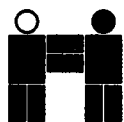


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**Decade for Action to
Combat Racism and
Racial Discrimination**

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SECOND WORLD CONFERENCE TO COMBAT RACISM AND RACIAL DISCRIMINATION
Geneva, 1-12 August 1983

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INFORMATION OF PARTICIPANTS

Compilation of United Nations resolutions and decisions relevant to
the struggle against racism, racial discrimination and apartheid

Commission on Human Rights resolutions

GE.83-12753

- 2 (XXII). Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent countries and territories

The Commission on Human Rights,

Bearing in mind its special responsibilities for the promotion of human rights and fundamental freedoms everywhere,

Considering that the Economic and Social Council, in its resolution 1102 (XL), asked that the Commission on Human Rights, at its twenty-second session, should consider as a matter of importance and urgency the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent countries and territories, and to submit to the Council at its forty-first session its recommendations on measures to halt those violations,

Considering further that the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, in its resolution of 18 June 1965, drew the attention of the Commission on Human Rights to the evidence submitted by petitioners concerning violations of human rights committed in Territories under Portuguese administration and also in South West Africa and Southern Rhodesia, and expressed its profound shock at the violations of human rights committed in order to stifle the legitimate aspirations of the African population to self-determination and independence,

Expressing its profound indignation at violations of human rights committed in colonies and dependent Territories and taking into account the designation, in General Assembly resolutions 2022 (XX) and 2074 (XX), of such violations of human rights as the policies of apartheid and racial discrimination as "crimes against humanity",

Guided by the Universal Declaration of Human Rights and the standards proclaimed therein and the Declaration on the Granting of Independence to Colonial Countries and Peoples which proclaims the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations,

Noting that the materials, procedures and time available to the Commission at its twenty-second session are insufficient for complying in full with the mandate given in Council resolution 1102 (XL),

A

1. Condemns violations of human rights and fundamental freedoms wherever they occur;

2. Supports the measures provided for in the Special Committee's resolution of 18 June 1965;

3. Requests the Economic and Social Council to recommend to the General Assembly:

(a) That it continue to encourage all eligible States to become Parties as soon as possible to all Conventions which aim to protect human rights and fundamental freedoms, including in particular the International Convention on the Elimination of All Forms of Racial Discrimination;

(b) That for the purpose of the implementation of the Declaration on the Elimination of All Forms of Racial Discrimination all possible measures should be taken for the suppression of the policies of apartheid and segregation and the elimination of racial discrimination wherever it occurs, but particularly in colonial and other dependent countries and territories;

(c) That it arrange for the celebration of Human Rights Day in 1966 with the theme of protection for the victims of violations of human rights and fundamental freedoms, in particular in colonial and other dependent countries and territories;

(d) That it request the Special Committee to apprise the Commission on Human Rights of the relevant information coming to the Committee's attention and of its discussions and decisions on questions of violations of human rights in colonial and dependent countries and territories;

(e) That it urge all States which have not yet done so to comply with the relevant General Assembly and Security Council resolutions recommending the application of economic and diplomatic sanctions against the Republic of South Africa;

(f) That it appeal to public opinion and, in particular, to juridical associations to render assistance to the victims of the policies of racial discrimination, segregation and apartheid;

4. Expresses the hope that the International Seminar on Apartheid that will be held in Brazil in August 1966 will study and recommend effective and concrete measures against the policy of apartheid;

5. Instructs the Sub-Commission on Prevention of Discrimination and Protection of Minorities to examine all relevant United Nations materials including the Special Committee's resolution of 18 June 1965 and the documents referred to in paragraph 3 (d) of the present resolution and in Council resolution 1102 (XL), and to submit to the Commission at its twenty-third session such recommendations or comments as it considers appropriate.

6. Requests the Economic and Social Council to transmit this resolution to the Special Committee on the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;

B

1. Informs the Council that, in order completely to deal with the question of violations of human rights and fundamental freedoms in all countries, it will be necessary for the Commission to consider fully the means by which it may be more fully informed of violations of human rights with a view to devising recommendations for measures to halt them;

2. Decides to consider at its twenty-third session the question of the Commission's tasks and functions and its role in relation to violations of human rights in all countries, including appropriate assistance to the Special Committee in giving effect to the Declaration on the Granting of Independence to Colonial Countries and Peoples and to the decisions of the General Assembly based on the Declaration in so far as questions of human rights and fundamental freedoms are concerned and having regard to whatever opinions and recommendations may be expressed by the Special Committee on this question.

5 (XXII). Measures for the speedy implementation of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination 10/

The Commission on Human Rights,

Taking into account Economic and Social Council resolution 1076 (XXXIX) in which the Council requested the Commission on Human Rights to include on the agenda of its twenty-second session the question "Measures for the speedy implementation of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination",

Recalling General Assembly resolution 2017 (XX), of 1 November 1965, on measures to implement the United Nations Declaration on the Elimination of All Forms of Racial Discrimination,

Considering that in its resolution 1103 (XL) on measures for the speedy implementation of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, the Economic and Social Council:

(a) Invited the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, pursuant to paragraph 5 of General Assembly resolution 2017 (XX), to recommend, in the light of the special study of racial discrimination in the political, economic, social and cultural fields envisaged in Council resolution 1076 (XXXIX) of 23 July 1965, any further measures which could be undertaken by the appropriate United Nations bodies with a view to eliminating all forms of racial discrimination, and to submit those recommendations to the General Assembly,

(b) Requested the Commission on Human Rights to submit to the Council at its forty-first session its views concerning the speediest possible accomplishment of the said task designated by the General Assembly,

Noting that the Sub-Commission has not yet completed this special study, and that the Commission is, in consequence, unable at present to submit recommendations to the Council in the light of that study as requested in sub-paragraph a above,

Regretting that the time available to it at its present session has been insufficient to enable it to consider and formulate its views as requested in sub-paragraph b above,

1. Condemns racial discrimination in all its forms wherever it exists and appeals to Member States to take urgent and effective measures for its complete elimination;

10/ See the statement of financial implications in annex II.

