Andrés Aguilar;

123/ A/40/874.

124/ See E/CN.4/1986/25.

7. Requests the newly appointed Special Representative to present an interim report to the General Assembly at its forty-first 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-third session;

8. Urges the Government of the Islamic Republic of Iran to extend its full co-operation to the Special Representative of the Commission, and in particular to permit him to visit that country;

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

10. 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-third session.

1986/42. Summary or arbitrary executions 125/

The Commission on Human Rights,

Recalling its resolutions 1983/36 of 8 March 1983, 1984/50 of 14 March 1984 and 1985/37 of 13 March 1985 on the question of summary or arbitrary executions,

Recalling also Economic and Social Council resolution 1985/40 of 30 May 1985 and General Assembly resolution 40/143 of 13 December 1985 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.]

1986/43. Situation in southern Lebanon 126/

The Commission on Human Rights,

Gravely concerned by the continuous acts of aggression and the arbitrary practices of the Israeli occupation forces in southern Lebanon which constitute a flagrant violation of the Geneva Convention relative to the

125/ Adopted at the 54th meeting, on 12 March 1986, without a vote. See chap. XII, para. 324.

126/ Adopted at the 54th meeting, on 12 March 1986, by a roll-call vote of 25 to 1, with 17 abstentions. See chap. XII, para. 329.

Protection of Civilian Persons in Time of War, of 12 August 1949, 127/ the provisions of The Hague Convention of 1907, 128/ the Universal Declaration of Human Rights, the principles of international law and the objectives of the Charter of the United Nations,

Reaffirming its resolution 1985/41 of 13 March 1985,

Reiterating what has been previously confirmed by the resolutions of the Security Council, the General Assembly and other United Nations organs, that the continued occupation and repeated acts of aggression constitute a violation of both the will of the international community and the conventions in force in this field,

1. Strongly condemns Israel for its human rights violations such as acts of aggression and the arbitrary practices against civilian populations, assassinations, detentions, 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 demands the immediate, total and unconditional withdrawal of Israel from Lebanese territory to the internationally recognized boundaries and respect for the sovereignty, independence and territorial integrity of Lebanon, in accordance with Security Council resolutions 425 (1978) of 19 March 1978 and 509 (1982) of 6 June 1982;
3. Calls on those Governments which are continuing to give Israel economic, political and military aid to refrain from providing Israel with support which is encouraging it to persevere with its policy of aggression and expansion;
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.

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

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

1986/44. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms 129/

The Commission on Human Rights,

Recalling its decision 1984/116 of 16 March 1984, in which it decided to establish 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,

Recalling also its decision 1985/112 of 14 March 1985, in which it decided that the open-ended working group should be convened at the forty-second session of the Commission, meeting pre-sessionally for one week,

Recalling also its resolutions 23 (XXXVI) of 29 February 1980, 28 (XXXVII) of 11 March 1981, 1982/30 of 11 March 1982, and 1983/31 of 8 March 1983 concerning the role of individuals, groups and organs of society in the promotion and protection of universally recognized human rights,

Noting Sub-Commission resolution 1985/30 of 30 August 1985,

Noting also the progress made by the open-ended working group during its one-week meeting prior to the forty-second session of the Commission,

1. Decides to continue at its forty-third session, as a matter of the highest priority, its work on the elaboration of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, using as a basis the views expressed and proposals made in the working group during the present session;
2. Requests the Economic and Social Council to authorize a one-week session of an open-ended working group prior to the forty-third session of the Commission on Human Rights with a view to continuing the work on the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;
3. Recommends the following draft resolution to the Economic and Social Council for adoption:

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

129/ Adopted at the 54th meeting, on 12 March 1986, without a vote. See chap. XII, para. 333.

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, 131/

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 averting new massive flows of refugees parallel with the provision of durable solutions to actual refugee situations,

Taking note of the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees, 132/

Noting again the report of the Secretary-General on human rights and mass exoduses, 133/

130/ Adopted at the 54th meeting, on 12 March 1986, without a vote. See chap. XII, para. 338.

131/ E/CN.4/1503.

132/ A/40/385, annex.

133/ A/38/538.

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, 1984/49 of 14 March 1984 and 1985/40 of 13 March 1985, and General Assembly resolutions 35/196 of 15 December 1980, 37/186 of 17 December 1982, 38/103 of 16 December 1983, 39/117 of 14 December 1984, and 40/149 of 13 December 1985,

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 to the General Assembly at its thirty-ninth session, 134/

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 problems of mass exoduses of refugees and displaced persons;

3. Welcomes the special interest which the Secretary-General has taken in this question 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.

1986/46. Right to freedom of expression and opinion 135/

The Commission on Human Rights,

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

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

134/ Official Records of the General Assembly, Thirty-ninth Session, Supplement No.1 (A/39/1).

135/ Adopted at the 54th meeting, on 12 March 1986, without a vote. See chap. X, para. 212.

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 (ordre public), 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 resolutions 1984/26 of 12 March 1984 and 1985/17 of 11 March 1985,

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 in many parts of the world of detention 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. 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 him immediately;

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

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-third session with a view to promoting respect for the right to freedom of opinion and expression.

1986/47. Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 136/

The Commission on Human Rights,

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

Recalling also 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 further 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,

Bearing in mind its resolution 1985/18 of 11 March 1985 and General Assembly resolution 40/128 of 13 December 1985,

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,

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 its decision, in resolution 1985/33 of 13 March 1985, to appoint a special rapporteur to examine questions relevant to torture,

1. Takes note with appreciation of the report of the Secretary-General 137/ on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

2. Expresses its satisfaction at the number of States that have signed the Convention since it was opened for signature, ratification and accession on 4 February 1985;

136/ Adopted at the 54th meeting, on 12 March 1986, without a vote. See chap. X, para. 254.

137/ A/40/604.

3. Reiterates its request to all States that have not yet done so to sign and ratify the Convention as a matter of priority, with a view to an early entry into force of the Convention;

4. Invites all States ratifying or acceding to the Convention and those States parties which have not yet done so to consider the possibility of making the declaration provided for in articles 21 and 22 of the Convention;

5. Requests the Secretary-General to submit to the General Assembly at its forty-first session and to the Commission on Human Rights at its forty-third session a report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

6. Decides to consider the report of the Secretary-General at its forty-third session under the sub-item entitled "Torture and other cruel, inhuman or degrading treatment or punishment".

1986/48. United Nations Voluntary Fund for Victims of Torture 138/

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 further General Assembly resolution 36/151 of 16 December 1981, in which the Assembly noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims of torture in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture, as well as General Assembly resolution 40/127 of 13 December 1985,

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,

Noting its resolution 1985/33 of 13 March 1985, by which it decided to appoint for one year a special rapporteur to examine questions relevant to torture,

Bearing in mind its resolution 1985/19 of 11 March 1985,

138/ Adopted at the 54th meeting, on 12 March 1986, without a vote. See chap. X, para. 236.

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, 139/

Noting with satisfaction that international centres for rehabilitation of torture victims have been established, and their important role in providing assistance to victims of torture,

Noting in this regard the collaboration of the Fund with the international centres for rehabilitation,

1. Expresses its appreciation to the Board of Trustees of the Fund for the work it has carried out;
2. 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;
3. Appeals to all Governments, organizations and individuals in a position to do so to respond favourably to requests for initial as well as further contributions to the Fund;
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 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.

1986/49. Hostage-taking 140/

The Commission on Human Rights,

Recalling its resolution 27 (XXXVII) of 11 March 1981, in which it affirms that the taking of hostages constitutes a grave violation of human rights exposing the hostages to privation, hardship, anguish and danger to life and health,

139/ A/40/876.

140/ Adopted at the 54th meeting, on 12 March 1986, by a roll-call vote of 41 to none, with 2 abstentions. See chap. X, para. 217.

Taking into account the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Bearing in mind, among other things, Security Council resolution 579 (1985) of 18 December 1985 on hostage-taking,

Alarmed by the growing number of cases of hostage-taking throughout the world, some of which have been going on for a long time, and by the odious form they take, as an unacceptable display of violence towards innocent victims,

Expressing its distress at the anxiety and suffering of the families concerned,

Considering that everyone has the right to life, liberty and security of person and that hostage-taking is a serious violation of these fundamental rights and of the dignity of the persons concerned,

Considering that arbitrary detention of persons is an unquestionable violation of human rights,

Noting with concern the increasing number of instances of the taking of hostages, more and more often involving nationals of States chosen in order to put pressure on those States or on third States,

1. Strongly condemns, whoever those responsible and whatever the circumstances, the taking of any person hostage, whether he is chosen at random and whether he is or is not a national of a State on which it is intended to put pressure;
2. Demands that all persons responsible for taking hostages, whatever their motives, should release those they are holding immediately;
3. Calls upon States to take any measures necessary to prevent and punish the taking of hostages and to put an immediate end to cases of abduction and unlawful restraint on their territory;
4. Requests the Secretary-General, whenever so requested by a State, to employ all means at his disposal in order to secure the immediate release of persons held hostage;
5. Decides to remain seized of this question at the next session.

1986/50. Torture and other cruel, inhuman or degrading treatment or punishment 141/

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,

Recalling its resolution 1985/33 of 13 March 1985, by which it decided to appoint for one year a special rapporteur to examine questions relevant to torture,

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. Takes note of the report of the Special Rapporteur 142/ and welcomes the recommendations contained therein;
2. Decides 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;
3. Decides further that the Special Rapporteur, in carrying out his mandate, shall continue to seek and receive credible and reliable information from Governments, as well as specialized agencies, intergovernmental organizations and non-governmental organizations;

141/ Adopted at the 55th meeting, on 13 March 1986, without a vote. See chap. X, para. 241.

142/ E/CN.4/1986/15.

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-third 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-third session under the appropriate sub-item of the item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

1986/51. Study on amnesty laws 143/

The Commission on Human Rights,

Taking account of resolution 1985/33 of 30 August 1985 adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having considered the final report 144/ of the Special Rapporteur of the Sub-Commission and having heard his introductory statement,

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

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

143/ Adopted at the 55th meeting, on 13 March 1986, without a vote. See chap. X, para. 226

144/ E/CN.4/Sub.2/1985/16.

1986/52. Advisory services in the field of human rights 145/

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 its resolution 1985/26 of 11 March 1985, in which it encouraged the Secretary-General to continue and 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,

Taking note with appreciation of the report of the Secretary-General submitted in pursuance of that resolution, 146/

Bearing in mind General Assembly resolution 40/116 of 13 December 1985 and Commission on Human Rights resolution 1985/45 of 14 March 1985 which, in view of the alarming number of overdue reports of many States parties to international conventions on human rights, underline the need for increasing training activities under the programme of advisory services on the preparation and submission of reports under these conventions,

Noting the importance of expert services, fellowships and scholarships, training courses and seminars under the programme of advisory services as forms of practical assistance to States in the implementation of international human rights standards and for mutual understanding and co-operation in this field,

Welcoming the series of three regional pilot training courses for persons involved in the preparation of reports under international conventions on human rights, which are being arranged, on the basis of voluntary financial contributions and with the active support and co-operation of the Centre for Human Rights, by the United Nations Institute for Training and Research,

145/ Adopted at the 55th meeting, on 13 March 1986, without a vote. See chap. XXII, para. 546.

146/ E/CN.4/1986/34 and Add.1-6.

Convinced that advisory expert services in the field of human rights, such as those rendered under Commission on Human Rights resolution 1985/30 of 11 March 1985, constitute a particularly commendable example for future activities under the advisory services programme,

1. Considers that the programme of advisory services in the field of human rights should increasingly be focused on the provision of practical assistance in the implementation of international conventions on human rights to those States which indicate a need for such assistance;

2. Encourages the efforts of the Secretary-General to award human rights fellowships to, and to organize training courses for, persons directly involved in the implementation of international conventions on human rights;

3. Requests its Special Rapporteurs and representatives as well as the Working Group on Enforced or Involuntary Disappearances to inform Governments, whenever appropriate, of the possibility of availing themselves of the services provided for under the programme of advisory services;

4. Appeals to all Governments to consider making use of the possibility offered by the United Nations of organizing, under the programme of advisory services in the field of human rights, information and/or training courses at the national level for appropriate government personnel on the application of international human rights standards and the experience of relevant international organs;

5. Encourages Governments in need of technical assistance in the field of human rights to avail themselves of the advisory services of experts in the field of human rights, for example for drafting basic legal texts in conformity with international conventions on human rights;

6. Expresses its appreciation to all Governments and intergovernmental and non-governmental organizations which have responded to the Secretary-General's call to provide assistance to States which indicated their need for technical assistance in the field of human rights;

7. Requests the Secretary-General to pursue his efforts to co-ordinate and facilitate the flow of bilateral assistance in such cases;

8. Asks the Secretary-General to organize, when so requested by the Economic and Social Council or the Commission on Human Rights, international seminars in the field of human rights within the programme of advisory services;

9. Takes note with interest of the Secretary-General's efforts to solicit voluntary contributions for the implementation of projects within the programme of advisory services in the field of human rights;

10. Calls upon all Governments and intergovernmental and non-governmental organizations in a position to do so, to consider making voluntary contributions for the implementation of projects within the programme of advisory services;

11. Considers that the idea of establishing a trust fund on advisory services in the field of human rights merits further examination;

12. Requests the Secretary-General to report to the Commission at its forty-third session on the progress made in the implementation of the programme of advisory services in the field of human rights and to submit relevant information on the possible role of an eventual trust fund on advisory services in the field of human rights and, if it were established, the manner in which it could function.

1986/53. Situation in Equatorial Guinea 147/

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, 1984/51 of 14 March 1984 and 1985/30 of 11 March 1985, 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,

147/ Adopted at the 55th meeting, on 13 March 1986, without a vote. See chap. XXII, para. 549.

1. Takes note of the report of the Secretary-General transmitting information on technical assistance to Equatorial Guinea in accordance with Economic and Social Council resolution 1985/39 of 30 May 1985; 148/

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

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

1986/54. Development of public information activities in the field of human rights 149/

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, that the United Nations system has a special responsibility under the Charter to be a centre for harmonizing action towards these ends, and that the Commission on Human Rights has a co-ordinating role within the system in matters relating to human rights,

Welcoming General Assembly resolution 40/125 of 13 December 1985, which brought to the direct attention of the wider international community the range of activities being undertaken in the United Nations on public information in the field of human rights,

Recalling its resolution 1985/49 of 14 March 1985 and its earlier resolutions on the development of public information activities in the field of human rights,

Taking into account other relevant General Assembly resolutions concerning further promotion of human rights, including those on the status of the International Covenants on Human Rights, as well as those relating to information,

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,

148/ E/CN.4/1986/34/Add.2.

149/ Adopted at the 55th meeting, on 13 March 1986, without a vote. See chap. XI, para. 274.

Taking note of the Secretary-General's efforts in preparing a draft teaching booklet on human rights pursuant to Commission resolution 1985/49, 150/

Recognizing the value of national and regional public information activities in the field of human rights, and the importance of making available simplified human rights materials in national and local languages,

Noting that the twentieth anniversary, on 16 December 1986, of the adoption by the General Assembly of the International Covenants on Human Rights provides an opportunity to focus international attention on the activities of the United Nations in the field of human rights,

1. Requests all Governments to facilitate and encourage publicity regarding United Nations activities in the field of human rights, through all available means, including the mass media, with particular reference to the work of the Commission on Human Rights and expert bodies, 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; 151/

3. Requests the Secretary-General, within existing resources, to continue work on a draft teaching booklet on human rights and, prior to the Commission's forty-third session, taking into account such comments as may be offered by Governments, interested United Nations organs and agencies and non-governmental organizations, to finalize that document, which could serve as a broad and flexible framework within which teaching could be structured and developed in accordance with national circumstances;

4. Requests the Secretary-General to complete the task of issuing the proposed personalized version of the Universal Declaration of Human Rights in the six official languages of the United Nations 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;

150/ See E/CN.4/1986/20/Add.1.

151/ E/CN.4/1986/20 and Add.1-3.

5. Requests the Secretary-General, taking account of the list of basic reference works on human rights prepared for use by United Nations information centres as well as other interested bodies, to expedite work on building up the collection of reference works and existing United Nations material within each United Nations information centre, and renews its request to agencies of the United Nations system whose material appears on the list of reference works to send copies to the Centre for Human Rights for distribution to each United Nations information centre;

6. Welcomes the initiative of the Secretary-General to make greater use of audio-visual techniques designed for both children and adults, notably the proposed production of film and television material on human rights, and renews its request to the Secretary-General to pursue such initiatives, inter alia through more effective use of computer technology in the preparation and distribution of United Nations material in the field of human rights;

7. Requests the Secretary-General to examine further ways in which the potential of the entire United Nations system, including the specialized agencies and the regional commissions, might be used to assist in the dissemination of human rights material;

8. Requests the Secretary-General to intensify efforts to disseminate human rights material prepared by the United Nations to Governments, non-governmental organizations and individuals, giving priority to the bulk 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;

9. Requests the regional commissions to assist further in the dissemination of human rights material prepared by the United Nations;

10. 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;

11. Requests the Secretary-General to submit a report on the implementation of the present resolution to the Commission at its forty-third session, including an updated 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;

12. Decides to continue its consideration of this question at its forty-third 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".

1986/55. Question of enforced or involuntary disappearances 152/

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 need to continue 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,

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 1985/20 of 11 March 1985,

Recalling General Assembly resolution 40/147 of 13 December 1985, 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 and to consider at its forty-second session the possibility of extending to two years the term of the mandate of the Working Group,

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

Expressing its emotion at the anguish and sorrow of the families concerned, who should know the fate of their relatives, and condemning the practice of the harassment and ill-treatment of the relatives of disappeared persons,

Having considered the report of the Working Group, 153/

1. Expresses its appreciation to the Working Group on Enforced or Involuntary Disappearances for the way in which it has done its work;

152/ Adopted at the 56th meeting, on 13 March 1986, without a vote. See chap. X, para. 268

153/ E/CN.4/1968/18 and Add.1.

2. Decides to extend for two years, on an experimental basis, the Working Group's mandate, as laid down in Commission on Human Rights resolution 20 (XXXVI), in accordance with the recommendations of the Working Group, while maintaining the Working Group's annual reporting cycle, and to reconsider the question at its forty-fourth session;

3. Requests the Working Group to submit to the Commission, at its forty-third 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. Urges all Governments, in particular those which have not yet responded to communications transmitted to them by the Working Group, to co-operate with and assist the Working Group so that it may carry out its mandate effectively;

7. Renews its request to 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 reports of disappeared persons and to answer expeditiously 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-third session under a sub-item of the agenda entitled "Question of enforced or involuntary disappearances".

1986/56. Torture and other cruel, inhuman or degrading treatment or punishment 154/

The Commission on Human Rights,

Considering the obligation of States under the Charter of the United Nations, in particular Article 55 thereof, 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 on Civil and Political Rights, which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling with satisfaction 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,

Convinced that international co-operation and control mechanisms or systems are important elements in the struggle to eliminate torture and cruel, inhuman or degrading treatment or punishment,

Recalling that, on 6 March 1980, the Government of Costa Rica submitted to the Commission a draft optional protocol 155/ to the draft convention against torture and other cruel, inhuman or degrading treatment or punishment which was under consideration by the Commission at that time,

Recalling that the draft optional protocol concerned provides for a system of periodic visits by a committee of experts to places of detention or imprisonment within the jurisdiction of States parties,

Noting the draft European convention against torture, which is based on ideas similar to those contained in the draft optional protocol,

1. Recommends that other interested regions where a consensus exists should consider the possibility of preparing a draft convention containing ideas similar to those set out in the draft optional protocol;

2. Requests the Secretary-General to submit to the Commission, at its forty-fourth session, a progress report on the work relating to the preparation of such conventions;

3. Also decides to defer consideration of the draft optional protocol submitted by Costa Rica until its forty-fifth session.

154/ Adopted at the 56th meeting, on 13 March 1986, without a vote. See chap. X, para. 247.

155/ See E/CN.4/1409.

1986/57. Regional arrangements for the promotion and protection of human rights in the Asian-Pacific region 156/

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,

Recalling also General Assembly resolution 39/116 of 14 December 1984 and its own resolution 1985/48 of 14 March 1985 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, 157/ and the comments received on the report of the seminar from the Economic and Social Commission for Asia and the Pacific and its member States,

Welcoming the designation of the Social Development Division of the Economic and Social Commission for Asia and the Pacific as a regional focal point on human rights,

Noting with interest the comments of the Executive Secretary of the Economic and Social Commission for Asia and the Pacific contained in annex I of the interim report of the Secretary-General 158/ on regional arrangements for the promotion and protection of human rights in the Asian 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,

Bearing in mind that intergovernmental arrangements for the promotion and protection of human rights have been established in other regions,

156/ Adopted at the 56th meeting, on 13 March 1986, without a vote. See chap. XI, para. 280.

157/ A/37/422, annex.

158/ E/CN.4/1986/19.

1. Takes note of the report of the Secretary-General 159/ to the General Assembly at its thirty-ninth session on regional arrangements for the promotion and protection of human rights;
2. Expresses its appreciation to the Economic and Social Commission for Asia and the Pacific for its constructive comments on the report of the seminar on national, local and regional arrangements for the promotion and protection of human rights in the Asian region;
3. Requests the Secretary-General to encourage the Executive Secretary of the Economic and Social Commission for Asia and the Pacific to pursue the establishment of a depository centre for United Nations human rights materials within that Commission in Bangkok, the function of which would include the collection, processing and dissemination of such materials in the region;
4. Takes note of the efforts of United Nations development agencies in the Asian-Pacific region to promote the human rights dimension more actively and systematically in their development activities and invites them to pursue these efforts;
5. 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 themselves to 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;
6. Invites the Secretary-General, in co-operation with the Economic and Social Commission for Asia and the Pacific, to hold in the Asian-Pacific region, under the programme of advisory services in the field of human rights, a training course on teaching human rights,
7. Requests the Secretary-General to submit a further report to the Commission at its forty-third session incorporating further comments received from Governments on the report of the seminar;
8. Decides to continue its consideration of this question at its forty-third 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".

1986/58. Measures to improve the situation and ensure the human rights and dignity of all migrant workers 160/

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, 39/102 of 14 December 1984 and 40/130 of 13 December 1985, 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 1986 of the Economic and Social Council, and that the Group should continue its work during the forty-first 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, 1984/61 of 15 March 1984 and, in particular, 1985/52 of 14 March 1985,

1. Welcomes once more the progress being made by the Working Group in the discharge of its mandate and, in particular, the headway it has made on the second reading of the draft International Convention on the Protection of the Rights of All Migrant Workers and Their Families;
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;

160/ Adopted at the 56th meeting, on 13 March 1986, without a vote. See chap. XIV.

4. Requests the Secretary-General to inform the Commission at its forty-third session of the further progress made in this regard, under the agenda item "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

1986/59. Question of a convention on the rights of the child 161/

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, 162/ the amended version of the draft submitted to the Commission on 5 October 1979, 163/ and the documents submitted by Poland to the General Assembly at its thirty-sixth session, on 7 October 1981 164/ and at its fortieth session, on 7 October 1985, 165/

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, 39/135 of 14 December 1984 and 40/113 of 13 December 1985, by which the Assembly requested the Commission on Human Rights to give the highest priority to, and to make every effort at its forty-second session to complete, the draft convention and to submit it, through the Economic and Social Council, to the General Assembly at its forty-first 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, 1984/24 of 8 March 1984 and 1985/50 of 14 March 1985, 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, 1984/25 of 24 May 1984 and 1985/42 of 30 May 1985, by which it authorized 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,

161/ Adopted at the 56th meeting, on 13 March 1986, without a vote. See chap. XIII.

162/ Commission resolution 20 (XXXIV), annex.

163/ E/CN.4/1349.

164/ A/C.3/36/6.

165/ A/C.3/40/3 and Corr.1.

Aware of the fact that 26 years after the adoption of the Declaration of the Rights of the Child, 166/ 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,

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-second 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-third 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-third 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 VIII.]

166/ General Assembly resolution 1386 (XIV).

1986/60. Rights of persons belonging to national, ethnic, religious and linguistic minorities 167/

The Commission on Human Rights,

Recalling its resolution 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, 1984/62 of 15 March 1984 and 1985/53 of 14 March 1985,

Having taken note with appreciation of the report 168/ 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-third session the agenda item "Rights of persons belonging to national, ethnic, religious and linguistic minorities";
2. Decides to establish at its forty-third session an open-ended working group to continue consideration of the revised draft declaration proposed by Yugoslavia, taking into account all relevant documents;
3. Requests the Secretary-General to provide the working group with all the assistance it may require in the continuation of its drafting work.

1986/61. 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 169/

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,

167/ Adopted at the 56th meeting, on 13 March 1986, without a vote. See chap. XX.

168/ E/CN.4/1986/43.

169/ Adopted at the 56th meeting, on 13 March 1986, without a vote. See chap. XXI, para. 537.

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,

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,

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,

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,

Acknowledging with satisfaction the fact that many States have set up legal regulations which are designed to prevent the revival 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. 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;

4. 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;

5. 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;

6. 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;

7. Decides to include in the provisional agenda of its forty-fourth 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", and thereafter to consider this item on a biennial basis.

1986/62. Situation of human rights in Guatemala 170/

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, 1984/53 of 14 March 1984 and 1985/36 of 13 March 1985 relating to the human rights situation in Guatemala,

Recalling also General Assembly resolutions 38/100 of 16 December 1983, 39/120 of 14 December 1984 and 40/140 of 13 December 1985,

Welcoming the process of democratization and return to constitutionality in Guatemala, with the establishment of a popularly elected civilian Government and the entry into force of the new Constitution of the Republic as from 14 January 1986,

170/ Adopted at the 56th meeting, on 13 March 1986, without a vote. See chap. XII, para. 356.

Taking into account the fact that the Constitution of the Republic of Guatemala includes, among other guarantees, the establishment of a National Human Rights Commission and institutionalizes the office of an Attorney for Human Rights,

Taking into account also the fact that the new Guatemalan Amparo, Habeas Corpus and Constitutionality Act establishes guarantees and means of defence of the constitutional order and of the individual human rights protected by the Constitution, and that this Act provides for means of monitoring effective compliance with the provisions of the Constitution,

Welcoming the Guatemalan Government's declared intention of promoting respect for human rights and the measures it has taken to that end,

Considering that the United Nations ought to be prepared to consider providing assistance to any nation emerging from a period during which human rights violations have been committed, if the nation in question so requests, in order to contribute to the observance of human rights and fundamental freedoms,

1. Expresses its gratitude to Viscount Colville of Culross for the manner in which he has discharged his mandate as Special Rapporteur;
2. Welcomes with satisfaction the establishment, in accordance with the provisions of the Constitution of the Republic of Guatemala, of the National Human Rights Commission and the office of the Attorney for Human Rights;
3. Takes note with satisfaction of the determination of the constitutional Government of Guatemala to adopt the necessary measures to investigate earlier violations of human rights with a view to ensuring that this situation does not recur in the future;
4. Expresses its satisfaction at the Guatemalan Government's declared intention of promoting respect for human rights and the measures it has taken to that end;
5. Expresses its confidence that the appropriate authorities will investigate human rights violations reported to them, including those which occurred before the new Government took office, and that they will, in particular, make all possible efforts to clarify the fate of the disappeared persons;
6. Encourages the new Government of Guatemala to continue to take effective measures within the framework of the Constitution to ensure that all its authorities and agencies, civilian as well as military, including law enforcement officials, fully respect human rights and fundamental freedoms;

7. Takes note with satisfaction of the willingness of the Government of Guatemala to continue co-operating with the Commission on Human Rights by providing full and detailed information on the implementation of the new legal order for the protection of human rights and its efforts to guarantee the full enjoyment of fundamental freedoms in Guatemala, and requests the Secretary-General to provide to that end such advisory services and other assistance as may be requested by the constitutional Government of Guatemala;

8. Requests the Chairman of the Commission on Human Rights at its forty-second session to appoint a special representative to receive and evaluate the information referred to in paragraph 7 above, to solicit any other relevant information from reliable sources, and to submit a report to the Commission on Human Rights at its forty-third session;

9. Decides to terminate the mandate of the Special Rapporteur and its study of the human rights situation in Guatemala, as provided for in its resolution 1983/37, and, in the light of paragraph 8 above, to continue to observe the situation of human rights in Guatemala.

1986/63. Situation of human rights in Chile 171/

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 Government of Chile to respect and protect human rights in accordance with the international instruments to which Chile is a party, an obligation which is not different from that of any other Government which is a party to international human rights instruments,

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 1985/47 of 14 March 1985, in which it agreed most recently to extend the mandate of the Special Rapporteur for one more year and, in view of the serious human rights violations in Chile, to give high priority to the study of this issue,

Recalling also the concern expressed by the General Assembly on the situation of human rights in Chile in its resolutions 3219 (XXIX) of 6 November 1974, 3448 (XXX) of 9 December 1975, 31/124 of 16 December 1976, 32/118 of 16 December 1977, 33/175 of 20 December 1978, 34/179 of

171/ Adopted at the 58th meeting, on 14 March 1986, without a vote. See chap.V, para. 72.

17 December 1979, 35/188 of 15 December 1980, 36/157 of 16 December 1981, 37/183 of 17 December 1982, 38/102 of 16 December 1983, 39/121 of 14 December 1984 and, in particular, resolution 40/145 of 13 December 1985, in which the Assembly 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 maintenance of the Special Rapporteur,

Having examined the Special Rapporteur's report, 172/

1. Commends the efforts of the Special Rapporteur during his stay in Chile and appreciates his report on the situation of human rights in Chile, prepared in accordance with Commission resolution 1985/47;
2. Recognizes as a positive development the fact that the Government of Chile permitted the Special Rapporteur to enter the country and provided the co-operation and freedom of access to persons of all social, political and economic interests necessary for his investigation;
3. Expresses its concern, nevertheless, at the persistence of serious violations of human rights in Chile, as described in the report of the Special Rapporteur, which refers to such violations as disappearances and torture and abuses by security forces, the climate of insecurity, the prohibition preventing several thousand Chilean exiles from returning to their country, and the suppression of fundamental rights and freedoms through the maintenance of arbitrary executive powers during the prolonged period in which states of exception have been in effect;
4. Expresses its conviction that a legal and political structure, based on the consent of the governed, emerging from a civilized and constructive national dialogue, representative of the will of the people as expressed in free elections, and respecting the full exercise of legal rights is essential to the full observance of human rights in Chile, as in any other nation;
5. Once again appeals to the Government of Chile to respect human rights and to re-establish democratic institutions and the principle of legality in conformity with the Universal Declaration of Human Rights which are essential to the effective enjoyment and exercise of human rights and fundamental freedoms and are in the best democratic tradition of Chile;
6. Notes with particular dismay the ineffectiveness of government and judicial authorities in preventing the recurrence of abuses by security forces, and expresses special concern over the failure of the authoritative institutions to ensure the thorough investigation and prosecution of the many recent unsolved cases of murder, kidnapping and torture as well as the many cases of disappearances;

172/ E/CN.4/1986/2.

7. Strongly urges that the Government of Chile take at least the following steps, in conformity with the specifically labelled recommendations at the end of the report of the Special Rapporteur and those set forth elsewhere in that document, and adopt the measures necessary and conducive thereto:

(a) Immediately put an end to all forms of physical and psychological torture by the security and police forces and reiterate and make public the order of 30 July 1985 by the Ministers of Defence and the Interior which calls for an end to these abuses;

(b) Proceed vigorously through judicial and administrative action to investigate all reports of torture, killings, kidnappings or other human rights violations by the security forces and take appropriate action against all persons found guilty of such violations;

(c) Effect such reorganization of the security forces and of the police as may be necessary to end persistent problems of human rights violations, including organizations such as the National Information Agency and the corps of Carabineros, and establish a permanent system to monitor the conduct of these security and police forces;

(d) Co-operate fully and effectively with investigations of human rights violations, assuring in all such investigations the independence of the judiciary and the maximum effectiveness of judicial remedies, particularly amparo and habeas corpus;

(e) Proceed vigorously to end the activities of groups and bands, whether private or connected with security forces, which have been reported to be responsible for kidnappings, interrogations, intimidation and beatings of ordinary citizens, and punish those responsible, especially the leaders of these groups;

(f) Amend legislation, including the laws authorizing states of emergency, states of danger of disturbance of law and order and states of siege, so as to bring it into conformity with guarantees of basic human rights as defined in applicable international agreements;

(g) Provide for the protection of public order against acts of violence by punishing persons found to have been guilty of such acts, through the exercise of due process of law and respect for the rights of the accused, without using terrorism as a justification for any abuse of authority;

(h) End the practice of ordering internal banishment without recourse to the judicial system;

(i) Allow the return of all Chilean citizens now living abroad who wish to return, and recognize their continuing right to enter and leave freely;

(j) Re-establish the full enjoyment and exercise of labour rights, and take into account the legitimate cultural and socio-economic interests of the population;

(k) Respect activities related to the defence and promotion of human rights;

8. Requests that the Government of Chile continue and increase its co-operation with the Special Rapporteur and fully implement his recommendations, and invites the Government to submit any comments it may have to the Commission on Human Rights at its forty-third session;

9. Decides to extend the mandate of the Special Rapporteur for one year and to request him to report on the situation of human rights in Chile to the General Assembly at its forty-first session and the Commission on Human Rights at its forty-third session;

10. 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 the present resolution;

11. Decides to consider at its forty-third session, as a matter of high priority, the human rights situation in Chile.

B. Decisions

1986/101. Organization of work 173/

(a) In response to the General Assembly's request, in paragraph 6 of resolution 40/142 of 13 December 1985, the Commission decided to consider the status of the Convention on the Prevention and Punishment of the Crime of Genocide under agenda item 18.

(b) 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 1985/112 of 14 March 1985, 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.

(c) The Commission decided to invite the following persons to participate in its meetings:

- (i) In connection with item 5: Mr. F. Volio Jiménez, Special Rapporteur on the situation of human rights in Chile;
- (ii) In connection with item 6: Mr. A. 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 (a): Mr. P. Kooijmans, Special Rapporteur on the question of torture; in connection with item 10 (c): Mr. I. Tosevski, 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. F. Ermacora, Special Rapporteur on the situation of human rights in Afghanistan; Mr. A.J. Pastor Ridruejo, Special Representative on the situation of human rights in El Salvador; Mr. S. Amos Wako, Special Rapporteur on summary or arbitrary executions; and representatives of States in respect of which situations were being considered under item 12 (b).

173/ Adopted at the 2nd meeting, on 4 February 1986, without a vote. See chap. III, para. 9.

- (v) In connection with item 19; Mrs. E.-I. A. Daes, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-eighth session, and Mrs. H.E. Warzazi, Chairman-Rapporteur of the Working Group on Traditional Practices Affecting the Health of Women and Children.

1986/102. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-eighth session 174/

The Commission decided to take no action on draft resolution II recommended for adoption by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "Question of the violation of human rights and fundamental freedoms: inter-sessional meetings of the Bureau".

1986/103. Question of human rights in Cyprus 175/

The Commission decided that the debate under agenda item 12 (a) (Question of human rights in Cyprus) should be postponed to the forty-third session of the Commission and be given due priority at that session, it being understood that action required by previous resolutions of the Commission on this subject should continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation.

1986/104. The administration of justice and the human rights of detainees 176/

The Commission, taking due note of resolution 1985/32 of 30 August 1985 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and looking forward to the completion of the report by the Special Rapporteur, Mr. Leandro Despouy, on situations known as states of

174/ Adopted at the 52nd meeting, on 11 March 1986, without a vote. See chap. XIX, para. 495.

175/ Adopted at the 54th meeting, on 12 March 1986, without a vote. See chap. XII, para. 365.

