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ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE
UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE
ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Report of the Third Committee

Rapporteur: Mr. Nikolai N. KOMISSAROV (Byelorussian Soviet
Socialist Republics)

I. INTRODUCTION

1. The item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms" was included in the provisional agenda of the thirty-fourth session of the General Assembly in accordance with its resolution 33/10⁴ of 16 December 1978.
2. At its 4th plenary meeting, on 21 September 1979, the General Assembly decided to include the item in its agenda and to allocate it to the Third Committee.
3. The Committee considered the item at its 24th to 30th and 33rd to 38th and 41st meetings from 22 to 30 October, from 1 to 7 November and on 9 November. The views expressed by the representatives of Member States on the item are set forth in the summary records of those meetings (A/C.3/34/SR.24-30, 33-38 and 41).
4. The Committee had before it the following documents:
 - (a) Report of the Commission on Human Rights; 1/
 - (b) National institutions for the promotion and protection of human rights: note by the Secretary-General (A/34/196);

1/ Official Records of the Economic and Social Council, 1979, Supplement
No. 6 (E/1979/36).

- (c) Letter dated 6 July 1979 from the Permanent Representative of Sri Lanka to the United Nations addressed to the Secretary-General, transmitting documents of the Ministerial Meeting of the Co-ordinating Bureau of Non-Aligned Countries, held at Colombo from 4 to 9 June 1979 (A/34/357);
- (d) Letter dated 27 July 1979 from the Chargé d'Affaires a.i. of the Permanent Mission of Morocco to the United Nations addressed to the Secretary-General, transmitting the text of the resolutions and final communiqué of the Tenth Islamic Conference of Foreign Ministers, held at Fez from 8 to 12 May 1979 (A/34/389 and Corr.1);
- (e) Status of international conventions in the field of human rights in respect of which the Secretary-General performs depositary functions: report of the Secretary-General (A/34/398);
- (f) Letter dated 1 October 1979 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General, transmitting the Final Declaration of the Sixth Conference of Heads of State or Government of Non-Aligned Countries, held at Havana from 3 to 9 September 1979 (A/34/542);
- (g) Letter dated 24 October 1979 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/34/614);
- (h) Letter dated 26 October 1979 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/34/621);

5. At the 24th meeting, on 22 October, the Director of the Division of Human Rights introduced the item (A/C.3/34/SR.24, paras. 1-10).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/34/L.15

6. At the 29th meeting, on 29 October, the representative of Cuba introduced a draft resolution (A/C.3/34/L.15) entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms", sponsored by Algeria, Bangladesh, Benin, Cuba, Democratic Yemen, Grenada, Guyana, India, Iraq, Jamaica, Pakistan, the Syrian Arab Republic and Yugoslavia, subsequently joined by Angola, Argentina, Bolivia, Burundi, the Congo, Equatorial Guinea, Ethiopia, Guinea, Guinea-Bissau, Madagascar, Mali, Mauritius, Nicaragua, Panama, Peru, the Philippines, Romania, Sao Tome and Principe, Sri Lanka, the Sudan, Viet Nam, Yemen and Zambia: the draft resolution read as follows:

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"The General Assembly,

"Bearing in mind the Charter of the United Nations,

"Recalling its resolution 32/130 of 16 December 1977,

"Recalling also its resolution 33/104 that requested the Commission on Human Rights to continue, with high priority, the over-all analysis which will contribute to the implementation of resolution 32/130,

"Further recalling its resolution 32/197, in particular paragraphs II.1 (b) and VI.5 of its annex, regarding the responsibilities of the Economic and Social Council to monitor and evaluate the implementation of over-all strategies, policies and priorities established by the General Assembly,

"Noting with interest Economic and Social Council decision 1979/30 and resolution 5 (XXXV) of 2 March 1979 of the Commission on Human Rights, which reiterated that 'the right to development is a human right and that equality of opportunity for development is as much a prerogative of nations as of individuals within nations ,

"Recognizing the need to create satisfactory conditions at the national and international levels for the implementation of human rights and fundamental freedoms,