2. Requests the Economic and Social Council at its forty-first session:

(a) Once again to call upon all States in which racial discrimination is practised to comply speedily and in good faith with the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, the Universal Declaration of Human Rights and General Assembly resolutions 1905 (XVIII) and 2017 (XX) concerning measures to implement the Declaration on the Elimination of All Forms of Racial Discrimination;

(b) To recommend that the General Assembly reiterate that the pursuance of policies of racial discrimination by any Member State is incompatible with the obligations assumed by it under the Charter of the United Nations;

3. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to take appropriate steps to carry out, as rapidly as possible, the special study of racial discrimination in the political, economic, social and cultural fields, the preparations for the said study to be made in accordance with an accelerated procedure on the basis of paragraph 4 of resolution 1105 (XL) of the Economic and Social Council;

4. Requests the Secretary-General to take steps to ensure that the report of the seminar on apartheid to be held in August 1966 is made available to the General Assembly when it considers, at its twenty-first session, questions relating to apartheid and measures to implement the United Nations Declaration on the Elimination of All Forms of Racial Discrimination;

5. Requests the Secretary-General to take steps to ensure that the documentation of the seminar on the elimination of all forms of racial discrimination to be held in the context of the programme of the International Year for Human Rights is distributed as widely as possible;

6. Decides to discuss at its forthcoming sessions the practical conclusions and recommendations of the two aforementioned seminars;

7. Decides to retain on the agenda of the Commission's twenty-third session, as a matter of priority, the item entitled "Measures for the speedy implementation of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination" for more thorough study.

2 (XXIII). Communication dated 3 February 1967 from the Acting Chairman
of the General Assembly's Special Committee on the
Policies of Apartheid of the Government of the
Republic of South Africa

The Commission on Human Rights,

Considering that the General Assembly by its resolution 2144 A (XXI), paragraph 12, invited the Commission to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they may occur,

Having considered and examined the communication from the Secretary-General transmitting a letter from the Acting Chairman of the General Assembly's Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa (E/CN.4/935) together with its enclosures (A/AC.115/L.53, A/AC.115/L.73, A/AC.115/L.87, A/AC.115/L.106, A/AC.115/L.116, A/AC.115/L.123 and L/AC.115/L.181),

Deeply disturbed by the evidence in those documents of continuing torture and ill-treatment of persons in the Republic of South Africa who have been detained by the Police or imprisoned for opposition to, or infringement of, Apartheid laws,

Strongly deploring the continued flagrant violation of the provisions of the Charter of the United Nations by the Government of the Republic of South Africa and the actions of that Government which are contrary to international law and international morality,

Determined to protect human rights and fundamental freedoms, and desirous of an urgent and immediate stop of violations of human rights and fundamental freedoms in the Republic of South Africa,

Having heard the statement of the Observer for the Republic of South Africa in connexion with this question,

Noting with appreciation the proclamation of the General Assembly in its resolution 2142 (XXI) of the annual commemoration of the massacre of Sharpeville, 21 March, as International Day for the Elimination of Racial Discrimination,

1. Condemns the practices described and complained of in the above-cited documents as constituting a double injury against the victims of the inhuman policies of apartheid of the Government of the Republic of South Africa, who are imprisoned or detained for opposing and violating those policies;

2. Requests the Secretary-General immediately to address, on behalf of the Commission, a telegram to the Government of the Republic of South Africa conveying the deep distress and serious concern of the Commission at this situation and requesting that Government to take positive action so that its treatment of political prisoners shall conform with civilized standards of penal law and practice;

3. Decides to establish, in accordance with resolution 9 (II) of 21 June 1946 of the Economic and Social Council, an ad hoc Working Group of Experts composed of eminent jurists and prison officials to be appointed by the Chairman of the Commission to:

(a) Investigate the charges of torture and ill-treatment of prisoners, detainees or persons in police custody in South Africa;

(b) Receive communications and hear witnesses and use such modalities of procedure as it may deem appropriate;

(c) Recommend action to be taken in concrete cases;

(d) Report to the Commission on Human Rights at the earliest possible time;

4. Calls upon the Government of the Republic of South Africa to co-operate with the ad hoc Working Group of Experts, providing it with the necessary facilities for the discharge of its task within South Africa;

5. Requests the Secretary-General to give the widest possible publicity, as soon as possible, to the documents received from the Acting Chairman of the Special Committee containing the testimony of political prisoners, victims of torture and ill-treatment in the prisons of South Africa, as well as the statements of Nelson Mandela and Abram Fischer in their recent court trials in South Africa;

6. Calls upon all Member States of the United Nations to give the widest national publicity, through all available information media, to the substance of the contents of these documents;

7. Draws attention of all international humanitarian organizations to these documents and appeals to them to take, as a matter of urgency, any appropriate action in their power to help alleviate the inhuman situation described therein;

8. Appeals to all Member States, governmental, non-governmental and private organizations, as well as private individuals, to support the United Nations Trust Fund for South Africa through financial and other aids;

9. Requests the Secretary-General to circulate this resolution to the members of the Security Council;

10. Further requests the Secretary-General to convey to the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa the desire of the Commission on Human Rights to maintain close collaboration with it in achieving their common objectives.