176/ Adopted at the 54th meeting, on 12 March 1986, without a vote. See chap. X, para. 209.

siege or emergency, which is to be submitted to the Sub-Commission at its thirty-ninth session, decided to examine this report as a matter of high priority at its forty-third session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

1986/105. Situation of human rights in Ethiopia 177/

The Commission decided, under rule 65, paragraph 2, of the rules of procedure of the functional commission of the Economic and social Council, to take no decision on draft resolution E/CN.4/1986/L.84.

1986/106. Question of the human rights of persons subjected to any form of detention or imprisonment 178/

The Commission decided not to take action on draft resolution VI recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission and invited the Sub-Commission to reconsider the question of a declaration against unacknowledged detention of persons, with a view to submitting a new text to the Commission at its forty-third session.

1986/107. 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 179/

The Commission decided to consider at its forty-third 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 overall analysis with a view to the further promotion and encouragement of human

177/ Adopted at the 54th meeting, on 12 March 1986, by a roll-call vote of 29 to 12, with 2 abstentions. See chap. XII, para. 344.

178/ Adopted at the 55th meeting, on 13 March 1986, without a vote. See chap. X, para. 222.

179/ Adopted at the 56th meeting, on 13 March 1986, without a vote. See chap. XI, para. 285.

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.

1986/108. Organization of the work of the Commission 180/

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, forty-first and forty-second 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-third session, and (b) to request the Chairman of the Commission at its forty-third 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.

1986/109. 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 181/

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-third 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-ninth session under Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 and those situations of which the Commission was seized.

180/ Adopted at the 56th meeting, on 13 March 1986, by 32 votes to 4, with 5 abstentions. See chap. III, para. 18.

181/ Adopted at the 56th meeting, on 13 March 1986, without a vote. See chap. XII, para. 368.

1986/110. Violations of human rights in southern Africa:
report of the Ad Hoc Working Group of Experts 182/

The Commission decided to authorize its Chairman to send the following telegramme to the President of the Republic of South Africa:

"Sir, In my capacity as Chairman of the United Nations Commission on Human Rights, and with approval of the Commission, I have the honour to appeal to Your Excellency on humanitarian grounds to release Mr. Nelson Mandela and Mr. Zephania Mothopeng. I am personally convinced that such a gesture, which can be extended to other political prisoners, would constitute a significant step towards establishing conditions that would foster increased understanding among the people of South Africa."

182/ Adopted at the 58th meeting, on 14 March 1986, without a vote.
See chap. VI, para. 100.

III. ORGANIZATION OF THE FORTY-SECOND SESSION

A. Opening and duration of the session

1. The Commission on Human Rights held its forty-second session at the United Nations Office at Geneva from 3 February to 14 March 1986.
2. The session was opened (1st meeting) by Mr. Abu Sayeed Chowdhury (Bangladesh), Chairman of the Commission at its forty-first 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 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 3 February 1986, the Commission elected the following officers by acclamation:

Chairman:	Mr. Héctor Charry Samper (Colombia)
Vice-Chairmen: <u>1/</u>	Mr. Marc Bossuyt (Belgium)
	Mr. Hermann Klenner (German Democratic Republic)
	Mr. Denis Daudi Afande (Kenya)
Rapporteur:	Mr. Jayant Prasad (India)

D. Agenda

5. The Commission had before it the provisional agenda for the forty-second session (E/CN.4/1986/1/Rev.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 forty-first session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).

1/ The Vice-Chairmen are listed in the English alphabetical order of the names of the countries they represent.

6. At its 2nd meeting, on 4 February 1986, the Commission adopted the provisional agenda (E/CN.4/1986/1/Rev.1). The agenda, as adopted, is given in annex II below.

E. Organization of work

7. At its 2nd meeting, on 4 February 1986, the Commission considered the organization of its work. In response to the General Assembly's request, in paragraph 6 of resolution 40/142, the Commission decided to consider the status of the Convention on the Prevention and Punishment of the Crime of Genocide under agenda item 18. 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. The Commission further agreed to consider the items on its agenda in the following order: 4, 9; 6, 7, 16, 17; 19; 15; 8, 18; 23; 9; 21; 22; 12; 5; 10; 11; 14; 13; 20; 24; 25; 26.

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. F. Volio Jiménez, Special Rapporteur on the situation of human rights in Chile;

(b) In connection with item 6: Mr. A. 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 (a): Mr. P. Kooijmans, Special Rapporteur on the question of torture. In connection with item 10 (c): Mr. I. Tosevski, 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. F. Ermacora, Special Rapporteur on the situation of human rights in Afghanistan; 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; and representatives of States in respect of which situations were being considered under item 12 (b).

(e) In connection with item 19: Mrs. E.-I. A. Daes, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-eighth session, and Mrs. H. E. Warzazi, Chairman-Rapporteur of the Working Group on Traditional Practices Affecting the Health of Women and Children.

9. For the text of the decision, see chapter II, section B, decision 1986/101.

10. At the same meeting, the Commission accepted the recommendation of its officers regarding the limitation of statements. Members were encouraged to limit their first statements to a maximum of 20 minutes and subsequent statements to 10 minutes per item; observers were limited to one statement of a maximum of 15 minutes per item, while observers who were the subject of a report could make a second statement of a maximum of 15 minutes; non-governmental organizations were limited to one 10-minute statement per item. 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.

11. At the 56th meeting, on 13 March 1986, the Commission considered draft decision E/CN.4/1986/L.9, submitted by the United Kingdom of Great Britain and Northern Ireland.

12. The attention of the Commission was drawn to the administrative and programme budget implications (E/CN.4/1986/L.5) 2/ of the draft decision.

13. Statements on the draft decision were made by the representatives of the Byelorussian Soviet Socialist Republic, the Federal Republic of Germany, Ireland, the Union of Soviet Socialist Republics and the United Kingdom.

14. The representative of the USSR proposed amending the draft decision as follows: (a) the words "and recalling that in previous years the Economic and Social Council has approved the Commission's request for additional meetings for its thirty-seventh, thirty-eighth, thirty-ninth, fortieth, forty-first and forty-second sessions," would be deleted, and (b) under letter (a) of the draft decision, the words "if possible" would be deleted and the words "if it finds it possible in consultation with the Secretary-General, up to" would be inserted after the words "financial resources".

2/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

15. Since the amendment was not accepted by the sponsor, the representative of the USSR revised his amendment by withdrawing proposal (a) and by inserting after the words "forty-second sessions" the words "and at the same time being aware of the request by the General Assembly to all United Nations bodies for strict economy of financial resources,".

16. The representatives of Belgium, Brazil and the United Kingdom made statements relating to the revised amendment, which was not accepted by the representative of the United Kingdom.

17. At the request of the representative of the United Kingdom, a vote was taken on draft decision E/CN.4/1986/L.9, which was adopted by 32 votes to 4, with 5 abstentions.

18. For the text of the decision, see chapter II, section B, decision 1986/108.

F. Meetings, resolutions and documentation

19. The Commission held 59 meetings.

20. The resolutions and decisions adopted by the Commission at its forty-second 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.

21. 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.

22. Annex IV contains a list of documents issued for the forty-second session of the Commission.

G. Other matters

23. At the 35th meeting, on 27 February 1986, the Minister of Justice of the Republic of Sudan, Mr. Omar Abd-Elaati, addressed the Commission.

24. At the 39th meeting, on 3 March 1986, the Minister for External Affairs of Guatemala, Mr. Mario Quiñones Amézquita, addressed the Commission. At the same meeting, Mrs. Blandon de Cerezo read to the Commission a message from the President of the Republic of Guatemala, Mr. Vinicio Cerezo.

25. At the 45th meeting, on 6 March 1986, the Minister for Foreign Affairs of Uganda, Mr. Ibrahim Mukiibi, addressed the Commission.

IV. QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE
OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

26. The Commission considered agenda item 4 concurrently with item 9 (see chap.IX) at its 3rd to 8th meetings, held from 4 to 7 February 1986. Item 4 was further considered at the 25th meeting, held on 20 February 1986. 1/

27. The Commission had before it the following documents:

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories to the General Assembly (A/40/702);

Report of the Secretary-General on the measures taken to give Commission resolution 1985/1 A and B the widest possible publicity (E/CN.4/1986/7);

Note by the Secretary-General listing all United Nations reports issued since the forty-first session of the Commission that deal with the situation of the population of the occupied Arab territories, including Palestine (E/CN.4/1986/8);

Letter dated 29 July 1985 from the Permanent Representative of Jordan to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1986/4);

Letter dated 22 October 1985 from the Permanent Mission of Israel to the United Nations Office at Geneva addressed to the Secretary-General of the United Nations (E/CN.4/1986/10);

Note verbale dated 22 January 1986 from the Permanent Mission of Jordan to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1986/35);

Letter dated 4 February 1986 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.4/1986/52);

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1986/NGO/16);

1/ For the summary records, see E/CN.4/1986/SR.3 to SR.8 and SR.25, and E/CN.4/1986/SR.1-59/Corrigendum, as appropriate.

Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I) (E/CN.4/1986/NGO/20);

Written statement submitted by the World Peace Council, a non-governmental organization on the roster (E/CN.4/1986/NGO/27).

28. In the general debate on the item, 2/ statements were made by the following members of the Commission: Algeria (4th), Argentina (5th), Austria (6th), Bangladesh (6th), Belgium (6th), Brazil (5th), Bulgaria (7th), Byelorussian Soviet Socialist Republic (6th), China (5th), Cyprus (4th), France (6th), German Democratic Republic (7th), India (7th), Ireland (6th), Jordan (4th), Nicaragua (3rd), Philippines (5th), Senegal (5th), Spain (7th), Sri Lanka (6th), Syrian Arab Republic (3rd), Union of Soviet Socialist Republics (5th), United Kingdom of Great Britain and Northern Ireland (5th), United States of America (7th), Yugoslavia (7th).

29. The Commission also heard statements by the observers for: Afghanistan (4th), Bahrain (5th), Cuba (8th), Czechoslovakia (6th), Egypt (7th), Greece (8th), Hungary (6th), Iran (Islamic Republic of) (7th), Iraq (6th), Israel (3rd and 6th), Kuwait (4th), Libyan Arab Jamahiriya (4th), Mongolia (8th), Morocco (7th), Oman (6th), Poland (7th), Saudi Arabia (5th), Sudan (7th), Tunisia (5th), Turkey (7th), Ukrainian Soviet Socialist Republic (7th), United Republic of Tanzania (8th).

30. A statement was made by the observer for the League of Arab States (8th).

31. A statement was also made by the observer for the Palestine Liberation Organization (3rd).

32. The World Federation of Trade Unions also made a statement (8th).

33. Statements in right of reply or equivalent to right of reply were made by the representatives of Algeria (5th and 8th), the German Democratic Republic (3rd), Jordan (7th), Nicaragua (5th), Senegal (8th), the Syrian Arab Republic (3rd, 4th, 5th and 7th) and Yugoslavia (8th); and by the observers for Afghanistan (5th), Bahrain (5th), Israel (3rd, 5th, 7th and 8th), the Libyan Arab Jamahiriya (5th and 7th), Saudi Arabia (5th) and the Palestine Liberation Organization (3rd, 5th, 7th and 8th).

34. At its 25th meeting, on 20 February 1986, the Commission took up consideration of the draft resolutions submitted under agenda item 4.

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.

35. The representative of Bangladesh introduced two draft resolutions, A and B (E/CN.4/1986/L.12), sponsored by Algeria, Bangladesh, Bulgaria, the Byelorussian Soviet Socialist Republic, China, Cyprus, the German Democratic Republic, India, Jordan, the Libyan Arab Jamahiriya, */ Mauritania, Saudi Arabia, */ Senegal, Sri Lanka, the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic, */ the Union of Soviet Socialist Republics, Viet Nam */ and Yugoslavia. Afghanistan, */ Cuba, */ Malaysia, */ Nicaragua, Pakistan */ and the United Republic of Tanzania */ subsequently joined the sponsors.

36. A statement relating to the draft resolutions was made by the observer for Israel.

37. The representative of the United States of America requested a vote on draft resolution A (E/CN.4/1986/L.12). At the request of the representative of Costa Rica, separate votes were taken on operative paragraphs 4, 7 and 14 of the draft resolution. At the request of the representative of the Syrian Arab Republic, the votes were taken by roll-call.

38. Operative-paragraph 4 was adopted by 24 votes to 9, with 9 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Bangladesh, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, China, Congo, Cyprus, Ethiopia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Liberia, Mauritania, Mozambique, Nicaragua, Senegal, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Australia, Belgium, Costa Rica, France, Germany, Federal Republic of, Ireland, Norway, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Brazil, Colombia, Japan, Mexico, Peru, Philippines, Spain, Venezuela.

39. Operative paragraph 7 was adopted by 20 votes to 11, with 11 abstentions. The voting was as follows:

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

In favour: Algeria, Bangladesh, Bulgaria, Byelorussian Soviet Socialist Republic, China, Congo, Cyprus, Ethiopia, German Democratic Republic, India, Jordan, Lesotho, Mauritania, Mozambique, Nicaragua, Senegal, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Australia, Belgium, Brazil, Costa Rica, France, Germany, Federal Republic of, Ireland, Mexico, Norway, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Austria, Cameroon, Colombia, Japan, Kenya, Liberia, Peru, Philippines, Spain, Venezuela.

40. Operative paragraph 14 was adopted by 21 votes to 14, with 7 abstentions. The voting was as follows:

In favour: Algeria, Bangladesh, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, China, Congo, Cyprus, Ethiopia, German Democratic Republic, India, Jordan, Kenya, Mauritania, Mozambique, Nicaragua, Senegal, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Australia, Austria, Belgium, Colombia, Costa Rica, France, Germany, Federal Republic of, Ireland, Japan, Liberia, Mexico, Norway, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Brazil, Lesotho, Peru, Philippines, Spain, Venezuela.

41. At the request of the representative of the Syrian Arab Republic, a roll-call vote was taken on draft resolution A (E/CN.4/1986/L.12) as a whole. The draft resolution was adopted by 29 votes to 7, with 6 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Bangladesh, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, China, Colombia, Congo, Cyprus, Ethiopia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Liberia, Mauritania, Mozambique, Nicaragua, Peru, Philippines, Senegal, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Australia, Belgium, France, Germany, Federal Republic of, Norway, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Costa Rica, Ireland, Japan, Mexico, Spain.

42. For the text of the resolution, see chapter II, section A, resolution 1986/1 A.

43. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, separate votes were taken on operative paragraphs 2 and 5, and, at the request of the representative of the Federal Republic of Germany, a separate vote was taken on operative paragraph 6 of draft resolution B (E/CN.4/1986/L.12). At the request of the representative of the Syrian Arab Republic, the votes were taken by roll-call.

44. Operative paragraph 2 was adopted by 42 votes to none. The voting was as follows:

In favour: Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Ethiopia, France, German Democratic Republic, Germany, Federal Republic of, India, Ireland, Japan, Jordan, Kenya, Lesotho, Liberia, Mauritania, Mexico, Mozambique, Nicaragua, Norway, Peru, Philippines, Senegal, Spain, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

Against: None.

Abstaining: None.

45. Operative paragraph 5 was adopted by 25 votes to 9, with 8 abstentions. The voting was as follows:

In favour: Algeria, Bangladesh, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, China, Colombia, Congo, Cyprus, Ethiopia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Mauritania, Mexico, Mozambique, Nicaragua, Peru, Senegal, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Australia, Belgium, Costa Rica, France, Germany, Federal Republic of, Ireland, Norway, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Austria, Brazil, Japan, Liberia, Philippines, Spain, Venezuela.

46. Operative paragraph 6 was adopted by 30 votes to 7, with 5 abstentions. The voting was as follows:

- In favour: Algeria, Argentina, Bangladesh, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, China, Colombia, Congo, Cyprus, Ethiopia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Liberia, Mauritania, Mexico, Mozambique, Nicaragua, Peru, Philippines, Senegal, Spain, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, Yugoslavia.
- Against: Australia, Belgium, France, Germany, Federal Republic of, Norway, United Kingdom of Great Britain and Northern Ireland, United States of America.
- Abstaining: Austria, Costa Rica, Ireland, Japan, Venezuela.

47. At the request of the representative of the Syrian Arab Republic, a roll-call vote was taken on draft resolution B (E/CN.4/1986/L.12) as a whole. The draft resolution was adopted by 32 votes to 1, with 9 abstentions. The voting was as follows:

- In favour: Algeria, Argentina, Austria, Bangladesh, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, China, Colombia, Congo, Cyprus, Ethiopia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Liberia, Mauritania, Mexico, Mozambique, Nicaragua, Peru, Philippines, Senegal, Spain, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.
- Against: United States of America.
- Abstaining: Australia, Belgium, Costa Rica, France, Germany, Federal Republic of, Ireland, Japan, Norway, United Kingdom of Great Britain and Northern Ireland.

48. For the text of the resolution, see chapter II, section A, resolution 1986/1 B.

49. Statements in explanation of vote after the vote on the resolutions were made by the representatives of Australia, Austria, Brazil, Colombia, France, Germany, Federal Republic of, Peru, the Philippines, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

50. At the same meeting, the representative of Nicaragua introduced draft resolution E/CN.4/1986/L.14, sponsored by Afghanistan, */ Algeria, Bangladesh, Bulgaria, the Byelorussian Soviet Socialist Republic, Cuba, */ Cyprus, the German Democratic Republic, India, Jordan, the Libyan Arab Jamahiriya, */

Mauritania, Morocco, */ Nicaragua, Saudi Arabia, */ Senegal, the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic, */ the Union of Soviet Socialist Republics, Viet Nam */ and Yugoslavia. Pakistan */ and the United Republic of Tanzania subsequently joined the sponsors.

51. A statement relating to the draft resolution was made by the observer for Israel.

52. A statement in explanation of vote before the vote was made by the representative of the United States of America.

53. At the request of the representative of Costa Rica, a separate vote was taken on operative paragraph 3 of draft resolution E/CN.4/1986/L.14. At the request of the representative of the Syrian Arab Republic, the vote was taken by roll-call. Operative paragraph 3 was adopted by 18 votes to 15, with 8 abstentions. The voting was as follows:

In favour: Algeria, Bangladesh, Bulgaria, Byelorussian Soviet Socialist Republic, China, Congo, Cyprus, Ethiopia, German Democratic Republic, India, Jordan, Kenya, Mauritania, Nicaragua, Senegal, Syrian Arab Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Australia, Austria, Belgium, Brazil, Colombia, Costa Rica, France, Germany, Federal Republic of, Ireland, Japan, Liberia, Norway, Philippines, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Cameroon, Lesotho, Mexico, Peru, Spain, Sri Lanka, Venezuela,

The representative of Mozambique stated that his delegation was not participating in the vote.

54. At the request of the representative of the Syrian Arab Republic, a roll-call vote was taken on draft resolution E/CN.4/1986/L.14 as a whole. The draft resolution was adopted by 31 votes to 1, with 10 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Bangladesh, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, China, Colombia, Congo, Cyprus, Ethiopia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Liberia, Mauritania, Mexico, Mozambique, Nicaragua, Peru, Philippines, Senegal, Spain, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: United States of America.

Abstaining: Australia; Austria; Belgium; Costa Rica; France; Germany,
Federal Republic of; Ireland; Japan; Norway;
United Kingdom of Great Britain and Northern Ireland.

55. Statements in explanation of vote after the vote were made by the representatives of Australia, Austria, Brazil, Colombia, Peru, the Philippines, Spain and the United Kingdom of Great Britain and Northern Ireland.

56. For the text of the resolution, see chapter II, section A, resolution 1986/2.

57. Other statements were made by the representative of the Syrian Arab Republic and the observers for Israel and the Palestine Liberation Organization.

V. QUESTION OF HUMAN RIGHTS IN CHILE

58. The Commission considered agenda item 5 at its 47th meeting, held on 7 March, at its 52nd meeting, held on 11 March, and at its 58th meeting, held on 14 March 1986. ^{1/}

59. The Commission had before it the following documents:

Preliminary report of the Special Rapporteur on the situation of human rights in Chile to the General Assembly (A/40/647);

Final report of the Special Rapporteur on the situation of human rights in Chile to the Commission on Human Rights (E/CN.4/1986/2);

Written statement submitted by Christian Democratic International, a non-governmental organization in consultative status (category II) (E/CN.4/1986/NGO/8);

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1986/NGO/23);

Written statement submitted by the World University Service, a non-governmental organization in consultative status (category II) (E/CN.4/1986/NGO/33);

Written statements submitted by the World Peace Council, a non-governmental organization on the Roster (E/CN.4/1986/NGO/37, E/CN.4/1986/NGO/38);

Written statement submitted by Human Rights Advocates, Inc., a non-governmental organization in consultative status (category II) (E/CN.4/1986/NGO/43);

Written statement submitted by the International Commission of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/1986/NGO/45);

Written statement submitted by the International Indian Treaty Council, a non-governmental organization in consultative status (category II) (E/CN.4/1986/NGO/47);

^{1/} For the summary records, see E/CN.4/1986/SR.47, SR.52, and SR.58, and E/CN.4/1986/SR.1-59/Corrigendum, as appropriate.

Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I) (E/CN.4/1986/NGO/49).

60. At the 47th meeting, on 7 March 1986, Mr. F. Volio Jiménez, Special Rapporteur on the situation of human rights in Chile, introduced his report to the Commission. The observer for Chile then made a statement.

61. In the general debate on this item, which took place at the 52nd meeting, on 11 March 1986, statements were made by the following members of the Commission: Algeria, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, France, German Democratic Republic, Ireland, Mexico, Norway, Spain, Union of Soviet Socialist Republics.

62. The Commission also heard statements by the observers for: Cuba, Czechoslovakia, Hungary, Poland, Ukrainian Soviet Socialist Republic, Viet Nam.

63. The Commission heard statements by the following non-governmental organizations: Commission of the Churches on International Affairs of the World Council of Churches, Human Rights Advocates, Inc., International Commission of Jurists, International Indian Treaty Council, International League for the Rights and Liberation of Peoples, Latin American Federation of Associations of Relatives of Disappeared Detainees, Pax Christi, Pax Romana, Women's International League for Peace and Freedom.

64. A statement equivalent to right of reply was made by the observer for Chile.

65. On 10 March 1986, a draft resolution (E/CN.4/1986/L.54) was submitted by Algeria, Mexico and Yugoslavia, reading as follows:

"The Commission on Human Rights,

"Guided by the purposes and principles of the Charter of the United Nations and by the provisions of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political 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 1985/47 of 14 March 1985, by which it decided, in view of the persistence of and increase in serious and systematic violations of human rights in Chile, as confirmed by the Special Rapporteur, to extend the mandate of the Special Rapporteur for one more year,

"Bearing in mind that the General Assembly, in its resolution 40/145 of 13 December 1985, expressed its indignation at the persistence of serious and systematic violations of human rights in Chile and invited the Commission on Human Rights, taking account of all the relevant information at its disposal, to adopt the most appropriate measures for the effective restoration of human rights and fundamental freedoms in Chile, including the maintenance of the Special Rapporteur,

"Taking note of the report (E/CN.4/1986/2) by the Special Rapporteur on the situation of human rights in Chile submitted in accordance with Commission resolution 1985/47,

"Considering further, inter alia, the recent reports, resolutions and conclusions of the Human Rights Committee, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Chilean Commission on Human Rights, the Vicaría de la Solidaridad of the Catholic Church in Chile and the Committee for the Defence of the People's Rights,

"Taking into account the public and notorious character of many of the deeds which constitute serious and systematic violations of human rights and fundamental freedoms in Chile,

"Declaring once again that the repeated appeals of the General Assembly, the Commission on Human Rights and other international bodies for the full and effective restoration of human rights and fundamental freedoms have been ignored by the Chilean authorities,

"1. Recognizes the importance of the fact that the Chilean authorities have established co-operation with the Special Rapporteur by allowing him to visit the country from 9 to 19 December 1985;

"2. Once again expresses its dismay at the suppression in Chile of the democratic legal order and its replacement by a system which denies civil and political rights and freedoms and considerably reduces the enjoyment and exercise of human rights and fundamental freedoms, at the institutionalization and consolidation of the state of emergency by means of legal and administrative measures and at the extension of the jurisdiction of the military tribunals;

"3. Once again expresses its indignation at the persistence of serious and systematic violations of human rights and fundamental freedoms in Chile, 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 adoption of legislative, judicial and administrative measures with adverse consequences for such rights and freedoms;

"4. Observing with dismay that the Chilean authorities' declared co-operation with United Nations efforts has not led to any substantial change in the serious human rights situation in Chile;

"5. Expresses deep concern about frequent cases of torture and ill-treatment, about arrests, coercion and acts of persecution and about the harassment and intimidation of professional and trade-union leaders, university professors and students and persons and organizations involved in the defence of human rights;

"6. Denounces the arbitrary and indiscriminate treatment of persons imprisoned for political reasons;

"7. Reiterates its alarm at the fact that, as a general rule, the arbitrary and improper actions of the State police and security agencies continue to go administratively and judicially unpunished;

"8. Reiterates its concern at the frequent ineffectiveness of the remedies of habeas corpus or of amparo and of protection, owing to the fact that the judiciary does not always exercise its powers of investigation, monitoring and supervision in this respect and performs its functions under severe restrictions which undermine its independence;

"9. Deplores the fact that, following the protracted criminal proceedings which were conducted in connection with the treacherous murder of professional and trade-union leaders in 1985 and during which members of the police and security agencies were charged before the courts, the Chilean Supreme Court ordered the release of such persons, who were being held in custody by order of the investigating judge;

"10. 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 human rights and fundamental freedoms and, in particular:

"(a) To put an end to the régime of exception and especially the practice of declaring 'constitutional 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 respect the right to life and the right to physical and moral integrity by putting an end to procedures leading to the death of persons and to the practice of torture and other cruel, inhuman or degrading treatment or punishment and to put an immediate end to intimidation, persecution and coercion, as well as to kidnappings, arbitrary or abusive detention and imprisonment in secret places;

"(d) To respect the right of Chilean nationals to live in and freely enter and leave their country, without arbitrary restrictions or conditions, 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, including the right to organize trade unions, the right to collective bargaining and the right to strike, and to put an end to the suppression of the activities of trade-union leaders and their organizations and comply with the provisions of the International Labour Organisation conventions to which Chile is a party;

"(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;

"11. Concludes, on the basis of the report of the Special Rapporteur and of other reliable data at its disposal, that it is necessary to continue to monitor the human rights situation in Chile;

"12. Decides to extend the mandate of the Special Rapporteur for one more year and to request him to report on the situation of human rights in Chile to the General Assembly at its forty-first session and to the Commission on Human Rights at its forty-third session;

"13. 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;

"14. Decides to consider at its forty-third session, as a matter of high priority, the question of human rights in Chile."

66. On 10 March 1986, the United States of America submitted a draft resolution (E/CN.4/1986/L.77), which read as follows:

"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 Government of Chile to respect and protect human rights in accordance with the international instruments to which Chile is a party, an obligation which is not different from that of any other Government which is a party to international human rights instruments,

"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 of 1985/47 of 14 March 1985, in which it agreed most recently to extend the mandate of the Special Rapporteur for one more year, and in view of the serious human rights violations in Chile to give high priority to the study of this issue,

"Recalling also the concern expressed by the General Assembly on the situation of human rights in Chile in its resolutions 3219 (XXIX) of 6 November 1974, 3448 (XXX) of 9 December 1975, 31/124 of 16 December 1976, 32/118 of 16 December 1977, 33/175 of 20 December 1978, 34/179 of 17 December 1979, 35/188 of 15 December 1980, 36/157 of 16 December 1981, 37/183 of 17 December 1982, 38/102 of 16 December 1983, 39/121 of 14 December 1984 and in particular, resolution 40/145 of 13 December 1985, in which the Assembly 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 maintenance of the Special Rapporteur,

"Having examined the Special Rapporteur's report,

"1. Commends the Special Rapporteur for his report on the situation of human rights in Chile, prepared in accordance with Commission resolution 1985/47, and the efforts made by the Special Rapporteur during his stay in Chile;

"2. Recognizes as a positive development the fact that the Government of Chile permitted the Special Rapporteur to enter the country and provided the co-operation and freedom of access to persons of all social, political and economic interests necessary for his investigation;

"3. Expresses its concern, nevertheless, at the persistence of serious violations of human rights in Chile, as described in the report of the Special Rapporteur, which refers to such violations as well-founded reports of disappearances, and of torture and abuses by security forces, the climate of insecurity for those involved in church and human rights work, the prohibition preventing several thousand Chilean exiles from returning to their country, and the suppression of fundamental political rights and freedoms through the maintenance of exceptional executive powers during the prolonged period in which states of exception to constitutional rights have been in effect;

"4. Notes with particular dismay the ineffectiveness of government and judicial authorities in preventing the recurrence of abuses by security forces, and expresses special concern over the failure of the Government of Chile to ensure the thorough investigation and prosecution of the many recent unsolved cases of kidnapping and torture;

"5. Expresses its conviction that a legal and political structure, based on the consent of the governed, emerging from a civilized and constructive national dialogue between the concerned parties, representative of the will of the people, and respecting the full exercise of civil and political rights, including those of trade unions, is essential to the full observance of human rights in Chile, as in any other nation;

"6. Once again appeals to the Government of Chile to restore and respect human rights in harmony with the provisions of the Universal Declaration of Human Rights and in accordance with the obligations it has assumed under various international instruments, and to re-establish democratic institutions and the principle of legality essential to the effective enjoyment and exercise of human rights and fundamental freedoms;

"7. Strongly recommends that the Government of Chile take at least the following steps, in conformity with the information and recommendations in the report of the Special Rapporteur, and adopt the measures necessary and conducive thereto:

"(a) Immediately put an end to all forms of physical and psychological torture by the security and police forces and, in order to accomplish that result, reiterate and make public the order of 30 July 1985 by the Ministers of Defence and the Interior which calls for an end to these abuses;

"(b) Proceed vigorously through judicial and administrative action to investigate all reports of torture, killings, kidnappings, or other human rights violations by the security forces, take appropriate action against all persons found guilty of such violations, and effect such reorganization of the security forces as may be necessary to end persistent problems of human rights;

"(c) Establish a permanent system to monitor the conduct of the security and police forces, including the National Information Agency;

"(d) Co-operate fully and effectively with investigations of recent unsolved assaults against persons engaged in human rights activities and take vigorous steps to protect such persons against future assaults;

"(e) Proceed vigorously to end the activities of groups and bands, whether private or connected with security forces, which have been

reported to be responsible for kidnappings, interrogations, intimidation and beatings of ordinary citizens, and punish those responsible, especially the leaders of these groups;

"(f) Co-operate fully and effectively with investigations ordered in judicial proceedings on criminal cases or complaints in the civilian and military tribunals, and reform the legal system to guarantee the maximum effectiveness of judicial remedies, particularly amparo and habeas corpus;

"(g) Punish persons found to have been guilty of terrorist acts, under due process of law, without using the problem of terrorism as a justification for any abuse of authority against persons engaged in non-violent opposition;

"(h) Maintain law and order without resort to excessive use of force by security and police authorities which can cause injury or death to innocent bystanders or other persons not engaged in violent acts;

"(i) Amend the law authorizing the declaration of a state of exception so as to limit the time and circumstances under which such state of exception may be in effect and bring the law into conformity with constitutional guarantees of human rights;

"(j) End the practice of ordering internal banishment without recourse to the judicial system;

"(k) Allow the return of all Chilean citizens now living abroad who wish to return;

"8. Requests that the Government of Chile continue and increase its co-operation with the Special Rapporteur and fully implement his recommendations, and invites the Government to submit any comments it may have to the Commission on Human Rights at its forty-third session.

"9. Decides to extend the mandate of the Special Rapporteur for one year and to request him to report on the situation of human rights in Chile to the General Assembly at its forty-first session and the Commission on Human Rights at its forty-third session;

"10. 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."

67. On 13 March 1986, the United States of America submitted a revised draft resolution (E/CN.4/1986/L.77/Rev.1), the preamble of which was unchanged and the operative part of which read as follows:

"1. Commends the efforts of the Special Rapporteur during his stay in Chile and appreciates his report on the situation of human rights in Chile, prepared in accordance with Commission resolution 1985/47;

"2. Recognizes as a positive development the fact that the Government of Chile permitted the Special Rapporteur to enter the country and provided the co-operation and freedom of access to persons of all social, political and economic interests necessary for his investigation;

"3 Expresses its concern, nevertheless, at the persistence of serious violations of human rights in Chile, as described in the report of the Special Rapporteur, which refers to such violations as disappearances and torture and abuses by security forces, the climate of insecurity, the prohibition preventing several thousand Chilean exiles from returning to their country, and the suppression of fundamental political rights and freedoms through the maintenance of arbitrary executive powers during the prolonged period in which states of exception have been in effect;

"4. Expresses its conviction that a legal and political structure, based on the consent of the governed, emerging from a civilized and constructive national dialogue between the representatives of the people's will as expressed in free elections, and respecting the full exercise of legal rights is essential to the full observance of human rights in Chile, as in any other nation;

"5. Once again appeals to the Government of Chile to respect the principle of government based on the consent of the governed and the full respect of human rights and to re-establish democratic institutions and the principle of legality in conformity with the Universal Declaration of Human Rights which are essential to the effective enjoyment and exercise of human rights and fundamental freedoms and are in the best democratic tradition of Chile;

"6. Notes with particular dismay the ineffectiveness of government and judicial authorities in preventing the recurrence of abuses by security forces, and expresses special concern over the failure of the authoritative institutions to ensure the thorough investigation and prosecution of the many recent unsolved cases of murder, kidnapping and torture as well as the many cases of disappearances;

"7. Strongly urges that the Government of Chile take at least the following steps, in conformity with the specifically labelled recommendations at the end of the report of the Special Rapporteur and those set forth elsewhere in that document, and adopt the measures necessary and conducive thereto:

"(a) Immediately put an end to all forms of physical and psychological torture by the security and police forces and reiterate and make public the order of 30 July 1985 by the Ministers of Defence and the Interior which calls for an end to these abuses;

"(b) Proceed vigorously through judicial and administrative action to investigate all reports of torture, killings, kidnappings, or other human rights violations by the security forces and take appropriate action against all persons found guilty of such violations;

"(c) Effects such reorganization of the security forces and of the police as may be necessary to end persistent problems of human rights violations, including organizations such as the National Information Agency and the Corps of Carabineros, and establish a permanent system to monitor the conduct of these security and police forces;

"(d) Co-operate fully and effectively with investigations of human rights violations, assuring in all such investigations the independence of the judiciary and the maximum effectiveness of judicial remedies, particularly amparo and habeas corpus;

"(e) Proceed vigorously to end the activities of groups and bands, whether private or connected with security forces, which have been reported to be responsible for kidnappings, interrogations, intimidation and beatings of ordinary citizens, and punish those responsible, especially the leaders of these groups;

"(f) Amend legislation, including the laws authorizing states of emergency, states of danger of disturbance of law and order and states of siege, so as to bring it into conformity with guarantees of basic human rights as defined in applicable international agreements;

"(g) Punish persons found to have been guilty of terrorist acts, through the exercise of due process of law and respect for the rights of the accused, without using terrorism as a justification for any abuse of authority;

"(h) End the practice of ordering internal banishment without recourse to the judicial system;

"(i) Allow the return of all Chilean citizens now living abroad who wish to return, and recognize their continuing right to enter and leave freely;

"(j) Re-establish the full enjoyment and exercise of labour rights, and take into account the legitimate cultural and socio-economic interests of the population;

"(k) Respect activities related to the defence and promotion of human rights;

"8. Requests that the Government of Chile continue and increase its co-operation with the Special Rapporteur and fully implement his recommendations, and invites the Government to submit any comments it may have to the Commission on Human Rights at its forty-third session;

"9. Decides to extend the mandate of the Special Rapporteur for one year and to request him to report on the situation of human rights in Chile to the General Assembly at its forty-first session and the Commission on Human Rights at its forty-third session;

"10. 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;

"11. Decides to consider at its forty-third session, as a matter of high priority, the human rights situation in Chile."