"Noting with appreciation the relevant paragraphs in the final Declaration of the Sixth Conference of Heads of State or Government of the Non-Aligned Countries, held in September 1979, in which the non-aligned countries called on the United Nations 'to continue working towards ensuring human rights in a comprehensive manner, to ensure the dignity of human beings' and, in this regard, reaffirmed their own willingness 'to work actively for the implementation of the steps outlined in the United Nations resolution 32/130 in the form which it prescribes, through existing structures of the United Nations system',

"Taking into account resolution 1979/36 of the Economic and Social Council,

"1. Notes with satisfaction the report of the work relating to the over-all analysis submitted to the General Assembly by the Commission on Human Rights through the Economic and Social Council, in conformity with resolution 32/130;

"2. Requests the Commission on Human Rights to continue at its thirty-sixth session its work on the over-all analysis with a view to further promoting and improving human rights and fundamental freedoms, including the question of the Commission's programme and working methods, and the over-all analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms in accordance with the provisions and concepts of its resolution 32/130;

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"3. Reaffirms the urgent need for eliminating the mass and flagrant violations of human rights of peoples and persons affected by situations such as those enumerated in operative paragraph 1 (e) of its resolution 32/130;

"4. Recognizes that in order to fully guarantee human rights and complete personal dignity, it is necessary to guarantee the right to work, worker participation in management, and the right to education, health and proper nourishment, primarily through the establishment of the new international economic order;

"5. Emphasizes, in this connexion, the need to create conditions on the national and international levels for the full promotion and protection of the human rights of individuals and peoples;

"6. Emphasizes also that the right to development is a human right and that equality of opportunity for development is as much a prerogative of nations as of individuals within nations;

"7. Requests the Economic and Social Council to consider the advisability of establishing at its first regular session in 1980, an open-ended working group to monitor and evaluate, in the light of resolution 32/130, the coherent, practical and operational implementation within the United Nations system of over-all strategies, policies and priorities established by the General Assembly in the field of human rights, and to make recommendations in this connexion to the General Assembly at its thirty-sixth session.

"8. Requests the Secretary-General to give, through the advisory services programme in the field of human rights, priority to the holding in 1980 of a seminar on the effect the present unjust international economic order has on the economies of developing countries and the obstacle this constitutes for the implementation of human rights and fundamental freedoms, and in particular for the right to enjoy an adequate standard of living as stated in article 25 of the Universal Declaration of Human Rights;

"9. Requests the Secretary-General and concerned organs and bodies of the United Nations system to implement fully the recommendations contained in Economic and Social Council resolution 1979/36;

"10. Requests the Secretary-General to prepare and present to the General Assembly at its thirty-sixth session a comprehensive study on the nature and extent to which the realization of human rights and fundamental freedoms are affected by present conditions, especially by situations such as those resulting from apartheid; all forms of racial discrimination, colonialism and neo-colonialism; policies tending to divide the world into spheres of influence; the arms race; foreign domination and occupation; aggression and threats against national sovereignty, national unity and territorial integrity; refusal to recognize the fundamental rights of peoples to self-determination and of every nation to the exercise of full sovereignty over its wealth and natural resources; interference in the internal affairs, especially of developing countries; as well as from the existence of the unjust system of international economic relations;

"11. Requests also that the Secretary-General convey the present resolution to the specialized agencies concerned and to all United Nations bodies that deal with human rights;

"12. Requests further that the Secretary-General present to the General Assembly at its thirty-fifth session a progress report on the implementation of this resolution;

"13. Decides to include in the provisional agenda of its thirty-fifth session an item entitled 'Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms'."

The administrative and financial implications of the draft resolution were set out in document A/C.3/34/L.21.

7. At the same meeting, the sponsors introduced a revised text of the draft resolution (A/C.3/34/L.15/Rev.1), by which the following changes were made:

(a) The first preambular paragraph was revised to read:

"Bearing in mind the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Civil, Political, Economic, Social and Cultural Rights";

(b) The words "resolution 4 (XXXV) and" were added to the text of the fifth preambular paragraph;

(c) The seventh preambular paragraph was revised to read:

"Noting with appreciation that in the Final Declaration of the Sixth Conference of Heads of State or Government of the Non-Aligned Countries, held in September 1979, the non-aligned countries called on the United Nations 'to continue working towards ensuring human rights in a comprehensive manner, to ensure the dignity of human beings' and, in this regard, reaffirmed their own willingness 'to work actively for the implementation of the steps outlined in the United Nations resolution 32/130 in the form which it prescribes, through existing structures of the United Nations system';"