11. Requests its Chairman to maintain contact with the Secretary-General and to report before the end of the present session on the progress of the implementation of this resolution;

12. Recommends that the Secretary-General in consultation with Member States, arrange to provide facilities whereby Registers for the receipt of contributions from all sources, private and public, for the victims of the policies of apartheid and racism in South Africa may be opened in each country;

13. Requests the Secretary-General to report to the General Assembly, the degree of co-operation he has received from the various Member States;

14. Decides to review the situation at its twenty-fourth session.

269. In accordance with paragraph 11 of resolution 2 (XXIII) of the Commission, the Chairman of the Commission and the representative of the Secretary-General submitted to the Commission a document (E/CN.4/L.932) containing information on the implementation of this resolution announcing, in particular, that on 8 March 1967, the Secretary-General had sent a telegram to the Minister for Foreign Affairs of the Republic of South Africa, pursuant to paragraph 2 of the resolution. The telegram read as follows:

"H.E. Dr. Hilgard Muller
Minister for Foreign Affairs
Pretoria
Republic of South Africa

"I have the honour to inform Your Excellency that the Commission on Human Rights meeting in Geneva, after considering a letter from the Acting Chairman of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa (E/CN.4/935), together with its enclosures (A/AC.115/L.53, A/AC.115/L.73, A/AC.115/L.87, A/AC.115/L.106, A/AC.115/L.116, A/AC.115/L.123, A/AC.115/L.181), adopted resolution 4 (XXIII) on 6 March 1967, in which, inter alia, the Commission condemned practices described and complained of in these

documents and requested me on its behalf to convey to Your Excellency's Government the deep distress and serious concern of the Commission at this situation and to request Your Excellency's Government 'to take positive action so that its treatment of political prisoners shall conform with civilized standards of penal law and practice'.

U Thant
Secretary-General"

The Secretary-General had also sent a telegram to the First Vice-President of the Economic and Social Council to obtain his approval for the setting up of the ad hoc Group of Experts established under paragraph 3 of the resolution. Other measures had already been taken, or would shortly be taken, for the implementation of paragraphs 5, 6, 7, 8, 12 and 13 of the resolution.

270. At the 941st meeting, on 22 March 1967, the Chairman of the Commission announced that the Working Group would be composed of Mr. Felix Ermacora (Austria), Mr. Luis Marchand Stens (Peru), Mr. Ibrahima Boye (Senegal), Mr. Waldo Emerson Waldron-Ramsey (United Republic of Tanzania), and Mr. Branimir Janković^V (Yugoslavia).

2 (XXIV). Report of the ad hoc Working Group of Experts
on the treatment of political prisoners in the
Republic of South Africa 20/

The Commission on Human Rights,

Having considered the report of the ad hoc Working Group of Experts established ;
under its resolution 2 (XXIII) (E/CN.4/950),

Taking note of the recommendation contained in paragraph 1540 of the report of
the Special Rapporteur established under its resolution 7 (XXIII) (E/CN.4/949 and
Corr.1, and Add.1 and Add.1/Corr.1, and Add.2-5),

Taking note of paragraph 1 and paragraph 3, in so far as it concerns the
situations mentioned in paragraph 1, of resolution 3 (XX) of the Sub-Commission on
Prevention of Discrimination and Protection of Minorities (E/CN.4/947),

1. Endorses the conclusions and recommendations of the ad hoc Working Group;
2. Decides to expand the ad hoc Working Group by one expert jurist from
Asia, and empowers the Chairman to appoint such an expert;
3. Decides further to enlarge the mandate of the ad hoc Working Group of
Experts to include the following:
 - (i) To investigate allegations of ill-treatment and torture of prisoners,
detainees or persons in police custody in South West Africa;
 - (ii) To investigate allegations of ill-treatment of political prisoners,
detainees or persons in police custody in Southern Rhodesia;
 - (iii) To investigate allegations of ill-treatment of political prisoners,
detainees or persons in police custody in Mozambique, Angola and all
other Portuguese territories in Africa;
 - (iv) To investigate, in particular, the consequences which flow from the
illegal arrest and arraignment by the South African authorities of
nationals of South West Africa, a Territory under the direct
responsibility of the United Nations;

20/ See paras. 104-136.