68. At the 58th meeting, on 14 March 1986, a draft resolution (E/CN.4/1986/L.92) was proposed by the Chairman of the Commission. Following the introduction of the draft resolution, the representative of Mexico withdrew draft resolution E/CN.4/1986/L.54 on behalf of the sponsors and the Chairman announced that draft resolution E/CN.4/1986/L.77/Rev.1 was withdrawn.

69. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of draft resolution E/CN.4/1986/L.92.

70. Draft resolution E/CN.4/1986/L.92 was adopted without a vote.

71. Following the adoption of the resolution, statements were made by the representatives of France, Mexico, Senegal, the USSR, the United States of America and Venezuela and by the observer for Chile.

72. For the text of the resolution, see chapter II, section A, resolution 1986/63.

2/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

VI. VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA:
REPORT OF THE AD HOC WORKING GROUP OF EXPERTS

73. The Commission considered item 6 concurrently with items 7, 16, and 17 (see chaps. VII, XVI and XVII) at its 8th to 15th meetings, held from 7 to 13 February 1986, and at its 38th and 39th meetings, held on 28 February and 3 March 1986. 1/

74. The Commission had before it the following documents:

Progress report of the Ad Hoc Working Group of Experts (E/CN.4/1986/9);

Letter dated 28 June 1985 from the Chairman of the Commission transmitting a special report adopted at an emergency meeting of the Ad Hoc Working Group held on 14 June 1985 (E/CN.4/1986/3);

Note by the Chairman of the Commission transmitting a report containing a preliminary evaluation by the Ad Hoc Working Group of the state of emergency declared by the Government of South Africa on 20 July 1985 (E/CN.4/1986/6);

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.4/1986/NGO/9);

Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I) (E/CN.4/1986/NGO/24);

Written statement submitted by the World Peace Council, a non-governmental organization on the Roster (E/CN.4/1986/NGO/39).

75. At the 9th meeting, on 10 February 1986, Mr. Annan A. Cato, Chairman-Rapporteur of the Ad Hoc Working Group of Experts, introduced the progress report of the Group.

76. In the general debate on the item, 2/ statements were made by the following members of the Commission: Algeria (10th), Argentina (12th), Australia (13th), Austria (12th), Bangladesh (10th), Belgium (14th),

1/ For the summary records, see E/CN.4/1986/SR.8 to SR.15, SR.38 and SR.39, and E/CN.4/1986/SR.1-59/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.

Brazil (10th), Bulgaria (12th), Byelorussian Soviet Socialist Republic (10th), Cameroon (14th), China (11th), Colombia (10th), Cyprus (12th), Ethiopia (10th), France (12th), German Democratic Republic (9th), Germany, Federal Republic of (11th), India (13th), Ireland (13th), Japan (11th), Jordan (11th), Kenya (9th), Lesotho (13th), Liberia (11th), Mexico (14th), Mozambique (8th), Nicaragua (12th), Norway (on behalf of the Nordic countries) (10th), Peru (14th), Philippines (12th), Senegal (14th), Spain (13th), Sri Lanka (12th), Syrian Arab Republic (10th), Union of Soviet Socialist Republics (11th), United Kingdom of Great Britain and Northern Ireland (14th), United States of America (12th), Venezuela (15th), Yugoslavia (13th).

77. The Commission also heard statements by the observers for: Afghanistan (9th), Angola (14th), Canada (14th), Cuba (14th), Czechoslovakia (11th), Egypt (14th), Hungary (14th), Iran (Islamic Republic of) (15th), Iraq (11th), Israel (14th), Kuwait (11th), Libyan Arab Jamahiriya (13th), Mongolia (12th), Morocco (10th), Nigeria (15th), Poland (12th), Portugal (14th), Turkey (13th), Sudan (15th), Ukrainian Soviet Socialist Republic (13th), United Republic of Tanzania (13th), Viet Nam (11th).

78. A statement was made by the observer for the United Nations Council for Namibia (14th).

79. A statement was made by the observer for UNESCO (12th).

80. Statements were made by the observers for the League of Arab States (13th) and the Organization of African Unity (10th).

81. Statements were also made by the observers for the African National Congress of South Africa (8th) and the South West Africa People's Organization (11th).

82. The Commission also heard statements by the following non-governmental organizations: Amnesty International (8th), Baha'i International Community (13th), Commission of the Churches on International Affairs of the World Council of Churches (11th), International Commission of Jurists (8th), International Confederation of Free Trade Unions (15th), International Movement for Fraternal Union among Races and Peoples (13th), Pax Romana (14th), Women's International Democratic Federation (9th), World Confederation of Labour (13th), World Federation of Trade Unions (12th).

83. A statement equivalent to right of reply was made by the observer for Israel (15th).

84. At the 38th meeting, on 28 February 1986, the Commission took up consideration of the draft resolutions submitted under agenda item 6.

85. The representative of Kenya introduced draft resolution E/CN.4/1986/L.18, sponsored by Afghanistan, */ Algeria, Angola, */ Bulgaria, the Byelorussian Soviet Socialist Republic, Cameroon, China, the Congo, Cuba, */ Czechoslovakia, */ Ethiopia, the German Democratic Republic, India, Kenya, Lesotho, the Libyan Arab Jamahiriya, */ Mauritania, Nicaragua, Nigeria, */ Pakistan, */ Senegal, the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic, */ the Union of Soviet Socialist Republics and the United Republic of Tanzania. */ Bangladesh, the Gambia, Mozambique, Somalia, */ Sri Lanka, Viet Nam */ and Yugoslavia subsequently joined the sponsors.

86. The representative of the United States of America requested a vote on draft resolution E/CN.4/1986/L.18. At the request of the representative of the Byelorussian Soviet Socialist Republic, the vote was taken by roll-call. The draft resolution was adopted by 36 votes to none, with 6 abstentions. The voting was as follows: 3/

In favour: Algeria, Argentina, Australia, Austria, Bangladesh, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Ireland, Japan, Jordan, Kenya, Lesotho, Mauritania, Mexico, Mozambique, Nicaragua, Norway, Peru, Philippines, Senegal, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: None.

Abstaining: Belgium, France, Germany, Federal Republic of, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

87. At the same meeting, a statement in explanation of vote after the vote was made by the representative of the United States of America.

88. At the 39th meeting, on 3 March 1986, statements in explanation of vote after the vote were made by the representatives of Australia, Austria, France, Ireland, Japan and Norway.

89. For the text of the resolution, see chapter II, section A, resolution 1986/3.

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

3/ The representative of Liberia subsequently indicated that, had he been present during the voting, he would have voted in favour.

90. On 21 February 1986, a draft resolution (E/CN.4/1986/L.19) was submitted by Algeria, Angola, */ Bulgaria, the Byelorussian Soviet Socialist Republic, Cameroon, China, Cuba, */ Czechoslovakia, */ Egypt, */ Ethiopia, the German Democratic Republic, Kenya, Liberia, Mauritania, Nigeria, */ Pakistan, */ Senegal, the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic, */ the Union of Soviet Socialist Republics, the United Republic of Tanzania */ and Viet Nam. */

91. At the 38th meeting, on 28 February 1986, the representative of Cameroon introduced a revised draft resolution (E/CN.4/1986/L.19/Rev.1) with the same sponsors, subsequently joined by Afghanistan, */ Bangladesh, the Congo, the Gambia, India, the Libyan Arab Jamahiriya, */ Mongolia, */ Mozambique, Somalia */ and Yugoslavia. In the revised text, two operative paragraphs of the original draft resolution (paragraphs 18 and 19) were deleted; these two paragraphs read as follows:

"Calls upon all States which have political, economic, cultural and military relations with the South African Government to abandon forthwith such policies and practices;

"Calls upon the Security Council urgently to take action under Chapter VII of the Charter of the United Nations with a view to applying comprehensive and mandatory sanctions against South Africa;"

92. 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.

93. The representative of the United Kingdom of Great Britain and Northern Ireland requested a separate vote on operative paragraph 15. At the request of the representative of the Byelorussian Soviet Socialist Republic, the vote was taken by roll-call.

94. Operative paragraph 15 was adopted by 31 votes to 3, with 8 abstentions. The voting was as follows: 3/

In favour: Algeria, Argentina, Bangladesh, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Mauritania, Mexico, Mozambique, Nicaragua, Peru, Philippines, Senegal, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Germany, Federal Republic of, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Belgium, France, Ireland, Japan, Norway, Spain.

95. At the request of the representative of the Byelorussian Soviet Socialist Republic, a roll-call vote was taken on draft resolution E/CN.4/1986/L.19/Rev.1 as a whole. The draft resolution was adopted by 39 votes to none, with 3 abstentions. The voting was as follows: 3/

In favour: Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Ethiopia, France, Gambia, German Democratic Republic, India, Ireland, Japan, Jordan, Kenya, Lesotho, Mauritania, Mexico, Mozambique, Nicaragua, Norway, Peru, Philippines, Senegal, Spain, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: None.

Abstaining: Germany, Federal Republic of, United Kingdom of Great Britain and Northern Ireland, United States of America.

96. At the same meeting, a statement in explanation of vote after the vote was made by the representative of Spain.

97. At the 39th meeting, on 3 March 1986, statements in explanation of vote after the vote were made by the representatives of Australia, Austria, Belgium, France, Germany, Federal Republic of, Ireland, Japan and Norway.

98. For the text of the resolution, see chapter II, section A, resolution 1986/4.

99. At the 58th meeting, on 14 March 1986, the Commission decided without a vote to send a telegram to the President of the Republic of South Africa

100. For the text of the decision, see chapter II, section B, decision 1986/110.

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

101. The Commission considered agenda item 7 concurrently with items 6, 16 and 17 (see chaps. VI, XVI and XVII) at its 8th to 15th meetings, held from 7 to 13 February 1986, and at its 38th and 39th meetings, held on 28 February and 3 March 1986. 1/

102. 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.2/1985/8 and Add. 1 and 2) and draft resolution I recommended by the Sub-Commission (E/CN.4/1986/5, chap. I, sect. A);

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.4/1986/NGO/9);

Written statement submitted by the World Federation of United Nations Associations, a non-governmental organization in consultative status (category I) (E/CN.4/1986/NGO/14).

103. In the general debate on this item, 2/ statements were made by the following members of the Commission: Algeria (10th), Argentina (12th), Australia (13th), Bangladesh (10th), Belgium (14th), Brazil (10th), Bulgaria (12th), Byelorussian Soviet Socialist Republic (10th and 12th), Cameroon (14th), China (11th), Colombia (10th), Cyprus (12th), Ethiopia (10th), France (12th), German Democratic Republic (9th), Germany, Federal Republic of (11th), India (13th), Ireland (13th), Japan (11th), Jordan (11th), Kenya (9th), Mexico (14th), Nicaragua (12th), Norway (on behalf of the Nordic countries) (10th), Senegal (14th), Spain (13th), Syrian Arab Republic (10th), Union of Soviet Socialist Republics (11th), United Kingdom of Great Britain and Northern Ireland (14th), Venezuela (15th), Yugoslavia (13th).

1/ For the summary records, see E/CN.4/1986/SR.8 to SR.15, SR.38 and SR.39, and E/CN.4/1986/SR.1-59/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.

104. The Commission also heard statements by the observers for: Afghanistan (9th), Angola (14th), Canada (14th), Cuba (14th), Czechoslovakia (11th), Egypt (14th), Hungary (14th), Iran (Islamic Republic of) (15th), Iraq (11th), Israel (14th), Kuwait (11th), Libyan Arab Jamahiriya (13th), Mongolia (12th), Morocco (10th), Nigeria (15th), Poland (12th), Portugal (14th), Sudan (15th), Turkey (13th), Ukrainian Soviet Socialist Republic (13th and 14th), United Republic of Tanzania (13th and 14th), Viet Nam (11th),

105. Statements were made by the observers for the League of Arab States (13th) and the Organization of African Unity (10th).

106. Statements were made by the observers for the African National Congress of South Africa (9th, 10th and 14th) and the South West Africa People's Organization (11th).

107. The Commission also heard statements by the following non-governmental organizations: Commission of the Churches on International Affairs of the World Council of Churches (11th), International Commission of Jurists (8th), International Confederation of Free Trade Unions (15th), International Movement for Fraternal Union among Races and Peoples (13th), Pax Romana (14th), Women's International Democratic Federation (9th), World Confederation of Labour (13th), World Federation of Trade Unions (12th).

108. Statements in right of reply or equivalent to right of reply were made by the representatives of Algeria (15th) and the Syrian Arab Republic (15th), by the observers for Bahrain (15th), Iran (Islamic Republic of) (15th), Israel (15th), Kuwait (15th), Oman (15th) and Saudi Arabia (15th), and by the observer for the Palestine Liberation Organization (15th).

109. At its 38th meeting, on 28 February 1986, the Commission took up consideration of the draft resolutions submitted under item 7.

110. The representative of Algeria introduced draft resolution E/CN.4/1986/L.20, sponsored by Afghanistan, */ Algeria, Bulgaria, the Byelorussian Soviet Socialist Republic, the Congo, Cuba, */ Czechoslovakia, */ Ethiopia, the German Democratic Republic, India, Iran (Islamic Republic of), */ Kenya, */ the Libyan Arab Jamahiriya, */ Mongolia, */ Nigeria, */ Pakistan, */ the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic, */ the United Republic of Tanzania, */ the Union of Soviet Socialist Republics and Viet Nam. */ Angola, */ Bangladesh, the Gambia, Mozambique and Somalia */ subsequently joined the sponsors.

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

111. A statement relating to the draft resolution was made by the observer for Israel.

112. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, a roll-call vote was taken on draft resolution E/CN.4/1986/L.20, which was adopted by 29 votes to 5, with 8 abstentions. The voting was as follows: 3/

In favour: Algeria, Argentina, Bangladesh, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, China, Colombia, Congo, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Jordan, Kenya, Mauritania, Mexico, Mozambique, Nicaragua, Peru, Philippines, Senegal, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Belgium, France, Germany, Federal Republic of, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Costa Rica, Ireland, Japan, Lesotho, Norway, Spain.

113. At the same meeting, the representative of the United States of America made a statement in explanation of vote after the vote.

114. At the 39th meeting, on 3 March 1986, the representatives of Australia, Austria, France, Japan and Norway made statements in explanation of vote after the vote.

115. For the text of the resolution, see chapter II, section A, resolution 1986/5.

3/ The representative of Liberia subsequently indicated that, had he been present during the voting, he would have voted in favour.

116. At the 38th meeting, on 28 February 1986, the Commission considered draft resolution I recommended by the Sub-Commission for adoption by the Commission (E/CN.4/1986/5, chap.I, sect. A).

117. On behalf of Ethiopia, the Gambia, Senegal and her own delegation, the representative of Algeria proposed an amendment to the draft resolution by which the end of operative paragraph 2 (b) would read: "... indicate the volume, nature and adverse human consequences of the assistance given to the racist régime of South Africa".

118. The Commission accepted the amendment.

119. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1986/5, annex II, paras. 16 and 17) 4/ of the draft resolution.

120. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, a vote was taken on draft resolution I, as amended. At the request of the representative of the Union of Soviet Socialist Republics, the vote was taken by roll-call. Draft resolution I, as amended, was adopted by 32 votes to 4, with 6 abstentions. The voting was as follows: 3/

In favour: Algeria, Argentina, Bangladesh, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Mauritania, Mexico, Mozambique, Nicaragua, Norway, Peru, Philippines, Senegal, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Belgium, Germany, Federal Republic of, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, France, Ireland, Japan, Spain.

4/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

121. At the same meeting, the representative of the United States of America made a statement in explanation of vote after the vote.

122. At the 39th meeting, on 3 March 1986, the representatives of Australia, Japan and Norway made statements in explanation of vote after the vote.

123. For the text of the resolution, see chapter II, section A, resolution 1986/6.

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

124. The Commission considered agenda item 8 together with item 18 (see chapter XVIII) at its 22nd to 24th meetings and 26th to 29th meetings, held from 18 to 24 February 1986, and at its 50th and 54th meetings, held on 10 and 12 March 1986. 1/

125. 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 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.4/1986/11 and Add.1);

Note by the Secretary-General on problems related to the right to enjoy an adequate standard of living; the right to development (E/CN.4/1986/38 and Corr.1 and Add.1-3);

Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II) (E/CN.4/1986/NGO/3);

Written statement submitted by the World Federation of United Nations Associations, a non-governmental organization in consultative status (category I) (E/CN.4/1986/NGO/13);

1/ For the summary records, see E/CN.4/1986/SR.22 to SR.24, SR.26 to SR.29, SR.50 and SR.54, and E/CN.4/1986/SR.1-59/Corrigendum, as appropriate.

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1986/NGO/18);

Written statement submitted by Disabled People's International, a non-governmental organization in consultative status (category II) (E/CN.4/1986/NGO/25);

Written statement submitted by the International Indian Treaty Council, a non-governmental organization in consultative status (category II) (E/CN.4/1986/NGO/26).

126. In the general debate on this item, 2/ statements were made by the following members of the Commission: Algeria (26th), Argentina (27th), Australia (26th), Austria (24th), Bangladesh (27th), Belgium (29th), Brazil (26th), Bulgaria (23rd), Byelorussian Soviet Socialist Republic (26th, 28th), China (26th), Colombia (28th), Cyprus (28th), Ethiopia (27th), France (28th), German Democratic Republic (23rd), Germany, Federal Republic of (26th), India (27th), Ireland (23rd), Japan (26th), Kenya (24th), Nicaragua (26th, 27th), Norway (24th), Peru (27th), Philippines (28th), Senegal (26th), Spain (28th), Sri Lanka (27th), Syrian Arab Republic (24th), Union of Soviet Socialist Republics (27th), United Kingdom of Great Britain and Northern Ireland (26th), United States of America (29th), Yugoslavia (27th).

127. The Commission heard statements by the observers for: Afghanistan (28th), Cuba (29th), Libyan Arab Jamahiriya (29th), Pakistan (29th), Ukrainian Soviet Socialist Republic (28th). A statement was also made by the observer for the Holy See (23rd).

128. Statements were also made by the following non-governmental organizations: Baha'i International Community (23rd), Centre Europe-Tiers Monde (29th), Four Directions Council (23rd), Indigenous World Association (24th), International Commission of Jurists (23rd), International Federation of Rural Adult Catholic Movements (24th), International Fellowship of Reconciliation (24th), International Indian Treaty Council (29th), International League for the Rights and Liberation of Peoples (24th), International Movement for Fraternal Union among Races and Peoples (28th), Pax Christi (24th), Pax Romana (27th), World Student Christian Federation (27th).

129. Statements in right of reply or equivalent to right of reply were made by the representative of the Philippines (24th) and the observer for Turkey (24th).

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.

130. At the 50th meeting, on 10 March 1986, the Commission took up consideration of the draft resolutions submitted under agenda item 8.

131. The representative of Australia introduced draft resolution E/CN.4/1986/L.40, sponsored by Australia, Costa Rica, Cyprus, Finland, */ Kenya, the Philippines and Spain. Austria, Egypt, */ the German Democratic Republic, the Netherlands, */ and Peru subsequently joined the sponsors.

132. The representative of Australia orally revised the draft resolution by replacing the words "articles 21 and 22" in operative paragraph 4 by the words "articles 16 and 17" and by inserting the word "country" between the words "brief" and "profiles" in the same paragraph.

133. The draft resolution, as orally revised, was adopted without a vote.

134. For the text of the resolution, see chapter II, section A, resolution 1986/13.

135. The representative of Yugoslavia introduced draft resolution E/CN.4/1986/L.47, sponsored by Algeria, Bangladesh, China, Colombia, Costa Rica, Cuba, */ Cyprus, Ethiopia, India, Jordan, Nicaragua, Peru, the Philippines, Poland, */ Romania, */ the Syrian Arab Republic and Yugoslavia. The representative of Yugoslavia stated that the German Democratic Republic should be added to the list of original sponsors.

136. The draft resolution was adopted without a vote.

137. For the text of the resolution, see chapter II, section A, resolution 1986/14.

138. The representative of the German Democratic Republic introduced draft resolution E/CN.4/1986/L.48, sponsored by Bulgaria, the Byelorussian Soviet Socialist Republic, Czechoslovakia, */ Ethiopia, the German Democratic Republic, Hungary, */ India, Nicaragua, the Syrian Arab Republic and the Ukrainian Soviet Socialist Republic. */ Afghanistan, */ Argentina and Cuba */ subsequently joined the sponsors.

139. The representative of Brazil proposed amending operative paragraphs 5 and 7 by replacing the words "at its forty-third session" by the words "at its forty-fourth session". Since the proposed amendment was not accepted by the sponsors of the draft resolution, the representative of Brazil withdrew it.

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

140. The representative of Belgium requested a vote on draft resolution E/CN.4/1986/L.48. At the request of the representative of the German Democratic Republic, the vote was taken by roll-call.

141. The draft resolution was adopted by 32 votes to 7, with 4 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Bangladesh, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Liberia, Mauritania, Mexico, Mozambique, Nicaragua, Peru, Philippines, Senegal, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Belgium, France, Germany, Federal Republic of, Japan, Norway, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Ireland, Spain.

142. Statements in explanation of vote after the vote were made by the representatives of Australia, Austria and Japan.

143. For the text of the resolution, see chapter II, section A, resolution 1986/15.

144. The observer for Mongolia introduced draft resolution E/CN.4/1986/L.50, sponsored by Bulgaria, the Byelorussian Soviet Socialist Republic, Czechoslovakia, */ the German Democratic Republic, Hungary, */ Mongolia, */ Poland, */ the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic, */ the Union of Soviet Socialist Republics and Viet Nam. */ Afghanistan and Cuba, */ subsequently joined the sponsors. The draft resolution read as follows:

*The Commission on Human Rights,

*Recalling General Assembly resolution 37/221 of 20 December 1982, in which it proclaimed 1987 International Year of Shelter for the Homeless and decided that the objective of activities before and during the Year would be to improve the shelter and neighbourhoods of some of the poor and disadvantaged by the end of 1987, according to national priorities and to demonstrate by the year 2000 ways and means of improving the shelter and neighbourhoods of the poor and disadvantaged,

*Recalling further that the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights recognize the right of everyone to an adequate standard of living for himself and his family, including adequate housing, and the obligation of States to take appropriate steps to ensure the realization of that right,

"Noting the close interrelationship between the activities of the Commission on Human Rights and the objective of the International Year of Shelter for the Homeless,

"Convinced that the Commission on Human Rights could make an important contribution to the achievement of the objective of the International Year of Shelter for the Homeless,

"1. Reiterates the right of everyone to an adequate standard of living for himself and his family, including adequate housing:

"2. Expresses its deep concern that millions of people are being deprived of the right to housing:

"3. Decides to continue consideration of the question of the realization of the objective of the International Year of Shelter for the Homeless for the effective realization and full enjoyment of other basic human rights, as well as the possible contribution of the Commission to the achievement of this objective, under the item entitled 'Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights' at its forty-third session."

145. The observer for Mongolia, on behalf of the sponsors, orally revised the draft resolution.

146. Upon a proposal by the representative of Ireland, the Commission decided to postpone consideration of the draft resolution.

147. At its 54th meeting, on 12 March 1986, the representative of Mongolia introduced a revised draft resolution (E/CN.4/1986/L.50/Rev.1), sponsored by Afghanistan, */ Bulgaria, the Byelorussian Soviet Socialist Republic, Cuba, */ Czechoslovakia, */ the German Democratic Republic, Hungary, */ Mongolia, */ Poland, */ the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic, */ the Union of Soviet Socialist Republics and Viet Nam. */

148. An explanation of vote before the vote was made by the representative of Japan.

149. The representative of the United States of America requested a vote on draft resolution E/CN.4/1986/L.50/Rev.1. At the request of the representative of the Byelorussian Soviet Socialist Republic, the vote was taken by roll-call. The draft resolution was adopted by 40 votes to none, with 3 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Ethiopia, France, Gambia, German Democratic Republic, India, Ireland, Jordan, Kenya, Lesotho, Liberia, Mauritania, Mexico, Mozambique, Nicaragua, Norway, Peru, Philippines, Senegal, Spain, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela, Yugoslavia.

Against: None.

Abstaining: Germany, Federal Republic of, Japan, United States of America.

150. For the text of the resolution, see chapter II, section A, resolution 1986/36.

151. At the 50th meeting, on 10 March 1986, the representative of Yugoslavia introduced draft resolution E/CN.4/1986/L.55, sponsored by Algeria, Angola, */ Argentina, Bangladesh, Bolivia, */ Brazil, Colombia, Congo, Cuba, */ Cyprus, Egypt, */ Ethiopia, India, Lesotho, Mexico, Nicaragua, Peru, Sri Lanka, United Republic of Tanzania */ and Yugoslavia. The representative of Yugoslavia stated that Mozambique should be added to the list of original sponsors. Costa Rica subsequently joined the sponsors.

152. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1986/L.87) 3/ of draft resolution E/CN.4/1986/L.55.

153. An explanation of vote before the vote was made by the representative of France.

154. The representative of the United States of America requested a vote on the draft resolution. At the request of the representative of Bulgaria, the vote was taken by roll-call. The draft resolution was adopted by 34 votes to 1, with 8 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Bangladesh, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Ethiopia, France,

3/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Liberia, Mauritania, Mexico, Mozambique, Nicaragua, Peru, Philippines, Senegal, Spain, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: United States of America.

Abstaining: Australia, Austria, Belgium, Germany, Federal Republic of, Ireland, Japan, Norway, United Kingdom of Great Britain and Northern Ireland.

155. Statements in explanation of vote after the vote were made by the representatives of Australia, Austria, Belgium, the Federal Republic of Germany, Ireland and Japan.

156. For the text of the resolution, see chapter II, section A, resolution 1986/16.

IX. THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS
APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN
DOMINATION OR FOREIGN OCCUPATION

157. The Commission considered agenda item 9 concurrently with item 4 (see chap.IV) at its 3rd to 8th meetings, held from 4 to 7 February 1986. Item 9 was further considered by the Commission at its 31st to 36th meetings, held from 25 to 27 February 1986, and at its 50th and 51st meetings, held on 10 and 11 March 1986. 1/

158. The Commission had before it the following documents:

Report of the Secretary-General transmitting summaries of the replies received from Governments on legislation against mercenaries, pursuant to Commission resolution 1985/6 (E/CN.4/1986/44 and Corr.1);

Letter dated 14 January 1986 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.4/1986/16);

Letter dated 7 January 1986 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.4/1986/47);

Letter dated 23 January 1986 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.4/1986/50);

Letter dated 25 January 1986 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.4/1986/51);

Letter dated 27 January 1986 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.4/1986/53);

Written statement submitted by the World Federation of United Nations Associations, a non-governmental organization in consultative status (category I) (E/CN.4/1986/NGO/12):

1/ For the summary records, see E/CN.4/1986/SR.3 to SR.8, SR.31 to SR.36, SR.50 and SR.51, and E/CN.4/1986/SR.1-59/Corrigendum, as appropriate.

Written statements submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1986/NGO/15, E/CN.4/1986/NGO/17);

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.4/1986/NGO/35);

Written statement submitted by the International Indian Treaty Council, a non-governmental organization in consultative status (category II) (E/CN.4/1986/NGO/36);

Written statement submitted by the International Youth and Student Movement for the United Nations, a non-governmental organization in consultative status (category I), the Anti-Slavery Society for the Protection of Human Rights, Human Rights Advocates, Inc., the Indigenous World Association, the International Association for Religious Freedom, the International Federation of Human Rights, the International Indian Treaty Council, Pax Christi, Pax Romana, the Union of Arab Jurists and the World Council of Indigenous Peoples, non-governmental organizations in consultative status (category II) and Centre Europe-Tiers Monde, the International Federation of Rural Adult Catholic Movements, the International League for the Rights and Liberation of Peoples and the Minority Rights Group, non-governmental organizations on the Roster (E/CN.4/1986/NGO/44).

159. In the general debate on the item, 2/ statements were made by the following members of the Commission: Algeria (4th and 32nd), Argentina (5th and 34th), Australia (32nd), Austria (6th), Bangladesh (6th and 34th), Brazil (5th), Bulgaria (7th and 34th), Byelorussian Soviet Socialist Republic (31st), Cameroon (34th), China (33rd), Cyprus (4th and 31st), France (34th), German Democratic Republic (7th and 33rd), Germany, Federal Republic of (33rd), India (7th), Ireland (6th), Japan (33rd), Nicaragua (3rd and 34th), Norway (33rd), Philippines (5th, 32nd and 35th), Senegal (5th), Spain (7th), Sri Lanka (6th and 31st), Syrian Arab Republic (3rd and 31st), Union of Soviet Socialist Republics (33rd and 34th), United Kingdom of Great Britain and Northern Ireland (5th and 34th), United States of America (34th), Yugoslavia (7th).

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.

160. The Commission also heard statements by the observers for: Afghanistan (4th and 32nd), Angola (35th), Bahrain (5th), Cuba (8th and 34th), Czechoslovakia (6th and 34th), Democratic Kampuchea (32nd), Egypt (7th), Hungary (6th), Iraq (6th), Israel (3rd), Kuwait (4th), Libyan Arab Jamahiriya (34th), Mongolia (8th), Morocco (7th and 34th), Oman (6th), Pakistan (32nd), Poland (34th), Portugal (35th), Tunisia (5th), Turkey (7th and 34th), Saudi Arabia (5th), Sudan (7th), Ukrainian Soviet Socialist Republic (35th), United Arab Emirates (34th), United Republic of Tanzania (8th and 34th) and Viet Nam (32nd).

161. A statement was made by the observer for the United Nations Council for Namibia (33rd).

162. A statement was made by the observer for the League of Arab States (8th).

163. Statements were also made by the observers for the Palestine Liberation Organization (3rd and 31st), the Pan Africanist Congress of Azania (32nd) and the South West Africa People's Organization (32nd).

164. The Commission also heard statements by the following non-governmental organizations: Christian Democratic International (33rd), Centre Europe-Tiers Monde (35th), Four Directions Council (33rd), Indian Law Resource Centre (33rd), Indigenous World Association (33rd), International Indian Treaty Council (35th), International League for the Rights and Liberation of Peoples (33rd), National Aboriginal and Islander Legal Services Secretariat (33rd), Pax Christi (33rd), Pax Romana (35th), Women's International Democratic Federation (35th), World Council of Indigenous Peoples (35th), World Muslim Congress (32nd).

165. Statements in right of reply or equivalent to right of reply were made by the representatives of China (36th), Ethiopia (35th), the Syrian Arab Republic (7th), the United Kingdom (35th) and the United States of America (35th), by the observers for Afghanistan (32nd, 35th and 36th), Czechoslovakia (36th), Democratic Kampuchea (36th), Guatemala (36th), Indonesia (35th), Israel (6th and 36th), the Libyan Arab Jamahiriya (7th), Pakistan (35th), Senegal (8th), the Ukrainian SSR (36th) and Viet Nam (35th), and by the observer for the Palestine Liberation Organization (7th and 36th).

166. On 5 February 1986 a draft resolution (E/CN.4/1986/L.13) was submitted by Afghanistan, */ Algeria, Argentina, Bolivia, */ Costa Rica, Cuba, */ Cyprus, Iran (Islamic Republic of), */ Liberia, Mexico, Mozambique, Nicaragua, Senegal, United Republic of Tanzania, */ Viet Nam */ and Yugoslavia. 3/

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

3/ The text of the draft resolution did not differ from that of document E/CN.4/1986/L.13/Rev.1 (see paragraph 168), though there was a technical error in some languages that occasioned the issuance of the revision.

167. At the 50th meeting, on 10 March 1986, the Commission took up consideration of the draft resolutions submitted under agenda item 9.

168. The representative of the Congo introduced draft resolution E/CN.4/1986/L.13/Rev.1, sponsored by Afghanistan, */ Algeria, Angola, */ Argentina, Bolivia, */ Burundi, */ the Congo, Cuba, */ Cyprus, Ethiopia, Ghana, */ India, Iran (Islamic Republic of), */ Lesotho, Liberia, Madagascar, */ Mexico, Mozambique, Nicaragua, Nigeria, */ Senegal, the United Republic of Tanzania, */ Viet Nam */ and Yugoslavia.

169. The representative of the United States of America requested a vote on draft resolution E/CN.4/1986/L.13/Rev.1. At the request of the representative of Algeria, the vote was taken by roll-call. The draft resolution was adopted by 29 votes to none, with 13 abstentions. The voting was as follows: 4/

In favour: Algeria, Argentina, Australia, Austria, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, Colombia, Congo, Cyprus, Ethiopia, German Democratic Republic, India, Kenya, Lesotho, Liberia, Mauritania, Mexico, Mozambique, Nicaragua, Peru, Philippines, Senegal, Spain, Syrian Arab Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: None.

Abstaining: Bangladesh, Belgium, China, Costa Rica, France, Germany, Federal Republic of, Ireland, Japan, Jordan, Norway, Sri Lanka, United Kingdom of Great Britain and Northern Ireland, United States of America.

170. At the 51st meeting, on 11 March 1984, a statement in explanation of vote after the vote was made by the representative of Brazil.

171. For the text of the resolution, see chapter II, section A, resolution 1986/21.

172. At the 50th meeting, on 10 March 1986, the representative of India introduced draft resolution E/CN.4/1986/L.15, sponsored by Algeria, Bangladesh, Bulgaria, the Byelorussian Soviet Socialist Republic, the Congo,

4/ The representative of the Gambia subsequently indicated that, had he been present during the voting, he would have voted in favour.

Cuba, */ the German Democratic Republic, India, Mauritania, Morocco, */ Nicaragua, Pakistan, */ Saudi Arabia, */ the Syrian Arab Republic, Tunisia, */ the Ukrainian Soviet Socialist Republic */ and Yugoslavia. Afghanistan, */ Czechoslovakia, */ Viet Nam */ and Yemen */ subsequently joined the sponsors.

173. Statements relating to the draft resolution were made by the observers for Israel and the Palestine Liberation Organization.

174. At the request of the representative of the United States of America, a separate roll-call vote was taken on the ninth preambular paragraph of the draft resolution, which was adopted by 17 votes to 14, with 11 abstentions. The voting was as follows:

In favour: Algeria, Bangladesh, Bulgaria, Byelorussian Soviet Socialist Republic, China, Congo, Cyprus, Ethiopia, German Democratic Republic, India, Jordan, Mauritania, Nicaragua, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Australia, Austria, Belgium, Colombia, Costa Rica, France, Germany, Federal Republic of, Ireland, Japan, Norway, Philippines, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Brazil, Cameroon, Gambia, Kenya, Lesotho, Liberia, Mexico, Peru, Senegal, Venezuela.

The representative of Mozambique stated that his delegation was not participating in the vote.

175. At the request of the representative of the United States of America, a separate vote was taken on operative paragraph 5 of the draft resolution. At the request of the representative of the Gambia, the vote was taken by roll-call. Operative paragraph 5 was adopted by 21 votes to 9, with 13 abstentions. The voting was as follows:

In favour: Algeria, Bangladesh, Bulgaria, Byelorussian Soviet Socialist Republic, China, Congo, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Jordan, Kenya, Mauritania, Mozambique, Nicaragua, Senegal, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Australia, Belgium, Costa Rica, France, Germany, Federal Republic of, Ireland, Norway, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Austria, Brazil, Cameroon, Colombia, Japan, Lesotho, Liberia, Mexico, Peru, Philippines, Spain, Venezuela.