(d) Operative paragraphs 4 and 5 were revised to read:

"4. Emphasizes the need to create conditions on the national and international levels for the full promotion and protection of the human rights of individuals and peoples;

"5. Recognizes that in order to fully guarantee human rights and complete personal dignity, it is necessary to guarantee the right to work, worker participation in management, and the right to education, health and proper nourishment, through the adoption of measures at the national and international levels, including the establishment of the new international economic order;"

(e) Operative paragraph 7 was revised to read:

"7. Requests the Commission on Human Rights at its thirty-sixth session, to study the existing human and other resources that the Division of Human Rights has at its disposal for the implementation of General Assembly resolutions, on the basis of complete data which the Secretary-General is requested to provide to it and thereafter to make recommendations to the General Assembly at its thirty-fifth session with a view to further improving the working of the Division;"

(f) The words "as already decided by Economic and Social Council decision 1979/30" were added to the text of operative paragraph 8;

(g) Operative paragraph 10 was revised to read:

"10. Requests the Secretary-General to prepare, taking into account relevant information already available within the United Nations, and present to the General Assembly at its thirty-sixth session, a study on the nature and extent to which the realization of human rights and fundamental freedoms are affected by present international conditions, with particular reference to situations resulting from apartheid; all forms of racial discrimination; colonialism, neo-colonialism and imperialism; policies tending to divide the world into spheres of influence; the arms race; foreign domination and occupation; aggression and threats against national sovereignty, national unity and territorial integrity; refusal to recognize the fundamental rights of peoples to self-determination and of every nation to the exercise of full sovereignty over its wealth and natural resources; intervention and interference in the internal affairs of States, particularly with reference to developing countries; as well as from the existence of the unjust system of international economic relations, taking into account the conclusions of the seminar mentioned in paragraph 8 of this resolution."

8. The draft resolution was further revised as draft resolution A/C.3/34/L.15/Rev.2. At the 36th meeting, on 6 November, the sponsors revised operative paragraph 9 to take into account an oral proposal made by Ireland to the effect that in operative paragraph 9 the word "study" should be replaced by "consider".

9. At the same meeting, the Committee adopted draft resolution A/C.3/34/L.15/Rev.2, as orally revised, by a recorded vote of 132 to 1, with 9 abstentions (see para. 31, draft resolution I). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, Gabon, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India,

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Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: United States of America.

Abstaining: Austria, Belgium, France, Germany, Federal Republic of, Israel, Luxembourg, New Zealand, Uganda, United Kingdom of Great Britain and Northern Ireland.

B. Draft decision A/C.3/34/L.32

10. At the 35th meeting, on 5 November, the representative of India proposed the adoption of a draft decision relating to draft resolutions A/C.3/34/L.16/Rev.1 (see para. 16), A/C.3/34/L.18 (see para. 21) and A/C.3/34/L.19 (see para. 25). The proposed draft decision read as follows:

"The General Assembly,

"Requests the Commission on Human Rights, in the context of the over-all analysis and of the study it is to undertake at its thirty-sixth session in pursuance of, respectively, operative paragraphs 2 and 9 of General Assembly resolution A/34/..., to examine also the proposals contained in documents A/C.3/34/L.16/Rev.1, A/C.3/34/L.18 and A/C.3/34/L.19, together with the views expressed on these proposals at the thirty-fourth session of the General Assembly, and thereafter to make recommendations to the General Assembly at its thirty-fifth session."

In its revised form, the draft decision was contained in document A/C.3/34/L.32, in which the words "documents A/C.3/34/L.16/Rev.1, A/C.3/34/L.18 and A/C.3/34/L.19" were replaced by document A/C.3/34/L.16/Rev.1".

11. At the 36th meeting, on 6 November, the representative of India further revised her draft decision, taking into account proposals made by the representative of Italy to the effect that in the fourth line of the text, the words "to examine also" should be replaced by the words "to consider" and in the fifth and sixth lines

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the words "together with the views expressed on these proposals in the thirty-fourth session of the General Assembly and thereafter to make" should be replaced by the words "if adopted by the General Assembly, and to take due account of it in formulating".

12. After the adoption of draft resolution A/C.3/34/L.15/Rev.2 (see para. 9), the representative of India asked for priority for the draft decision. The Committee raised no objections to the proposal.