- (v) A thorough investigation of the conclusion contained in paragraph 1137 of the report of the ad hoc Working Group of Experts;

4. Invites the ad hoc Working Group to submit its report to the twenty-fifth session of the Commission.

3 (XXIV). Measures for effectively combating racial discrimination, the policies of apartheid and segregation in southern Africa 21/

The Commission on Human Rights,

Bearing in mind the obligation assumed by all Member States under Article 56 of the Charter of the United Nations to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55, which include the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Having regard to resolution 1164 (XLI) of the Economic and Social Council and resolution 2144 A (XXI) of the General Assembly on the "Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories",

Taking into account General Assembly resolution 2145 (XXI) by which the General Assembly terminated South Africa's Mandate over South West Africa,

Considering General Assembly resolution 2307 (XXII) on the policies of apartheid of the Government of the Republic of South Africa and resolutions 2324 (XXII) and 2325 (XXII) on the question of South West Africa,

Recalling its resolution 7 (XXIII) under which it appointed a Special Rapporteur to study, inter alia, United Nations past action in its efforts to eliminate the policy and practices of apartheid,

Having considered the report of the Special Rapporteur appointed under its resolution 7 (XXIII) (E/CN.4/949 and Corr.1, and Add.1 and Add.1/Corr.1 and Add.2-5),

Taking into account the documents and recommendations of the seminars on apartheid held in Brazil in 1966 and in Zambia in 1967,

Gravely concerned by the evidence of inhuman practices of the Government of the Republic of South Africa and of the illegal racist minority régime in Southern Rhodesia against the non-white population of South Africa, South West Africa and Southern Rhodesia,

Deploring the fact that despite the efforts of the United Nations, the Government of the Republic of South Africa and the illegal régime in Southern Rhodesia continue to intensify the policies of apartheid and of racial discrimination,

21/ See paras. 24-72.

Noting that the Government of the Republic of South Africa and the illegal régime in Southern Rhodesia are finding support for the policy of apartheid and racial discrimination in the fact that a number of States are continuing to trade with them and are maintaining diplomatic, cultural and other ties and relations with them and affording them military assistance,

Considering that the flagrant violations of human rights in southern Africa are of serious international concern and require urgent and effective action by the United Nations,

A

1. Reaffirms that the practice of apartheid is a crime against humanity and the situation in southern Africa constitutes a threat to international peace and security;

2. Condemns the Government of the Republic of South Africa for its perpetuation and intensification of the inhuman policy of apartheid in complete and flagrant violation of the Charter of the United Nations and the Universal Declaration of Human Rights and for its affront and insult to human conscience;

3. Denounces the laws and practices instituted and imposed to oppress, dispossess and humiliate the non-white population in southern Africa;

4. Further condemns the recent arrest and trial of thirty-seven South West Africans under an illegal and unjust law, and the unlawful conviction and sentencing of thirty-three of them;

5. Expresses dissatisfaction at the fact that several Governments, in violation of United Nations resolutions, are continuing to maintain diplomatic, commercial, military, cultural and other relations with the Republic of South Africa and the illegal régime in Southern Rhodesia;

6. Calls upon all those Governments which have diplomatic, commercial, military, cultural and other relations with South Africa to desist from such relations in accordance with the resolutions of the General Assembly and of the Security Council.

B

1. Commends the Special Rapporteur for his comprehensive and objective report and for the conclusions and recommendations therein;

2. Endorses the conclusions and recommendations of the Special Rapporteur (E/CN.4/949/Add.4);

3. Requests the Secretary-General to transmit the report of the Special Rapporteur to the International Conference on Human Rights to be held in Teheran, together with the summary of the discussion in the Commission on that report;

4. Recommends to the International Conference on Human Rights to give consideration to the recommendations contained in paragraph 1549 of that report;

5. Requests the Special Rapporteur, with the approval of the Conference, to introduce the report to it.

C

1. Invites non-governmental organizations, trade unions, church, student and other organizations to intensify their efforts in focusing public opinion on the repressive legislation, arbitrary imprisonment and other inhuman acts by the Government of South Africa and the illegal régime of Southern Rhodesia against the opponents of apartheid and racial discrimination;

2. Requests the Secretary-General to intensify, through all United Nations information media, the efforts to inform the people of southern Africa of the activities of the United Nations organs to eliminate the policy of apartheid and racial discrimination, laying particular stress on the positive alternative of a multi-racial society based on the principle of racial equality;

3. Requests the Secretary-General to prepare in consultation with the Special Rapporteur for publication and wide circulation, particularly to legal and juridical associations, a summary of the study of the laws and practices of the Government of South Africa and of the illegal régime in Southern Rhodesia as submitted in the report of the Special Rapporteur.

D

1. Considers it essential to ensure closer consultation between the Commission on Human Rights and other United Nations organs concerned with violations of human rights in southern Africa, particularly the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, the United Nations Council for South West Africa and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;

2. Transmits the report of the Special Rapporteur to the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, the United Nations Council for South West Africa and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;

3. Draws the attention of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to this report;

4. Requests the Secretary-General to inform the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, the United Nations Council for South West Africa and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples of the initiation and progress of investigations by the Commission on matters of gross violation of human rights in southern Africa.

E

1. Requests the Special Rapporteur to continue his task and to prepare and submit a report, with his conclusions and recommendations, to the twenty-fifth session of the Commission and to pay particular attention to the following:

- (a) Developments since his present report;
 - (b) Survey of the policies and practices of racial discrimination in the African Territories under Portuguese domination;
 - (c) The possibility of establishing a grand jury of legal experts for South West Africa for the protection of the life, personal safety and rights of the inhabitants of that Territory;
 - (d) Appropriate measures for the dissemination of information to the peoples of southern Africa on the evils of apartheid and racial discrimination, as well as the United Nations efforts to combat these evils, by radio broadcasts and other means;
2. Requests the Secretary-General to provide the Special Rapporteur with the necessary documentation and assist him in the full utilization of the resources of the Unit on Apartheid established under General Assembly resolution 2144 A (XXI);
 3. Requests the specialized agencies to co-operate with the Special Rapporteur and assist him in the performance of his functions under this resolution;
 4. Authorizes the Special Rapporteur to consult with the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the United Nations Council for South West Africa, in the course of preparation of his report.

