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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. Naoharu FUJII (Japan)

I. INTRODUCTION

1. At its 4th plenary meeting, on 18 September 1981, the General Assembly decided to include in its agenda 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:

- (a) Implementation of General Assembly resolutions 34/46 and 35/174: report of the Secretary-General;
- (b) National institutions for the promotion and protection of human rights: report of the Secretary-General"

and to allocate it to the Third Committee.

2. The Committee considered this item jointly with item 73 at its 35th, 37th to 40th, 42nd, 43rd, 49th, 50th, 55th and 64th meetings, on 29 October, 2 to 4, 6, 9, 13, 16, 18 and 27 November 1981. The views expressed by the representatives of Member States on this item are set forth in the summary records of those meetings (A/C.3/36/SR.35, 37-40, 42, 43, 49, 50, 55 and 64).

3. The Committee had before it the following documents:

- (a) National institutions for the promotion and protection of human rights: report of the Secretary-General (A/36/440);

- (b) Present international conditions and human rights: report of the Secretary-General (A/36/462);
- (c) Seminar on the Relations that Exist between Human Rights, Peace and Development: note by the Secretary-General (A/36/482);
- (d) Report of the Economic and Social Council, chapter XXIII (A/36/3/Add.23 (Part I)); 1/
- (e) Letter dated 2 March 1981 from the Permanent Representative of India to the United Nations addressed to the Secretary-General, transmitting the documents of the Conference of Ministers for Foreign Affairs of Non-Aligned Countries, held at New Delhi, from 9 to 13 February 1981 (A/36/116 and Corr.1);
- (f) Letter dated 5 October 1981 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General, transmitting the resolutions adopted by the 68th Inter-Parliamentary Conference, held at Havana from 15 to 23 September 1981 (A/36/584);
- (g) Note by the Secretary-General, transmitting the text of resolution 23 (XXXVII) of the Commission on Human Rights (A/C.3/36/2);
- (h) Report of the Commission on Human Rights on its thirty-seventh session, 2/ chapter IX.

4. At the 35th meeting, on 29 October, the Deputy Director of the Division of Human Rights made an introductory statement on the item.

II. CONSIDERATION OF DRAFT RESOLUTIONS

A. Draft resolution A/C.3/36/L.41

5. At the 42nd meeting, on 6 November, the representative of Cuba introduced a draft resolution (A/C.3/36/L.41) 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, Angola, Benin, Cuba, Democratic Yemen, Ethiopia, Grenada, India, Madagascar, Nicaragua, Pakistan, Romania, Sao Tome and Principe, the Syrian Arab Republic and Yugoslavia, later joined by Argentina, Guyana, the Libyan Arab Jamahiriya, Panama and Viet Nam. The draft resolution read as follows:

1/ To be incorporated in Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 3 (A/36/3/Rev.1).

2/ Official Records of the Economic and Social Council, 1981, Supplement No. 5 (E/1981/25).

/...

"The General Assembly,

"Recalling 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,

"Reiterating the importance of the Universal Declaration of Human Rights and of the International Covenants on Human Rights in promoting respect for and observance of human rights and fundamental freedoms,

"Bearing in mind its resolution 32/130 of 16 December 1977, in which it decided that the approach to the future work within the United Nations system with respect to human rights questions should take into account the concepts set forth in that resolution,

"Recognizing that work should continue towards ensuring human rights in a comprehensive manner to ensure the dignity of human beings and, in this regard, to work actively for the implementation of the concepts contained in resolution 32/130 through the existing structures of the United Nations system,

"Further recognizing that the establishment of the new international economic order is an essential element for the promotion and full enjoyment of civil, political, economic, social and cultural rights,

"Reiterating 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,

"Further reiterating that in order to fully guarantee human rights and complete personal dignity it is necessary to guarantee the right to work, the 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,

"Aware that it is necessary for the Commission on Human Rights to continue its current work on the over-all analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms, including the question of the Commission's programme and working methods in accordance with the provisions and concepts of General Assembly resolution 32/130,

"Welcoming the decision of the Commission on Human Rights under its resolution 36 (XXXVII) to set up an Ad Hoc Working Group to study the scope and contents of the right to development and noting with satisfaction the commencement of the work of the Working Group, 3/

"Recognizing that the right to development is an inalienable human right belonging to all peoples and every individual,

"Taking into account that international peace and security are essential elements for the full realization of the right to development;