13. At the same meeting, the Committee adopted the revised draft decision without a vote (see para. 32).

C. Draft resolution A/C.3/34/L.16

14. At the 29th meeting, on 29 October, the representative of Italy introduced a draft resolution A/C.3/34/L.16) entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms". The administrative and financial implications of the draft resolution were set out in document A/C.3/34/L.25. The draft resolution read as follows:

"The General Assembly,

"Recalling the determination of the peoples 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,

"Recalling especially that one of the most important purposes of the United Nations 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,

"Mindful of the important contribution which the Division of Human Rights of the United Nations Secretariat has made to United Nations activities for the promotion and protection of human rights since the inception of the United Nations,

"Believing however that the activities of the human rights sector of the United Nations Secretariat should be enhanced so as to better enable it to meet the needs of the Organization and the international community, particularly after the entry into force of the International Covenants on Human Rights and the International Convention on the Suppression and Punishment of the Crime of Apartheid and bearing in mind policy-making resolutions of the General Assembly such as 32/130,

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"Recalling the Secretary-General's report on organizational nomenclature in the Secretariat (A/C.5/32/17), the general direction of which was endorsed in General Assembly resolution 32/204 of 21 December 1977,

"1. Requests the Secretary-General to redesignate the Division of Human Rights as a Centre for Human Rights, the head of which should be an Assistant Secretary-General;

"2. Further invites the Secretary-General to ensure that adequate financial and other resources are allocated to the Centre for Human Rights so as to enable it to discharge its functions, and specifically requests the Secretary-General to ensure that the importance of human rights in the goals of the United Nations and its place as one of the most important programmes should be reflected in the percentage of resources from the United Nations budget allocated to the human rights programme;

"3. Requests the Secretary-General to report on the implementation of this resolution to the Commission on Human Rights at its thirty-sixth session and to the General Assembly at its thirty-fifth session."

15. The Committee also had before it amendments to the draft resolution proposed by Bulgaria and the German Democratic Republic (A/C.3/34/L.22) which read as follows:

"1. In the third preambular paragraph replace the words 'United Nations activities for' by the words 'assist the activities of the United Nations organs dealing with';

"2. Insert a new fourth preambular paragraph reading as follows:

'Mindful of resolution 22 (XXXV) of the Commission on Human Rights.';

"3. In operative paragraph 1 after the word 'Requests' insert the following: 'the Commission on Human Rights within its work on the over-all analysis of the alternative approaches and ways and means to examine the feasibility of recommending to' and delete the end of the paragraph beginning with the words 'the head of which';

"4. In operative paragraph 2 replace the words 'Centre for Human Rights' with the words 'sector of the United Nations Secretariat dealing with human rights' and replace the end of the paragraph beginning with the words 'the importance' with the following: 'an increased percentage of resources allocated to the human rights programme be reallocated to the most important fields of activities such as those laid down in the General Assembly resolution 32/130;'. "

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16. At the 35th meeting, on 5 November, the sponsor of draft resolution A/C.3/34/L.16 introduced a revised text of the draft resolution (A/C.3/34/L.16/Rev.1). As a result, the amendments contained in document A/C.3/34/L.22 were withdrawn.

17. In the text of draft resolution A/C.3/34/L.16/Rev.1, operative paragraphs 1 and 2 of the original draft resolution were revised to read as follows:

"1. Requests the Secretary-General to re-designate the Division of Human Rights as a Centre for Human Rights,

"2. Further invites the Secretary-General to ensure that adequate financial and other resources are allocated to the Centre for Human Rights, so as to enable it to discharge its functions, in the light of the results of the relevant study to be conducted by the Commission on Human Rights at its XXXVI Session in accordance with operative paragraph 9 of resolution 34/...,".

18. At the 36th meeting, on 6 November, after the adoption of draft decision A/C.3/34/L.32 (see para. 13), the representative of India proposed that, under rule 131 of the rules of procedure of the General Assembly, draft resolution A/C.3/34/L.16/Rev.1 should not be voted upon.