3 (XXV). Appeal for combating the policy of apartheid 18/

The Commission on Human Rights,

Having studied the situation prevailing in South Africa,

1. Denounces the intensification of the policy of apartheid practised by the rulers of South Africa, and the increasing aggravation of its consequences, and in particular:

- (a) The iniquitous measures, contrary to recognized international rules, which are inflicted on numerous coloured human beings and even on some white persons, and which involve the retroactive imposition of appalling penalties for acts which, when committed, were lawful and innocent;
- (b) Measures compelling coloured persons to separate from their families;
- (c) Forced labour imposed on coloured workers for derisory wages;
- (d) The prohibition of mixed groups of a cultural, trade union or political nature;
- (e) The concentration in a poor and tiny portion of South African territory of coloured people, who are deprived of all medical care and exposed to serious diseases;

2. Appeals to world public opinion to support and encourage the efforts of the international community designed to eliminate the odious practice of apartheid.

18/ Adopted at the 1006th meeting on 26 February 1969, see paragraph 150 above.

5 (XXV). Measures for effectively combating racial discrimination, the policies of apartheid and segregation in Southern Africa^{20/}

The Commission on Human Rights,

Bearing in mind that under Article 56 of the Charter of the United Nations all Member States have assumed obligations to take joint and separate action in co-operation with the United Nations, for the achievement of the purposes set forth in Article 55

20/ Adopted at the 1010th meeting on 27 February 1969, see paragraph 154 above, and chapter XIX, draft resolution II.

which include the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Taking into account General Assembly resolution 2145 (XXI) of 27 October 1966, by which the General Assembly terminated South Africa's mandate over South West Africa, and General Assembly resolution 2248 (S-V) of 19 May 1967, by which it decided to establish a United Nations Council for Namibia,

Further taking into account, in particular, the relevant resolutions of the General Assembly, the Security Council, the Economic and Social Council and the Commission on Human Rights on the problems of apartheid and on the elimination of all forms of racial discrimination in southern Africa,

Recalling in particular Security Council resolution 134 (1960) of 7 April 1960 in which the Council recognized that the situation in South Africa was one that had led to friction and if continued might lead to international conflict,

Recalling also its resolution 3 (XXIV), under which it requested the Special Rapporteur to continue his task and to prepare and submit a report, with his conclusions and recommendations, to its twenty-fifth session,

Noting that, in spite of his best efforts and owing to circumstances beyond his control, the Special Rapporteur was unable to fulfil his mandate relating to the surveying of the policies and practices of racial discrimination in the African territories under Portuguese domination,

Having considered the report of the Special Rapporteur (E/CN.4/979 and Add.1-8),

Noting also that the Seminars on the Freedom of Association, and on the Elimination of All Forms of Racial Discrimination, were held in London and in New Delhi respectively in 1968,

Gravely concerned by the evidence of inhuman practices of the racist Government of South Africa and by the illegal and racist regime established in Namibia, as well as by the racist and illegal minority régime in Southern Rhodesia against the non-white populations of South Africa, Namibia and Southern Rhodesia,

Deploping the fact that despite the efforts of the United Nations, the racist Government of the Republic of South Africa, the illegal racist régime established in Namibia and the racist and illegal minority régime in South Rhodesia continue to violate human rights by intensifying the policies of apartheid and of racial discrimination,

Noting that the racist Government of the Republic of South Africa which is also in illegal occupation of Namibia, a territory under direct United Nations administration, and the racist and illegal minority régime in Southern Rhodesia are finding support despite their policy of apartheid and racial discrimination in the fact that a number of States are continuing to trade with them and are maintaining diplomatic, commercial, cultural and other ties and relations with them and affording them military assistance,

Considering that the flagrant violations of human rights in southern Africa as well as their direct or indirect abetment by certain Member States are of serious international concern and require urgent and effective action by the United Nations,

Recognizing the efforts of the United Nations to disseminate information on the evils of apartheid, racial discrimination and colonialism,

Paying homage, to the efforts of the white persons who, at the risk of their lives, struggle against the system of apartheid and racial discrimination in southern Africa,

I

1. Reaffirms that the practice of apartheid is a crime against humanity and that the situation in southern Africa constitutes a threat to international peace and security;
2. Denounces the laws and practices instituted and imposed to oppress, dispossess and humiliate the non-white populations in southern Africa;
3. Condemns the racist Government of the Republic of South Africa for its perpetuation and further intensification of the inhuman policy of apartheid in complete and flagrant violation of the Charter of the United Nations and the Universal Declaration of Human Rights and for its continuing affront and insult to human conscience;
4. Further condemns the racist Government of the Republic of South Africa for intensifying the policy of apartheid in Namibia, a territory under United Nations administration and illegally occupied by the Government of South Africa;
5. Deplores the refusal of the Government of the United Kingdom to suppress the racist and illegal minority régime in Southern Rhodesia and thus to restore the fundamental human rights of the people of Zimbabwe;
6. Appeals to those States which do not maintain relations with the racist Government of the Republic of South Africa and with the racist and illegal minority régime in Southern Rhodesia to desist from entering into such relations, since such action would only aid the apartheid and racial discrimination policies of the racist Government of the Republic of South Africa and the racist and illegal minority régime in Southern Rhodesia;
7. Regrets the fact that the relevant United Nations resolutions regarding the termination of diplomatic, commercial, military, cultural and other relations with the racist Government of the Republic of South Africa and the racist and illegal minority régime in Southern Rhodesia are still not being observed by several Member States;
8. Calls upon all those Governments which still maintain diplomatic, commercial, military, cultural and other relations with the racist Government of South Africa and with the racist and illegal minority régime in Southern Rhodesia to terminate such relations immediately in accordance with the relevant resolutions of the General Assembly and the Security Council;