176. At the request of the representative of the United States of America, a separate vote was taken on operative paragraph 13 of the draft resolution. At the request of the representative of the Gambia, the vote was taken by roll-call. Operative paragraph 13 was adopted by 19 votes to 10, with 13 abstentions. The voting was as follows:

In favour: Algeria, Bangladesh, Bulgaria, Byelorussian Soviet Socialist Republic, China, Congo, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Jordan, Kenya, Mauritania, Nicaragua, Senegal, Syrian Arab Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Australia, Belgium, France, Germany, Federal Republic of, Ireland, Japan, Norway, Philippines, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Austria, Brazil, Cameroon, Colombia, Costa Rica, Lesotho, Liberia, Mexico, Peru, Spain, Sri Lanka, Venezuela.

The representative of Mozambique announced that his delegation was not participating in the vote.

177. The representative of the United States of America requested a vote on draft resolution E/CN.4/1986/L.15 as a whole. At the request of the representative of the Gambia, the vote was taken by roll-call. The draft resolution as a whole was adopted by 28 votes to 8, with 7 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Bangladesh, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, China, Colombia, Congo, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Jordan, Kenya, Mauritania, Mozambique, Nicaragua, Peru, Philippines, Senegal, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Australia, Belgium, Costa Rica, Germany, Federal Republic of, Ireland, Norway, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, France, Japan, Lesotho, Liberia, Mexico, Spain.

178. At the 51st meeting, on 11 March 1986, statements in explanation of vote after the vote were made by the representatives of Argentina, Austria, Brazil, France, Jordan, Mexico and Spain.

179. For the text of the resolution, see chapter II, section A, resolution 1986/22.

180. At the 32nd meeting, on 28 February 1986, the representative of Pakistan introduced draft resolution E/CN.4/1986/L.24, sponsored by Bahrain, */ Bangladesh, Colombia, Costa Rica, Egypt, */ Guatemala, */ Honduras, */ Jordan, Malaysia, */ Mauritania, Morocco, */ Nepal, */ Oman, */ Pakistan, */ the Philippines, Saudi Arabia, */ Senegal, Singapore, */ Somalia, */ Thailand, */ Tunisia, */ Turkey */ and the United Arab Emirates. */ The Gambia, Haiti */ and Paraguay */ subsequently joined the sponsors.

181. At the 50th meeting, on 10 March 1986, a statement relating to the draft resolution was made by the observer for Afghanistan.

182. Explanations of vote before the vote were made by the representatives of Bulgaria, the Byelorussian SSR, the German Democratic Republic and the USSR.

183. At the request of the representative of the Gambia, a roll-call vote was taken on draft resolution E/CN.4/1986/L.24, which was adopted by 31 votes to 6, with 5 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Cameroon, China, Colombia, Costa Rica, France, Gambia, Germany, Federal Republic of, Ireland, Japan, Jordan, Kenya, Lesotho, Liberia, Mauritania, Mexico, Norway, Peru, Philippines, Senegal, Spain, Sri Lanka, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

Against: Bulgaria, Byelorussian Soviet Socialist Republic, Ethiopia, German Democratic Republic, Syrian Arab Republic, Union of Soviet Socialist Republics.

Abstaining: Algeria, Congo, Cyprus, India, Nicaragua.

The representative of Mozambique announced that his delegation was not participating in the vote.

184. At the 51st meeting, on 11 March 1986, statements in explanation of vote after the vote were made by the representatives of Brazil and Peru.

185. For the text of the resolution, see chapter II, section A, resolution 1986/23.

186. At the 50th meeting, on 10 March 1986, the representative of Ethiopia introduced draft resolution E/CN.4/1986/L.25, sponsored by Algeria, Bulgaria, the Congo, Cuba, */ Czechoslovakia, */ Egypt, */ Ethiopia, the German Democratic Republic, India, Kenya, Liberia, Mauritania, Nicaragua, Senegal, the United Republic of Tanzania, */ Viet Nam, */ and Yugoslavia. */ Afghanistan, */ Angola, */ the Gambia, */ Pakistan, */ Poland */ and Yemen */ subsequently joined the sponsors.

187. At the request of the representative of the Gambia, a roll-call vote was taken on draft resolution E/CN.4/1986/L.25, which was adopted by 31 votes to 5, with 7 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Bangladesh, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, China, Colombia, Congo, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Liberia, Mauritania, Mexico, Mozambique, Nicaragua, Peru, Philippines, Senegal, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Belgium, France, Germany, Federal Republic of, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Costa Rica, Ireland, Japan, Norway, Spain.

188. At the 51st meeting, on 11 March 1986, statements in explanation of vote after the vote were made by the representatives of Australia, Brazil, Lesotho and Spain.

189. For the text of the resolution, see chapter II, section A, resolution 1986/24.

190. At the 35th meeting, on 27 February 1986, the representative of the Philippines introduced draft resolution E/CN.4/1986/L.30, sponsored by Bangladesh, Belgium, Canada, */ Costa Rica, the Federal Republic of Germany, Honduras, */ Italy, */ Japan, Luxembourg, */ Malaysia, */ Mauritania, Nepal, */ the Netherlands, */ Norway, Oman, */ Pakistan, */ the Philippines, Singapore, */ Somalia, */ Thailand, */ Turkey, */ and the United Kingdom of Great Britain and Northern Ireland. Cameroon, the Gambia, Haiti, */ Liberia and New Zealand */ subsequently joined the sponsors.

191. At the 50th meeting, on 10 March 1986, statements relating to the draft resolution were made by the observers for Democratic Kampuchea and Viet Nam.

192. Explanations of vote before the vote were made by the representatives of Bulgaria, the Byelorussian SSR, the German Democratic Republic and the USSR.

193. At the request of the representative of the Philippines, a roll-call vote was taken on draft resolution E/CN.4/1986/L.30, which was adopted by 30 votes to 9, with 2 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Cameroon, China, Colombia, Costa Rica, France, Gambia, Germany, Federal Republic of, Ireland, Japan, Jordan, Kenya, Lesotho, Liberia, Mauritania, Norway, Peru, Philippines, Senegal, Spain, Sri Lanka, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

Against: Bulgaria, Byelorussian Soviet Socialist Republic, Congo, Ethiopia, German Democratic Republic, India, Nicaragua, Syrian Arab Republic, Union of Soviet Socialist Republics.

Abstaining: Algeria, Mexico.

The representatives of Cyprus and Mozambique stated that their delegations were not participating in the vote.

194. At the 51st meeting, on 11 March 1986, a statement in explanation of vote after the vote was made by the representative of Brazil.

195. For the text of the resolution, see chapter II, section A, resolution 1986/25.

196. At the 50th meeting, on 10 March 1986, the representative of the Congo introduced draft resolution E/CN.4/1986/L.52, sponsored by Algeria, Angola, */ Bulgaria, the Byelorussian Soviet Socialist Republic, the Congo, Cuba, */ Egypt, */ the Gambia, the German Democratic Republic, Kenya, Lesotho, Liberia, Mauritania, Mozambique, Senegal, the Ukrainian Soviet Socialist Republic, */ Union of Soviet Socialist Republics and Viet Nam. */ Afghanistan, */ Czechoslovakia, */ Ethiopia, Nicaragua, Nigeria */ and the United Republic of Tanzania */ subsequently joined the sponsors.

197. The representative of the United States of America requested a vote on draft resolution E/CN.4/1986/L.52. 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 10 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Bangladesh, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Liberia, Mauritania, Mexico, Mozambique, Nicaragua, Peru, Philippines, Senegal, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: United States of America.

Abstaining: Australia, Austria, Belgium, France, Germany, Federal Republic of, Ireland, Japan, Norway, Spain, United Kingdom of Great Britain and Northern Ireland.

198. At the 51st meeting, on 11 March 1986, statements in explanation of vote after the vote were made by the representatives of Brazil and the United States of America.

199. For the text of the resolution, see chapter II, section A, resolution 1986/26.

X. QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED
TO ANY FORM OF DETENTION OR IMPRISONMENT

200. The Commission considered agenda item 10 and sub-items 10 (a), 10 (b) and 10 (c) at its 48th meeting, held on 7 March, and at its 52nd to 56th meetings, held from 11 to 13 March 1986. 1/

201. In relation to item 10, the Commission had before it the following documents:

Letter dated 28 January 1986 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.4/1986/55);

Letter dated 5 March 1986 from the representative of France in the Commission on Human Rights addressed to the Chairman of the Commission, (E/CN.4/1986/60);

Written statement submitted by the International Movement for Fraternal Union among Races and Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/1986/NGO/48).

202. In the general debate on item 10, 2/ statements were made by the following members of the Commission: Australia (52nd), Austria (54th), Bangladesh (52nd), France (54th), Japan (54th), Norway (52nd), Senegal (52nd), Spain (54th), Union of Soviet Socialist Republics (54th).

203. The Commission heard statements by the observers for: Afghanistan (54th), Bolivia (52nd), Canada (54th), Israel (53rd), Portugal (53rd).

204. Statements were also made by the following non-governmental organizations: Amnesty International (52nd), Anti-Slavery Society for the Protection of Human Rights (53rd), Arab Lawyers Union (52nd), Defense for Children International Movement (54th), Human Rights Advocates, Inc. (54th), Indian Council of South America (54th), International Association of Democratic Lawyers (53rd), International Commission of Jurists (54th), International Federation of Human Rights (52nd), International Indian Treaty Council (54th), International League for the Rights and Liberation of Peoples (52nd), World University Service (54th).

1/ For the summary records, see E/CN.4/1986/SR.48, SR.52 to SR.56, and E/CN.4/1986/SR.1-59/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.

205. Statements in right of reply or equivalent to right of reply were made by the representatives of Algeria (54th) and the Syrian Arab Republic (54th), by the observers for Egypt (54th), Israel (54th), Lebanon (54th) and Morocco (54th), and by the observer for Switzerland (54th).

206. At the 54th meeting, on 12 March 1986, the Commission took up the draft resolutions and decisions submitted under agenda item 10.

207. The representative of the Federal Republic of Germany introduced draft decision E/CN.4/1986/L.46, sponsored by Bangladesh, Belgium, Canada, */ Costa Rica, the Federal Republic of Germany and Norway.

208. At the same meeting, the draft decision was adopted without a vote.

209. For the text of the decision, see chapter II, section B, decision 1986/104.

210. The representative of Australia introduced draft resolution E/CN.4/1986/L.62, sponsored by Argentina, Australia, Belgium, Bulgaria, Canada, */ Costa Rica, the Gambia, India, Japan, the Netherlands, */ Peru, Spain, Sri Lanka, the United Kingdom of Great Britain and Northern Ireland and Venezuela. Portugal subsequently joined the sponsors.

211. At the same meeting, the Commission adopted the draft resolution without a vote.

212. For the text of the resolution, see chapter II, section A, resolution 1986/46.

213. The representative of France introduced draft resolution E/CN.4/1986/L.73, sponsored by France and Italy. */ The Federal Republic of Germany subsequently joined the sponsors.

214. Statements were made by the representatives of the Syrian Arab Republic and Senegal.

215. The representative of the Syrian Arab Republic requested a roll-call vote on draft resolution E/CN.4/1986/L.73. At the request of the representative of France, the vote was taken by roll-call. The draft resolution was adopted by 41 votes to none, with 2 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus,

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Ethiopia, France, Gambia, German Democratic Republic, Germany, Federal Republic of, India, Ireland, Japan, Jordan, Kenya, Lesotho, Liberia, Mauritania, Mexico, Mozambique, Nicaragua, Norway, Peru, Philippines, Senegal, Spain, Sri Lanka, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

Against: None.

Abstaining: Bangladesh; Syrian Arab Republic.

216. At the 55th meeting, on 13 March 1986, statements in explanation of vote were made by the representatives of Algeria and the United States of America.

217. For the text of the resolution, see chapter II, section A, resolution 1986/49.

218. At the 55th meeting, on 13 March 1986, the Commission considered draft resolution VI, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1986/5, chap. I, sect. A) for adoption by the Commission.

219. Statements were made by the representatives of Austria, Brazil and the United States of America.

220. The following draft decision was proposed by the representative of Austria:

"The Commission decides not to take action on draft resolution VI recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission and invites the Sub-Commission to reconsider the question of a declaration against unacknowledged detention of persons, with a view to submitting a new text to the Commission at its forty-third session."

221. At the same meeting, the draft decision proposed by the representative of Austria was adopted without a vote.

222. For the text of the decision, see chapter II, section B, decision 1986/106.

223. At the 55th meeting, on 13 March 1986, the Commission considered draft resolution VII recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1986/5, chap. I, sect. A) for adoption by the Commission.

224. The representative of Japan proposed the deletion of the words "should be published and" in operative paragraph 2 of the draft resolution recommended for adoption by the Economic and Social Council. The Commission accepted that amendment.

225. At the same meeting, draft resolution VII, as orally amended, was adopted without a vote.

226. For the text of the resolution, see chapter II, section A, resolution 1986/51.

A. Torture and other cruel, inhuman or degrading treatment or punishment

227. In connection with 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/40/876);

Report by the Special Rapporteur appointed pursuant to Commission resolution 1985/33 (E/CN.4/1986/15).

228. At the 48th meeting, on 7 March 1986, Mr. P. Kooijmans, Special Rapporteur to examine questions relevant to torture, introduced his report to the Commission.

229. In the general debate on item 10 (a), 2/ statements were made by the following members of the Commission: Algeria (52nd); Argentina (53rd); Australia (52nd); Austria (54th); Bangladesh (52nd); Cyprus (53rd); Costa Rica (52nd); France (54th); Germany, Federal Republic of (52nd); Ireland (52nd); Japan (54th); Norway (52nd); Senegal (52nd); Spain (54th); Syrian Arab Republic (52nd); Union of Soviet Socialist Republics (54th); United Kingdom of Great Britain and Northern Ireland (52nd); Yugoslavia (53rd).

230. The Commission also heard statements by the observers for: Afghanistan (54th); Bolivia (52nd); Canada (54th); Israel (53rd); Italy (54th); Portugal (53rd).

231. The Commission heard statements by the following non-governmental organizations: Amnesty International (52nd), Anti-Slavery Society for the Protection of Human Rights (53rd), Baha'i International Community (54th), Defense for Children International Movement (54th), Human Rights Advocates, Inc. (54th), International Association of Democratic Lawyers (53rd), International Commission of Jurists (54th), International Federation of Human Rights (52nd), International League for the Rights and Liberation of Peoples (52nd), Pax Christi (52nd), Pax Romana (54th), Procedural Aspects of International Law Institute (53rd).

232. Statements in right of reply or equivalent to right of reply were made by the representatives of Algeria (54th), Sri Lanka (54th) and the Syrian Arab Republic (54th), by the observers for Indonesia (54th), Israel (54th) and Lebanon (54th) and by the observer for Switzerland (54th).

233. At the 54th meeting, on 12 March 1986, the Commission took up consideration of the draft resolutions submitted under agenda item 10 (a).

234. The representative of Norway introduced draft resolution E/CN.4/1986/L.66, sponsored by Argentina, Australia, Austria, Belgium, Brazil, Canada, */ Denmark, */ Finland, */ France, Germany, Federal Republic of, Greece, */ Japan, Kenya, the Netherlands, */ Nicaragua, Norway, Spain, Sweden, */ the United States of America and Yugoslavia. Costa Rica subsequently joined the sponsors.

235. The draft resolution was adopted without a vote.

236. For the text of the resolution, see chapter II, section A, resolution 1986/48.

237. At the 55th meeting, on 13 March 1986, the representative of Belgium introduced draft resolution E/CN.4/1986/L.83, sponsored by Belgium, Ireland, the Netherlands, */ Norway and the United States of America. Argentina, Canada, */ Costa Rica, Finland, */ Portugal, */ Senegal and Spain subsequently joined the sponsors.

238. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1986/L.2) ^{3/} of draft resolution E/CN.4/1986/L.83.

239. The draft resolution was adopted without a vote.

240. Following the adoption of the draft resolution, statements were made by the representatives of the USSR and the United Kingdom.

241. For the text of the resolution, see chapter II, section A, resolution 1986/50.

242. At the same meeting, the representative of Costa Rica introduced draft resolution E/CN.4/1986/L.88, sponsored by his delegation.

^{3/} An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appear in annex III.

243. Statements relating to the draft resolution were made by the representatives of India and the USSR. The representative of Costa Rica requested that consideration of the draft resolution be postponed.

244. At the 56th meeting, on 13 March 1986, the representative of Costa Rica orally revised draft resolution E/CN.4/1986/L.88 as follows:

(a) In the seventh preambular paragraph, the words "existence of a" were deleted. At the end of the same paragraph the words "and is under consideration by the Committee of Ministers of the Council of Europe," were deleted;

(b) The eighth preambular paragraph, reading "Bearing in mind the possible advantages of organizing a similar system of international supervision on a regional basis," was deleted;

(c) Operative paragraph 1, which read:

"Recommends that States should consider the possibility of submitting to the various regional bodies a draft regional convention containing ideas similar to those set out in the draft Optional Protocol against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,"

was replaced by the following paragraph:

"Recommends that other interested regions where a consensus exists should consider the possibility of preparing a draft convention containing ideas similar to those set out in the draft optional protocol;"

(d) Operative paragraph 2, which read:

"Requests the Secretary-General to submit to the Commission on Human Rights, at its forty-third session, a progress report on the work of the Council of Europe relating to the draft European Convention against Torture, on the Inter-American Convention against Torture and on any work which it has been decided to do on the same subject in other regional bodies;"

was replaced by the following paragraph:

"Requests the Secretary-General to submit to the Commission, at its forty-fourth session, a progress report on the work relating to the preparation of such conventions;"

245. A statement relating to the revision was made by the representative of India.

246. The Commission adopted draft resolution E/CN.4/1986/L.88, as orally revised, without a vote.

247. For the text of the resolution, see chapter II, section A, resolution 1986/56.

B. Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

248. In relation to agenda item 10 (b), the Commission had before it the report of the Secretary-General (E/CN.4/1986/17).

249. In the general debate on item 10 (b), 2/ statements were made by the following members of the Commission: Algeria (52nd); Argentina (53rd); Australia (52nd); Austria (54th); Bangladesh (52nd); Costa Rica (52nd); Cyprus (53rd); France (54th); Germany, Federal Republic of (52nd); Ireland (52nd); Norway (52nd); Senegal (52nd); Spain (54th); Syrian Arab Republic (52nd); Union of Soviet Socialist Republics (54th); United Kingdom of Great Britain and Northern Ireland (52nd); Yugoslavia (53rd).

250. The Commission also heard statements by the observers for Afghanistan (54th), Bolivia (52nd), Italy (54th), Morocco (54th) and Portugal (53rd).

251. Statements were also made by the observers for Pax Christi (52nd) and Pax Romana (54th).

252. At the 54th meeting, on 12 March 1986, the representative of Norway introduced draft resolution E/CN.4/1986/L.65, sponsored by Argentina; Australia; Austria; Belgium; Brazil; Canada; */ Denmark; */ Finland; */ France; the Gambia; Greece; */ Mexico; Netherlands; */ Nicaragua; Norway; Senegal; Spain; Sweden; */ the United States of America and Venezuela. Portugal and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

253. The draft resolution was adopted without a vote.

254. For the text of the resolution, see chapter II, section A, resolution 1986/47.

C. Question of enforced or involuntary disappearances

255. In relation to agenda item 10 (c), the Commission had before it the following documents:

Report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1986/18 and Add.1);

Note verbale dated 21 February 1986 from the Permanent Mission of Uruguay to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1986/58);

Letter dated 24 February 1986 from the Permanent Representative of Paraguay to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1986/59);

Letter dated 7 February 1986 from the Permanent Representative of Lebanon to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1986/62);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1986/NGO/2);

Written statement submitted by the International Association of Democratic Lawyers, a non-governmental organization in consultative status (category II) (E/CN.4/1986/NGO/34);

Written statement submitted by the Indian Council of South America, a non-governmental organization on the Roster (E/CN.4/1986/NGO/51).

256. At the 52nd meeting, held on 10 March 1986, Mr. I. Tosevski, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, introduced the Group's report (E/CN.4/1986/18 and Add.1).

257. In the general debate on item 10 (c), 2/ statements were made by the following members of the Commission: Argentina (53rd); Australia (52nd); Austria (54th); Bangladesh (52nd); Cyprus (53rd); France (54th); Germany, Federal Republic of (52nd); Ireland (52nd); Japan (54th); Nicaragua (52nd); Norway (52nd); Peru (52nd); Senegal (52nd); Union of Soviet Socialist Republics (54th); United Kingdom of Great Britain and Northern Ireland (52nd); Yugoslavia (53rd).

258. The Commission heard statements by the observers for: Afghanistan (54th), Bolivia (52nd), Canada (54th), Guatemala (52nd), Israel (52nd), Morocco (54th), Portugal (53rd), Uruguay (52nd).

259. Statements were also made by the following non-governmental organizations: Amnesty International (52nd), Anti-Slavery Society for the Protection of Human Rights (53rd), Arab Lawyers Union (52nd), International Association of Democratic Lawyers (53rd), International Commission of Jurists (54th), International Federation of Human Rights (52nd), International League for the Rights and Liberation of Peoples (52nd), International Movement for Fraternal Union among Races and Peoples (52nd), Latin American Federation of Associations of Relatives of Disappeared Detainees (53rd), Pax Christi (52nd), Pax Romana (54th), World Student Christian Federation (53rd), World University Service (54th).

260. Statements in right of reply or equivalent to right of reply were made by the representative of Sri Lanka (54th) and by the observers for Egypt (54th) and Indonesia (54th).

261. At the 55th meeting, on 13 March 1986, the representative of France introduced draft resolution E/CN.4/1986/L.76, sponsored by Austria; Canada; */ Costa Rica; France; the Gambia; Germany, Federal Republic of, Ireland; Italy; */ the Netherlands; */ Norway; Portugal; Senegal; Spain and the United Kingdom of Great Britain and Northern Ireland. Argentina, Australia and Japan subsequently joined the sponsors.

262. At the same meeting, the Commission's attention was drawn to an estimate of the administrative and programme budget implications 3/ (E/CN.4/1986/L.7) of the draft resolution.

263. The representative of the German Democratic Republic proposed amending operative paragraph 2 of the draft resolution, which read as follows:

"2. Decides to extend for two years the Working Group's mandate, as laid down in Commission on Human Rights resolution 20 (XXXVI), in accordance with the recommendations of the Working Group, while maintaining its annual reporting cycle;"

by replacing the words "two years" by the words "one year" and by adding the words "and to consider at its forty-third session the possibility of establishing a two-year mandate" at the end of that paragraph.

264. Statements relating to the proposed amendment were made by the representatives of Bulgaria, France and Germany, Federal Republic of. The amendment was not accepted by the sponsors, and consideration of draft resolution E/CN.4/1986/L.76 was postponed.

265. At the 56th meeting, on 13 March 1986, the representative of the German Democratic Republic orally revised his proposed amendment to operative paragraph 2 to read as follows:

"Decides to extend for two years, on an experimental basis, the Working Group's mandate, as laid down in Commission on Human Rights resolution 20 (XXXVI), in accordance with the recommendations of the Working Group, while maintaining the Working Group's annual reporting cycle, and to reconsider the question at its forty-fourth session:".

266. The representative of France, on behalf of the sponsors, accepted the amendment, as revised.

267. The Commission adopted draft resolution E/CN.4/1986/L.76, as amended, without a vote.

268. For the text of the resolution, see chapter II, section A, resolution 1986/55.

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

269. The Commission considered agenda item 11 at its 55th and 56th meetings, held on 13 March 1986. 1/

270. The Commission had before it the following documents:

Note by the Secretary-General on national institutions for the promotion and protection of human rights (E/CN.4/1986/14);

Interim report of the Secretary-General on regional arrangements for the promotion and protection of human rights in the Asian region (E/CN.4/1986/19);

Report of the Secretary-General on the development of public information activities in the field of human rights (E/CN.4/1986/20 and Add.1-3);

Written communication submitted by the World Association for the School as an Instrument of Peace, a non-governmental organization on the Roster (E/CN.4/1986/NGO/42).

271. At the 55th meeting, on 13 March 1986, the representative of Australia introduced draft resolution E/CN.4/1986/L.67, sponsored by Argentina, Australia, Bolivia, */ Cyprus, the Gambia, India, Ireland, Jordan, the Netherlands, */ Norway, Peru, the Philippines and Yugoslavia. Bangladesh, Canada */ and Senegal subsequently joined the sponsors.

272. Statements were made by the representatives of Bangladesh and Senegal and by the observer for Canada.

273. At the same meeting, the draft resolution was adopted without a vote.

274. For the text of the resolution, see chapter II, section A, resolution 1986/54.

*/ 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.4/1986/SR.55 and SR.56, and E/CN.4/1986/SR.1-59/Corrigendum, as appropriate.

275. At the 56th meeting, on 13 March 1986, the representative of Sri Lanka introduced draft resolution E/CN.4/1986/L.69, sponsored by Australia, Bangladesh, the Philippines and Sri Lanka.

276. The attention of the Commission was drawn to the administrative and programme budget implications (E/CN.4/1986/L.6) 2/ of draft resolution E/CN.4/1986/L.69.

277. The representative of China made a statement relating to the draft resolution.

278. The representative of Sri Lanka orally revised the draft resolution as follows:

(a) In the title of the draft resolution, the word "Pacific" was added after the word "Asian";

(b) In the fifth preambular paragraph, the words "contained in annex I of the interim report of the Secretary-General on regional arrangements for the promotion and protection of human rights in the Asian region" were added after the word "Pacific", and the remainder of the paragraph, which read: "in support of the establishment of a research and information oriented regional institute and of strengthening the role and function of United Nations development agencies in the region to promote the human rights dimension more actively and systematically in their development activities" was deleted;

(c) The seventh preambular paragraph, which read: "Noting in this connection the endeavours being made by non-governmental organizations to develop co-operation in the field of human rights in the Asian-Pacific region, including the seminar on this subject held in Fiji in April 1985," was deleted;

(d) In operative paragraph 1, the word "Welcomes" was replaced by "Takes note of";

(e) In operative paragraph 3, the word "invite" was replaced by "encourage";

(f) In operative paragraph 4, the word "Welcomes" was replaced by "Takes note of", and the word "urges" by "invites";

(g) In operative paragraph 6, after the words "training course", the words "or seminar" were deleted.

2/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

279. At the same meeting, the Commission adopted the draft resolution, as orally revised, without a vote.

280. For the text of the resolution, see chapter II, section A, resolution 1986/57.

281. At the same meeting, the representative of the German Democratic Republic introduced draft resolution E/CN.4/1986/L.82, sponsored by his delegation, which read as follows:

"Truthful and balanced information on human rights

"The Commission on Human Rights,

"Recalling articles 19 and 29 of the Universal Declaration of Human Rights and articles 19 and 20 of the International Covenant on Civil and Political Rights,

"Recalling the Declaration on the Preparation of Societies for Life in Peace,

"Recalling further relevant resolutions of the General Assembly on the need to establish a new world information and communication order,

"Conscious of the need for co-operation in the dissemination of ideas on peace, disarmament, international security, national independence, social progress and respect for human rights,

"1. Stresses that a greater flow of objective information is an important means of strengthening peace, deepening international understanding and promoting international co-operation in the field of human rights;

"2. Emphasizes that truthful and balanced, that is to say objective, information on human rights should be disseminated more widely and is essential for the promotion of activities within the United Nations system aimed at improving the effective enjoyment of human rights and fundamental freedoms;

"3. Requests the Department of Public Information, within existing financial resources, to ensure the widest possible dissemination of information on the International Covenants on Human Rights in connection with the twentieth anniversary of the adoption by the General Assembly of these major instruments in the field of human rights;

"4. Decides to consider issues raised in the present resolution at its forty-third 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'."

282. The representative of the German Democratic Republic stated that he would not insist on the draft resolution being considered at the current session. The Commission agreed that draft resolution E/CN.4/1986/L.82 would be considered at its forty-third session.

283. At the 56th meeting, on 13 March 1986, the representative of Yugoslavia introduced draft decision E/CN.4/1986/L.85, sponsored by India and Yugoslavia.

284. At the same meeting, the Commission adopted the draft decision without a vote.

285. For the text of the decision, see chapter II, section B, decision 1986/107.

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

286. The Commission considered agenda item 12 together with sub-item 12 (a) at its 42nd to 50th meetings, held from 4 to 10 March, at its 56th meeting, held on 13 March, and at its 59th meeting, held on 14 March 1986. ^{1/} Sub-item 12 (b) was considered by the Commission in closed session, at its 36th to 38th meetings, held on 27 and 28 February, and at its 42nd and 56th meetings, held on 4 and 13 March 1986.

287. 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 El Salvador prepared by the Special Representative of the Commission on Human Rights (A/40/818);

Note by the Secretary-General transmitting the interim report on the situation of human rights in Afghanistan prepared by the Special Rapporteur of the Commission on Human Rights (A/40/843);

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/40/865);

Note by the Secretary-General transmitting the interim report on the situation of human rights in the Islamic Republic of Iran prepared by the Special Representative of the Commission on Human Rights (A/40/874);

Letter dated 23 August 1985 from the Permanent Representative of Egypt to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1986/12-E/CN.4/Sub.2/1985/52);

Note by the Secretary-General transmitting a letter dated 20 January 1986 addressed to him by the Permanent Representative of the Islamic Republic of Iran to the United Nations and a letter dated 3 February 1986 from the Secretary-General to the Permanent Representative of the Islamic Republic of Iran to the United Nations (E/CN.4/1986/13);

Report on summary or arbitrary executions by the Special Rapporteur, Mr S. Amos Wako, appointed pursuant to Economic and Social Council resolution 1985/40 of 30 May 1985 (E/CN.4/1986/21);

^{1/} For the summary records, see E/CN.4/1986/SR.42 to SR.50, SR.56 and SR.59, and E/CN.4/1986/SR.1-59/Corrigendum, as appropriate.

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 1985/53 (E/CN.4/1986/22);

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 resolution 1985/36 of 13 March 1985 (E/CN.4/1986/23 and Corr.1);

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 1985/38 (E/CN.4/1986/24);

Note by the Chairman of the Commission transmitting the statement made by Mr. Andrés Aguilar, Special Representative of the Commission, introducing his interim report on the situation of human rights in the Islamic Republic of Iran to the General Assembly (A/40/874), and his letter of resignation (E/CN.4/1986/25);

Report of the Secretary-General submitted pursuant to Commission decision 1985/108 (E/CN.4/1986/26);

Letter dated 8 January 1985 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1986/36);

Report of the open-ended working group established 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 (E/CN.4/1986/40);

Letter dated 11 November 1985 from the International Labour Office to the Assistant Secretary-General for Human Rights (E/CN.4/1986/45);

Note verbale dated 13 February 1986 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1986/56);

Letter dated 18 February 1986 from the Permanent Representative of Iraq to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1986/57);

Letter dated 5 March 1986 from the representative of France in the Commission on Human Rights to the Chairman of the Commission on Human Rights (E/CN.4/1986/60);

Letter dated 7 March 1986 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1986/61);

Report by the Secretary-General prepared in accordance with Commission on Human Rights resolution 1982/30 (E/CN.4/Sub.2/1982/12);

Draft body of principles and guidelines on the right and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms: report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mrs. Erica-Irene Daes, and draft body of principles (E/CN.4/Sub.2/1985/30 and Add.1);

Summary record of the 34th meeting of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, held on 28 August 1985 (E/CN.4/Sub.2/1985/SR.34);

Written statements submitted by Christian Democratic International, a non-governmental organization in consultative status (category II) (E/CN.4/1986/NGO/6, 7 and 50);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1986/NGO/10);

Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II) (E/CN.4/1986/NGO/11);

Written statements submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1986/NGO/21, E/CN.4/1986/NGO/22);

Written statement submitted by the World Peace Council, a non-governmental organization on the Roster (E/CN.4/1986/NGO/28);

Written statement submitted by Pax Christi, a non-governmental organization in consultative status (category II) (E/CN.4/1986/NGO/29);

Written statements submitted by Human Rights Advocates, Inc., a non-governmental organization in consultative status (category II) (E/CN.4/1986/NGO/30, E/CN.4/1986/NGO/46);

Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I) (E/CN.4/1986/NGO/31);

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I) (E/CN.4/1986/NGO/32);

Written statements submitted by the International Movement for Fraternal Union among Races and Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/1986/NGO/40, E/CN.4/1986/NGO/48);

Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization on the Roster (E/CN.4/1986/NGO/41);

Written statement submitted by the International Youth and Student Movement for the United Nations, a non-governmental organization in consultative status (category I), the Anti-Slavery Society for the Protection of Human Rights, Human Rights Advocates, Inc., the Indigenous World Association, the International Association for Religious Freedom, the International Federation of Human Rights, the International Indian Treaty Council, Pax Christi, Pax Romana, the Union of Arab Jurists and the World Council of Indigenous Peoples, non-governmental organizations in consultative status (category II) and Centre Europe-Tiers Monde, the International Federation of Rural Adult Catholic Movements, the International League for the Rights and Liberation of Peoples and the Minority Rights Group, non-governmental organizations on the Roster (E/CN.4/1986/NGO/44).

288. In the general debate on item 12 as a whole, 2/ statements were made by the following members of the Commission: Algeria (45th and 46th), Australia (44th), Austria (46th), Belgium (46th), Brazil (46th), Bulgaria (43rd and 46th), Byelorussian Soviet Socialist Republic (44th, 45th and 46th), Colombia (48th), Ethiopia (47th), France (46th), German Democratic Republic (44th and 46th), Germany, Federal Republic of (44th), India (44th), Ireland (46th), Japan (48th), Mexico (48th), Nicaragua (45th), Norway (47th), Spain (46th), Sri Lanka (42nd), Syrian Arab Republic (43rd), Union of Soviet Socialist Republics (44th, 45th and 46th), United Kingdom of Great Britain and Northern Ireland (46th), United States of America (46th), Venezuela (44th).

289. The Commission also heard statements by the observers for: Afghanistan (46th), Canada (43rd), Cuba (43rd), Czechoslovakia (47th), El Salvador (46th), Finland (48th), Indonesia (48th), Iran (Islamic Republic of) (42nd), Israel (44th), Italy (45th), Lebanon (44th), Mongolia (46th), Netherlands (48th), Pakistan (46th), Poland (48th), Sweden (45th), Turkey (45th), Ukrainian Soviet Socialist Republic (48th).

290. Statements were also made by the observers for the Palestine Liberation Organization (48th), the Pan Africanist Congress of Azania (49th) and the South West Africa People's Organization (46th).

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.

291. The Commission also heard statements by the following non-governmental organizations: Amnesty International (43rd), Anti-Slavery Society for the Protection of Human Rights (44th), Arab Lawyers Union (48th), Baha'i International Community (43rd), Centre Europe-Tiers Monde (46th), Christian Democratic International (50th), Commission of the Churches on International Affairs of the World Council of Churches (46th), Four Directions Council (44th), Human Rights Advocates, Inc. (44th), Indian Council of South America (48th), Indian Law Resource Centre (44th), Indigenous World Association (44th), International Association for the Defence of Religious Liberty (46th), International Association of Democratic Lawyers (44th), - International Commission of Jurists (46th), International Confederation of Free Trade Unions (46th), International Federation of Human Rights (43rd), International Federation of Rural Adult Catholic Movements (49th), International Human Rights Internship Program (42nd), International Indian Treaty Council (48th), International League for Human Rights (44th), International League for the Rights and Liberation of Peoples (43rd), International Movement for Fraternal Union among Races and Peoples (48th), Inter-Parliamentary Union (48th), Latin American Federation of Associations of Relatives of Disappeared Detainees (48th), National Aboriginal and Islander Legal Services Secretariat (43rd), Pax Christi (44th), Pax Romana (46th), Procedural Aspects of International Law Institute (46th), Women's International Democratic Federation (43rd), Women's International League for Peace and Freedom (44th), World Association of World Federalists (48th), World Confederation of Labour (48th), World Council of Indigenous Peoples (44th), World Muslim Congress (46th), World Peace Council (44th), World Student Christian Federation (42nd), World Union for Progressive Judaism (48th), World University Service (44th).