19. At the 37th meeting, on 7 November, the representative of India, withdrew her procedural motion, as proposals made by India for the text of draft resolution A/C.3/34/L.16/Rev.1 had been accepted by its sponsor. The effect of those proposals was the following:

(a) In operative paragraph 1, to replace the words "to redesignate" with the phrase "to consider the redesignation";

(b) To add at the end of operative paragraph 1 the phrase "in the light of the views expressed on the proposed redesignation at the thirty-sixth session of the Commission on Human Rights";

(c) In operative paragraph 2, to replace the words "Centre for Human Rights" with "the sector of the Secretariat concerned with human rights";

(d) In operative paragraph 3, to delete the words "to the Commission on Human Rights at its thirty-sixth session".

20. At the same meeting, the Secretary of the Committee made a statement regarding the administrative implications of the revised text and the representative of the Legal Counsel made a statement.

21. Also at the same meeting, the Committee adopted draft resolution A/C.3/34/L.16/Rev.1, as revised by 86 votes to none, with 49 abstentions (see para. 31, draft resolution II).

D. Draft resolution A/C.3/34/L.18

22. At the 29th meeting, on 29 October, the representative of Canada introduced a draft resolution A/C.3/34/L.18) entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms" which read as follows:

"The General Assembly,

"Recalling the purposes and principles of the United Nations as set forth in the Charter, and in particular the need to promote and to encourage respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

"Mindful of the importance of the role of the Secretary-General in providing good offices and other assistance and services in accordance with his responsibilities,

"1. Decides to invite the Secretary-General to appoint a Special Representative of the Secretary-General for Human Rights and Humanitarian Affairs, at a level of Under-Secretary-General, such person to be an eminent personage of international stature;

"2. Decides also that the Special Representative shall carry out such tasks in the field of human rights, including good offices, as are assigned by the Secretary-General in accordance with the Charter of the United Nations;

"3. Requests the Secretary-General to provide the Special Representative with such personnel and financial resources at United Nations Headquarters as are necessary for the effective discharge of the Special Representative's responsibilities."

The administrative and financial implications of the draft resolution were set out in document A/C.3/34/L.26.

23. The Committee had before it amendments to the draft resolution submitted by Bulgaria and the German Democratic Republic (A/C.3/34/L.23), which read as follows:

"1. In operative paragraph 1 replace the word 'appoint' by the following: 'consider the possibility of appointing, provided there will be general agreement among the States Members,';

"2. In operative paragraph 2, insert the words 'if appointed' after the word 'Representative', and replace the words 'in the field of human rights, including good offices, as are assigned' by the words 'which are assigned to him';

"3. In line 1 of operative paragraph 3 replace the word 'provide' by the words 'study the possibility of providing' and insert the words 'if appointed' after the word 'Representative'."

24. At the 35th meeting, on 5 November, the representative of Canada withdrew the draft resolution.

E. Draft resolution A/C.3/34/L.19

25. At the 29th meeting, on 29 October, the representative of Costa Rica introduced a draft resolution entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms" (A/C.3/34/L.19) sponsored by Costa Rica and Uganda.

26. At the 37th meeting, on 7 November, the sponsors revised the text to take into account an oral proposal made by the representative of Lesotho to the effect that the words "under the item entitled 'Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms'" would be added at the end of the operative paragraph.

27. At the same meeting, the Committee adopted the revised draft resolution by a recorded vote of 60 to 28, with 44 abstentions (see para. 31, draft resolution III). The voting was as follows:

In favour: Australia, Austria, Bahamas, Belgium, Botswana, Canada, Chile, Colombia, Comoros, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Fiji, Finland, France, Germany, Federal Republic of, Ghana, Guatemala, Honduras, Iceland, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Lesotho, Liberia, Luxembourg, Mexico, Morocco, Netherlands, New Zealand, Niger, Nigeria, Norway, Panama, Papua New Guinea, Peru, Portugal, Rwanda, Samoa, Senegal, Spain, Suriname, Swaziland, Sweden, Tunisia, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America, Upper Volta, Uruguay, Venezuela, Zambia.

Against: Afghanistan, Bahrain, Bulgaria, Byelorussian Soviet Socialist Republic, Cape Verde, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Guinea, Hungary, Lao People's Democratic Republic, Madagascar, Mongolia, Mozambique, Oman, Poland, Qatar, Romania, Sao Tome and Principe, Saudi Arabia, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, Viet Nam, Yugoslavia.