"Noting with appreciation the report of the Seminar on the Relations that Exist between Human Rights, Peace and Development organized by the United Nations at its Headquarters from 3 to 14 August 1981, 4/

"Noting with satisfaction the study prepared by the Secretary-General in accordance with the request in paragraph 12 of resolution 34/46, 5/

"Recalling its resolutions 34/46 of 23 November 1979 and 35/174 of 15 December 1980, as well as Commission on Human Rights resolution 36 (XXXVII), 2/

"1. Requests the Commission on Human Rights to continue its current 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 General Assembly resolution 32/130;

"2. Reiterates the absolute necessity under all circumstances of eliminating mass and flagrant violations of human rights and of the rights of the peoples and individuals affected by situations such as those enumerated in paragraph 1 (e) of resolution 32/130;

"3. Further reiterates that the establishment of the new international economic order is an essential element for the effective promotion and the full enjoyment of human rights and fundamental freedoms for all;

"4. Reaffirms 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;

"5. Further reaffirms that, in order to fully guarantee human rights and complete personal dignity, it is necessary to guarantee the right to work, the 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;

4/ ST/HR/SER.A/10.

5/ A/36/462.

"6. Declares that the right to development is an inalienable human right belonging to all peoples and to every individual;

"7. Requests the Commission on Human Rights to take the necessary measures to promote the right to development, taking into account the work of the Ad Hoc Working Group set up under Commission resolution 36 (XXXVII);

"8. Recognizes that international peace and security are essential elements for the full realization of the right to development;

"9. Requests the Secretary-General, starting from the thirty-eighth session, to submit biennially a progress report to update the study contained in document A/36/462;

"10. Decides to include in the provisional agenda of its thirty-seventh 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'."

6. Subsequently, the Committee had before it a revised draft resolution (A/C.3/36/L.41/Rev.1) sponsored by Algeria, Angola, Argentina, Benin, Cuba, Democratic Yemen, Ethiopia, Grenada, Guyana, India, the Libyan Arab Jamahiriya, Madagascar, Nicaragua, Pakistan, Panama, Romania, Sao Tome and Principe, the Syrian Arab Republic, Viet Nam and Yugoslavia, which read as follows:

"The General Assembly,

"Recalling 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,

"Reiterating the importance of the Universal Declaration of Human Rights and of the International Covenants on Human Rights in promoting respect for and observance of human rights and fundamental freedoms,

"Bearing in mind its resolution 32/130 of 16 December 1977, in which it decided that the approach to the future work within the United Nations system with respect to human rights questions should take into account the concepts set forth in that resolution,

"Recognizing that work should continue towards ensuring human rights in a comprehensive manner to ensure the dignity of human beings and, in this regard, to work actively for the implementation of the concepts contained in resolution 32/130 through the existing structures of the United Nations

system, in conformity with the Universal Declaration of Human Rights 6/ and the International Covenants on Human Rights, 7/

"Further recognizing that the establishment of the new international economic order is an essential element for the effective promotion and the full enjoyment of human rights and fundamental freedoms for all,

"Reiterating 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,

"Welcoming the decision of the Commission on Human Rights under its resolution 36 (XXXVII) to set up an Ad Hoc Working Group to study the scope and contents of the right to development and noting with satisfaction the commencement of the work of the Working Group, 3/

"Recalling in accordance with General Assembly resolution 32/130 that all human rights and fundamental freedoms of the human person and of peoples are inalienable,

"Emphasizing that the right to development is an inalienable human right belonging to all peoples and to every individual,

"Noting with appreciation the report of the Seminar on the Relations that Exist between Human Rights, Peace and Development organized by the United Nations at its Headquarters from 3 to 14 August 1981, 4/

"Noting with satisfaction the study prepared by the Secretary-General in accordance with the request made by the General Assembly in paragraph 12 of its resolution 34/46, 5/

"Recalling its resolutions 34/46 of 23 November 1979, 35/174 of 15 December 1980, as well as resolution 36 (XXXVII) of the Commission on Human Rights,

"1. Requests the Commission on Human Rights to continue its current 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 General Assembly resolution 32/130, bearing in mind also other relevant texts;

6/ General Assembly resolution 217 A (III).

7/ General Assembly resolution 2202 A (XXI).