292. Statements in right of reply or equivalent to right of reply were made by the representatives of Algeria (49th), Bulgaria (50th), Ethiopia (49th), India (50th), Ireland (50th), Japan (50th), Nicaragua (49th), the Philippines (49th), Sri Lanka (49th and 50th), the USSR (50th) and the United States of America (49th), by the observers for Afghanistan (49th and 50th), Burundi (49th), Canada (50th), Cuba (49th), El Salvador (49th), Iran (Islamic Republic of) (49th), Iraq (49th), Lebanon (50th), Morocco (50th), Pakistan (50th), Turkey (50th), the Ukrainian SSR (50th) and Viet Nam (50th), and by the observer for the Republic of Korea (49th).

Situation of human rights in El Salvador

293. In connection with the consideration of this matter, the Commission had before it the following documents: A/40/818, E/CN.4/1986/22, E/CN.4/1986/NGO/21, E/CN.4/1986/NGO/28 and E/CN.4/1986/NGO/31.

294. At the 42nd meeting, on 4 March 1986, the Special Representative, Mr. Pastor Ridruejo, introduced his report (E/CN.4/1986/22) to the Commission.

295. At its 54th meeting, on 12 March 1986, the representative of Costa Rica introduced draft resolution E/CN.4/1986/L.23, sponsored by Costa Rica, France, Mexico, Peru, Spain and Yugoslavia. Honduras */ and Norway subsequently joined the sponsors.

296. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1986/L.3) 3/ of draft resolution E/CN.4/1986/L.23.

297. Statements relating to the draft resolution were made by the representatives of the Syrian Arab Republic and the United States of America and by the observer for El Salvador.

298. At the request of the representative of the Syrian Arab Republic, a vote was taken on draft resolution E/CN.4/1986/L.23, which was adopted by 39 votes to none, with 4 abstentions.

299. For the text of the resolution, see chapter II, section A, resolution 1986/39.

Question of human rights and fundamental freedoms in Afghanistan

300. In connection with the consideration of this matter, the Commission had before it the following documents: A/40/843, E/CN.4/1986/24.

301. At the 46th meeting, on 6 March 1986, the Special Rapporteur, Mr. F. Ermacora, introduced his report (E/CN.4/1986/24) to the Commission.

302. On 26 February 1986, a draft resolution (E/CN.4/1986/L.31) was submitted by Belgium, the Federal Republic of Germany, Netherlands */ and the United Kingdom of Great Britain and Northern Ireland.

303. At the 54th meeting, on 12 March 1986, the representative of Belgium introduced a revised draft resolution (E/CN.4/1986/L.31/Rev.1), sponsored by Australia, Belgium, Canada, */ Costa Rica, Denmark, */ France, Germany, Federal Republic of, Greece, */ Ireland, Italy, */ Japan, Netherlands, */ Norway, Portugal, */ Spain and the United Kingdom of Great Britain and Northern Ireland. The revised draft resolution differed from draft resolution E/CN.4/1986/L.31 in the following ways: (a) a new operative paragraph (operative paragraph 7 of the revised draft) was added; (b) the words "and

*/ 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.

that the governmental educational system, based as it is on ideological considerations, allegedly fails to give due regard to traditional educational methods" were deleted from operative paragraph 7 of the original draft (operative paragraph 8 of the revised draft); (c) the words "on the question of human rights and fundamental freedoms in Afghanistan" were added at the end of operative paragraph 10 of the original draft (operative paragraph 11 of the revised draft).

304. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1986/L.86) 3/ of draft resolution E/CN.4/1986/L.31/Rev.1.

305. Statements relating to the draft resolution were made by the representatives of Bulgaria, the Byelorussian SSR, the German Democratic Republic and the USSR, and by the observer for Afghanistan.

306. At the request of the representative of the Union of Soviet Socialist Republics, a roll-call vote was taken on the draft resolution. The draft resolution was adopted by 28 votes to 9, with 5 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Cameroon, China, Colombia, Costa Rica, France, Gambia, Germany, Federal Republic of, Ireland, Japan, Kenya, Lesotho, Liberia, Mauritania, Mexico, Norway, Peru, Philippines, Senegal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Ethiopia, German Democratic Republic, India, Nicaragua, Syrian Arab Republic, Union of Soviet Socialist Republics.

Abstaining: Congo, Cyprus, Jordan, Sri Lanka, Yugoslavia.

The representative of Mozambique stated that his delegation was not participating in the vote.

307. For the text of the resolution, see chapter II, section A, resolution 1986/40.

Situation of human rights in the Islamic Republic of Iran

308. In connection with the consideration of this matter, the Commission had before it the following documents: A/40/874, E/CN.4/1986/13, E/CN.4/1986/25, E/CN.4/1986/36, E/CN.4/1986/57, E/CN.4/1986/NGO/11 and E/CN.4/1986/NGO/40.

309. At the 42nd meeting, on 4 March 1986, the Assistant Secretary-General for Human Rights informed the Commission that, due to the resignation of Mr. A. Aguilar, Special Rapporteur of the Commission on the human rights situation in the Islamic Republic of Iran, the document concerning the Islamic Republic of Iran (E/CN.4/1986/25) would not be specifically introduced.

310. At the 54th meeting, on 12 March 1986, the Commission considered draft resolution E/CN.4/1986/L.61, sponsored by Australia, Austria, Belgium, Canada, */ Denmark, */ France, Germany, Federal Republic of, Ireland, Luxembourg, */ Netherlands, */ Norway and the United Kingdom of Great Britain and Northern Ireland.

311. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1986/L.71) 3/ of draft resolution E/CN.4/1986/L.61.

312. Statements relating to the draft resolution were made by the representatives of Algeria, Australia, Bangladesh, Belgium, the Federal Republic of Germany, Ireland, Norway, the Syrian Arab Republic and the United Kingdom of Great Britain and Northern Ireland, and by the observers for Canada, the Islamic Republic of Iran and the Netherlands.

313. Statements in explanation of vote before the vote were made by the representatives of Algeria, India, Senegal and the Syrian Arab Republic.

314. The representative of Belgium requested a vote on draft resolution E/CN.4/1986/L.61. At the request of the representative of the Syrian Arab Republic, the vote was taken by roll-call. The draft resolution was adopted by 19 votes to 4, with 16 abstentions. The voting was as follows:

In favour: Australia, Austria, Belgium, Colombia, Costa Rica, France, Germany, Federal Republic of, Ireland, Jordan, Kenya, Lesotho, Mexico, Norway, Peru, Philippines, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Algeria, Bangladesh, Nicaragua, Syrian Arab Republic.

Abstaining: Argentina, Brazil, Bulgaria, Cameroon, Congo, Cyprus, Ethiopia, German Democratic Republic, India, Japan, Liberia, Mauritania, Mozambique, Senegal, Sri Lanka, Yugoslavia.

The representatives of the Byelorussian Soviet Socialist Republic, China, the Gambia and the Union of Soviet Socialist Republics stated that their delegations were not participating in the vote. Subsequently, the representative of Bangladesh informed the secretariat that his delegation had intended to abstain rather than cast a negative vote.

315. Statements in explanation of vote after the vote were made by the representatives of Argentina and Brazil.

316. Following the adoption of the draft resolution, the observer for the Islamic Republic of Iran made a statement.

317. For the text of the resolution, see chapter II, section A, resolution 1986/41.

Summary or arbitrary executions

318. In connection with the consideration of this matter, the Commission had before it document E/CN.4/1986/21.

319. At the 42nd meeting, on 4 March 1986, the Special Rapporteur on summary or arbitrary executions, Mr. S. Amos Wako, introduced his report (E/CN.4/1986/21) to the Commission.

320. At the 54th meeting, on 12 March 1986, the representative of Norway introduced draft resolution E/CN.4/1986/L.68, sponsored by Belgium, Costa Rica, Cyprus, Denmark, */ Finland, */ France, Mexico, Netherlands, */ Norway, Sweden */ and the United Kingdom of Great Britain and Northern Ireland. The Federal Republic of Germany, Kenya, Portugal */ and Spain subsequently joined the sponsors.

321. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1986/L.4) 3/ of draft resolution E/CN.4/1986/L.68.

322. At the same meeting, the representative of Norway orally revised operative paragraphs 7 and 8 of the draft resolution recommended for adoption by the Economic and Social Council, which read:

"7. Endorses the recommendation of the Special Rapporteur in his report on the need to develop international standards designed to ensure that proper investigations are conducted into all cases of suspicious death, including provisions for adequate autopsy;

"8. Invites the Special Rapporteur, in co-operation with appropriate United Nations agencies and other international organizations, to examine the elements to be included in such standards and to report to the Commission on Human Rights on progress made in this respect;"

to read as follows:

"7. Takes note of the need to develop international standards designed to ensure effective legislation and other domestic measures so that proper investigations are conducted by appropriate authorities into all cases of suspicious death, including provisions for adequate autopsy;

"8. Invites the Special Rapporteur to receive information from appropriate United Nations agencies and other international organizations and to examine the elements to be included in such standards and to report to the Commission on Human Rights on progress made in this respect;".

and added the title "Summary or arbitrary executions" to the draft resolution.

323. At the same meeting, the draft resolution, as orally revised, was adopted without a vote.

324. For the text of the resolution, see chapter II, section A, resolution 1986/42

Situation in southern Lebanon

325. At the 54th meeting, on 12 March 1986, the representative of India introduced draft resolution E/CN.4/1986/L.79, sponsored by Algeria, Bahrain, */ Bangladesh, Bulgaria, Cuba, */ India, Jordan, Lebanon, */ the Libyan Arab Jamahiriya, */ Mauritania, Mongolia, */ Morocco, */ Pakistan, */ Senegal, the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic, */ and the Union of Soviet Socialist Republics. Afghanistan */ and the Byelorussian Soviet Socialist Republic subsequently joined the sponsors.

326. A statement relating to the draft resolution was made by the observer for Israel.

327. Statements in explanation of vote before the vote were made by the representatives of Austria, Ireland, Peru and the United Kingdom.

328. The representative of the United States of America requested a vote on draft resolution E/CN.4/1986/L.79. At the request of the representative of Algeria, the vote was taken by roll-call. The draft resolution was adopted by 25 votes to 1, with 17 abstentions. The voting was as follows:

In favour: Algeria, Bangladesh, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, China, Colombia, Congo, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Mauritania, Mozambique, Nicaragua, Philippines, Senegal, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: United States of America.

Abstaining: Argentina, Australia, Austria, Belgium, Cameroon, Costa Rica, France, Germany, Federal Republic of, Ireland, Japan, Liberia, Mexico, Norway, Peru, Spain, United Kingdom of Great Britain and Northern Ireland, Venezuela.

329. For the text of the resolution, see chapter II, section A, resolution 1986/43.

Right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

330. At the 54th meeting, on 12 March 1986, the representative of Australia introduced draft resolution E/CN.4/1986/L.80, sponsored by Australia, Canada, */ the Netherlands */ and the United States of America, and stated that Spain should be added to the original list of sponsors of the draft resolution. In his introductory statement, the representative of Australia referred to the report of the open-ended working group on a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (E/CN.4/1986/40).

331. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1986/L.91) 3/ of the draft resolution.

332. At the same meeting, the draft resolution was adopted without a vote.

333. For the text of the resolution, see chapter II, section A, resolution 1986/44.

Human rights and mass exoduses

334. In connection with the consideration of this matter, the Commission had before it document E/CN.4/1986/NGO/30.

335. At the 54th meeting, on 12 March 1986, the representative of Australia introduced draft resolution E/CN.4/1986/L.81, sponsored by Australia, Canada, */ Costa Rica, the Federal Republic of Germany, Ireland, Japan, Jordan and Pakistan. */ Bangladesh subsequently joined the sponsors.

336. The representative of Australia orally revised operative paragraph 3 by inserting the word "special" between the words "Welcomes the" and "interest" and by deleting the words "including the designation of special representatives on humanitarian issues on an ad hoc basis".

337. The draft resolution, as orally revised, was adopted without a vote.

338. For the text of the resolution, see chapter II, section A, resolution 1986/45.

Situation of human rights in Ethiopia

339. At the 54th meeting, on 12 March 1986, the representative of the United States of America introduced a draft resolution (E/CN.4/1986/L.84), reading as follows:

"The Commission on Human Rights,

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

"Reaffirming that all States Members of the United Nations 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,

"Reaffirming that the right of everyone to life, liberty and security of person is guaranteed by the Universal Declaration of Human Rights,

"Recalling article 16 of the Universal Declaration of Human Rights which names the family as the natural and fundamental group unit of society, and entitles the family unit to protection by society and the State,

"Recalling further that the right to freedom of movement and residence within the borders of each State is affirmed by article 13 of the Universal Declaration of Human Rights,

"Concerned by reports that the resettlement programme in Ethiopia has not been conducted in a manner consistent with the rights and freedoms enshrined in these instruments,

"Noting statements made by the Ethiopian Government acknowledging deficiencies in the implementation of this programme so far and indicating that the programme is currently in suspension,

"Conscious of the key role played by the United Nations and its agencies in the provision of relief and rehabilitation in Ethiopia,

"1. Calls upon the appropriate agencies in the United Nations system: (a) to ensure that the funds they provide for relief and rehabilitation in Ethiopia are used in a manner consistent with full respect for the human rights of the Ethiopian people; (b) to ensure in particular that no such funds are used for resettlement programmes in Ethiopia unless it can be shown that such programmes do not involve coercion or the involuntary separation of families and are implemented

under socially and medically satisfactory conditions, and (c) to take into account human rights when implementing their relief and rehabilitation programmes;

"2. Decides to consider this question under the agenda item entitled 'Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories' at its forty-third session."

340. Statements relating to the draft resolution were made by the representatives of Ethiopia and Senegal.

341. The representative of Senegal moved, 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.4/1986/L.84.

342. Statements on the motion were made by the representatives of Senegal, the Syrian Arab Republic and the United States of America.

343. The representative of the United States of America requested a roll-call vote on the motion, which was adopted by 29 votes to 12, with 2 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Bangladesh, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, China, Colombia, Congo, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Liberia, Mexico, Mozambique, Nicaragua, Peru, Philippines, Senegal, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Australia, Austria, Belgium, Costa Rica, France, Germany, Federal Republic of, Ireland, Japan, Norway, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Mauritania, Venezuela.

344. For the text of the decision, see chapter II, section B, decision 1986/105.

Situation of human rights in Guatemala

345. In connection with this matter, the Commission had before it the following documents: A/40/865, E/CN.4/1986/23 and Corr.1, E/CN.4/1986/NGO/10, E/CN.4/1986/NGO/22, E/CN.4/1986/NGO/29.

346. At the 42nd meeting, on 4 March 1986, the Special Rapporteur, Viscount Colville of Culross, introduced his report (E/CN.4/1986/23 and Corr.1) to the Commission.

347. On 20 February 1986, a draft resolution (E/CN.4/1986/L.17) was submitted by Argentina, Brazil, Colombia, Costa Rica, Mexico, Nicaragua, Peru and Venezuela, reading as follows:

"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, 1984/53 of 14 March 1984 and 1985/36 of 13 March 1985 relating to the situation of human rights in Guatemala,

"Welcoming the process of democratization and return to constitutionality in Guatemala, with the establishment of a popularly elected civilian Government and the entry into force of the new Constitution of the Republic as from 14 January 1986,

"Taking into account the fact that the Constitution of the Republic of Guatemala includes, among other guarantees, the establishment of a National Human Rights Commission and institutionalizes the office of an Attorney for Human Rights,

"Taking into account also the fact that the new Guatemalan Amparo, Habeas Corpus and Constitutionality Act establishes guarantees and means of defence of the constitutional order and of the individual human rights protected by the Constitution, and that this Act provides for means of monitoring effective compliance with the provisions of the Constitution,

"Welcoming the Guatemalan Government's declared intention of promoting respect for human rights and the measures it has taken to that end,

"Considering that the United Nations ought to be prepared to consider providing assistance to any nation emerging from a period during which human rights violations have been committed, if the nation in question so requests, in order to contribute to the observance of human rights and fundamental freedoms,

"1. Expresses its gratitude to Viscount Colville of Culross for the manner in which he has discharged his mandate as Special Rapporteur;

"2. Welcomes with satisfaction the establishment, in accordance with the provisions of the Constitution of the Republic of Guatemala, of the National Human Rights Commission and the office of the Attorney for Human Rights;

"3. Takes note with satisfaction of the determination of the constitutional Government of Guatemala to adopt the necessary measures to investigate earlier violations of human rights with a view to ensuring that this situation does not recur in the future;

"4. Expresses its satisfaction at the Guatemalan Government's declared intention of promoting respect for human rights and the measures it has taken to that end;

"5. Takes note with satisfaction of the willingness of the Government of Guatemala to continue co-operating with the Commission on Human Rights by providing full and detailed information on the implementation of the new legal order for the protection of human rights and its efforts to guarantee the full enjoyment of fundamental freedoms in Guatemala, and requests the Secretary-General to provide to that end such advisory services and other assistance as may be requested by the constitutional Government of Guatemala;

"6. Requests the Chairman of the Commission on Human Rights at its forty-second session, in consultation with the Government of Guatemala, to appoint a special representative to receive and evaluate the information referred to in the preceding paragraph, and to submit a report to the Commission on Human Rights at its forty-third session;

"7. Decides to terminate the mandate of the Special Rapporteur and its study of the human rights situation in Guatemala, as provided for in its resolution 1983/37."

348. On 28 February 1986, amendments to draft resolution E/CN.4/1986/L.17, contained in document E/CN.4/1986/L.43, were submitted by Austria, Canada, */ France, Ireland, Norway and Spain, reading as follows:

"1. After the second preambular paragraph, add a new preambular paragraph which would read:

'Recalling also General Assembly resolutions 38/100 of 16 December 1983, 39/120 of 14 December 1984 and 40/140 of 13 December 1985;'

"2. Add a new operative paragraph 4a, which would read:

'4a. Expresses its concern that, in spite of the positive efforts made by the new Government of Guatemala to halt violations

of human rights and fundamental freedoms, new cases of human rights violations are still being reported, such as killings, torture and disappearances;'.
'

"3. Add a new operative paragraph 4b, which would read:

'4b. Expresses its confidence that the appropriate authorities will fully investigate all human rights violations reported to them, including those which occurred before the new Government took office, and that they will, in particular, clarify the fate of the disappeared persons and take effective steps to ensure that this situation does not recur in the future;'.
'

"4. Add a new operative paragraph 4c, which would read:

'4c. Encourages the new Government of Guatemala to continue to take effective measures within the framework of the Constitution to ensure that all its authorities and agencies, civilian as well as military, fully respect the human rights and fundamental freedoms and, to this end, to ensure that all law enforcement officials have sufficient knowledge of internationally agreed standards for the protection of human rights, and of their obligations under national and international law;'.
'

"5. Replace the existing operative paragraph 6 by the following paragraph:

'Requests the Chairman of the Commission at its forty-second session to appoint a special representative to study the situation of human rights in Guatemala by seeking, receiving and evaluating all relevant information, and to submit an interim report to the General Assembly at its forty-first session and a final report to the Commission on Human Rights at its forty-third session;'.
'

"6. Replace the existing operative paragraph 7 by the following paragraph:

'Decides to continue its consideration of human rights and fundamental freedoms in Guatemala at its forty-third session.'."

349. At the 56th meeting, on 13 March 1986, the representative of Venezuela introduced a revised draft resolution (E/CN.4/1986/L.17/Rev.1), sponsored by Argentina, Brazil, Colombia, Costa Rica, the Dominican Republic, */ Honduras, */ Mexico, Nicaragua, Peru and Venezuela, and pointed out some changes to be made in the English translation.

350. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 3/ of draft resolution E/CN.4/1986/L.17, which applied also to the revised draft resolution.

351. Following the introduction of the revised draft resolution (E/CN.4/1986/L.17/Rev.1) the representative of Norway, on behalf of the sponsors of the amendments in document E/CN.4/1986/L.43, withdrew the amendments.

352. Statements relating to the draft resolution were made by the representatives of Norway and Senegal and by the observer for Ecuador.

353. The revised draft resolution was adopted without a vote.

354. Statements in explanation of vote were made by the representatives of Australia, Ireland, Senegal and the United Kingdom of Great Britain and Northern Ireland.

355. The Commission also heard a statement by the Minister for Foreign Affairs of Guatemala.

356. For the text of the resolution, see chapter II, section A, resolution 1986/62.

Situation of human rights in Chile

357. On 6 March 1986, a draft resolution (E/CN.4/1986/L.60) was submitted by the United States of America. On 13 March 1986, a revised draft resolution (E/CN.4/1986/L.60/Rev.1) was submitted by the United States of America. (For these draft resolutions, see documents E/CN.4/1986/L.77 and E/CN.4/1986/L.77/Rev.1 - the texts of which were identical with those of documents E/CN.4/1986/L.60 and E/CN.4/1986/L.60/Rev.1 - as reproduced in chapter V, paragraphs 66 and 67).

358. At the 58th meeting, on 14 March 1986, the revised draft resolution was withdrawn.

A. Question of human rights in Cyprus

359. The Commission had before it the report of the Secretary-General (E/CN.4/1986/26) submitted pursuant to its decision 1985/108.

360. In connection with the consideration of item 12 (a), 2/ statements were made by the following members of the Commission: Algeria (48th), Argentina (48th), Bulgaria (48th), Costa Rica (48th), Cyprus (48th), Ethiopia (48th), German Democratic Republic (47th), India (48th), Mexico (48th), Spain (46th), Sri Lanka (48th), Syrian Arab Republic (48th), Union of Soviet Socialist Republics (48th), Yugoslavia (48th).

361. The Commission also heard statements by the observers for Cuba (49th) and Greece (48th).

362. A statement was also made by the observer for the Palestine Liberation Organization (48th).

363. Statements in right of reply or equivalent to right of reply were made by the representative of Cyprus (50th) and by the observers for Greece (50th) and Turkey (50th).

364. At the 54th meeting, on 12 March 1986, the Chairman proposed that the debate on item 12 (a) should be postponed to the forty-third session of the Commission and be given due 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.

365. For the text of the decision, see chapter II, section B, decision 1986/103.

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

366. In closed session, at its 56th meeting, on 13 March 1986, 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-third 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-ninth session under Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 and those situations of which the Commission was seized. At the same meeting, it was agreed that the general decision should be made public.

367. The Commission's attention was drawn to the administrative and programme budget implications of the decision.

368. For the text of the decision, see chapter II, section B, decision 1986/109.

369. After the consideration of item 12 (b) in closed session, the Chairman of the Commission announced publicly that the Commission had taken action in closed session, under Economic and Social Council resolution 1503 (XLVIII),

with regard to the following countries: Albania, Gabon, Haiti, Paraguay, the Philippines, Turkey and Zaire. He also announced that the Commission had decided to discontinue consideration of the human rights situations in Gabon, the Philippines and Turkey.

370. 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 public debate to the confidential decisions taken under Council resolution 1503 (XLVIII) nor to any confidential material relating thereto.

371. At the 58th meeting, on 14 March 1986, 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. Marc Bossuyt (Belgium)
- Mr. Todor Dichev (Bulgaria)
- Mr. Kassa Kebede (Ethiopia)
- Mr. Hisham Muhaisen (Jordan)
- Mr. Armando Villanueva del Campo (Peru).

XIII. QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD

372. The Commission considered agenda item 13 at its 56th meeting, held on 13 March 1986. 1/

373. The Commission had before it the report of the open-ended working group on a draft convention on the rights of the child (E/CN.4/1986/39).

374. Mr. A. Lopatka, Chairman-Rapporteur of the working group on a draft convention on the rights of the child, introduced the report of the working group.

375. In the general debate on the item, which took place at the 56th meeting, statements were made by the following members of the Commission: Algeria, Argentina, Bangladesh, Colombia, German Democratic Republic, Norway, United Kingdom of Great Britain and Northern Ireland.

376. The Commission heard a statement by the observer for Canada.

377. A statement was also made by the observer for the United Nations Children's Fund.

378. The representative of the Byelorussian Soviet Socialist Republic introduced draft resolution E/CN.4/1986/L.70, sponsored by Afghanistan, */ Algeria, Angola, */ Argentina, Australia, Austria, Bangladesh, Bolivia, */ Bulgaria, the Byelorussian Soviet Socialist Republic, Cameroon, Canada, */ China, Colombia, the Congo, Costa Rica, Cuba, */ Cyprus, Czechoslovakia, */ Denmark, */ Egypt, */ Ethiopia, Finland, */ France, Gabon, */ the Gambia, the German Democratic Republic, Greece, */ Hungary, */ India, Iran, (Islamic Republic of), */ Italy, */ Jordan, Kenya, Lebanon, */ Lesotho, Liberia, the Libyan Arab Jamahiriya, */ Madagascar, */ Mauritania, Mexico, Mongolia, */ Morocco, */ Mozambique, New Zealand, */ Nicaragua, Norway, Pakistan, */ Peru, the Philippines, Poland, */ Senegal, Somalia, */ Spain, Sri Lanka, Sudan, */ the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic, */ the Union of Soviet Socialist Republics, the United Republic of Tanzania, */ the United States of America, Venezuela, Viet Nam */ and Yugoslavia.

*/ 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.4/1986/SR.56 and E/CN.4/1986/SR.1-59/Corrigendum, as appropriate.

379. The Commission's attention was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1986/L.90) 2/ of the draft resolution.

380. Draft resolution E/CN.4/1986/L.70 was adopted without a vote.

381. For the text of the resolution, see chapter II, section A, resolution 1986/59.

2/ 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

382. The Commission considered agenda item 14 at its 56th meeting, on 13 March 1986. 1/

383. The Commission had before it the 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.3/40/1 and A/C.3/40/6).

384. The Commission heard a statement by the representative of Algeria.

385. The representative of Mexico introduced draft resolution E/CN.4/1986/L.78, sponsored by Algeria, Argentina, Bangladesh, Bolivia, */ Colombia, Costa Rica, Cuba, */ Egypt, */ Finland, */ France, Greece, */ India, Italy, */ Mauritania, Mexico, Morocco, */ Nicaragua, Peru, the Philippines, Portugal, */ Spain, Turkey, */ Venezuela and Yugoslavia. Pakistan */ subsequently joined the sponsors.

386. The Commission adopted draft resolution E/CN.4/1986/L.78 without a vote.

387. For the text of the resolution, see chapter II, section A, resolution 1986/58.

*/ 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.4/1986/SR.56 and E/CN.4/1986/SR.59/Corrigendum, as appropriate.

XV. HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

388. The Commission considered agenda item 15 at its 20th to 22nd meetings, held on 17 and 18 February 1986, and at its 50th meeting, held on 10 March 1986. 1/

389. The Commission had before it the following documents:

Report of the Secretary-General prepared in accordance with Commission resolution 1984/27 (E/CN.4/1986/27, and Corr.1 and Add.1);

Report of the Secretary-General prepared in accordance with Commission resolution 1984/30 (E/CN.4/1986/28 and Corr.1);

390. In the general debate on the item, 2/ statements were made by the following members of the Commission: Algeria (22nd), Australia (21st), Austria (22nd), Bangladesh (22nd), Brazil (21st), Bulgaria (21st), Byelorussian Soviet Socialist Republic (22nd), Colombia (21st), Cyprus (21st), France (22nd), German Democratic Republic (21st), India (22nd), Japan (21st), Union of Soviet Socialist Republics (20th), United Kingdom of Great Britain and Northern Ireland (21st), United States of America (22nd), Yugoslavia (22nd).

391. The Commission heard statements by the observers for: Afghanistan (21st), Czechoslovakia (21st), Italy (21st), Libyan Arab Jamahiriya (21st), Mongolia (22nd), Ukrainian Soviet Socialist Republic (22nd), Viet Nam (22nd).

392. Statements were also made by the observers for the International Labour Organisation (22nd) and the United Nations Educational, Scientific and Cultural Organization (21st).

393. The Commission also heard statements by the following non-governmental organizations: Baha'i International Community (22nd), National Aboriginal and Islander Legal Services Secretariat (22nd), Pax Christi (21st), Pax Romana (22nd), Women's International Democratic Federation (21st), World Council of Indigenous Peoples (21st).

394. A statement in right of reply was made by the representative of the Union of Soviet Socialist Republics (22nd).

1/ For the summary records, see E/CN.4/1986/SR.20 to SR.22, and SR.50, and E/CN.4/1986/SR.1-59/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.

395. At its 50th meeting, on 10 March 1986, the Commission took up consideration of the draft resolutions submitted under agenda item 15.

396. The representative of Japan introduced draft resolution E/CN.4/1986/L.27, sponsored by Japan and Yugoslavia. On behalf of the sponsors, he accepted the amendment contained in document E/CN.4/1986/L.59, submitted by Algeria, Bangladesh, Cyprus, India, Jordan, the Philippines, Senegal, Sri Lanka and the Syrian Arab Republic, which added the following new paragraph after the fourth preambular paragraph: "Recognizing the need to extend the benefits of science and technological developments to the developing countries,".

397. The draft resolution, as amended, was adopted without a vote.

398. For the text of the resolution, see chapter II, section A, resolution 1986/9.

399. The representative of the Union of Soviet Socialist Republics introduced draft resolution E/CN.4/1986/L.35, sponsored by Afghanistan, */ Angola, */ Bulgaria, the Byelorussian Soviet Socialist Republic, Cuba, */ Czechoslovakia, */ the German Democratic Republic, Hungary, */ Mongolia, */ Mozambique, Poland, */ Romania, */ the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic, */ the Union of Soviet Socialist Republics and Viet Nam. */ Nicaragua subsequently joined the sponsors.

400. 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.4/1986/L.35. Statements in relation to that motion were made by the representatives of Belgium, Bulgaria and the German Democratic Republic.

401. At the request of the representative of the USSR, a roll-call vote was taken on the motion, which was rejected by 17 votes to 13, with 12 abstentions. The voting was as follows:

In favour: Austrialia, Austria, Belgium, Costa Rica, France, Germany, Federal Republic of, Ireland, Japan, Norway, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Algeria, Argentina, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Congo, Cyprus, Ethiopia, German Democratic Republic, India, Mexico, Mozambique, Nicaragua, Peru, Syrian Arab Republic, Union of Soviet Socialist Republics, Yugoslavia.

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Abstaining: Bangladesh, Cameroon, China, Colombia, Jordan, Kenya, Lesotho, Liberia, Mauritania, Philippines, Senegal, Sri Lanka.

402. At the request of the representative of Brazil, a separate vote was taken on operative paragraph 7 of the draft resolution. The paragraph was adopted by 16 votes to 13, with 12 abstentions.

403. At the request of the representative of the Union of Soviet Socialist Republics, a roll-call vote was taken on draft resolution E/CN.4/1986/L.35 as a whole, which was adopted by 25 votes to 8, with 9 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, China, Colombia, Congo, Cyprus, Ethiopia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Liberia, Mexico, Mozambique, Nicaragua, Peru, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Belgium, France, Germany, Federal Republic of, Japan, Norway, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Bangladesh, Costa Rica, Ireland, Mauritania, Philippines, Senegal, Venezuela.

404. A statement in explanation of vote after the vote was made by the representative of Japan.

405. For the text of the resolution, see chapter II, section A, resolution 1986/10.

406. The representative of the Byelorussian Soviet Socialist Republic introduced draft resolution E/CN.4/1986/L.36, sponsored by Bulgaria, the Byelorussian Soviet Socialist Republic and Czechoslovakia. */ Poland */ subsequently joined the sponsors.

407. At the request of the representative of Brazil, a separate vote was taken on operative paragraph 3 of the draft resolution. The paragraph was adopted by 25 votes to 9, with 8 abstentions.

408. The representative of the United States of America requested a vote on the draft resolution as a whole. At the request of the representative of

Bulgaria, the vote was taken by roll-call. The draft resolution was adopted by 32 votes to none, with 11 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Bangladesh, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Liberia, Mauritania, Mexico, Mozambique, Nicaragua, Peru, Philippines, Senegal, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: None.

Abstaining: Australia, Austria, Belgium, France, Germany, Federal Republic of, Ireland, Japan, Norway, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

409. For the text of the resolution, see chapter II, section A, resolution 1986/11.

410. The representative of the United Kingdom of Great Britain and Northern Ireland introduced draft resolution E/CN.4/1986/L.37, sponsored by Bolivia, */ Costa Rica, France, Italy, */ Norway, the Philippines, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Belgium and the Federal Republic of Germany subsequently joined the sponsors.

411. The representative of the United Kingdom orally revised the draft resolution by replacing the words "as a matter of the highest priority" in operative paragraph 5 by the words "as a matter of high priority".

412. The draft resolution, as orally revised, was adopted without a vote.

413. For the text of the resolution, see chapter II, section A, resolution 1986/12.

XVI. IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE
SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

414. The Commission considered agenda item 16 concurrently with items 6, 7 and 17 (see chaps. VI, VII and XVII) at its 8th to 15th meetings, held from 7 to 13 February 1986, and at its 38th and 39th meetings, held on 28 February and 3 March 1986. 1/

415. The Commission had before it the following documents:

Report of the Group of Three established under the International Convention on the Suppression and Punishment of the Crime of Apartheid (E/CN.4/1986/30);

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.4/1986/29);

Reports submitted by States parties under article VII of the Convention (E/CN.4/1986/29/Add.1-8);

Note by the Secretary-General transmitting views and information submitted by States parties in accordance with Commission resolution 1985/10 (E/CN.4/1986/46);

Progress report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1986/9), part two, chapter IX, which contains information concerning persons suspected of being guilty of the crime of apartheid or of a serious violation of human rights.

416. At the 11th meeting, on 11 February 1986, Mr. S. Cor Konate, Chairman-Rapporteur of the Group of Three, introduced the report of the Group on its ninth session (E/CN.4/1986/30).

417. At the 9th meeting, on 10 February 1986, Mr. A. A. Cato, Chairman-Rapporteur of the Ad Hoc Working Group of Experts on southern Africa, introduced the progress report of the Group (E/CN.4/1986/9).

418. In the general debate on this item, 2/ statements were made by the following members of the Commission: Algeria (10th), Belgium (14th),

1/ For the summary records, see E/CN.4/1986/SR.8 to SR.15, SR.38 and SR.39, and E/CN.4/1986/SR.1-59/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.

Byelorussian Soviet Socialist Republic (10th), German Democratic Republic (9th), India (13th), Mexico (14th), Nicaragua (12th), Peru (14th), Union of Soviet Socialist Republics (14th), Yugoslavia (13th).

419. The Commission also heard statements by the observers for: Angola (14th), Cuba (14th), Czechoslovakia (11th), Egypt (14th), Hungary (14th), Iraq (11th), Mongolia (12th), Poland (12th), Sudan (15th), Ukrainian Soviet Socialist Republic (14th), United Republic of Tanzania (14th).

420. A statement was made by the observer for the African National Congress of South Africa (14th).

421. The Commission also heard a statement by the International Movement for Fraternal Union among Races and Peoples (13th).