Abstaining: Algeria, Angola, Argentina, Bangladesh, Barbados, Benin, Bhutan, Brazil, Burma, Burundi, Central African Republic, Chad, Congo, Cyprus, Egypt, Gabon, Greece, Grenada, Guinea Bissau, Guyana, India, Indonesia, Iraq, Jordan, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Nepal, Pakistan, Philippines, Singapore, Somalia, Sri Lanka, Sudan, Thailand, Togo, Trinidad and Tobago, Turkey, United Republic of Tanzania, Yemen, Zaire.

F. Draft resolution A/C.3/34/L.20

28. At the 29th meeting, on 29 October, the representative of India introduced a draft resolution entitled "National institutions for the promotion and protection of human rights" (A/C.3/34/L.20) sponsored by Australia, Bangladesh, India, Iraq, Jamaica, Jordan, Kenya, Morocco, Sri Lanka and the Syrian Arab Republic, subsequently joined by Mauritius, Norway, Peru and the Philippines.

29. At the 41st meeting, on 9 November, the sponsors revised the text to take into account oral proposals made by the representatives of Guinea and the United Kingdom of Great Britain and Northern Ireland.

30. At the same meeting, the Committee adopted the draft resolution as orally revised without a vote (see para. 31, draft resolution IV).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

31. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations 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 the importance of the Universal Declaration of Human Rights 2/ and of the International Covenants on Human Rights 3/ in further promoting international co-operation for respect for and observance of human rights and fundamental freedoms,

Considering that the acceptance by Member States of the obligations contained in those Covenants is an important element for the universal realization of and respect for human rights and fundamental freedoms,

2/ General Assembly resolution 217 A (III).

3/ General Assembly resolution 2200 (XXI), annex.

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy economic, social, and cultural rights, as well as civil and political rights,

Recalling its resolution 32/130 of 16 December 1977 in which it was decided that the approach to the future work within the United Nations system with respect to human rights questions should take into account the concepts contained therein,

Recalling also its resolution 33/104 of 16 December 1979, in which it requested the Commission on Human Rights to continue with high priority the over-all analysis of the alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms, which will contribute to the implementation of resolution 32/130,

Further recalling its resolution 32/197 of 20 December 1977, in particular paragraphs 5 (b) and 41 of its annex, regarding the responsibilities of the Economic and Social Council to monitor and evaluate the implementation of over-all strategies, policies and priorities established by the General Assembly,

Noting with interest Economic and Social Council decisions 1979/29 and 1979/30 of 10 May 1979, and Commission on Human Rights resolutions 4 (XXXV) and 5 (XXXV) of 2 March 1979, the latter of which reiterated that the right to development is a human right and that equality of opportunity for development is as much a prerogative of nations as of individuals within nations,

Recognizing the need to create satisfactory conditions at the national and international levels for the full promotion and protection of the human rights of individuals and peoples,

Noting with interest that in the Final Declaration of the Sixth Conference of Heads of State or Government of the Non-Aligned Countries, held at Havana from 3 to 9 September 1979, the non-aligned countries called on the United Nations to continue working towards ensuring human rights in a comprehensive manner to ensure the dignity of human beings and, in this regard, reaffirmed their own willingness to work actively for the implementation of the steps outlined in General Assembly resolution 32/130 in the form which it prescribes, through the existing structures of the United Nations system, 4/

Taking into account Economic and Social Council resolution 1979/36 of 10 May 1979,

1. Notes with satisfaction the report of the work relating to the over-all analysis 5/ submitted to the General Assembly by the Commission on Human Rights, through the Economic and Social Council, in conformity with Assembly resolution 32/130;

4/ A/34/542, annex, part I, para. 262.

5/ Official Records of the Economic and Social Council, 1979, Supplement No. 6 (E/1979/361).