"2. Reaffirms 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; 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;

"3. Reiterates that the international community should accord, or continue to accord priority to the search for solutions to mass and flagrant violations of human rights of the peoples and individuals affected by situations such as those enumerated in paragraph 1 (e) of resolution 32/130, paying due attention also to other situations of violations of human rights;

"4. Further reiterates that the establishment of the new international economic order is an essential element for the effective promotion and the full enjoyment of human rights and fundamental freedoms for all;

"5. Affirms that the efforts of the United Nations and its Member States to promote and to protect civil and political rights as well as economic, social and cultural rights should continue;

"6. Reaffirms 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;

"7. Further reaffirms that in order to ensure the full enjoyment of all human rights and complete personal dignity it is necessary to guarantee the right to work and the right to education, health and proper nourishment, through adoption of measures at the national level, including those that provide for the right of workers to participate in management, as well as adoption of measures at the international level, including the establishment of the new international economic order;

"8. Declares that the right to development is an inalienable human right belonging to all peoples and to every individual;

"9. Requests the Commission on Human Rights to take the necessary measures to promote the right to development, taking into account the work of the Ad Hoc Working Group set up under the Commission's resolution 36 (XXXVII);

"10. Recognizes that international peace and security are essential elements for the full realization of the right to development;

"11. Requests the Secretary-General to submit a biennial progress report to update the study contained in document A/36/462, starting from the thirty-eighth session;

"12. Decides to include in the provisional agenda of its thirty-seventh 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'."

7. At the 49th meeting, on 13 November, the representative of Cuba further revised the draft resolution orally as follows:

(a) In the fourth preambular paragraph, the words "through the existing structures of the United Nations system" were deleted;

(b) In the ninth preambular paragraph, the words "belonging to all people and to every individual" were deleted;

(c) Operative paragraph 6 was reworded as follows:

"Reiterates the need to ensure economic and political stability at the national and international levels for the full enjoyment, promotion and observance of human rights of peoples and individuals";

(d) In operative paragraph 7:

(i) The words "Further reaffirms" at the beginning of the paragraph were replaced by the words "Reaffirms also";

(ii) The word "guarantee" between the words "necessary to" and the words "the right to work" were replaced by the word "promote";

(e) In operative paragraph 8, the words "belonging to all peoples and to every individual" at the end of the paragraph were deleted;

(f) Operative paragraph 10 was inserted in the preamble as the tenth preambular paragraph, with the corresponding editorial changes.

8. The representative of Cuba further revised operative paragraph 7 of the draft resolution taking into account a proposal by Morocco to invert the order of the words "the right to work and the right to education" so that they would read "the right to education and the right to work".

9. At the same meeting, the Committee voted on the revised draft resolution, as further revised, as follows:

(a) It adopted, in a separate vote, the words "of peoples and individuals" in operative paragraph 6 by 102 votes to 4, with 24 abstentions;

(b) It adopted draft resolution A/C.3/36/L.41/Rev.1, as orally revised, by a recorded vote of 118 to 1, with 16 abstentions (see para. 20, draft resolution I). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Bahamas, Bangladesh, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, German Democratic Republic, Greece, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Ivory Coast, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Samoa, Sao Tome and Principe, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, Upper Volta, Uruguay, Vanuatu, Venezuela, Viet Nam, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Austria, Bahrain, Belgium, Canada, Germany, Federal Republic of, Guatemala, Israel, Italy, Jamaica, Japan, Luxembourg, Malawi, Portugal, Saudi Arabia, Spain, United Kingdom of Great Britain and Northern Ireland.

B. Draft resolution A/C.3/36/L.42

10. At the 42nd meeting, on 6 November, the representative of India introduced a draft resolution (A/C.3/36/L.42) entitled "National institutions for the promotion and protection of human rights", sponsored by Australia, India, Jamaica, Peru and the United Kingdom of Great Britain and Northern Ireland, later joined by Ghana, Lesotho, New Zealand and Sri Lanka.

11. At the 43rd meeting, on 9 November, the sponsors orally revised operative paragraph 9 of the draft resolution, which read as follows:

"Requests the Secretary-General to submit to the thirty-eighth session of the General Assembly a report, drawing upon all available sources of information, providing detailed information on the various types of national institutions for the promotion and protection of human rights, taking into account differing social and legal systems and the contribution that national institutions can make towards the implementation of the international human rights instruments;"

by deleting the words "drawing upon all available sources of information,".

/...