422. At the 38th meeting, on 28 February 1986, the representative of Senegal introduced draft resolution E/CN.4/1986/L.21, sponsored by Algeria, Angola, */ Bulgaria, the Byelorussian Soviet Socialist Republic, Cameroon, the Congo, Costa Rica, Côte d'Ivoire, */ Cuba, */ Czechoslovakia, */ Ethiopia, the German Democratic Republic, Kenya, */ Lesotho, Liberia, Mauritania, Nicaragua, Nigeria, */ Pakistan, */ Senegal, the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic, */ the Union of Soviet Socialist Republics, the United Republic of Tanzania */ and Viet Nam. */ Afghanistan, Bangladesh, the Gambia, India, the Libyan Arab Jamahiriya, Mongolia, Mozambique, Poland and Somalia */ subsequently joined the sponsors. Lesotho withdrew its sponsorship of the draft resolution.

423. At the request of the representative of Belgium, a separate vote was taken on operative paragraph 8 of the draft resolution. At the request of the representative of the Syrian Arab Republic, the vote was taken by roll-call.

424. Operative paragraph 8 was adopted by 30 votes to 10, with 2 abstentions. The voting was as follows: 3/

In favour: Algeria, Argentina, Bangladesh, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Jordan, Kenya, Mauritania, Mexico, Mozambique, Nicaragua, Peru, Philippines, Senegal, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

3/ The representative of Liberia subsequently indicated that, had he been present during the voting, he would have voted in favour.

Against: Australia, Austria, Belgium, France, Germany, Federal Republic of, Ireland, Norway, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Japan, Lesotho.

425. At the request of the representative of the Syrian Arab Republic, a roll-call vote was taken on draft resolution E/CN.4/1986/L.21 as a whole. The draft resolution was adopted by 31 votes to 1, with 10 abstentions. The voting was as follows: 3/

In favour: Algeria, Argentina, Bangladesh, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Mauritania, Mexico, Mozambique, Nicaragua, Peru, Philippines, Senegal, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: United States of America.

Abstaining: Australia, Austria, Belgium, France, Germany, Federal Republic of, Ireland, Japan, Norway, Spain, United Kingdom of Great Britain and Northern Ireland.

426. At the same meeting, the representative of the United States of America made a statement in explanation of vote after the vote.

427. At the 39th meeting, on 3 March 1986, statements in explanation of vote after the vote were made by the representatives of Australia, Austria, France, Japan and Norway.

428. For the text of the resolution, see chapter II, section A, resolution 1986/7.

429. At the 59th meeting, on 14 March 1986, 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: Algeria, Nicaragua and the Syrian Arab Republic.

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

430. The Commission considered agenda item 17 concurrently with items 6, 7 and 16 (see chaps. VI, VII and XVI) at its 8th to 15th meetings, held from 7 to 13 February 1986, and at its 38th and 39th meetings, held on 28 February and 3 March 1986. 1/

431. The Commission had before it the following documents:

Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-eighth session (E/CN.4/1986/5);

Annual report on racial discrimination submitted by the International Labour Organisation (E/CN.4/1986/31);

Written statement submitted by Christian Democratic International, a non-governmental organization in consultative status (category II) (E/CN.4/1986/NGO/5);

Report on the seminar on community relations commissions and their functions (ST/HR/SER.A/17).

432. In the general debate on the item, 2/ statements were made by the following members of the Commission: Algeria (10th), Argentina (12th), Austria (12th), Bangladesh (10th), Belgium (14th), Bulgaria (12th), Byelorussian Soviet Socialist Republic (10th), Cameroon (14th), Colombia (10th), Cyprus (12th), France (12th), Germany, Federal Republic of (11th), India (13th), Ireland (13th), Japan (11th), Mexico (14th), Mozambique (8th), Nicaragua (12th), Peru (14th), Philippines (12th), Senegal (14th), Spain (13th), Sri Lanka (12th), Syrian Arab Republic (10th), Union of Soviet Socialist Republics (14th), United Kingdom of Great Britain and Northern Ireland (14th), United States of America (12th), Venezuela (15th), Yugoslavia (13th).

1/ For the summary records, see E/CN.4/1986/SR.8 to SR.15, SR.38 and SR.39, and E/CN.4/1986/SR.1-59/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.

433. The Commission also heard statements by the observers for: Afghanistan (9th), Canada (14th), Egypt (14th), Hungary (14th), Iran (Islamic Republic of) (15th), Iraq (11th), Israel (14th), Mongolia (12th), Nigeria (15th), Poland (12th), Turkey (13th), Ukrainian Soviet Socialist Republic (13th and 14th), the United Republic of Tanzania (13th).

434. A statement was made by the observer for the United Nations Educational, Scientific and Cultural Organization (12th).

435. The observer for the African National Congress of South Africa also made a statement (14th).

436. Statements were also made by the following non-governmental organizations: Baha'i International Community (13th), Pax Romana (14th), World Federation of Trade Unions (12th), World Union for Progressive Judaism (13th).

437. Statements in exercise of the right of reply or equivalent to right of reply were made by the representatives of Algeria (15th) and the Syrian Arab Republic (15th); by the observers for Israel (15th) and Kuwait (15th); by the observer for the League of Arab States (15th); and by the observer for the Palestine Liberation Organization (15th).

438. At the 38th meeting, on 28 February 1986, the representative of Senegal introduced draft resolution E/CN.4/1986/L.22, sponsored by Algeria, Angola, */ Cameroon, the Congo, Costa Rica, Côte d'Ivoire, */ Cuba, */ Egypt, */ Ethiopia, Kenya, Lesotho, Liberia, Mauritania, Nicaragua, Nigeria, */ Pakistan, */ the Philippines, Senegal, the Syrian Arab Republic, the United Republic of Tanzania */and Viet Nam. */ Afghanistan, */ Bangladesh, the Gambia, India, the Libyan Arab Jamahiriya, */ Mozambique, Somalia, */ Sri Lanka and Yugoslavia subsequently joined the sponsors.

439. The draft resolution was adopted without a vote.

440. At the same meeting, statements in explanation of vote were made by the representatives of the United Kingdom of Great Britain and Northern Ireland and the United States of America.

441. At the 39th meeting, on 3 March 1986, statements in explanation of vote were made by the representatives of Australia, Japan, Norway and the Union of Soviet Socialist Republics.

442. For the text of the resolution, see chapter II, section A, resolution 1986/8.

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

XVIII. STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

443. The Commission considered agenda item 18 concurrently with item 8 (see chap. VIII) at its 22nd to 24th meetings, held on 18 and 19 February 1986, at its 26th to 29th meetings, held on 20, 21 and 24 February 1986 and at its 50th meeting, held on 10 March 1986. 1/

444. In accordance with its decision 1986/101, the Commission also considered the status of the Convention on the Prevention and Punishment of the Crime of Genocide under this item.

445. 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/40/605);

Report of the Secretary-General on the reporting obligations of States parties to United Nations conventions on human rights (A/40/600 and Add.1);

446. In the general debate on this item, 2/ statements were made by the following members of the Commission: Algeria (26th), Australia (26th, 28th), Austria (24th), Belgium (29th), Brazil (27th), Bulgaria (23rd), Byelorussian Soviet Socialist Republic (28th, 29th), Colombia (28th), Cyprus (28th), German Democratic Republic (23rd), Germany, Federal Republic of (26th), Ireland (23rd), Nicaragua (27th), Norway (24th, 28th), Senegal (28th), Spain (28th), Syrian Arab Republic (24th), Union of Soviet Socialist Republics (27th), United Kingdom of Great Britain and Northern Ireland (26th), United States of America (29th).

447. The Commission heard statements by the observers for: Afghanistan (28th), Israel (24th), Libyan Arab Jamahiriya (29th), Ukrainian Soviet Socialist Republic (28th).

448. Statements were also made by the following non-governmental organizations: Co-ordinating Board of Jewish Organizations (23rd), Indigenous World Association (24th), International Commission of Jurists (23rd), International Movement for Fraternal Union among Races and Peoples (28th), Pax Romana (27th), World Jewish Congress (23rd).

1/ For the summary records, see E/CN.4/1986/SR.22 to SR.24, SR.26 to SR.29 and SR.50, and E/CN.4/1986/SR.1-59/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.

449. A statement equivalent to right of reply was made by the observer for the Palestine Liberation Organization (24th).

450. At the 50th meeting, on 10 March 1986, the Commission took up consideration of the draft resolutions submitted under agenda item 18.

451. On 20 February 1986, a draft resolution (E/CN.4/1986/L.16) was submitted by Austria, Denmark, */ Finland, */ the Netherlands, */ Norway and the United Kingdom of Great Britain and Northern Ireland, reading as follows:

"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 1985/45 of 14 March 1985 and General Assembly resolution 40/115 of 13 December 1985,

"Calling attention to the twentieth anniversary of the adoption of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

"Having considered the report of the Secretary-General (A/40/605) on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights,

"Noting in this regard that only half of the States Members of the United Nations have acceded to the International Covenants on Human Rights,

"Bearing in mind the important responsibilities of the Economic and Social Council in relation to the co-ordination of activities undertaken in accordance with 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;

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

"2. Appeals strongly, on the occasion of the twentieth anniversary of the adoption of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, to all States that have not yet become parties to these instruments to do so, as well as to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights;

"3. Invites the Secretary-General, on the same occasion, to continue systematically encouraging States to become parties to the International Covenants, and, through the programme of advisory services, to provide technical assistance to the States that are not parties to the Covenants with a view to assisting them to ratify them or accede thereto;

"4. Again invites the States parties to the International Covenant on Civil and Political Rights which have not yet done so 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 the importance of avoiding the erosion of human rights by derogation and underlines the necessity of strict observance of the agreed condition and procedures for derogation as required under article 4, paragraph 3, of the International Covenant on Civil and Political Rights;

"7. Recommends to States parties that they continually review whether any reservation made in respect of the provisions of the International Covenants on Human Rights should be upheld;

"8. Recognizes 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, expresses its satisfaction with the serious and constructive manner in which the Committee is continuing to undertake its functions, and requests the Secretary-General to continue to transmit the general comments of the Human Rights Committee to the Commission on Human Rights on a regular basis;

"9. Welcomes the decision of the Economic and Social Council, in its resolution 1985/17 of 28 May 1985, to establish the Committee on Economic, Social and Cultural Rights, which will be entrusted as of 1987 with the important task of overseeing the implementation of the International Covenant on Economic, Social and Cultural Rights;

"10. Encourages States parties, when nominating and selecting members of the Committee on Economic, Social and Cultural Rights, to take fully into account the Committee's independent and expert status and urges States parties to the Covenant and the specialized agencies concerned to extend their full support and co-operation to the new Committee;

"11. 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;

"12. Again 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 and, similarly, to the work of the Economic and Social Council and the Committee on Economic, Social and Cultural Rights 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;

"13. 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;

"14. Notes the progress already made towards the publication of the official public records of the Human Rights Committee in bound volumes and looks forward to receiving the first two volumes in the near future;

"15. Requests the Secretary-General to submit to the Commission on Human Rights, at its forty-third 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 on the implementation of the International Covenant on Economic, Social and Cultural Rights;

"16. Decides to consider at its forty-third session an agenda item entitled 'Status of the International Covenants on Human Rights'."

452. At the 50th meeting on 10 March 1986, the representative of Norway introduced a revised draft resolution (E/CN.4/1986/L.16/Rev.1), sponsored by Austria, Canada, */ Denmark, */ Finland, */ the Netherlands, */ Nicaragua, Norway, Peru, Senegal, Spain and the United Kingdom of Great Britain and Northern Ireland. Costa Rica and Cyprus subsequently joined the sponsors.

453. A statement relating to the draft resolution was made by the representative of the Syrian Arab Republic.

454. Draft resolution E/CN.4/1986/L.16/Rev.1 was adopted without a vote.

455. A statement in explanation of vote was made by the representative of the Union of Soviet Socialist Republics.

456. For the text of the resolution, see chapter II, section A, resolution 1986/17.

457. On 26 February 1986, a draft resolution E/CN.4/1986/L.32 was submitted by the Byelorussian Soviet Socialist Republic and Poland. */ The draft resolution read as follows:

"The Commission on Human Rights,

"Recalling General Assembly resolution 40/142 of 13 December 1985,

"Mindful of the fact that the year 1986 marks the thirty-fifth anniversary of the entry into force of the Convention on the Prevention and Punishment of the Crime of Genocide,

"Reaffirming its conviction that genocide is a crime under international law, contrary to the spirit and aims of the United Nations,

"Expressing its conviction that strict observance of the provisions of the Convention by all States is necessary for the prevention and punishment of the crime of genocide,

"1. Strongly condemns once again the crime of genocide;

"2. Takes note with appreciation of the fact that many States have ratified the Convention or acceded thereto;

"3. Urges those States that have not yet become parties to the Convention to ratify it or accede thereto without further delay."

458. At the 50th meeting, the representative of the Byelorussian Soviet Socialist Republic introduced a revised draft resolution (E/CN.4/1986/L.32/Rev.1) with the same sponsors.

459. Draft resolution E/CN.4/1986/L.32/Rev.1 was adopted without a vote.

460. For the text of the resolution, see chapter II, section A, resolution 1986/18.

XIX. REPORT OF THE SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION OF MINORITIES
ON ITS THIRTY-EIGHTH SESSION

461. The Commission considered agenda item 19 at its 16th to 20th meetings, held from 13 to 17 February, at its 51st and 52nd meetings, held on 11 March, and at its 54th meeting, held on 12 March 1986. 1/

462. The Commission had before it the following documents:

Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-eighth session (E/CN.4/1986/5-E/CN.4/Sub.2/1985/57);

Report of the Sub-Commission's Working Group on the Review of the Work of the Sub-Commission (E/CN.4/Sub.2/1985/2) and the relevant summary record (E/CN.4/Sub.2/1985/SR.37/Add.1);

Report of the Sub-Commission's Working Group on Indigenous Populations on its fourth session (E/CN.4/Sub.2/1985/22 and Add.1);

Report of the Working Group on Traditional Practices Affecting the Health of Women and Children (E/CN.4/1986/42);

Report of the Secretary-General on election procedures (E/CN.4/1986/41 and Add.1-3);

Note by the Secretary-General on the administrative and budget implications of the resolutions and decisions of the Sub-Commission (E/CN.4/1986/54).

463. At the 16th meeting, on 13 February 1986, Mrs. E.-I. A. Daes, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-eighth session, made a statement relating to the report of the Sub-Commission. At the 20th meeting, on 17 February 1986, the Chairman of the Sub-Commission made a concluding statement.

464. Mrs. H. E. Warzazi, Chairman-Rapporteur of the Working Group on Traditional Practices Affecting the Health of Women and Children, introduced the report of the Working Group at the 16th meeting, on 13 February 1986, and made a further statement at the 20th meeting, on 17 February 1986.

1/ For the summary records, see E/CN.4/1986/SR.16 to SR.20, SR.51, SR.52 and SR.54, and E/CN.4/1986/SR.1-59/Corrigendum, as appropriate.

465. In the general debate on this item, 2/ statements were made by the following members of the Commission: Algeria (18th, 19th), Argentina (19th), Australia (16th), Austria (17th), Bangladesh (17th), Belgium (16th, 20th), Brazil (16th), Byelorussian Soviet Socialist Republic (18th), China (18th), Colombia (16th), Cyprus (19th), France (16th), German Democratic Republic (16th), Germany, Federal Republic of (17th), India (19th), Ireland (18th), Japan (17th), Mauritania (19th), Norway (18th, 19th), Philippines (18th), Senegal (18th), Spain (19th), Sri Lanka (16th), Union of Soviet Socialist Republics (19th), United Kingdom of Great Britain and Northern Ireland (19th), United States of America (18th), Venezuela (20th), Yugoslavia (19th).

466. The Commission also heard statements by the observers for: Afghanistan (19th), Canada (18th), Netherlands (19th), New Zealand (19th), Ukrainian Soviet Socialist Republic (20th).

467. Statements were also made by the following non-governmental organizations: Anti-Slavery Society for the Protection of Human Rights (17th), Four Directions Council (17th), Indigenous World Association (18th), International Abolitionist Federation (17th), International Association for the Defence of Religious Liberty (17th), International Commission of Jurists (18th), International Indian Treaty Council (20th), International League for the Rights and Liberation of Peoples (20th), International Movement for Fraternal Union among Races and Peoples (17th), Pax Christi (20th), Pax Romana (18th), World Council of Indigenous Peoples (17th).

468. Statements in right of reply or equivalent to right of reply were made by the representative of Ethiopia (18th) and by the observer for Pakistan (20th).

469. At its 51st meeting, on 11 March 1986, the Commission took up consideration of the draft resolutions submitted under agenda item 19.

470. The representative of Norway introduced draft resolution E/CN.4/1986/L.33, sponsored by Argentina, Australia, Canada, */ China, Cuba, */ Denmark, */ Finland, */ the German Democratic Republic, Honduras, */ the Netherlands, */ New Zealand, */ Nicaragua, Norway, Peru, Sweden, */ the United Republic of Tanzania, */ the United States of America and Yugoslavia.

471. The draft resolution was adopted without a vote.

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

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.

472. For the text of the resolution, see Chapter II, section A, resolution 1986/27.

473. At the same meeting, the representative of Senegal introduced draft resolution E/CN.4/1986/L.34, sponsored by Algeria, Burundi, */ Cameroon, the Congo, the Gambia, Ethiopia, Kenya, Lesotho, Mauritania, Senegal and the United Republic of Tanzania. */ Canada */ and India subsequently joined the sponsors.

474. The draft resolution was adopted without a vote.

475. For the text of the resolution, see chapter II, section A, resolution 1986/28.

476. At the same meeting, the representative of India introduced draft resolution E/CN.4/1986/L.51, sponsored by Algeria, Argentina, Cyprus, Ethiopia, India, Nicaragua, the Syrian Arab Republic and Yugoslavia. Bangladesh, Cuba, */ the Libyan Arab Jamahiriya, */ Peru and the United Republic of Tanzania */ subsequently joined the sponsors.

477. Statements relating to the draft resolution were made by the representatives of Algeria, Argentina, Bangladesh, Mexico, Peru and Spain.

478. The representative of the United States of America requested a vote on the draft resolution. At the request of the representative of Argentina, the vote was taken by roll-call. Draft resolution E/CN.4/1986/L.51 was adopted by 34 votes to none, with 6 abstentions. The voting was as follows: 3/

In favour: Algeria, Argentina, Australia, Austria, Bangladesh, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Ireland, Jordan, Kenya, Lesotho, Mauritania, Mexico, Mozambique, Nicaragua, Peru, Philippines, Senegal, Spain, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: None.

Abstaining: Belgium, France, Germany, Federal Republic of, Japan, Norway, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

3/ The representative of Liberia subsequently indicated that had he been present during the vote, he would have voted in favour.

479. Statements in explanation of vote after the vote were made by the representatives of Australia, Austria, Belgium, France, Germany, Federal Republic of, Norway, the United Kingdom of Great Britain and Northern Ireland and Venezuela.

480. For the text of the resolution, see chapter II, section A, resolution 1986/29.

481. At the same meeting, the representative of Belgium introduced draft resolution E/CN.4/1986/L.53, sponsored by Argentina, Belgium, Cameroon, Costa Rica, France, Germany, Federal Republic of, Ireland, Jordan, the Netherlands, */ Peru, Senegal and the United States of America. Australia and Spain subsequently joined the sponsors.

482. The draft resolution was adopted without a vote.

483. For the text of the resolution, see chapter II, section A, resolution 1986/30.

484. At the same meeting, the representative of the German Democratic Republic introduced draft resolution E/CN.4/1986/L.57, sponsored by his delegation.

485. The representative of the German Democratic Republic orally revised the draft resolution recommended for adoption by the Economic and Social Council under draft resolution E/CN.4/1986/L.57, as follows: (a) in operative paragraph 1, the words "prepared by Special Rapporteurs with a written introductory statement" were replaced by the words "prepared by the Special Rapporteurs of the Sub-Commission with a brief written introductory statement"; (b) the last part of operative paragraph 4 was amended to read "... by the Commission and subsequently by the Council, which should have an opportunity to study the relevant financial implications".

486. At the same meeting, the representative of Senegal proposed that operative paragraph 3 be amended to read: "Requests the Secretary-General to transmit to Member States and/or organizations concerned only those resolutions or decisions of the Commission or the Sub-Commission which would require specific responses on their part." This amendment was accepted by the representative of the German Democratic Republic.

487. Statements relating to the draft resolution were made by the representatives of Bangladesh, Belgium, Brazil, Colombia, the German Democratic Republic, Germany, Federal Republic of, and Senegal, as well as by the Assistant Secretary-General for Human Rights.

488. The draft resolution, as amended, was adopted without a vote.

489. For the text of the resolution, see chapter II, section A, resolution 1986/31.

490. At the 52nd meeting, on 11 March 1986, the representative of Belgium introduced draft resolution E/CN.4/1986/L.63, sponsored by Argentina, Austria, Belgium, Canada, */ Cyprus, the Gambia, Germany, Federal Republic of, India and Italy.

491. The draft resolution was adopted without a vote.

492. For the text of the resolution, see chapter II, section A, resolution 1986/32.

493. At the same meeting, the representative of Ireland introduced draft decision E/CN.4/1986/L.28, sponsored by his delegation.

494. The draft decision was adopted without a vote and consequently the Commission took no action on draft resolution II recommended by the Sub-Commission for adoption by the Commission (E/CN.4/1986/5, chap. I, sect. A).

495. For the text of the decision, see chapter II, section B, decision 1986/102.

496. At the same meeting, the Commission considered draft resolution III recommended by the Sub-Commission for adoption by the Commission. The representative of the United States of America requested a vote on the draft resolution. At the request of the representative of the Gambia, the vote was taken by roll-call. Draft resolution III was adopted by 28 votes to 6, with 5 abstentions. The voting was as follows: 4/

In favour: Algeria, Argentina, Bangladesh, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, China, Colombia, Congo, Ethiopia, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Mauritania, Mexico, Mozambique, Nicaragua, Peru, Philippines, Senegal, Sri Lanka, Syrian Arab Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Belgium, France, Germany, Federal Republic of, Norway, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Ireland, Japan, Spain.

4/ The representative of Cyprus subsequently indicated that, had he been present during the voting, he would have voted in favour. The representative of Liberia subsequently indicated that, had he been present during the voting, he would have abstained.

497. For the text of the resolution, see chapter II, section A, resolution 1986/33.

498. At the same meeting, the Commission considered draft resolution IV recommended by the Sub-Commission for adoption by the Commission.

499. The representative of the United Kingdom of Great Britain and Northern Ireland proposed that the words "or elsewhere," be inserted after the words "at the place of work" in operative paragraph 5. This amendment was accepted and the draft resolution, as orally amended, was adopted without a vote.

500. A statement in explanation of vote after the vote was made by the representative of the United Kingdom of Great Britain and Northern Ireland.

501. For the text of the resolution, see chapter II, section A, resolution 1986/34.

502. At the same meeting, the Commission considered draft resolution V recommended by the Sub-Commission for adoption by the Commission. The representative of Norway introduced his delegation's amendments (E/CN.4/1986/L.39) to the draft resolution and subsequently revised them orally by replacing the word "private" by the word "unserved" in the second amendment. The Commission accepted the amendments.

503. The draft resolution, as amended, was adopted without a vote.

504. For the text of the resolution, see chapter II, section A, resolution 1986/35.

505. At its 54th meeting, on 12 March 1986, the representative of Austria introduced draft resolution E/CN.4/1986/L.38, sponsored by Australia, Austria, Bangladesh, Belgium, Costa Rica, the Federal Republic of Germany, Japan, Jordan, Mauritania and Yugoslavia. The representative of Austria stated that Canada */ should be added to the list of original sponsors of the draft resolution. The United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

506. The draft resolution was adopted without a vote.

507. A statement in explanation of vote was made by the representative of the USSR.

508. For the text of the resolution, see chapter II, section A, resolution 1986/37.

509. On 27 February 1986, a draft resolution (E/CN.4/1986/L.41) was submitted by Australia, Belgium, Canada */ and the Federal Republic of Germany, reading as following:

"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-eighth session,

"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 1983/22 of 4 March 1983 and 1985/28 of 11 March 1985 concerning the reports of the Sub-Commission on its thirty-fifth and thirty-seventh sessions,

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

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

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

"1. 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 report as well as in the expert studies carried out under its auspices;

"2. 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;

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

"4. Notes that the Sub-Commission has reviewed its work and made suggestions contained in its resolution 1985/24 of 29 August 1985;

"5. Accepts the recommendation of the Sub-Commission and accordingly decides that the name of the Sub-Commission shall henceforth be changed to 'Sub-Commission of Experts on Human Rights';

"6. Requests the Secretary-General to consider the possibility of providing, from within existing resources, services to enable a maximum of three three-hour meetings to be held, so that a maximum of three sessional working groups of the Sub-Commission may meet concurrently during the sessions of the Sub-Commission;

"7. Welcomes the decision of the Sub-Commission in its resolution 1985/34 of 30 August 1985 to consider certain items on a biennial basis, and requests the Sub-Commission to keep those items under consideration on a biennial basis unless otherwise authorized by the Commission;

"8. Calls upon States to 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;

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

"10. Firmly 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 approaching completion;

"11. Requests 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;

"12. Reminds the Sub-Commission that new studies can only be undertaken, or reports involving financial implications requested from the Secretary-General, after authorization through its superior bodies;

"13. Recalls Sub-Commission resolution 1984/37 of 31 August 1984, in which the Sub-Commission established a three-year cycle for the finalization of reports undertaken under its auspices and in which it expressed its understanding that the stages to be undergone during that cycle would not normally require repeated approval by the Commission on Human Rights or the Economic and Social Council or further resolutions of the Sub-Commission;

"14. Requests the Secretary-General to draw the attention of the Sub-Commission, in all instances where decisions or resolutions would involve financial implications not hitherto approved, to the necessity to submit to its superior bodies draft proposals for their consideration;

"15. Invites the Sub-Commission to continue its efforts to rationalize its work so as to arrive at increased efficiency and economical methods of work."

510. On 4 March 1986, a draft resolution (E/CN.4/1986/L.49) was submitted by the Byelorussian Soviet Socialist Republic, reading as follows:

"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-eighth session,

"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, 1983/22 of 4 March 1983 and 1985/28 of 11 March 1985 concerning the reports of the Sub-Commission on its thirty-fourth, thirty-fifth and thirty-seventh sessions,

"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,

"Reaffirming that the systematic preparation of 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 views and perspectives of a body composed of independent experts from States with different socio-economic systems and from various regions of the world, 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-second 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. 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;

"6. 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;

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

"8. 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;

"9. 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-third session."

511. On 6 March 1986, an amendment (E/CN.4/1986/L.58) to draft resolution E/CN.4/1986/L.41 was submitted by Bangladesh, China and the Philippines, reading as follows:

"In operative paragraph 8, replace the words 'not subject to government instructions in the performance of their functions as members of the Sub-Commission' by the words 'who should discharge their functions in that capacity as members of the Sub-Commission'."

512. At the 54th meeting, on 12 March 1986, the representative of Belgium introduced draft resolution E/CN.4/1986/L.41/Rev.1 sponsored by Australia, Austria, Belgium, Canada */ and the Federal Republic of Germany.

513. The representative of Belgium orally revised the sixth preambular paragraph by inserting the word "can" between the words "Social Council" and the word "make".

514. Statements relating to the draft resolution were made by the representatives of China, Colombia and Venezuela.

515. The draft resolution, as orally revised, was adopted without a vote.

516. A statement in explanation of vote was made by the representative of the USSR.

517. For the text of the resolution, see Chapter II, section A, resolution 1986/38.

XX. RIGHTS OF PERSONS BELONGING TO NATIONAL, ETHNIC,
RELIGIOUS AND LINGUISTIC MINORITIES

518. The Commission considered agenda item 20 at its 56th meeting, held on 13 March 1986. 1/

519. The Commission had before it the following documents:

Report of the open-ended working group established by the Commission on Human Rights at its forty-first session to consider the drafting of a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities (E/CN.4/1985/65);

Proposal concerning a definition of the term "minority" submitted by Mr. Jules Deschênes to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-eighth session (E/CN.4/Sub.2/1985/31 and Corr.1), together with the summary records of the relevant meetings of the Sub-Commission (E/CN.4/Sub.2/1985/SR.13 to SR.16).

520. 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.

521. At the 56th meeting, on 13 March 1986, Mrs. Z. Ilic, Chairman-Rapporteur, introduced the report of the working group (E/CN.4/1986/43).

522. At the same meeting, the representative of Yugoslavia introduced draft resolution E/CN.4/1986/L.29, sponsored by her delegation.

523. The draft resolution was adopted without a vote.

524. For the text of the resolution, see chapter II, section A, resolution 1986/60.

1/ For the summary record, see E/CN.4/1986/SR.56 and E/CN.4/1986/SR.1-59/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

525. The Commission considered agenda item 21 at its 40th and 41st meetings, held on 3 and 4 March, and at its 56th meeting, held on 13 March 1986. 1/

526. The Commission had before it the following documents:

Report of the Secretary-General to the General Assembly on measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror (A/40/232-E/1985/40 and Add.1-3);

Report of the Secretary-General on 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 (E/CN.4/1986/33);

Written statement submitted by Christian Democratic International, a non-governmental organization in consultative status (category II) (E/CN.4/1986/NGO/4);

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I) (E/CN.4/1986/NGO/19).

527. In the general debate on the item, 2/ statements were made by the following members of the Commission: Bulgaria (40th), Byelorussian Soviet Socialist Republic (41st), German Democratic Republic (41st), Syrian Arab Republic (41st), Union of Soviet Socialist Republics (40th).

528. The Commission heard statements by the observers for: Afghanistan (40th), Czechoslovakia (41st), Israel (40th), Ukrainian Soviet Socialist Republic (41st).

1/ For the summary records, see E/CN.4/1986/SR.40, SR.41 and SR.56, and E/CN.4/1985/SR.1-59/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.

529. Statements were also made by the following non-governmental organizations: Co-ordinating Board of Jewish Organizations (40th), Indian Law Resource Centre (40th), International Commission of Jurists (41st), International Council of Jewish Women (40th), International Movement for Fraternal Union among Races and Peoples (40th), Pax Romana (40th), Women's International Democratic Federation (40th), World Council of Indigenous Peoples (40th), World Jewish Congress (40th), World Peace Council (41st), World Union for Progressive Judaism (40th).

530. Statements in right of reply or equivalent to right of reply were made by the representatives of Algeria (41st), the Federal Republic of Germany (41st), the Union of Soviet Socialist Republics (41st) and the United States of America (41st), by the observers for the Islamic Republic of Iran (41st) and Israel (41st) and by the observer for the Palestine Liberation Organization (41st).

531. On 27 February 1986, a draft resolution (E/CN.4/1986/L.42) was submitted by Afghanistan, */ Angola, */ the Byelorussian Soviet Socialist Republic, Czechoslovakia, */ Democratic Yemen, */ Hungary, */ the Libyan Arab Jamahiriya, */ Mongolia, */ Mozambique, Nicaragua, Poland, */ the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic, */ the Union of Soviet Socialist Republics, Viet Nam */ 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 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,

"Noting that 1986 will mark the fortieth anniversary of the conclusion of the proceedings of the Nürnberg International Tribunal and the delivery of its judgment in relation to Nazi war criminals guilty of committing war crimes and crimes against humanity, including genocide, which have resulted in the loss of life of millions of people in different countries during the Second World War,

"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,

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

"Aware of 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 40/148 of 13 December 1985 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, 1984/42 of 12 March 1984 and 1985/31 of 13 March 1985,

"Acknowledging with satisfaction the report of the Secretary-General (A/40/232 and Add.1-3),

"Emphasizing that all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror or systematic denial of human rights and fundamental freedoms, or which have such consequences, may jeopardize world peace and constitute obstacles to friendly relations between States and the realization of human rights and fundamental freedoms and social progress in the world,

"Acknowledging 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,

"Conscious of the need to counter the spread of totalitarian ideologies and practices based on the systematic denial of human rights and fundamental freedoms, racial intolerance, hatred and terror,

"Mindful that the fortieth anniversary of the end of the Second World War served to mobilize the efforts of the world community in its struggle against those ideologies and practices,

"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,

"Expressing its concern that the proponents of Fascist ideologies have, in a number of countries, intensified their activities and are increasingly co-ordinating them on an international scale,

"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,

"Profoundly disturbed that Fascist and Nazi and other totalitarian ideologies and practices are inherited, inter alia, by repressive racist régimes practising gross and flagrant violations of human rights,

"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 or 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,

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

"Endorsing 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,

"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,

"Paying a tribute of respect and profound gratitude to the peoples whose titanic efforts and countless losses during the Second World War were crowned by victory over the forces of nazism and fascism and the establishment of the United Nations,

"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. Resolutely condemns all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror or systematic denial of human rights and fundamental freedoms, or which have such consequences;

"2. Resolutely condemns also the totalitarian nature of racist régimes which are based on doctrines of racial superiority and enslavement;

"3. Considers that the pursuit of all totalitarian ideologies and practices, in particular nazism, fascism, racism and apartheid, represents a serious threat to the exercise of many fundamental human rights, including the right to life, liberty and security of person;

"4. Emphasizes the respect felt by today's generation for the victims of nazism and fascism in the Second World War and the struggle of peoples against these ideologies and for the establishment of the

United Nations in order to save mankind from the scourge of war and to reaffirm faith in fundamental human rights and in the dignity and worth of the human person;

"5. Considers that the best bulwark against all totalitarian ideologies is the free, effective and broad participation by the people in the conduct of public affairs and the activities of democratic institutions based on the observance of 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 that have not yet done so 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, to prohibit or otherwise deter the activities of groups or organizations or whoever is practising those ideologies;

"8. 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, and to refrain from actions which would contradict the provisions of the above-mentioned instruments;

"9. 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;

"10. Also 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 paragraph 1 above;

"11. Calls upon 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;

"12. Stresses the need to increase activities for the dissemination of information exposing nazism and fascism and to keep public opinion constantly on the alert against these scourges of mankind in view of the intensified and internationally reinforced co-ordination of the activities of proponents of Fascist ideologies;

"13. Requests all States to submit to the Secretary-General their comments and information on the implementation of General Assembly resolution 40/148 and of the present resolution;

"14. Decides to include in the provisional agenda of its forty-third 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'."

532. On 10 March 1986, a draft decision (E/CN.4/1986/L.75) was submitted by the Netherlands */ and the United Kingdom of Great Britain and Northern Ireland, reading as follows:

"The Commission on Human Rights, noting that over 40 years have passed since the end of the Second World War and the establishment of the United Nations, and taking into account its heavy schedule of work, decides to discontinue its consideration of the 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'."

533. At the 56th meeting, on 13 March 1986, the representative of the Byelorussian Soviet Socialist Republic introduced draft resolution E/CN.4/1986/L.42/Rev.1, sponsored by Afghanistan, */ Angola, */ the Byelorussian Soviet Socialist Republic, Cuba, */ Czechoslovakia, */ Democratic Yemen, */ the German Democratic Republic, Hungary, */ the Libyan Arab Jamahiriya, */ Mongolia, */ Mozambique, Nicaragua, Poland, */ the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic, */ the Union of Soviet Socialist Republics, Viet Nam */ and Yugoslavia. Bulgaria subsequently joined the sponsors.

534. The representative of the Byelorussian Soviet Socialist Republic orally revised operative paragraph 7 of the draft resolution, adding the words "and thereafter to consider this item on a biennial basis" at the end of the operative paragraph.

535. Following the introduction and oral revision of draft resolution E/CN.4/1986/L.42/Rev.1, the representative of the United Kingdom withdrew draft decision E/CN.4/1986/L.75 on behalf of the sponsors.