2. Requests the Commission on Human Rights to continue at its thirty-sixth session its ongoing work on the over-all analysis with a view to further promoting and improving human rights and fundamental freedoms, including the question of the Commission's programme and working methods, and on the over-all analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms, in accordance with the provisions and concepts of resolution 32/130;

3. Reiterates its profound conviction that all human rights and fundamental freedoms are indivisible and interdependent; and that equal attention and urgent consideration should be given to the implementation, promotion and protection of both civil and political, and economic, social and cultural rights;

4. Reaffirms the absolute necessity under all circumstances to eliminate massive and flagrant violations of human rights and of the rights of peoples and individuals affected by situations such as those enumerated in paragraph 1 (e) of resolution 32/130;

5. Reaffirms also that it is of paramount importance for the promotion of human rights and fundamental freedoms that Member States undertake specific obligations through accession to or ratification of international instruments in this field, and that, consequently, the standard-setting work within the United Nations system in the field of human rights and the universal acceptance and implementation of the relevant international instruments should be encouraged;

6. Emphasizes the need to create conditions at the national and international levels for the full promotion and protection of the human rights of individuals and peoples;

7. Recognizes that, in order fully to guarantee human rights and complete personal dignity, it is necessary to guarantee the right to work, participation of workers in management, and the right to education, health and proper nourishment, through the adoption of measures at the national and international levels, including the establishment of the new international economic order;

8. Emphasizes that the right to development is a human right and that equality of opportunity for development is as much a prerogative of nations as of individuals within nations;

9. Requests the Commission on Human Rights, at its thirty-sixth session, to consider the existing human and other resources that the Division of Human Rights of the Secretariat has at its disposal for the implementation of General Assembly resolutions, on the basis of complete data which the Secretary-General is requested to provide to it, and thereafter to make recommendations, through the Economic and Social Council, to the Assembly at its thirty-fifth session, with a view to further improving the working of the Division;

10. Requests the Secretary-General to give, through the advisory services programme in the field of human rights, priority to the holding in 1980 of a seminar, as already decided by the Economic and Social Council in its decision 1979/30, on the effect of the present unjust international economic order on the economies of developing countries and the obstacle that this constitutes for the implementation of human rights and fundamental freedoms, and in particular for the right to enjoy an adequate standard of living as stated in article 25 of the Universal Declaration of Human Rights;

11. Requests the Secretary-General and concerned organs and bodies of the United Nations system to implement fully the recommendations contained in Economic and Social Council resolution 1979/36;

12. Requests the Secretary-General to prepare, taking also into account relevant information already available within the United Nations, and to present to the General Assembly at its thirty-sixth session, a study on the nature and extent to which the realization of human rights and fundamental freedoms are affected by present international conditions, with particular reference to situations resulting from apartheid, from all forms of racial discrimination, from colonialism, neo-colonialism and imperialism, from policies tending to divide the world into spheres of influence, from the arms race, from foreign domination and occupation, from aggression and threats against national sovereignty, national unity and territorial integrity, from refusal to recognize the fundamental rights of peoples to self-determination and of every nation to the exercise of full sovereignty over its wealth and natural resources, from intervention and interference in the internal affairs of States, particularly with reference to developing countries, as well as from the existence of the unjust system of international economic relations, taking into account the conclusions of the seminar mentioned in paragraph 10 above;

13. Also requests that the Secretary-General transmit the present resolution to the specialized agencies concerned and to all United Nations bodies that deal with human rights;

14. Further requests that the Secretary-General present to the General Assembly at its thirty-fifth session a progress report on the implementation of the present resolution;

15. Decides to include in the provisional agenda of its thirty-fifth session the item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

DRAFT RESOLUTION II

Services of the Secretariat concerned with human rights

The General Assembly,

Recalling the determination of the peoples 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,

Recalling especially that one of the most important purposes of the United Nations 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,

Mindful of the important contribution which the Division of Human Rights of the Secretariat has made to United Nations activities for the promotion and protection of human rights since the inception of the Organization,

Believing however that the activities of the human rights sector of the Secretariat should be enhanced so as better to enable it to meet the needs of the Organization and the international community, particularly after the entry into force of the International Covenants on Human Rights 6/ and the International Convention on the Suppression and Punishment of the Crime of Apartheid 7/ and bearing in mind policy-making decisions of the General Assembly such as resolution 32/130 of 16 December 1977,

Recalling the report of the Secretary-General on organizational nomenclature in the Secretariat, 8/ the general direction of which was endorsed in General Assembly resolution 32/204 of 21 December 1977,

1. Requests the Secretary-General to consider the redesignation of the Division of Human Rights as a Centre for Human Rights, in the light of the views expressed on the proposed redesignation at the thirty-sixth session of the Commission on Human Rights;

2. Further invites the Secretary-General to ensure that adequate financial and other resources are allocated to the sector in the Secretariat concerned with human rights, so as to enable it to discharge its functions, in the light of the results of the relevant study to be conducted by the Commission on Human Rights at its thirty-sixth session in accordance with paragraph 9 of General Assembly resolution 34/...; 9/

3. Requests the Secretary-General to report on the implementation of the present resolution to the General Assembly at its thirty-fifth session.