12. At the same meeting, the Committee adopted the draft resolution, as revised, without a vote (see para. 20, draft resolution II).

C. Draft resolution A/C.3/36/L.43

13. At the 42nd meeting, on 6 November, the representative of Costa Rica introduced a draft resolution (A/C.3/36/L.43) 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 Canada, Costa Rica, Denmark, the Dominican Republic, Equatorial Guinea, the Gambia, Germany, Federal Republic of, Ghana, Honduras, Italy, Jamaica, Lesotho, the Netherlands, Norway, Panama and Sweden, later joined by Botswana, Samoa, Solomon Islands and the United Kingdom of Great Britain and Northern Ireland. The draft resolution read as follows:

"The General Assembly,

"Recalling its resolution 35/175 of 15 December 1980, in which it decided to consider at its thirty-sixth session the question of the establishment of a post of United Nations High Commissioner for Human Rights under the agenda item entitled 'Alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms',

"Having considered the report of the Commission on Human Rights at its thirty-seventh session, 2/

"Noting with regret that the Commission on Human Rights has informed the General Assembly that it had not been able to reach a decision at its thirty-seventh session on the desirability of the establishment of a post of High Commissioner for Human Rights;

"Convinced, however, that a decision must be made on this important question,

"1. Requests the Commission on Human Rights to consider this question at its thirty-eighth session as a matter of highest priority under the item entitled 'Further promotion and encouragement of human rights and fundamental freedoms, including the 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';

"2. Urges the Commission on Human Rights to submit, through the Economic and Social Council to the General Assembly at its thirty-seventh session, substantive recommendations in regard to this question;

"3. Decides to resume consideration and to take action on the question of the establishment of a post of United Nations High Commissioner for Human Rights, also taking into account the substantive recommendations to be submitted by the Commission on Human Rights under the item 'Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms' with a view to reaching a decision on this question."

14. Later the Committee had before it amendments (A/C.3/36/L.44) sponsored by Algeria, Cuba, India and Yugoslavia, which read as follows:

"Preambular paragraph 3

Delete the words 'with regret'

"Preambular paragraph 4

Delete this paragraph

"Operative paragraph 1

Delete the words 'as a matter of the highest priority'

"Operative paragraph 2

Replace the words 'substantive recommendations' by the words 'the results of its discussions'

"Operative paragraph 3

Delete the words 'and to take action'

Replace the words 'substantive recommendations to be submitted by the Commission on Human Rights' by the words 'results of the discussions in the Commission on Human Rights and also the views expressed by Member States at the thirty-sixth session of the General Assembly'

Delete the words 'with a view to reaching a decision on this question'".

15. At the 43rd meeting, on 9 November, the representative of Italy submitted amendments to document A/C.3/36/L.44, which were later issued in document A/C.3/36/L.46. They read as follows:

"1. At the end of the amendment to the fourth preambular paragraph add the following words:

'and replace it with the following:

"Also noting that the Commission on Human Rights has been seized of this important question since its thirty-fourth session".

"2. At the end of the amendment to operative paragraph 1 add the following words:

'and at the end of the paragraph add the words "with the urgency required by the importance of the issue"'.

"3. In the amendment to operative paragraph 2 add, after the word 'discussion', the words 'including concrete proposals'.

"4. In the relevant amendment to operative paragraph 3 add the words:

'including its concrete proposals', between the words 'Commission of Human Rights' and the words 'and also the views'.

"5. In the relevant amendment to operative paragraph 3 add the following words:

'and replace them by the words "and to examine the possibility of acting on these proposals at its thirty-seventh session"'. "

16. At the 55th meeting, on 18 November, the representative of Costa Rica introduced a revised draft resolution (A/C.3/36/L.43/Rev.1) sponsored by Botswana, Canada, Costa Rica, Denmark, the Dominican Republic, Equatorial Guinea, the Gambia, Germany, Federal Republic of, Ghana, Honduras, Italy, Jamaica, Lesotho, the Netherlands, Norway, Panama, Samoa, Solomon Islands, Sweden and the United Kingdom of Great Britain and Northern Ireland, which read as follows:

"The General Assembly,

"Recalling its resolution 35/175 of 15 December 1981, in which it decided to consider at its thirty-sixth session the question of the establishment of a post of United Nations High Commissioner for Human Rights under the agenda item 'Alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms',

"Having considered the report of the Commission on Human Rights at its thirty-seventh session, 2/