II

1. Expresses its deep appreciation to the Special Rapporteur for his comprehensive and objective report;

2. Endorses the conclusions and recommendations of the Special Rapporteur (E/CN.4/979/Add.5);

3. Invites the non-governmental organizations, trade unions, religious organizations, student and other organizations to intensify their valuable efforts in mobilizing public opinion against the repressive legislation, arbitrary imprisonment and other inhuman acts of the racist Government of South Africa, the illegal racist régime established in Namibia and the racist and illegal minority régime in Southern Rhodesia against the opponents of apartheid and racial discrimination;

4. Requests the Secretary-General further to intensify, through all United Nations information media, efforts to inform the peoples of southern Africa of the activities of the United Nations organs to eliminate the policy of apartheid and racial discrimination, laying particular stress on the positive alternative of a multiracial society based on the principles of racial equality.

5. Also requests the Secretary-General to publish for world circulation as addenda to the summary of the Special Rapporteur's principal study, the part of the Special Rapporteur's report dealing with the laws and practices in South Africa, Namibia and Southern Rhodesia, which have come into force since the principal study was concluded.

III

1. Considers it desirable to establish a system of close co-ordination between the Commission on Human Rights and other United Nations organs, particularly those specified in paragraph 1 of its resolution 3D (XXIV) concerned with the question of eradication of apartheid and racial discrimination in southern Africa as well as the specialized agencies concerned;

2. Requests the Secretary-General to keep the United Nations organs specified in paragraph 3 below duly informed of the initiation and progress of investigation by the Commission on matters of gross violations of human rights in southern Africa.

3. Requests the Economic and Social Council to transmit the report of the Special Rapporteur to the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, the United Nations Council for Namibia and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, for appropriate action;

4. Further transmits this report to the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

IV

1. Decides that the task of the Special Rapporteur should be continued and that he should submit a report, taking into account the provisions of the United Nations Declaration and the International Convention on the Elimination of all Forms of Racial Discrimination, with his conclusions and recommendations, to the twenty-sixth session of the Commission and pay particular attention to the following:

- (a) Developments since his present report;
- (b) Study, from the point of view of international penal law, of the question of apartheid, which has been declared a crime against humanity;
- (c) Survey of the policies and practices of racial discrimination in the African territories under Portuguese domination;
- (d) Situation with regard to the implementation of General Assembly resolution 2439 (XXIII) of 19 December 1968 calling upon the Government of the Republic of South Africa to repeal and amend the laws in force in South Africa referred to in operative paragraph 1 of the same resolution;

2. Requests the Secretary-General to provide every assistance to the Special Rapporteur to enable him to carry out his mandate in relation to paragraph 1 above;

3. Requests the specialized agencies to co-operate with the Special Rapporteur and assist him in the performance of his functions under this resolution;

4. Authorizes the Special Rapporteur to consult with the Special Committee on the Policies of Apartheid, the Special Committee on the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the United Nations Council for Namibia in the course of preparation of his report;

5. Recommends to the Economic and Social Council that it request the General Assembly to extend the scope of the United Nations Trust Fund for South Africa to provide assistance to the victims of apartheid and racial discrimination in Southern Rhodesia.

V

1. Requests the Economic and Social Council to recommend to the General Assembly the adoption of the following draft resolution:

[For the text, see chapter XIX draft resolution II]

... 3 (XXVI). International action against racial discrimination:
programme for the observance in 1971 of the
International Year for Action to Combat
Racism and Racial Discrimination 19/

A

The Commission on Human Rights,

Expressing its satisfaction with the decisions of the General Assembly, in its resolution 2544 (XXIV), to designate the year 1971 as International Year for Action to Combat Racism and Racial Discrimination and to approve the programme for the observance of the Year,

19/ Adopted at the 1051st meeting, on 26 February 1970. See chap. II, paras. 15-31.

Desiring to participate as fully as possible in the preparatory work and in the observance of the Year in accordance with the invitation contained in that resolution,

1. Decides to undertake, at its twenty-seventh session in 1971, a comprehensive review of measures and decisions taken to eliminate racial discrimination in order to evaluate their effectiveness and the stages reached in their implementation, to identify the obstacles encountered and to determine the necessity of taking further measures and decisions with a view to achieving rapid and total elimination of racial discrimination, including the policy of apartheid and manifestations of nazism and racial intolerance;
2. Recalls and renews the solemn appeal made by the Economic and Social Council to universities, scientific institutes and establishments from all countries of the world to contribute as widely as possible in the field of science and education to the cause of human rights and, in particular, to the fight against racial discrimination;
3. Requests States which have not yet done so to ratify at the earliest possible time international conventions designed to combat racism, in particular the International Convention on the Elimination of All Forms of Racial Discrimination;
4. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider the above matters at its twenty-third session and to transmit to the Commission such conclusions and recommendations as the Sub-Commission may consider appropriate.