6/ General Assembly resolution 2200 (XXI), annex.

7/ General Assembly resolution 3068 (XXVIII), annex.

8/ A/C.5/32/17.

9/ Draft resolution I of the present report.

DRAFT RESOLUTION III

Alternative approaches and ways and means within the United Nations system for the improvement of the effective enjoyment of human rights and fundamental freedoms

The General Assembly,

Recalling that one of the purposes of the United Nations under Article 1 of the Charter is to promote and encourage respect for the human rights and fundamental freedoms as embodied in the Universal Declaration of Human Rights, 10/

Bearing in mind its resolution 33/105 of 16 December 1978, in which it requested the Commission on Human Rights to take into account, in continuing its work on the over-all analysis, the views expressed on the various proposals during the general debate on the item at the thirty-second and thirty-third sessions of the General Assembly, including a post of United Nations High Commissioner for Human Rights,

Considering that the Working Group of the Commission on Human Rights was nevertheless unable, in its consideration of the over-all analysis, to make a thorough evaluation of the proposal to create a post of United Nations High Commissioner for Human Rights,

Decides to consider at its thirty-fifth session the question of the creation of a post of United Nations High Commissioner for Human Rights under the item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

DRAFT RESOLUTION IV

National institutions for the promotion and protection of human rights

The General Assembly,

Recalling its resolutions 32/123 of 16 December 1977 and 33/46 of 14 December 1978, as well as Commission on Human Rights resolutions 23 (XXXIV) and 24 (XXXV) concerning national institutions for the promotion and protection of human rights,

Recalling also that its resolution 34/... 11/ emphasizes the need to create conditions at the national and international levels for the full promotion and protection of the human rights of individuals and peoples,

10/ General Assembly resolution 217 A (III).

11/ Draft resolution I of the present report.

Mindful of the guidelines on the structure and functioning of national and local institutions for the promotion and protection of human rights adopted by the United Nations Seminar on National and Local Institutions for the Promotion and Protection of Human Rights 12/ and endorsed by the General Assembly in its resolution 33/46,

Mindful also of the seminar on recourse procedures available to victims of racial discrimination, held at Geneva from 9 to 20 July 1979,

1. Invites all Member States to take appropriate steps for the establishment of national institutions for the promotion and protection of human rights, bearing in mind the guidelines referred to above;

2. Emphasizes the importance of the integrity and independence of such national institutions in accordance with national legislation;

3. Draws attention to the constructive role which national non-governmental organizations can play in the work of national institutions;

4. Requests the Secretary-General, in submitting to the General Assembly at its thirty-sixth session the report requested in paragraph 6 of Commission on Human Rights resolution 24 (XXXV), to draw also upon other relevant sources, such as the reports and documents of the United Nations seminars on national and local institutions for the promotion and protection of human rights and on recourse procedures available to victims of racial discrimination, and, in presenting his report to the Assembly, to describe the various existing types of national institutions for the promotion and protection of human rights reflected in the documentation received by him and in the above-mentioned sources.

5. Decides to include in the agenda of its thirty-sixth session a subitem entitled "National institutions for the promotion and protection of human rights";

6. Recommends that Member States should associate representatives of their national institutions with the contents of the debate on the above-mentioned subitem.

32. The Third Committee also recommends that the General Assembly should request the Commission on Human Rights, in the context of the over-all analysis and of the consideration it is to undertake at its thirty-sixth session in pursuance of, respectively, paragraphs 2 and 9 of Assembly resolution 34/..., 13/ to consider the proposals contained in resolution 34/..., 14/ and to take them into due account in formulating recommendations to the Assembly at its thirty-fifth session.

12/ See Official Records of the Economic and Social Council, 1978, Supplement No. 4 (E/1978/34), chap. XXVI, sect. A.

13/ Draft resolution I.

14/ Draft resolution II.