"Noting that the Commission on Human Rights has informed the General Assembly that it had not been able to reach a decision at its thirty-seventh session on the desirability of the establishment of a post of High Commissioner for Human Rights,

"Also noting that the Commission on Human Rights has been seized of this question since its thirty-fourth session under the item 'Over-all analysis',

"1. Requests the Commission on Human Rights at its thirty-eighth session to consider this question with the attention required by the importance of the issue;

"2. Further requests the Commission on Human Rights to submit the conclusions and recommendations adopted at its thirty-eighth session to the General Assembly at its thirty-seventh session;

"3. Decides to resume consideration of this question at its thirty-seventh session, also taking into account the report of the Commission on Human Rights on its thirty-eighth session, under the item 'Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms' and to examine what steps may be taken in this regard."

17. At the same meeting, the revised draft resolution was withdrawn by its sponsors.

18. At the 64th meeting, on 27 November, the representative of Italy introduced a further revised draft resolution (A/C.3/36/L.43/Rev.2), sponsored by Botswana, Canada, Costa Rica, Denmark, the Dominican Republic, Equatorial Guinea, the Gambia, Germany, Federal Republic of, Ghana, Honduras, Italy, Jamaica, Lesotho, the Netherlands, Norway, Panama, Samoa, Solomon Islands, Sweden and the United Kingdom of Great Britain and Northern Ireland, taking into account the amendments contained in document A/C.3/36/L.44.

19. At the same meeting, the Committee adopted the draft resolution, as further revised, without a vote (see para. 20, draft resolution III).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

20. 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,

Recalling 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,

Reiterating the importance of the Universal Declaration of Human Rights 8/ and of the International Covenants on Human Rights 9/ in promoting respect for and observance of human rights and fundamental freedoms,

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

Recognizing that work should continue towards safeguarding human rights in a comprehensive manner to ensure the dignity of human beings and, in that regard, that active efforts should be made to implement the concepts set forth in resolution 32/130, in conformity with the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Further recognizing that the establishment of the new international economic order is an essential element for the effective promotion and the full enjoyment of human rights and fundamental freedoms for all,

Reiterating 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,

Welcoming the decision of the Commission on Human Rights in its resolution 36 (XXXVII) of 11 March 1981 10/ to set up an Ad Hoc Working Group to study the scope and content of the right to development and noting with satisfaction the commencement of the work of the Working Group,

Recalling that, in accordance with General Assembly resolution 32/130, all human rights and fundamental freedoms of the human person and of peoples are inalienable,

Emphasizing that the right to development is an inalienable human right,

Recognizing that international peace and security are essential elements in the full realization of the right to development,

8/ General Assembly resolution 217 A (III).

9/ General Assembly resolution 2200 A (XXI).

10/ Official Records of the Economic and Social Council, 1981, Supplement No. 5 (E/1981/25), chap. XXVIII, sect. A.

Noting with appreciation the report of the Seminar on the Relations that Exist between Human Rights, Peace and Development, organized by the United Nations at its Headquarters from 3 to 14 August 1981, 11/

Noting with satisfaction the study on international conditions and human rights prepared by the Secretary-General 12/ in accordance with the request made by the General Assembly in paragraph 12 of its resolution 34/46 of 23 November 1979,

Recalling its resolutions 34/46 of 23 November 1979 and 35/174 of 15 December 1980, as well as Commission on Human Rights resolution 36 (XXXVII),

1. Requests the Commission on Human Rights to continue its current 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 General Assembly resolution 32/130, bearing in mind also other relevant texts;

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

3. Reiterates that the international community should accord, or continue to accord, priority to the search for solutions to mass and flagrant violations of human rights of the peoples and individuals affected by situations such as those mentioned in paragraph 1 (e) of resolution 32/130, paying due attention also to other situations of violations of human rights;

4. Further reiterates that the establishment of the new international economic order is an essential element for the effective promotion and the full enjoyment of human rights and fundamental freedoms for all;

5. Affirms that the efforts of the United Nations and its Member States to promote and to protect civil and political rights as well as economic, social and cultural rights should continue;

6. Reiterates the need to ensure economic and political stability at the national and international levels for the full enjoyment, promotion and observance of human rights of peoples and individuals;

11/ ST/4R/SER.A/10.

12/ A/36/462.