B

The Commission on Human Rights,

Recalling resolution VIII of the International Conference on Human Rights held in Teheran in 1968,

Recalling further the decisions of the General Assembly in resolution 2544 (XXIV) to designate the year 1971 as International Year for Action to Combat Racism and Racial Discrimination and to approve the programme for the observance of the Year,

1. Declares that the policy of apartheid is the most reprehensible manifestation of racial discrimination;
2. Urges all Governments, as part of their observance of the International Year in 1971, to proclaim and reaffirm their abhorrence and condemnation of apartheid and racial discrimination, in southern Africa in particular;
3. Further urges all Governments to intensify their efforts to establish concrete national programmes aimed at preventing racial discrimination and eliminating it in all its forms which might exist within their borders;
4. Invites all Governments to establish programmes in their various national systems of education which would seek to trace the history of the

various forms and manifestations of racial discrimination and the efforts made by the United Nations and peoples in opposition to racial discrimination to promote the dignity and worth of the human person;

5. Invites the governing bodies of the specialized agencies concerned to consider the possibility of launching a world-wide campaign, in appropriate form, to publicize amongst the peoples of the world the evils of apartheid, colonialism and racial discrimination, especially in southern Africa;

6. Further invites the United Nations Educational, Scientific and Cultural Organization to publish and circulate to Member States a special up-to-date issue of its booklet "Apartheid" as part of the observance of the International Year and also invites the International Labour Organisation to give much wider publicity to its annual reports on apartheid;

7. Requests all States which have not yet signed or ratified international treaties or conventions aimed at the elimination of racism, apartheid, nazism and colonialism to sign or ratify them, if possible by 1971;

8. Further requests all States to use all their resources to bring as much effective pressure as possible to bear, in accordance with the United Nations Charter, on those States which violate the relevant resolutions of the United Nations dealing with the elimination of racism in all its forms, including apartheid, nazism and colonialism;

9. Decides to review further the detailed programme of the International Year at its twenty-seventh session.

4 (XXVI). Measures to be taken against nazism and racial intolerance 20/

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations,

Noting that the General Assembly, in its resolutions 2331 (XXII), 2438 (XXIII) and 2545 (XXIV), condemned nazism, racism, apartheid and similar totalitarian ideologies and practices based on incitement to hatred and racial intolerance or any other form of group hatred as a gross violation of human rights and fundamental freedoms,

Observing that nazism, racism, apartheid and similar ideologies and practices have in the past frequently led to barbarous actions outraging the conscience of mankind, and ultimately to war, and may again jeopardize world peace and the security of peoples,

Being anxious to prevent any recrudescence or growth of activities inspired by nazism, racism, apartheid and all other similar ideologies and practices, which still occur twenty-five years after the founding of the United Nations,

20/ Adopted at the 1058th meeting, on 4 March 1970. See chap. V, paras. 68-86.

Noting that not all the States concerned have taken the measures indicated in the above-mentioned General Assembly resolutions for the purpose of the speedy and final eradication of nazism, racism and similar totalitarian ideologies and practices, including apartheid, which are based on incitement to hatred and racial intolerance or any other form of group hatred,

Having studied with satisfaction the report of the Secretary-General (A/7683),

Taking note that the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in connexion with its study on racial discrimination in the political, economic, social and cultural spheres, will consider the question of the danger of the revival of nazism in present-day conditions and will submit to the Commission its recommendations on the measures which should be taken with a view to the final elimination of nazi and similar activities wherever they occur,

Welcoming any contribution which the relevant competent specialized agencies of the United Nations may make to prevent nazism, activities of a nazi character and racial discrimination, and the measures already undertaken by many of them in that respect,

Noting that the General Assembly, in accordance with its resolution 2545 (XXIV), is to consider at its next session the question of measures to be taken against nazism and racial intolerance,

1. Notes the tentative nature of the findings on this subject in the study on racial discrimination in the political, economic, social and cultural fields now being prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

2. Requests the Sub-Commission to continue its study, in the light of the report of the Secretary-General (A/7683) and of the resolutions on the subject adopted by the General Assembly at its twenty-fourth session, placing special emphasis on measures to be taken to detect and effectively to prevent contemporary activities that might be inspired by nazism or any other totalitarian ideology based on incitement to hatred and racial intolerance, and to submit its recommendations to the Commission at its twenty-seventh session;

3. Urgently calls upon the States concerned to implement the resolutions of the General Assembly without delay and in particular to take legislative and other effective measures for the purpose of the speedy and final eradication of nazism, including its present-day manifestations, racism and similar totalitarian ideologies and practices based on incitement to hatred and racial intolerance or any other form of group hatred;

4. Requests the relevant specialized agencies to consider within their terms of reference the question of measures to be taken against nazism and racial intolerance and to inform the Secretary-General of the United Nations of the decisions and practical action taken by them;

5. Decides to retain on its agenda the item concerning measures to be taken against nazism and racial intolerance.

1 (XXVII). Observance in 1971 of the International Year for Action to Combat Racism and Racial Discrimination ^{11/}

The Commission on Human Rights,

Recalling that 1971 has been designated International Year for Action to Combat Racism and Racial Discrimination,

appeals to international public opinion to protest against any attempt to violate the relevant provisions of the Security Council resolutions imposing the embargo on the sale of arms to the Government of South Africa.