536. The revised draft resolution was adopted without a vote.

537. Statements relating to the draft resolution were made by the representatives of Ireland and Japan.

538. For the text of the resolution, see chapter II, section A, resolution 1986/61.

XXII. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

539. The Commission considered agenda item 22 at its 55th meeting, held on 13 March 1986. 1/

540. The Commission had before it the report of the Secretary-General submitted in pursuance of Commission resolution 1985/26 (E/CN.4/1986/34 and Add.1-6).

541. In the general debate on this item, statements were made by the following members of the Commission: Algeria, Australia, Austria, Bangladesh, Belgium, Cameroon, Cyprus, German Democratic Republic, Germany, Federal Republic of, Norway, Senegal, United Kingdom of Great Britain and Northern Ireland, United States of America.

542. The Commission also heard statements by the observers for Bolivia and Canada.

543. On 25 February 1986, a draft resolution (E/CN.4/1986/L.26) was submitted by Austria, Belgium, Bolivia, */ Canada, */ Colombia, Costa Rica, Cyprus, Finland, */ Germany, Federal Republic of, Peru and Senegal.

544. At the 55th meeting, on 13 March 1986, the representative of the Federal Republic of Germany introduced a revised version of the draft resolution (E/CN.4/1986/L.26/Rev.1), in which a new fifth preambular paragraph and a new operative paragraph 8 were added. The revised draft resolution was sponsored by Austria, Belgium, Bolivia, */ Canada, */ Colombia, Costa Rica, Cyprus, Finland, */ Germany, Federal Republic of, Norway, Peru and Senegal. Bangladesh subsequently joined the sponsors.

545. The Commission adopted draft resolution E/CN.4/1986/L.26/Rev.1 without a vote.

546. For the text of the resolution, see chapter II, section A, resolution 1986/52.

547. At the same meeting, the representative of Costa Rica introduced draft resolution E/CN.4/1986/L.74, sponsored by his delegation. Peru */ subsequently became a sponsor.

548. The Commission adopted draft resolution E/CN.4/1986/L.74 without a vote.

549. For the text of the resolution, see chapter II, section A, resolution 1986/53.

*/ 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.4/1986/SR.55 and E/CN.4/1986/SR.1-59/Corrigendum, as appropriate.

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 29th to 31st meetings, held on 24 and 25 February, and at its 50th meeting, held on 10 March 1986. 1/

551. The Commission had before it the following documents:

Progress report by Mrs. E. Odio Benito, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the elimination of all forms of intolerance and of discrimination based on religion or belief (E/CN.4/Sub.2/1985/28);

Report of the Secretary-General pursuant to Commission on Human Rights resolution 1985/51 (E/CN.4/1986/37 and Add.1/Rev.1 and Add.2-5).

552. In the general debate on the item, 2/ statements were made by the following members of the Commission: Australia (30th), Austria (30th), Bangladesh (30th), Belgium (30th), Bulgaria (29th), Byelorussian Soviet Socialist Republic (30th), Cameroon (30th), China (30th), Colombia (30th), Costa Rica (30th), Ethiopia (30th), France (30th), German Democratic Republic (30th), Germany, Federal Republic of (29th), India (30th), Ireland (29th), Norway (30th), Spain (30th), Syrian Arab Republic (30th), Union of Soviet Socialist Republics (29th), United Kingdom of Great Britain and Northern Ireland (29th), United States of America (29th), Yugoslavia (30th).

553. The Commission heard statements by the observers for: Canada (30th), Israel (30th), Netherlands (30th), Pakistan (31st), Ukrainian Soviet Socialist Republic (31st). Statements were also made by the observers for the Holy See (30th) and Switzerland (30th).

554. The Commission heard statements by the following non-governmental organizations: Anti-Slavery Society for the Protection of Human Rights (30th), Baha'i International Community (30th), Christian Democratic International (30th), Commission of the Churches on International Affairs of the World Council of Churches (30th), Co-ordinating Board of Jewish Organizations (30th), Four Directions Council (30th), International Association for the Defence of Religious Liberty (30th), International Council

1/ For the summary records, see E/CN.4/1986/SR.29 to SR.31, and SR.50, and E/CN.4/1986/SR.1-59/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.

of Jewish Women (30th), International Fellowship of Reconciliation (30th), International Indian Treaty Council (30th), Pax Christi (31st), Pax Romana (31st), World Jewish Congress (30th).

555. A statement equivalent to right of reply was made by the observer for Burundi (31st).

556. At the 50th meeting, on 10 March 1986, the Commission took up consideration of the draft resolutions submitted under agenda item 23. The representative of Ireland introduced draft resolution E/CN.4/1986/L.44, sponsored by Argentina, Australia, Austria, Belgium, Canada, */ Costa Rica, Côte d'Ivoire, */ Finland, */ France, Germany, Federal Republic of, Honduras, */ India, Ireland, Italy, */ the Netherlands */ Norway, Peru, Senegal, Sri Lanka and the United States of America. The Gambia and Nicaragua subsequently joined the sponsors.

557. The draft resolution was adopted without a vote.

558. For the text of the resolution, see chapter II, section A, resolution 1986/19.

559. On 3 March 1986, a draft resolution (E/CN.4/1986/L.45) was submitted by Belgium, Canada, */ Costa Rica, the Federal Republic of Germany, Italy, */ Norway, Senegal and the United States of America. The draft resolution read as follows:

"The Commission on Human Rights

"Conscious of the fact that article 18 of the Universal Declaration of Human Rights and article 18 of the International Covenant on Civil and Political Rights both affirm that everyone has the right to freedom of thought, conscience and religion,

"Recalling the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, which was proclaimed without a vote by the General Assembly in its resolution 36/55 of 25 November 1981,

"Bearing in mind that the General Assembly has, most recently in resolution 40/109 of 13 December 1985, repeatedly requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration,

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

"Seriously concerned by frequent, reliable reports from various parts of the world which reveal that universal implementation of the Declaration has not yet been achieved,

"Determined to promote full implementation of the existing guarantees under the relevant international instruments of the right to freedom of thought, conscience and religion, including the freedom of everyone to have a religion or whatever belief of his choice without fear of intolerance or discrimination,

"Recognizing the value of constructive dialogue on the complex and serious questions of intolerance and of discrimination based on religion or belief,

"Recognizing the valuable nature of the study undertaken by Mrs. Odio Benito, the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, on the root causes and current dimensions of the general problems of intolerance and of discrimination on the grounds of religion or belief, including recommended educational and other specific measures to combat these problems,

"Convinced also of the need to deal urgently with questions of intolerance and of discrimination based on religion or belief by promoting implementation of the Declaration,

"1. Expresses its deep concern about reports of incidents and actions in many parts of the world which are inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

"2. Decides therefore to appoint for one year a special rapporteur to examine such incidents and actions,

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

"4. Decides further that the Special Rapporteur in carrying out his mandate shall seek credible and reliable information from Governments, as well as specialized agencies, intergovernmental organizations and non-governmental organizations,

"5. Requests the Secretary General to appeal to all Governments to co-operate with and assist the Special Rapporteur in the performance of his duties and to furnish all information requested,

"6. Further requests the Secretary-General to provide all necessary assistance to the Special Rapporteur,

"7. 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 and independence,

"8. Requests the Special Rapporteur to submit a comprehensive report to the Commission at its forty-third session on his activities regarding questions involving implementation of the Declaration, including the occurrence and extent of incidents and actions inconsistent with the provisions of the Declaration, together with his conclusions and recommendations,

"9. Decides to consider this question again at its forty-third 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'."

560. At the 50th meeting, on 10 March 1986, the representative of the United States of America introduced a revised version of the draft resolution (E/CN.4/1986/L.45/Rev.1), sponsored by Belgium, Canada, */ Costa Rica, the Federal Republic of Germany, Italy, */ Norway, Senegal and the United States of America.

561. At the same meeting, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/1986/L.64) 3/ of the draft resolution.

562. The representative of Australia proposed the following oral amendments to the revised draft resolution (E/CN.4/1986/45/Rev.1): (a) in the third preambular paragraph the replacement of the word "various" by the word "all"; (b) at the end of the fifth preambular paragraph the addition of the words "and that the problem of such intolerance and discrimination requires sensitivity in its resolution"; (c) in operative paragraph 1, the replacement of the word "many" by the word "all"; (d) at the end of operative paragraph 2, the addition of the words "and to recommend remedial measures, including, as appropriate, the promotion of a dialogue between communities of religion or belief and their Governments"; and (e) at the end of operative paragraph 4, the addition of the words "including communities of religion or belief".

563. The proposed amendments were accepted by the sponsors.

564. The representative of the German Democratic Republic 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

3/ An estimate of the administrative and programme budget implications of the Commission's resolutions and decisions appears in annex III.

draft resolution E/CN.4/1986/L.45/Rev.1. The representatives of Bulgaria and the Byelorussian SSR supported the motion of the German Democratic Republic and the representatives of Ireland and the Federal Republic of Germany opposed it.

565. The representative of the United States of America requested a roll-call vote on the motion, which was rejected by 22 votes to 7, with 14 abstentions. The voting was as follows:

In favour: Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, German Democratic Republic, Nicaragua, Syrian Arab Republic, Union of Soviet Socialist Republics.

Against: Argentina, Australia, Austria, Belgium, Brazil, Colombia, Costa Rica, France, Gambia, Germany, Federal Republic of, Ireland, Japan, Kenya, Liberia, Mauritania, Norway, Peru, Philippines, Senegal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining Bangladesh, Cameroon, China, Congo, Cyprus, Ethiopia, India, Jordan, Lesotho, Mexico, Mozambique, Sri Lanka, Venezuela, Yugoslavia.

566. Explanations of vote before the vote were made by the representatives of India and the Union of Soviet Socialist Republics.

567. At the request of the representative of the Syrian Arab Republic, a roll-call vote was taken on draft resolution E/CN.4/1986/L.45/Rev.1, as orally amended, which was adopted by 26 votes to 5, with 12 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Cameroon, Colombia, Costa Rica, France, Gambia, Germany, Federal Republic of, Ireland, Japan, Kenya, Lesotho, Liberia, Mauritania, Norway, Peru, Philippines, Senegal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Bulgaria, Byelorussian Soviet Socialist Republic, German Democratic Republic, Syrian Arab Republic, Union of Soviet Socialist Republics.

Abstaining: Algeria, China, Congo, Cyprus, Ethiopia, India, Jordan, Mexico, Mozambique, Nicaragua, Sri Lanka, Yugoslavia.

568. Statements in explanation of vote after the vote were made by the representatives of Australia, Jordan, Mexico, Nicaragua and Sri Lanka.

569. For the text of the resolution, see chapter II, section A, resolution 1986/20.

XXIV. ELECTION OF A MEMBER OF THE SUB-COMMISSION ON PREVENTION
OF DISCRIMINATION AND PROTECTION OF MINORITIES

570. The Commission considered agenda item 24 at its 56th meeting, held on 13 March 1986. 1/

571. The Commission had before it a note by the Secretary-General on the election of a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1986/49).

572. On the proposal of the representative of the Federal Republic of Germany, the Commission decided to elect Mr. T. C. van Boven as a member of the Sub-Commission and Mr. C. Flinterman as his alternate, without a ballot.

1/ For the summary record, see E/CN.4/1986/SR.56 and E/CN.4/1986/SR.1-59/Corrigendum, as appropriate.

XXV. DRAFT PROVISIONAL AGENDA FOR THE FORTY-THIRD SESSION
OF THE COMMISSION

573. The Commission considered agenda item 25 at its 59th meeting, on 14 March 1986. ^{1/} 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.4/1986/L.1) containing a draft provisional agenda for the forty-third session of the Commission and indicating the documents to be submitted under each item and the legislative authority for their preparation.

574. At the same meeting, the representative of the United States of America proposed that item 5 be deleted from the draft provisional agenda and that the legislative authority and documentation listed under item 5 be included under item 12.

575. The representatives of Algeria, Jordan and Mexico made statements relating to the proposal.

576. Following a further statement by the representative of the United States of America, the Commission agreed that it would consider the proposal at the forty-third session before the adoption of the agenda.

577. At the same meeting, the Commission took note of the draft provisional agenda.

578. The draft provisional agenda for the forty-third 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 1986/1 A, 1986/1 B and 1986/2.

^{1/} For the summary record, see E/CN.4/1986/SR.59 and E/CN.4/1986/SR.1-59/Corrigendum, as appropriate.

Documentation:

- (a) Report of the Secretary-General (paragraph 15 of resolution 1986/1 A and paragraph 11 of resolution 1986/1 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 16 of resolution 1986/1 A)
- (c) Report of the Secretary-General (paragraph 7 of 1986/2).

5. Question of human rights in Chile

Legislative authority: Commission resolution 1986/63.

Documentation:

Report of the Special Rapporteur (paragraph 9).

6. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts

Legislative authority: Commission resolutions 1986/3 and 1986/4.

Documentation:

Report of the Ad Hoc Working Group of Experts (paragraphs 15 and 16 of resolution 1986/3, paragraphs 23 and 25 of resolution 1986/4).

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 resolutions 1986/5 and 1986/6.

Documentation:

Revised report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (paragraph 22 of resolution 1986/5 and paragraph 6 of resolution 1986/6).

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 obstacles 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 1986/14, 1986/15, 1986/16, 1986/36 and 1986/42.

Documentation:

- (a) Report of the Secretary-General (paragraph 3 of resolution 1986/14).
- (b) Report of the Secretary-General (paragraph 7 of resolution 1986/15).
- (c) Report of the Working Group (paragraph 4 of resolution 1986/16).
- (d) Updated version of the conclusions and recommendations of the report entitled The Realization of Economic, Social and Cultural Rights: Problems, Policies, Progress (United Nations publication, Sales No. E.75.XIV.2 (paragraph 5 of resolution 1985/42 and paragraph 5 of resolution 1986/15).

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 1986/21, 1986/22, 1986/23, 1986/24, 1986/25 and 1986/26.

Documentation:

- (a) Note by the Secretary-General transmitting information pertaining to the implementation of resolution 1986/22 (paragraph 15).
- (b) Report of the Secretary-General (paragraph 5 of resolution 1986/26).

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 1986/46, 1986/47, 1986/48, 1986/49, 1986/50 and 1986/55; Commission decision 1986/104.

Documentation:

- (a) Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (paragraph 5 of resolution 1986/47);
- (b) Report of the Secretary-General on the operations of the United Nations Voluntary Fund for Victims of Torture (paragraph 6 of resolution 1986/48);
- (c) Report of the Working Group on Enforced or Involuntary Disappearances (paragraph 3 of resolution 1986/55);
- (d) Report of the Special Rapporteur appointed to examine questions relevant to torture (paragraph 7 of resolution 1986/50);
- (e) Report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (decision 1986/104).

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), 1986/54 and 1986/57; Commission decision 1986/107.

Documentation:

- (a) Report of the Secretary-General incorporating further 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 7 of resolution 1986/57);
- (b) Report of the Secretary-General on the implementation of Commission resolution 1986/54 (paragraph 11).

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-second session

Legislative authority: Commission resolutions 1986/39, 1986/40, 1986/41, 1986/42, 1986/62; Commission decision 1986/103.

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 1986/42);
- (b) Report by the Special Representative (paragraph 12 of resolution 1986/39);
- (c) Report of the Special Rapporteur (paragraph 11 of resolution 1986/40);

- (d) Report of the Special Representative (paragraph 7 of resolution 1986/41);
- (e) Report of the Special Representative (paragraph 8 of resolution 1986/62);
- (f) Report of the Secretary-General (decision 1986/103).

13. Question of a convention on the rights of the child

Legislative authority: Commission resolution 1986/59.

Documents relating to the draft convention on the rights of the child (operative paragraph 2 of draft resolution VIII 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 1986/58.

Documentation:

Note by the Secretary-General containing information on the further progress attained (paragraph 4).

15. The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service

Legislative authority: Commission resolution 1985/13, Commission decision 1985/114.

16. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid

Legislative authority: Commission resolution 1986/7.

Documentation:

Report of the Group of Three established under article IX of the Convention (paragraph 15).

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 1986/8.

Documentation:

Report of the Secretary-General on the progress made in carrying out the plan of activities for the period 1985-1989 (paragraph 5).

18. Status of the International Conventions on Human Rights

Legislative authority: Commission resolution 1986/17.

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 16).

19. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-ninth session

Documentation:

Report of the Sub-Commission on its thirty-ninth session.

20. Rights of persons belonging to national, ethnic, religious and linguistic minorities

Legislative authority: Commission resolution 1986/60.

21. Advisory services in the field of human rights

Legislative authority: Commission resolution 1986/52.

Documentation:

Progress report of the Secretary-General (paragraph 12).

22. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

Legislative authority: Commission resolution 1986/19 and 1986/20.

Documentation:

- (a) Report of the Special Rapporteur of the Sub-Commission (paragraph 6 of resolution 1986/19);
- (b) Addendum to the compendium of the national legislation and regulations of States (paragraph 8 of resolution 1986/19);
- (c) Report of the Secretary-General (paragraph 13 of resolution 1986/19);
- (d) Report of the Special Rapporteur (paragraph 8 of resolution 1986/20).

23. Election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

Legislative authority: Economic and Social Council resolution 1334 (XLIV) and decision 1978/21.

24. Draft provisional agenda for the forty-fourth 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-fourth session of the Commission, together with information concerning documentation relating thereto.

25. Report to the Economic and Social Council on the forty-third session of the Commission

Legislative authority: rule 38 of the rules of procedure of the functional commissions of the Economic and Social Council.

XXVI. ADOPTION OF THE REPORT

579. At its 59th meeting, on 14 March 1986, the Commission considered the draft report on the work of its forty-second session. The draft report, as amended in the course of the discussion, was adopted.

Annex I

ATTENDANCE

Members

Algeria

Mr. Nourdine Kerroum, Mrs. Fatma-Zohra Ksentini,* Mr. Boudjemâa Delmi,**
Miss Fatiha Bouamrane,** Mr. Abdelkader Benguerine,**
Mr. Mohamed El-Amine Bencherif**

Argentina

Mr. Horacio Ricardo Ravenna, Mr. Leandro Despouy,*
Mrs. Norma Nascimbene de Dumont,** Mr. Sergio Cerda,** Miss Lidia Narezo**

Australia

Mr. Robert H. Robertson, Miss Ruth Pearce,* Mr. Noel Campbell,**
Mr. Stephen Waters,** Mr. Jirra Moore,** Mr. John Quinn,**
Mr. Charles Woodhouse,** Mr. Richard Kleinig,** Mr. P. Walsh**

Austria

Mr. Felix Ermacora, Mr. Winfried Lang, a/ Mr. Christian Strohal,*
Mr. Franz Cermak,** Mr. Helmut Tichy**

Bangladesh

Mr. Abu Sayeed Chowdhury, Mr. A. H. S. Ataul Karim,*
Mr. Syed Noor Hossain,** Mr. Liaquat Ali Choudhury**

Belgium

Mr. Marc Bossuyt, Mr. Guy Trouveroy,* Mr. Paul Rietjens,*
Mr. Luc Willemarck,** Mr. Chris Tanghe,** Mrs. Justine Gentile*

Brazil

Mr. Carlos Calero Rodrigues, Mr. Brian Michael Fraser Neele,*
Mr. José Augusto Lindgren Alves,* Mr. Carmelito de Melo,*
Mr. José Estanislau do Amaral Souza Neto,* Ms. Lucia Bonfim**

* Alternate.

** Adviser.

a/ Ad interim representative during the second half of the session.

Bulgaria

Mr. Todor Dichev, Mr. Raytcho Haralampiev,* Miss Ludmila Bozhkova,*
Mr. Yordan Velitchkov,** Mr. Petar Kolarov**

Byelorussian Soviet Socialist Republic

Mr. L. F. Evmenov, Mr. V. U. Nikouline,* Mr. S. S. Ogourtsov,*
Mr. A. N. Sytchev**

Cameroon

Mr. François-Xavier Ngoubeyou, Mr. Gaspard Towo Atangana,*
Mr. Nestor Fomekong,** Mr. Augustin Gang Beng' Yela,**
Mr. William Eyambe Eyambe,** Mr. Takam Pius Andy**

China

Mr. Qian Jiadong, Mrs. Gu Yijie,* Mr. Chen Shiqiu,* Mrs. Du Yong,*
Mrs. Tu Lifang,* Mrs. Zhang Honghong,* Mrs. Gu Yiren,*
Mr. Cheng Weiqiu,** Mr. Wu Shanxiu,** Mr. Pang Sen,** Mrs. Xiang Jiagu**

Colombia

Mr. Héctor Charry Samper, Mrs. Carmen Ulloa de Duque,*
Mr. Luis Alberto Luna,** Mr. Alejandro Gamboa Alder,**
Mr. Luis Fernando Paredes,** Mrs. Fanny Umaña,**
Mr. Ciro Arévalo Yepes,** Mrs. Clara Jaramillo**

Congo

Mr. Honoré Bikou-M'Bys, Mrs. Joséphine Ngourou,* Mr. Massamba**

Costa Rica

Mr. Elías Soley Soler, Mr. Ronald Ramírez González,*
Mr. Jorge Rhenán Segura*

Cyprus

Mr. Andreas Mavrommatis, Mr. Andros A. Nicolaidis,* Mr. Andreas
Pirishis,* Mr. Christophoros Yiangou*

Ethiopia

Mr. Kassa Kebede, Miss Kongit Sinegiorgis,* Mr. Mairegu Bezabih,**
Mr. Kefyalew G. Medhin,** Mr. Fesseha Yohannes,** Mr. Negash Kebret**

France

Mr. Claude-Albert Colliard, Mr. Yves Pagniez,* Mr. Jacques Warin,*
Mr. Henry Jacolin,** Mr. Jean-Pierre Le Court,** Mr. Yves Barelli,**
Mr. Pierre Brethes,** Mrs. Isabelle Costa de Beauregard,**
Mr. Serge Telle,** Mr. Bruno Depresle**

Gambia

Mr. O. A. J. Mahoney

German Democratic Republic

Mr. Hermann Klenner, Mr. Rudolf Frambach,* Mr. Gerhard Richter,**
Mr. Klaus-Dieter Peters,** Mr. Wolfgang Grieger,** Mr. Joachim Gadow**

Germany, Federal Republic of

Mr. Richard Jaeger, Mr. Wilhelm Höynck,* Mr. Manfred Giesder,*
Mr. Reinhard Hilger,** Mr. Jürgen Droege,** Mr. Hans Michael Schwandt,**
Mr. Ulrich Lunscken,** Mr. Jürgen Weerth,** Mr. Axel Berg**

India

Mr. Gurdial Singh Dhillon, Mr. A. S. Gonsalves,* Mr. Jayant Prasad,**
Mr. K. H. Patel,** Mr. Ajai Malhotra,** Mr. Arif S. Khan**

Ireland

Mr. Francis Mahon Hayes, Mr. Patrick Hennessy,* Mr. John D. Biggar,*
Mrs. Kathryn Coll,* Mr. Bertie Hanberry**

Japan

Mr. Tomohiko Kobayashi, Mr. Minoru Endo,* Mr. Hiromi Sato,*
Mr. Takahiko Horimura,* Mr. Toshifumi Minami,** Mr. Yuichi Kusumoto,**
Mr. Masatoshi Muto,** Mr. Tsuneshige Iiyama,** Mr. Kenji Miyata,**
Mr. Sachio Kamogawa**

Jordan

Mr. Hisham Muhaisen, Mr. Samir Masarweh,* Miss Lina Tukan,*
Mr. Mazen El-Tal,* Mrs. Arlette Barghout**

Kenya

Mr. Denis Daudi Afande, Mr. Raphael Muli Kiilu,*
Mr. Harrison Bismarck Ndoria Gicheru,* Mr. Julius Kiplagat Kandie*

Lesotho

Mr. P. K. Moonyane, Mr. L. Makhaola,* Ms. M. T. Qoane**

Liberia

Mr. Marcus M. Kofa, Mr. Gabriel Fernandez*

Mauritania

Mr. Mohamed Ould Cheikh Sidia

Mexico

Mr. Jorge Montaño, Mr. Vicente Montemayor,* Mrs. Orpha Garrido Ruiz**

Mozambique

Mr. Murade Isaac Miguigy Murargy, Mr. Pedro Comissario Afonso,*
Mr. Pedro de Azevedo Davane,** Mr. Alavaro Manuel Trindade
do O Da Silva**

Nicaragua

Mrs. Rita-Delia Casco, Mr. Gustavo-Adolfo Vargas,* Mr. Norman Miranda,*
Mr. Luis Alvarado,** Mr. Oscar Alemán,** Mrs. Arelly Parrales**

Norway

Mr. Ole Peter Kolby, Mr. Bjorn Skogmo,* Mr. Jon Bech,**
Mr. Olav Bergthun,** Ms. Ragne Birte Lund,** Ms. Mette Ravn,**
Mr. Hans Fredrik Lehne**

Peru

Mr. Armando Villanueva del Campo, Mr. José Carlos Mariátegui,*
Mr. César Castillo,** Mr. Julio Muñoz,** Mr. Jorge Félix Rubio**

Philippines

Mrs. Rosalinda V. Tirona, Mr. M. Hortencio J. Brillantes,*
Mrs. Victoria Sisante-Bataclan,* Mr. Alejandro L. Catubig**

Senegal

Mr. Alioune Sène, Mr. Youssoupha Ndiaye,* Mr. Babacar M'Baye,**
Mr. Samba Cor Konate,** Mr. Saliou Fall,** Mr. Assane Gaye,**
Mr. Moussa Sane,** Mr. Saliou Diouf**

Spain

Mr. José Manuel Lacleta, Mr. Juan Manuel Cabrera,*
Mrs. Almudena Mazarrasa,* Mr. Juan Francisco Zurita,**
Mr. Julian Palacios,** Mrs. Silvia Escobar,** Mrs. María Jesús Blanco**

Sri Lanka

Mr. H. W. Jayewardene, Mr. Jayantha Dhanapala,*
Mr. P. Sunil C. de Silva,* Mr. C. D. Cassie Chitty,*
Miss Nandini Ranasinghe**

Syrian Arab Republic

Mr. Adib Daoudy, Mrs. Souad Abdalla,* Miss Nabila Chaalan,**
Mr. Fahd Salim,** Mr. Adnan Hamoui,** Mr. Adnan Massalimah**

Union of Soviet Socialist Republics

Mr. Dimitri Bykov, Mr. Igor Yakovlev,* Mr. Igor Blishchenko,*
Mr. Konstantin Gutsenko,* Mr. Stanislav Chernichenko,* Mr. Boris Linkov,*
Mr. Viacheslav Timofeev,** Mr. Leonid Skotnikov,**
Mr. Alexandre Zmievsky,** Mr. Togrul Baguirov,** Mr. Vladimir Poliakov,**
Mr. Teimouraz Ramishvili,** Mr. Michail Kaichuk,** Mr. Victor Vinnik**

United Kingdom of Great Britain and Northern Ireland

Sir Anthony Williams, Mr. D. J. Moss,* Ms. E. I. Young,*
Mrs. K. Colvin,** Miss D. J. Walker,** Ms. S. Foulds,**
Mr. F. W. Wheeler,** Mr. M. Longford,** Mr. A. Toothe**

United States of America

Mr. Richard Schifter, Ms. Patricia M. Byrne,* Mr. Gerald P. Carmen,*
Mr. Ronald D. Flack,* Ms. Laura Genero,* Mr. Warren E. Hewitt,*
Mr. Robert Wallach,* Ms. Kathleen Barmon,** Mr. Stanley R. Ifshin,**
Mr. Thomas A. Johnson,** Mr. Robert M. Perito,**
Mr. Gilbert H. Sheinbaum,** Mr. Douglas Wake,** Ms. Monique B. White,**
Ms. Beverly Zweiben,** Mr. Joseph A. Morris,** Mr. Lewis Anselem**

Venezuela

Mr. Adolfo Raúl Taylhardat, Mr. Enrique ter Horst,*
Mrs. María Esperanza Ruesta de Furter,** Mr. Oscar García García**

Yugoslavia

Mrs. Zagorka Ilic, Mrs. Marija Djordjevic,*
Mrs. Gordana Diklic-Trajkovic,* Mr. Danilo Turk**

States Members of the United Nations represented by observers

Afghanistan, Angola, Bahrain, Bhutan, Bolivia, Burma, Burundi, Canada, Chile, Côte d'Ivoire, Cuba, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Finland, Gabon, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Jamaica, Kuwait, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Oman, Pakistan, Panama, Paraguay, Poland, Portugal, Romania, Rwanda, Saudi Arabia, Singapore, Somalia, Sudan, Sweden, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, United Arab Emirates, United Republic of Tanzania, Uruguay, Viet Nam, Yemen, Zaire

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, United Nations Children's Fund

Specialized agencies

International Labour Organisation, United Nations Educational, Scientific and Cultural Organization

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

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, Muslim World League, Soroptimist International, 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, Zonta International

Category II

Amnesty International, Anti-Slavery Society for the Protection of Human Rights, Arab Lawyers Union, Associated Country Women of the World, Baha'i International Community, 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 Advocates, Inc., Human Rights Internet, Indigenous World Association, International Abolitionist Federation, International Association for Religious Freedom, International Association of Democratic Lawyers, International Catholic Child Bureau, International Commission of Jurists, International Committee of the Red Cross, International Council of Jewish Women, International Federation of Human Rights, 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 Law Association, International League for Human Rights, International Movement for Fraternal Union Among Races and Peoples, Latin American Federation of Associations of Relatives of Disappeared Detainees, National Aboriginal and Islander Legal Services Secretariat, Pax Christi, Pax Romana, Radda Barnen International, 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 Conference on Religion and Peace, 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

Roster

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 Centre of Sociological, Penal and Penitentiary Research and Studies, International Federation of Free Journalists, 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 Progress Organization, 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 Alliance of Reformed Churches, World Association for the School as an Instrument of Peace, World Peace Council, 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 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.
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) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
 - (c) 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.
 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.
 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. Human rights and scientific and technological developments.
 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.
 19. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-eighth 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. Election of a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.
25. Draft provisional agenda for the forty-third session of the Commission.
26. Report to the Economic and Social Council on the forty-second session of the Commission.

Annex III

ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF
RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION
AT ITS FORTY-SECOND SESSION

1. In the course of its forty-second session, the Commission on Human Rights adopted 15 resolutions and two 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 1986, 1987 and 1988. Those implications are summarized in the following table.

SUMMARY TABLE, BY SECTION, OF ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS
FOR 1986, 1987 AND 1988 OF RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION
AT ITS FORTY-SECOND SESSION
(United States dollars)

	Section 23 Human rights				Section 29 B Conference Services Division, Geneva				Overall total
	1986	1987	1988	Total	1986	1987	1988	Total	
Resolutions									
1986/6	70 800	65 200	-	136 000	-	-	-	-	136 000
1986/16	-	-	-	-	-	92 500	-	92 500	92 500
1986/20	45 300	2 500	-	47 800	-	-	-	-	47 800
1986/38	-	-	-	-	8 900	-	-	8 900	8 900
1986/39	41 600	1 200	-	42 800	-	-	-	-	42 800
1986/40	38 000	1 300	-	39 300	-	-	-	-	39 300
1986/41	37 900	2 500	-	40 400	-	-	-	-	40 400
1986/42	65 400	3 800	-	69 200	-	-	-	-	69 200
1986/44	-	-	-	-	-	53 900	-	53 900	53 900
1986/50	41 400	1 200	-	42 600	-	-	-	-	42 600
1986/55	203 300	349 100	79 300	631 700	148 200	152 700	-	300 900	932 600 ^{a/}
1986/57	-	-	-	-	-	-	-	-	- ^{b/}
1986/59	-	-	-	-	-	53 900	-	53 900	53 900
1986/62	44 400	1 000	-	45 400	-	-	-	-	45 400
1986/63	67 000	29 800	-	114 800	-	-	-	-	114 800
Decisions									
1986/108	-	-	-	-	-	219 800	-	219 800	219 800
1986/109	-	-	-	-	-	36 200	-	36 200	36 200
TOTAL	673 100	457 600	79 300	1 210 000	157 100	609 000	-	766 100	1 976 100

^{a/} Not included is an amount of \$49,000 to be incurred under section 20 G and H (Electronic Data Processing and Information Systems Division, and Division of Administration, Geneva).

^{b/} Not included is an amount of \$63,800 to be incurred under section 24 (Regular programme of technical co-operation).

Resolution 1986/6. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa

A. Requests contained in the resolution or decision

3. In paragraph 2 of resolution 1986/6, the Commission on Human Rights invited the Special Rapporteur, Mr. Ahmed Khalifa:

(a) To continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist and colonialist régime of South Africa, giving such details regarding enterprises listed as the Special Rapporteur may consider necessary and appropriate, including explanations of responses, if any, to submit the updated report through the Sub-Commission on Human Rights;

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

(c) To intensify 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.

4. By paragraph 4 of the resolution, the Commission requested the Secretary-General to give the Special Rapporteur all the assistance that he might require in the exercise of his mandate, with a view to intensifying direct contacts with the United Nations Centre on Transnational Corporations and the Centre on Apartheid, and to make available to him two economists to assist him to expand his work on the analyses and annotations of certain selected cases as reflected in his report.

5. By paragraph 5 of the resolution, the Commission invited the Secretary-General to continue to give the updated report the widest distribution and publicity as a United Nations publication.

B. Relationship of requests to approved programme of work

6. The activities referred to above 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).

7. The following programme element of section 23 (Human rights) of the 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: (xvii) Annual reports containing lists of organizations giving support to racist régimes in southern Africa (third quarter, 1986 and 1987)

C. Activities by which the requests would be implemented

8. It is envisaged that the Special Rapporteur will travel from Cairo to New York for a period of five working days in the early part of 1986 in order to establish direct contacts with the Centre on Transnational Corporations and the Centre against Apartheid. Later in the year he will travel from Cairo to Geneva for five working days for consultations with the Centre for Human Rights. As requested in paragraph 4 of the resolution, two economists will be recruited, one at the P-3 level and one at the P-4 level, for a period of one year (six months in 1986 and six months in 1987). Computer services will also be provided to the Special Rapporteur in order to facilitate the updating of his report. The updated report will be translated and published in Arabic, Chinese, English, French, Russian and Spanish and made available to all interested parties.

D. Modifications required in the programme of work

9. No modification in the programme of work for 1986-1987 are required.

E. Additional requirements at full cost

10. The estimated cost of the above programme of work is itemized as follows:

	<u>1986</u>	<u>1987</u>
	(US dollars)	
Travel and subsistence costs for the Special Rapporteur	5 600	-
Staffing resources to assist the Special Rapporteur with analytical work: Two economists, one at the P-3 level and one at the P-4 level, for a period of one year (six months in 1986 and six months in 1987)	<u>65 200</u>	<u>65 200</u>
Total	<u>70 800</u>	<u>65 200</u>

11. The relevant costs to be financed under section 23 (Human rights) are estimated at \$70,800 for 1986 and at \$65,200 for 1987.

Resolution 1986/16. The right to development

A. Requests contained in the resolution or decision

12. By paragraph 3 of its resolution 1986/16, the Commission on Human Rights decided to convene the Working Group of Governmental Experts on the Right to Development for three weeks in January 1987.

B. Relationship of requests to approved programme of work

13. 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).

14. The following programme element of section 23 (Human rights) of the 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 the Commission on Human Rights on the Rights to Development.

C. Activities by which the requests would be implemented

15. 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

16. No modifications are required in the programme of work for 1986-1987, since the activity appears under programme element 4.1.

E. Additional requirements at full cost

17. Conference servicing costs to be financed under section 29 B (Conference Services Division, Geneva), calculated on a full cost basis, are estimated at \$92,500 for 1987.