7. Reaffirms also that in order to ensure the full enjoyment of all human rights and complete personal dignity it is necessary to promote the right to education and the right to work, health and proper nourishment, through adoption of measures at the national level, including those that provide for the right of workers to participate in management, as well as adoption of measures at the international level, including the establishment of the new international economic order;

8. Declares that the right to development is an inalienable human right;

9. Requests the Commission on Human Rights to take the necessary measures to promote the right to development, taking into account the work of the Ad Hoc Working Group set up under Commission resolution 36 (XXXVII);

10. Requests the Secretary-General to submit to the General Assembly, from the thirty-eighth session on, a biennial progress report bringing up to date the study on international conditions and human rights; 12/

11. Decides to include in the provisional agenda of its thirty-seventh 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

National institutions for the promotion and protection of human rights

The General Assembly,

Recalling its resolutions 32/123 of 16 December 1977, 33/46 of 14 December 1978 and 34/49 of 23 November 1979 concerning national institutions for the promotion and protection of human rights,

Mindful of the guidelines on the structure and functioning of national and local institutions for the promotion and protection of human rights endorsed by the General Assembly in its resolution 33/46,

Taking note of the report of the Secretary-General on national institutions for the promotion and protection of human rights, 13/

Mindful also of the need to create conditions at the national and international levels for the promotion and protection of the human rights of individuals and peoples,

13/ A/36/440.

Emphasizing the importance of the Universal Declaration of Human Rights, 14/ the International Covenants on Human Rights 15/ and other international human rights instruments for promoting respect for and observance of human rights and fundamental freedoms,

Reiterating its 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,

Noting that the Commission on Human Rights and the Economic and Social Council have been giving attention to the development of public information activities in the field of human rights,

1. Invites all Member States to take appropriate steps for the establishment or, where they already exist, the strengthening of national institutions for the promotion and protection of human rights;
2. Emphasizes the importance of the integrity and independence of such national institutions, in accordance with national legislatures;
3. Draws attention to the constructive role that national non-governmental organizations can play in the work of national institutions;
4. Invites all Member States to take appropriate steps to disseminate the texts of human rights instruments, including international covenants and conventions, in their respective national or local languages in order to give the widest possible publicity to these instruments;
5. Recommends that all Member States should consider including material relevant to a comprehensive understanding of human rights issues in their educational curriculum;
6. Recommends that all Member States should take appropriate steps to encourage the exchange of experience in the establishment of national institutions for the promotion and protection of human rights;
7. Requests the Secretary-General, in carrying out public information activities in the field of human rights, to give due attention to the role of national institutions and non-governmental organizations concerned with the promotion and protection of human rights;
8. Requests the Secretary-General to provide all necessary assistance to Member States upon their request in the implementation of paragraph 4 above, high priority being accorded to the needs of developing countries;

14/ General Assembly resolution 217 A (III).

15/ General Assembly resolution 2200 A (XXI).

9. Requests the Secretary-General to submit to the General Assembly at its thirty-eighth session a report providing detailed information on the various types of national institutions for the promotion and protection of human rights, taking into account differing social and legal systems and the contribution that national institutions can make towards the implementation of the international human rights instruments;

10. Recommends that Member States should bring the present resolution to the attention of representatives of their national institutions;

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

DRAFT RESOLUTION III

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

The General Assembly,

Recalling its resolution 35/175 of 15 December 1981, in which it decided to consider at its thirty-sixth session the question of the establishment of a post of United Nations High Commissioner for Human Rights under the item entitled "Alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms",

Having considered the report of the Commission on Human Rights on its thirty-seventh session, 16/

Noting that the Commission on Human Rights informed the General Assembly that it had not been able to reach a decision at its thirty-seventh session on the desirability of the establishment of a post of High Commissioner for Human Rights,

Also noting that the Commission on Human Rights has been seized of this question since its thirty-fourth session under the 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",

16/ Official Records of the Economic and Social Council, 1981, Supplement No. 5 (E/1981/25).

1. Requests the Commission on Human Rights at its thirty-eighth session to consider this question with the attention it deserves;
2. Further requests the Commission on Human Rights to submit a report on its deliberations and their results to the General Assembly at its thirty-seventh session through the Economic and Social Council;
3. Decides to resume consideration of this question at its thirty-seventh session, also taking into account the report of the Commission on Human Rights on its thirty-eighth session and the views expressed by Member States at the thirty-sixth session of the General Assembly 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" and to examine what steps may be taken in this regard.