Resolution 1986/20. Implementation of the Declaration on the
Elimination of All Forms of Intolerance
and of Discrimination Based on Religion
or Belief

A. Requests contained in the resolution or decision

18. In operative paragraph 3 of resolution 1986/20, the Commission on Human Rights requested the Chairman of the Commission, after consultations within the Bureau, to appoint an individual of recognized international standing as special rapporteur to examine incidents and actions inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures.

B. Relationship of requests to approved programme of work

19. 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).

20. The following programme element of section 23 (Human rights) of the programme budget for the biennium 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

21. It is envisaged that in order to carry out his mandate the Special Rapporteur will travel to Geneva in May/June 1986 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 will travel to Geneva for a period of five working days in October 1986 in order to prepare his report and in December 1986 in order to finalize it. In February/March 1987 he will travel to Geneva for a period of five working days to present his report to the Commission on Human Rights at its forty-third session. In order to respond to invitations from Governments, the Special Rapporteur, accompanied by two substantive officers, will undertake one field mission during 1986.

22. Six work-months of temporary assistance at the P-3 level will be required to assist the Special Rapporteur in the preparation of his report.

D. Modifications required in the programme of work

23. No modifications are required in the programme of work for 1986-1987, since the activity appears under programme element 1.3.

E. Additional requirements at full cost

24. The estimated cost of the above programme of work is itemized as follows: */

	<u>1986</u>	<u>1987</u>
	(US dollars)	
<u>One round trip to Geneva of the Special Rapporteur for consultations at the Centre for Human Rights, May/June 1986 (5 working days)</u>		
Travel and subsistence	2,500	-
<u>One round trip to Geneva of the Special Rapporteur to prepare his report, October 1986 (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	-
General operating expenses: local transport, communications and rental of office space	1,000	-

*/ Travel expenses are estimated on an average cost basis.

1986 1987
(US dollars)

One round trip to Geneva of the
Special Rapporteur to finalize his
report, December 1986 (5 working days)

Travel and subsistence	2,500	-
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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-third session, February/March 1987
(5 working days)

Travel and subsistence	-	2,500
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General temporary assistance

Six work-months at P-3 level	29,700	-
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Total	45,300	2,500
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Resolution 1986/38. Work of the Sub-Commission on Prevention of
Discrimination and protection of Minorities

A. Requests contained in the resolution or decision

25. In paragraph 5 of its resolution 1986/38, the Commission on Human Rights requested the Secretary-General to consider the possibility of providing, from within existing resources, services to enable a maximum of three three-hour meetings to be held, so that a maximum of three sessional working groups of the Sub-Commission might meet concurrently during the sessions of the Sub-Commission.

B. Relationship of requests to approved programme of work

26. 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

27. Additional hours of meetings will be available for concurrent scheduling of three sessional working groups.

D. Modifications required in the programme of work

28. No modifications are required in the programme of work for 1986-1987.

E. Additional requirements at full cost

29. No additional costs would arise under section 23 (Human Rights). In order to reduce costs, conference-servicing requirements are calculated on the basis that one of the sessional working groups of the Sub-Commission would be held during the time normally allotted to a meeting of the plenary. Accordingly, the related costs for two meetings of three hours each, covering meeting room services, including interpretation in the six official languages, under section 29 B (Conference Services Division, Geneva), are estimated at \$8,900.

Resolution 1986/39. Situation of human rights in El Salvador

A. Requests contained in the resolution or decision

30. By paragraphs 11 and 12 of its resolution 1986/39, 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 forty-first session and to the Commission on Human Rights at its forty-third session.

B. Relationship of requests to approved programme of work

31. 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).

32. The following programme element of section 23 (Human rights) of the programme budget for the biennium 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

33. The Special Representative envisages that in May/June 1986 he will 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 1986 the Special Representative, accompanied by two staff members from the Centre for Human Rights, will carry out a mission to El Salvador for a period of 15 working days to collect information on the spot. In September 1986, the Special Representative will travel to Geneva for a period of five working days in order to prepare his report and in November he will return to Geneva for a period of five working days in order to finalize it. Subsequently, in November/December 1986 the Special Representative will travel to New York for a period of five working days to present his report to the General Assembly at its forty-first session. In February/March 1987, the Special Representative will travel to Geneva for a period of five working days to present his report to the Commission on Human Rights at its forty-third session.

34. One substantive officer at the P-3 level will 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

35. No modifications are required in the programme of work for 1986-1987 since the activity appears under programme element 1.3.

E. Additional requirements at full cost

36. The estimated cost of the above programme of work is itemized as follows:

	<u>1986</u>	<u>1987</u>
	(US dollars)	
<u>One round trip to Geneva of the Special Representative for consultations at the Centre for Human Rights, May/June 1986 (5 working days)</u>		
Travel and subsistence	1 200	-
<u>Field mission to El Salvador of the Special Representative, July/ August 1986 (15 working days)</u>		
Travel and subsistence of the Special Representative	5 800	-

	<u>1986</u>	<u>1987</u>
	(US dollars)	
Travel and subsistence of two staff members from the Centre for Human Rights	8 200	-
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 1986 (5 working days)</u>		
Travel and subsistence	1 200	-
<u>One round trip to Geneva of the Special Representative to finalize his report, November 1986 (5 working days)</u>		
Travel and subsistence	1 200	-
<u>One round trip to New York of the Special Representative to present his report to the General Assembly at its forty-first session (5 working days)</u>		
Travel and subsistence	3 200	-
<u>One round trip to Geneva of the Special Representative to present his report to the Commission on Human Rights at its forty-third session, February/March 1987 (5 working days)</u>		
Travel and subsistence	-	1 200
<u>General temporary assistance</u>		
Four work-months at the P-3 level	19 800	-
	<hr/>	<hr/>
Total	41 600	1 200
	<hr/>	<hr/>

37. The relevant costs to be financed under section 23 (Human Rights) are estimated at \$41,600 for 1986 and \$1,200 for 1987.

38. Should a second field mission to El Salvador become necessary, additional resources will be sought.

Resolution 1986/40. Question of human rights and fundamental freedoms in Afghanistan

A. Requests contained in the resolution or decision

39. By paragraph 11 of its resolution 1986/40 the Commission on Human Rights decided to extend the mandate of the Special Rapporteur for a year and requested him to report on the question of human rights and fundamental freedoms in Afghanistan to the General Assembly at its forty-first session and to the Commission on Human Rights at its forty-third session.

B. Relationship of requests to approved programme of work

40. 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).

41. The following programme element of section 23 (Human rights) of the 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

42. It is envisaged that the Special Rapporteur will undertake a trip to Geneva in May/June 1986 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 1986, the Special Rapporteur, accompanied by two substantive officers, will carry out a field mission for a period of 10 working days to collect information on the spot. Later in 1986, he will travel to Geneva for a period of five working days to prepare his report for the General Assembly at its forty-first session. Subsequently, he will travel to Geneva for another period of five working days in order to finalize his

report. In February/March 1986, the Special Rapporteur will travel to Geneva for a further period of five working days to present his report to the Commission on Human Rights at its forty-third session.

43. Additional staffing resources to assist the Special Rapporteur with the preparation of his report will be required for a period of four months in 1986.

D. Modifications required in the programme of work

44. No modifications are required in the programme of work for 1986-1987 since the activity appears under programme element 1.3.

E. Additional requirements at full cost

45. The estimated cost of the above programme of work is itemized as follows:

	<u>1986</u>	<u>1987</u>
	(US dollars)	
<u>One round trip to Geneva of the Special Rapporteur for consultations at the Centre for Human Rights, May/June 1986 (5 working days)</u>		
Travel and subsistence	1 300	-
<u>One round trip to Geneva of the Special Rapporteur to prepare his report, October 1986 (5 working days)</u>		
Travel and subsistence	1 300	-
<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 10 working days)</u>		
Travel costs of the Special Rapporteur	3 700	-
Travel costs of substantive staff	5 300	-
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, December 1986 (5 working days)</u>		
Travel and subsistence	1 300	-

1986 1987
(US dollars)

One round trip to New York of the
Special Rapporteur to submit an interim
report to the General Assembly at its
forty-first session, November/December 1986
(5 working days)

Travel and subsistence	4 300	-
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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-third session, February/March 1987
(5 working days)

Travel and subsistence	-	1 300
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General temporary assistance

Four work-months at the P-3 level	19 800	-
Total	38 000	1 300

46. The relevant costs to be financed under section 23 (Human rights) are estimated at \$38,000 for 1986 and \$1,300 for 1987.

47. 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).

48. Should a second field mission become necessary, additional resources will be sought.

Resolution 1986/41. Human rights situation in the Islamic
Republic of Iran

A. Requests contained in the resolution or decision

49. By paragraphs 5, 6 and 7 of its resolution 1986/41, the Commission on Human Rights decided to extend the mandate of the Special Representative, as contained in Commission resolution 1984/54, for a year and requested the Chairman of the Commission to appoint an individual of recognized international standing to fill the vacancy created by the resignation of its previous Special Representative. The Commission further requested the newly

appointed Special Representative to present an interim report to the General Assembly at its forty-first 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-third session.

B. Relationship of requests to approved programme of work

50. 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 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).

51. The following programme element of section 23 (Human rights) of the programme budget for the biennium 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

52. It is envisaged that the Special Representative will travel to Geneva in May/June 1986 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 1986, for a period of 10 working days, the Special Representative, accompanied by two substantive officers, will carry out a mission to the Islamic Republic of Iran to collect information on the spot. Later in 1986, he will travel to Geneva for a period of five working days to prepare his report to the General Assembly at its forty-first session, and subsequently for another period of five working days in order to finalize his report. In November/December 1986 the Special Rapporteur will travel to New York for a period of five working days to present his interim report to the General Assembly at its forty-first session. In February/March 1987, the Special Representative will travel to Geneva for a further period of five working days to present his report to the Commission on Human Rights at its forty-third session.

53. Additional staffing resources to assist the Special Representative with the preparation of his report will be required for a period of four months in 1986.

D. Modifications required in the programme of work

54. No modifications are required in the programme of work for 1986-1987 since the activity appears under programme element 1.3.

E. Additional requirements at full cost

55. The estimated cost of the above programme of work is itemized as follows: */

	<u>1986</u>	<u>1987</u>
	(US dollars)	
<u>One round trip to Geneva of the</u> <u>Special Representative for consultations</u> <u>at the Centre for Human Rights,</u> <u>May/June 1986 (5 working days)</u>		
Travel and subsistence	2 500	-
<u>Field mission to the Islamic Republic</u> <u>of Iran, August/September 1986</u> <u>(10 working days)</u>		
Travel and subsistence of the Special Representative	2 500	-
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</u> <u>Special Representative to prepare</u> <u>his report, September/October 1986</u> <u>(5 working days)</u>		
Travel and subsistence	2 500	-

*/ Travel expenses are estimated on an average cost basis.

	<u>1986</u>	<u>1987</u>
	(US dollars)	
<u>One round trip to New York of the Special Representative to present his report to the General Assembly at its forty-first session, October-December 1986 (5 working days)</u>		
Travel and subsistence	2 500	-
<u>One round trip to Geneva of the Special Representative to finalize his report, December 1986 (5 working days)</u>		
Travel and subsistence	2 500	-
<u>One round trip to Geneva of the Special Representative to present his report to the Commission on Human Rights at its forty-third session, February/March 1987 (5 working days)</u>		
Travel and subsistence	-	2 500
<u>General temporary assistance</u>		
Four work-months at P-3 level	19 800	
<u>Total</u>	37 900	2 500

56. The relevant costs to be financed under section 23 (Human rights) are estimated at \$37,900 for 1986 and \$2,500 for 1987.

57. 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).

58. Should a second field mission to the Islamic Republic of Iran become necessary, additional resources would have to be sought.

Resolution 1986/42. Summary or arbitrary executions

A. Requests contained in the resolution or decision

59. By operative paragraph 4 of draft resolution IV recommended to the Economic and Social Council for adoption under Commission on Human Rights resolution 1986/42, the Council would decide to renew 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 requests to approved programme of work

60. 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 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).

61. The following programme element of section 23 (Human rights) of the programme budget for the biennium 1986-1987 would be directly affected by the activities referred to in the draft 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 material, consultations, field missions and drafting of reports to responsible organs.

C. Activities by which the requests would be implemented

62. In order to carry out his mandate, the Special Rapporteur would envisage that in May/June 1986 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 1986 for a period of five working days in order to prepare his report and in December 1986 for a further period of five working days in order to finalize it. In February/March 1987, 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-third session. In order to respond to invitations from Governments, the Special Rapporteur, accompanied by two substantive officers, would undertake three missions during 1986.

63. 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

64. No modifications would be required in the programme of work for 1986-1987 since the activity appears under programme element 1.3

E. Additional requirements at full cost

65. The estimated cost of the above programme of work is itemized as follows:

	<u>1986</u>	<u>1987</u>
	(US dollars)	
<u>One round trip to Geneva of the</u> <u>Special Rapporteur for consultations</u> <u>at the Centre for Human Rights,</u> <u>May/June 1986 (5 working days)</u>		
Travel and subsistence	3 800	-
<u>One round trip to Geneva of the</u> <u>Special Rapporteur to prepare his report,</u> <u>October 1986 (5 working days)</u>		
Travel and subsistence	3 800	-
<u>Three separate field missions of the</u> <u>Special Rapporteur accompanied by two staff</u> <u>members from the Centre for Human Rights</u> <u>(calculated on a notional basis for a period of</u> <u>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	-
General operating expenses: local transport, communications and rental of office space	3 000	-
<u>One round trip to Geneva of the</u> <u>Special Rapporteur to finalize his report,</u> <u>December 1986 (5 working days)</u>		
Travel and subsistence	3 800	-

1986 1987
(US dollars)

One round trip to Geneva of the
Special Rapporteur to present his report
to the Commission on Human Rights at its
forty-third session, February/March 1987
(5 working days)

Travel and subsistence	-	3 800
 <u>General temporary assistance</u>		
Six work-months at P-3 level	29 700	-
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Total	65 400	3 800
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66. The relevant costs to be financed under section 23 (Human rights) are estimated at \$65,400 for 1986 and \$3,800 for 1987.

67. 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 1986/44. Question of a draft declaration on the right
and responsibility of individuals, groups
and organs of society to promote and protect
universally recognized human rights and
fundamental freedoms

A. Requests contained in the resolution or decision

68. By paragraph 2 of its resolution 1986/44, the Commission on Human Rights requested the Economic and Social Council to authorize a one-week session, prior to the forty-third session of the Commission, of 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.

B. Relationship of requests to approved programme of work

69. As a programme element in the programme of work 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

70. 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

71. No modifications are required in the programme of work for 1986-1987 since this activity appears under "Executive direction and management".

E. Additional requirements at full cost

72. There will be no additional costs arising under section 23 (Human rights) from the substantive servicing of the open-ended working group.

73. Conference servicing costs to be financed under section 29 B (Conference Services Division), calculated on a full cost basis, are estimated at \$53,900 for 1987.

Resolution 1986/50. Torture and other cruel, inhuman or degrading treatment or punishment

A. Requests contained in the resolution or decision

74. By paragraph 2 of its resolution 1986/50, the Commission on Human Rights decided 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 at its forty-third session.

B. Relationship of requests to approved programme of work

75. 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).

76. The following programme element of section 23 (Human rights) of the programme budget for the biennium 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

77. It is envisaged that in order to carry out his mandate the Special Rapporteur will travel to Geneva in May/June 1986 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 will travel to Geneva for a period of five working days in October 1986 in order to prepare his report, and in December 1986 in order to finalize it. In February/March 1987 he will travel to Geneva for a period of five working days to present his report to the Commission on Human Rights at its forty-third session. In order to respond to invitations from Governments, the Special Rapporteur, accompanied by two substantive officers, will undertake one field mission during 1986.

78. Six work-months of temporary assistance at the P-3 level will be required to assist the Special Rapporteur in the preparation of his report.

D. Modifications required in the programme of work

79. No modifications are required in the programme of work for 1986-1987 since the activity appears under programme element 1.3.

E. Additional requirements at full cost

80. The estimated cost of the above programme of work is itemized as follows:

	<u>1986</u>	<u>1987</u>
	(US dollars)	
<u>One round trip to Geneva of the Special Rapporteur for consultations at the Centre for Human Rights, May/June 1986 (5 working days)</u>		
Travel and subsistence	1 200	-
<u>One round trip to Geneva of the Special Rapporteur to prepare his report, October 1986 (5 working days)</u>		
Travel and subsistence	1 200	-

	<u>1986</u>	<u>1987</u>
	(US dollars)	
<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	-
General operating expenses: local transport, communications and rental of office space	1 000	-
<u>One round trip to Geneva of the Special Rapporteur to finalize his report, December 1986 (5 working days)</u>		
Travel and subsistence	1 200	-
<u>One round trip to Geneva of the Special Rapporteur to present his report to the Commission on Human Rights at its forty-third session, February/March 1987 (5 working days)</u>		
Travel and subsistence	-	1 200
<u>General temporary assistance</u>		
Six work-months at P-3 level	29 700	-
	<hr/>	<hr/>
Total	<u>41 400</u>	<u>1 200</u>

81. The relevant costs to be financed under section 23 (Human rights) are estimated at \$41,400 for 1986 and \$1,200 for 1987.

82. 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 1986/55. Question of enforced or involuntary
disappearances

A. Requests contained in the resolution or decision

83. In paragraphs 2 and 3 of its resolution 1986/55, the Commission on Human Rights decided to extend for two years the mandate of the Working Group on Enforced or Involuntary Disappearances, as laid down in Commission resolution 20 (XXXVI) in accordance with the recommendations of the Working Group, while maintaining the Working Group's annual reporting cycle, and requested the Working Group to submit to the Commission, at its forty-third 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 requests to approved programme of work

84. 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).

85. The following programme element of section 23 (Human rights) of the programme budget for the biennium 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

86. It is assumed that the work programme of the Working Group during 1986, as outlined below, would follow a similar pattern in 1987 and until March 1988.

87. The estimate of financial implications is based on the following assumptions:

(a) The Working Group, composed of five members, will meet in New York in June 1986 for a period of five working days, in order to receive and examine available information from Governments, intergovernmental organizations, humanitarian organizations, and other reliable sources;

(b) The Working Group will meet in Geneva in September 1986 for a period of five working days to receive and examine available information;

(c) The Working Group will meet in Geneva in December 1986 for a period of eight working days to receive and examine available information as well as to consider and adopt its report for submission to the Commission at its forty-third session;

(d) For the purpose of establishing direct contacts with Governments, two members of the Working Group, accompanied by two staff members of the Centre for Human Rights, will undertake six missions during the two-year mandate (two in 1986, three in 1987 and one in 1988);

(e) A staff member at the P-3 level will 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;

(f) Two staff members at the P-2 level, assisted by one secretary and two data entry/computer operations clerks will 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 will also deal with all the correspondence with those involved in the procedure;

(g) Computer and word-processing services will be required to organize and assess the data collected on missing persons and to reduce staff costs.

D. Modifications required in the programme of work

88. No modifications are required in the programme of work for 1986-1987 since the activity appears under programme element 1.3.

E. Additional requirements at full cost

89. The estimated cost of the above programme of work is itemized as follows:

	<u>1986</u>	<u>1987</u>	<u>1988</u>
	(US dollars)		
<u>I. Meeting in New York, June 1986 and 1987</u> <u>(5 working days)</u>			
Travel and subsistence of five experts	16 200	16 200	-
Travel and subsistence of two substantive officers	3 600	3 600	-
	<hr/>	<hr/>	
Total I	<u>19 800</u>	<u>19 800</u>	

	<u>1986</u>	<u>1987</u> (US dollars)	<u>1988</u>
<u>II. Meeting in Geneva, September 1986 and 1987</u> <u>(5 working days)</u>			
Travel and subsistence of five experts	11 000	11 000	-
	<hr/>	<hr/>	
Total II	<u>11 000</u>	<u>11 000</u>	
<u>III. Meeting in Geneva, December 1986 and 1987</u> <u>(8 working days)</u>			
Travel and subsistence of five experts	11 000	11 000	-
	<hr/>	<hr/>	
Total III	<u>11 000</u>	<u>11 000</u>	-
<u>IV. Six separate field missions during the</u> <u>two-year mandate for two members of</u> <u>the Working Group, accompanied by two</u> <u>staff members from the Centre for</u> <u>Human Rights, for establishment of</u> <u>direct contacts (calculated on a</u> <u>notional basis for a period of</u> <u>5 working days for each visit)</u>			
Travel and subsistence of two members of the Working Group			
6 x \$2,500 x 2	10 000	15 000	5 000
Travel and subsistence of two substantive officers			
6 x \$2,300 x 2	9 200	13 800	4 600
General operating expenses: local transport, communications and rental of office facilities	2 000	3 000	1 000
	<hr/>	<hr/>	<hr/>
Total IV	<u>21 200</u>	<u>31 800</u>	<u>10 600</u>

	<u>1986</u>	<u>1987</u>	<u>1988</u>
	(US dollars)		
V. <u>Staffing resources to service Working Group, July 1986 to March 1987</u>			
1 staff member at the P-3 level	29 700	59 400	14 800
2 staff members at the P-2/P-1 level	48 000	96 000	24 000
3 staff members at the General Service level	55 200	110 400	27 600
	<hr/>	<hr/>	<hr/>
Total V	<u>132 900</u>	<u>265 800</u>	<u>66 400</u>
VI. <u>Other requirements</u>			
(a) Overtime for General Service staff	1 000	1 200	200
(b) Rental of visual display units linked to computer terminals as well as rental and installation costs of printer terminal	6 400	8 500	2 100
	<hr/>	<hr/>	<hr/>
Total VI	<u>7 400</u>	<u>9 700</u>	<u>2 300</u>
VII. <u>Computer services costs</u>			
Data entry, programming, storage and production costs (section 28 G and H)	18 400	24 500	6 100
	<hr/>	<hr/>	<hr/>
Total VII	<u>18 400</u>	<u>24 500</u>	<u>6 100</u>

90. On the basis of the foregoing, the relevant costs under section 23 (Human rights) are estimated at \$203,300 for 1986, \$349,100 for 1987 and \$79,300 for 1988. Additional computer services are estimated at \$18,400 for 1986, \$24,500 for 1987 and \$6,100 for 1988 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 \$148,200 for 1986 and \$152,700 for 1987, to be financed under section 29 B (Conference Services Division, Geneva).

Resolution 1986/57. Regional arrangements for the promotion and protection of human rights in the Asian-Pacific region

A. Requests contained in the resolution or decision

91. In paragraph 6 of its resolution 1986/57, the Commission on Human Rights invited the Secretary-General, in co-operation with the Economic and Social Commission for Asia and the Pacific, to hold in the Asian-Pacific region, under the advisory services programme, a training course on teaching human rights.

B. Relationship of requests to approved programme of work

92. The activities proposed in the resolution 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 strategy for which is described in paragraph 6.33 of the medium-term plan for the period 1984-1989 (A/37/6).

93. The following programme element of section 23 (Human rights) of the programme budget for 1986-1987 is directly affected by the activities referred to in the resolution.

Programme element 32 - Advisory services

Output (ii) Annual training courses on human rights to be attended by 20 participants.

C. Activities by which the requests would be implemented

94. A regional training course, in co-operation with the Economic and Social Commission for Asia and the Pacific, will be held for participants from the Asian-Pacific region on the lines of similar training courses organized within the human rights programme.

D. Modifications required in the programme of work

95. No modifications are required in the programme of work for 1986-1987 since the activity envisaged appears under programme element 3.2.

E. Additional requirements at full cost

96. On the assumption that the training course will be held in the English language in Bangkok in 1987 over a period of 10 working days and will be attended by 20 participants from the Asian-Pacific region, the costs are estimated as follows:

1987
(US dollars)

Training course 1987

Travel and subsistence of participants */	48 200
Travel and subsistence of two staff members from the Centre for Human Rights	6 600
Travel, subsistence and fees for 2 lecturers/consultants */	7 000
General operating expenses: air-freight of teaching materials, local transport and communications	2 000
	<hr/>
	63 800
	<hr/>

97. The relevant costs to be absorbed under section 24 (Regular programme of technical co-operation) are estimated at \$63,800 for 1987.

Resolution 1986/59. Question of a convention on the rights
of the child

A. Requests contained in the resolution or decision

98. By operative paragraph 1 of draft resolution VIII recommended to the Economic and Social Council for adoption under Commission on Human Rights resolution 1986/59, the Council would authorize a meeting of an open-ended working group for a period of one week prior to the forty-third 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 requests to approved programme of work

99. 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 objectives 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).

*/ Travel expenses are estimated on an average cost basis.

100. The following programme element of section 23 (Human rights) of the programme budget for 1986-1987 would be directly affected by the activities referred to in the draft resolution:

Programme element 2.1 - Elimination and prevention of discrimination and protection of minorities and vulnerable groups

Output: (xv) 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

101. In order to determine the financial implications of the decision, it has been noted that the travel expenses of the members concerned would be covered under the normal provision for the attendance of members of the Commission.

D. Modifications required in the programme of work

102. No modifications would be required in the programme of work for 1986-1987 since the activity appears under programme element 2.1.

E. Additional requirements at full cost

103. Conference servicing costs to be financed under section 29 B (Conference Services Division, Geneva), calculated on a full cost basis, are estimated at \$53,900 for 1987.

Resolution 1986/62. Situation of human rights in Guatemala

A. Requests contained in the resolution or decision

104. By paragraph 8 of its resolution 1986/62, the Commission on Human Rights requested the Chairman of the Commission at its forty-second session to appoint a special representative to receive and evaluate full and detailed information to be provided by the Government of Guatemala on the implementation of the new legal order for the protection of human rights and its efforts to guarantee the full enjoyment of fundamental freedoms in Guatemala, to solicit any other relevant information from reliable sources, and to submit a report to the Commission at its forty-third session.

B. Relationship of requests to approved programme of work

105. 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).

106. The following programme element of section 23 (Human rights) of the programme budget for the biennium 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

107. It is envisaged that the Special Representative will undertake in May/June 1986 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 1986 the Special Representative, accompanied by two staff members from the Centre for Human Rights, will carry out a field mission to Guatemala for a period of 10 working days to collect information on the spot. In September 1986, the Special Representative will travel to Geneva for a period of five working days in order to prepare his report. In December 1986 the Special Representative, accompanied by two staff members from the Centre for Human Rights, will undertake a second field mission to Guatemala, and later in the same month he will travel to Geneva for a period of five working days in order to finalize his report. In February/March 1987, the Special Representative will travel to Geneva for a period of five working days to present his report to the Commission on Human Rights at its forty-third session.

108. One substantive officer at the P-3 level will 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 report.

D. Modifications required in the programme of work

109. No modifications are required in the programme of work for 1986-1987 since the activity appears under programme element 1.3.

E. Additional requirements at full cost

110. The estimated cost of the above programme of work is itemized as follows:

1986 1987
(US dollars)

One round trip to Geneva of the
Special Representative for
consultations at the Centre for
Human Rights, May/June 1986
(5 working days)

Travel and subsistence	1 000	-
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Two field missions to Guatemala of the
Special Representative, in July/August 1986
and in December 1986 (10 working days for
each mission)

Travel and subsistence of Special Representative	8 600	-
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Travel and subsistence of two staff members from the Centre for Human Rights	11 000	-
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General operating expenses: local transportation, communications and rental of office facilities	2 000	-
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One round trip to Geneva of the
Special Representative to prepare
his report, September 1986
(5 working days)

Travel and subsistence	1 000	-
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One round trip to Geneva of the
Special Representative to finalize
his report, December 1986
(5 working days)

Travel and subsistence	1 000	-
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1986 1987
(US dollars)

One round trip to Geneva of the
Special Representative to present his
report to the Commission on Human Rights
at its forty-third session,
February/March 1987 (5 working days)

Travel and subsistence	-	1 000
 <u>General temporary assistance</u>		
Four work-months at the P-3 level	19 800	-
Total	<u>44 400</u>	<u>1 000</u>

111. The relevant costs to be financed under section 23 (Human rights) are estimated at \$44,400 for 1986 and \$1,000 for 1987.

112. The services of a Spanish/English interpreter would 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 (Conference Services Division, Geneva).

Resolution 1986/63. Situation of human rights in Chile

A. Requests contained in the resolution or decision

113. By paragraph 9 of its resolution 1986/63, 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 forty-first session and to the Commission on Human Rights at its forty-third session.

B. Relationship of requests to approved programme of work

114. 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 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).

115. The following programme element of section 23 (Human rights) of the 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

116. 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.

117. It is envisaged that the Special Rapporteur will undertake consultations in Geneva at the end of May 1986 for a period of five working days. In July 1986 the Special Rapporteur, accompanied by two staff members from the Centre for Human Rights, will carry out a field mission to the region for a period of 10 working days. He will also visit Geneva during August/September 1986 for a period of five working days to finalize his report to the General Assembly. Subsequently, he will spend five working days in New York at the time of the submission of his report to the General Assembly at its forty-first session, followed by a second field mission to the region for a period of 10 working days in order to update his report. He will then visit Geneva for five working days in January 1987 to finalize the report to the Commission on Human Rights at its forty-third session, and will visit Geneva again to present his report to the Commission at its forty-third session.

118. It is estimated that a monthly average of 190 pieces of information (reports, including press reports, articles, letters, etc.) of varying size will have to be examined and a synthesis of them prepared for the Special Rapporteur. This will 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

119. No modifications are required in the programme of work for 1986-1987 since the activity appears under programme element 1.3.

E. Additional requirements at full cost

120. The estimated cost of the above programme of work is itemized as follows:

	<u>1986</u>	<u>1987</u>
	(US dollars)	
<u>One round trip to Geneva of the Special Rapporteur for consultations at the Centre for Human Rights, May 1986 (5 working days)</u>		
Travel and subsistence	4 200	-
<u>Field mission to region of the Special Rapporteur, June/July 1986 (10 working days)</u>		
Travel and subsistence of Special Rapporteur	5 900	-
Travel and subsistence of two staff members from the Centre for Human Rights	8 200	-
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 1986 (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 forty-first session (5 working days)</u>		
Travel and subsistence	2 000	-
<u>Field mission to region of the Special Rapporteur, December 1986 (10 working days)</u>		
Travel and subsistence of Special Rapporteur	5 900	-
Travel and subsistence of two staff members from the Centre for Human Rights	8 200	-

	<u>1986</u>	<u>1987</u>
	(US dollars)	
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, January 1987 (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-second session, February/March 1987 (5 working days)</u>		
Travel and subsistence	-	4 200
<u>General temporary assistance</u>		
Nine work-months at the P-2 level	24 000	12 000
Nine work-months at the General Service level	18 400	9 200
<u>Publications, press clippings and other related services required on a yearly subscription basis</u>	<u>2 000</u>	<u>200</u>
Total	<u>85 000</u>	<u>29 800</u>

121. The related costs to be financed under section 23 (Human rights) are estimated at \$85,000 for 1986 and \$29,800 for 1987.

Decision 1986/108. Organization of the work of the Commission

A. Requests contained in the resolution or decision

122. By its decision 1986/108 the Commission 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-third session and (b) to request the Chairman of the Commission at its forty-third 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 requests to approved programme of work

123. 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 substantive organs".

C. Modifications required in the programme of work

124. No modifications are required in the programme of work for 1986-1987 since this activity appears under "Executive direction and management".

D. Additional requirements at full cost

125. There would be no additional costs arising under section 23 (Human rights) from the substantive servicing of the additional meetings.

126. The related costs for 20 fully-serviced additional meetings, including summary records, during the 1987 session under section 29 B (Conference Services Division, Geneva), calculated on a full cost basis, are estimated at \$219,800.

Decision 1986/109. 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

127. Under decision 1986/109, 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-third 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-ninth session under Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission was seized.

B. Relationship of requests to approved programme of work

128. 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).

129. The following programme element of section 23 (Human rights) of the 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

130. 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

131. No modifications are required in the programme of work for 1986-1987 since the activity appears under programme element 1.2.

E. Additional requirements at full cost

132. Conference servicing costs to be financed under section 29 B (Conference Services Division, Geneva), calculated on a full cost basis, are estimated at \$36,200 for 1987.

Annex IV

LIST OF DOCUMENTS ISSUED FOR THE FORTY-SECOND SESSION
OF THE COMMISSION

<u>Documents issued in the general series</u>		<u>Agenda item</u>
E/CN.4/1986/1	Provisional agenda: note by the Secretary-General	2
E/CN.4/1986/1/Rev.1	Revised provisional agenda: note by the Secretary-General	2
E/CN.4/1986/1/Add.1	Annotations to the provisional agenda prepared by the Secretary-General	2
E/CN.4/1986/2	Final report on the question of human rights in Chile submitted by Mr. Fernando Volio Jiménez, Special Rapporteur, pursuant to the mandate conferred under Commission resolution 1985/47	5
E/CN.4/1986/3	Letter dated 28 June 1985 from the Chairman of the Commission on Human Rights addressed to the Assistant Secretary-General for Human Rights	6
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E/CN.4/1986/5	Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-eighth session	19
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E/CN.4/1986/11 and Add.1	Report of the Secretary-General	8 (c)
E/CN.4/1986/12	Letter dated 23 August 1985 from the Permanent Representative of Egypt to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights	12
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E/CN.4/1986/14	National institutions for the promotion and protection of human rights: note by the Secretary-General	11
E/CN.4/1986/15	Report of the Special Rapporteur, Mr. P. Kooijmans, appointed pursuant to Commission resolution 1985/33	10 (a)
E/CN.4/1986/16	Letter dated 14 January 1986 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights	9
E/CN.4/1986/17	Report of the Secretary-General	10 (b)
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E/CN.4/1986/21	Summary or arbitrary executions: report by the Special Rapporteur, Mr. S. Amos Wako, appointed pursuant to Economic and Social Council resolution 1985/40	12
E/CN.4/1986/22	Final report on the situation of human rights in El Salvador prepared by Mr. José Antonio Pastor Ridruejo in fulfilment of the mandate conferred under Commission resolution 1985/35	12
E/CN.4/1986/23 and Corr.1	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 resolution 1985/36	12
E/CN.4/1986/24	Report on the situation of human rights in Afghanistan prepared by the Special Rapporteur, Mr. Felix Ermacora, in accordance with Commission resolution 1983/38	12
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E/CN.4/1986/36	Letter dated 8 January 1986 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights	12
E/CN.4/1986/37 and Add.1/Rev.1 and Add.2-5	Report of the Secretary-General pursuant to Commission resolution 1985/51	23
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E/CN.4/1986/52	Letter dated 4 February 1986 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	4
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E/CN.4/1986/55	Letter dated 28 January 1986 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights	10
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E/CN.4/1986/58	Note verbale dated 21 February 1986 from the Permanent Mission of Uruguay to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights	10 (c)
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E/CN.4/1986/60	Letter dated 5 March 1986 from the representative of France in the Commission on Human Rights addressed to the Chairman of the Commission	3, 10, 11 and 12
E/CN.4/1986/61	Letter dated 7 March 1986 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights	12
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E/CN.4/1986/ SR.1-59 a/ and E/CN.4/1986/ SR.1-59/Corrigendum	Summary records of the meetings of the forty-second session of the Commission and corrigendum thereto	

a/ The summary records of the 37th (closed) meeting and of the closed parts of the 36th, 38th, 42nd and 56th meetings were issued in restricted distribution.

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E/CN.4/1986/L.3	Administrative and programme budget implications of draft resolution E/CN.4/1986/L.23: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council	12
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b/ The sponsors listed here include those who became sponsors of the draft resolution or amendment subsequent to the issue of the document.

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E/CN.4/1986/L.7	Administrative and programme budget implications of draft resolution E/CN.4/1986/L.76: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council	10 (c)
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