11/ Adopted at the 1101st meeting, on 1 March 1971. See chap. II, para. 33.

7 (XXVII). Report of the Ad Hoc Working Group of Experts established under resolutions 2 (XXIII), 2 (XXIV), 21 (XXV) and 8 (XXVI) of the Commission ^{17/}

The Commission on Human Rights,

Recalling its resolution 2 (XXIII) in which it established the ad hoc Working Group of Experts, its resolution 21 (XXV) and 8 (XXVI) in which it extended and enlarged the mandate of the Working Group,

Recalling General Assembly resolution 2440 (XXIII) of 19 December 1968 in which the General Assembly, inter alia, condemned any and every practice of torture, inhuman and degrading treatment of detainees and prisoners in South Africa police custody and prisons during interrogation and detention, as found in the first report of the Group,

Further recalling General Assembly resolutions 2646 (XXV) of 30 November 1970 concerning the elimination of all forms of racial discrimination and 2676 (XXV) of 9 December 1970 concerning the respect for human rights in armed conflicts,

Further recalling General Assembly resolution 2544 (XXIV) of 11 December 1969 by which the General Assembly designated the year 1971 as International Year for Action to combat Racism and Racial Discrimination,

17/ Adopted at the 1111th meeting, on 8 March 1971. See chap. II, para. 130.

Recognizing the contribution of the report of the Group to the continuing efforts of the United Nations to investigate and thus expose the gross and flagrant violation of human rights in southern Africa and in the African territories under Portuguese administration,

Having examined the report of the Group (E/CN.4/1050 and Corr.1),

1. Expresses its appreciation of the work of the Ad hoc Working Group of Experts and looks forward to receiving the text of the study concerning the question of apartheid (which has been declared a crime against humanity) from the point of view of international penal law;

2. Endorses the observations, conclusions and recommendations of the Group;

3. Decides that the Ad hoc Working Group of Experts should continue surveying the developments in the areas and fields mentioned in paragraphs 3 (i) to (iv) of Commission resolution 2 (XXIV) and in paragraph 3 of Commission resolution 21 (XXV) with particular reference to grave manifestations of colonialism and racial discrimination present in the situation prevailing in Namibia, Southern Rhodesia, Angola, Mozambique and Guinea Bissau, resulting from the actions of the illegal South African régime in Namibia, the illegal minority régime in Southern Rhodesia and the Portuguese régime in Angola, Mozambique and Guinea Bissau;

4. Requests the Group to remain active and vigilant in its observation of colonial and racially discriminatory practices in Africa and bring to the attention of the Commission new developments in the field mentioned in paragraph 3 above to the twenty-eighth session of the Commission and to submit a report including conclusions and recommendations to the twenty-ninth session of the Commission;

5. Requests the Chairman of the Commission on Human Rights at its twenty-seventh session to appoint in consultation with the African States members of the Commission another African expert to the Ad Hoc Working Group of Experts in the place of Mr. Waldron-Ramsey.^{18/}

^{18/} see para. 132 above.

1 (XXVIII). Continued international action to combat racism and racial discrimination 10/

The Commission on Human Rights,

Reiterating its firm conviction that racial discrimination is a total negation of the principles and purposes of the Charter of the United Nations and that it militates against human progress, peace and justice,

Reiterating further its firm conviction that any doctrine of exclusiveness based on racial differentiation or ethnic superiority is scientifically false, morally condemnable and socially unjust,

Reiterating the firm determination to bring about the total and unconditional elimination of racial discrimination in all its forms and particularly the elimination of the policy of apartheid, pursued by the racist régimes in southern Africa,

Considering that arousing world public opinion and promoting action against racism would contribute to the expansion of national and international efforts towards ensuring the rapid and total eradication of racial discrimination in all its forms,

Believing in the urgent need for continuous and vigorous national action and collective international measures against racial discrimination affecting millions of people all over the world in order to ensure them the dignity and equality inherent in all human beings,

Reaffirming its recognition and vigorous support of the legitimacy of the struggle of all oppressed people against colonial, racial and alien domination towards the achievement of their inalienable rights of equality and freedom,

Reaffirming also its support for increased and continued moral and material support for their liberation, equality and self-determination in accordance with the principles and purposes of the Charter,

Welcoming the General Assembly's resolution that the International Year for Action to Combat Racism and Racial Discrimination should be observed as the opening year for an ever-growing struggle against racial discrimination in all its forms and manifestations and for the purpose of promoting international solidarity with all the peoples struggling against racism and racial discrimination.

10/ Adopted at the 1152nd meeting on 15 March 1972. See chap. II, paras. 24-28.

Welcoming the resolution of the General Assembly to launch a continued international action to combat racism on the basis of a Decade for vigorous and continued mobilization against racism and racial discrimination in all its forms,

Noting the message sent by the President of the twenty-sixth session of the General Assembly to the heads of State or Government in this respect, 11/

Noting the invitation by the General Assembly to the Economic and Social Council to request the Commission to submit suggestions with a view to launching international action to combat racism on the basis of the aforementioned Decade,

Taking note of the report of the Secretary-General on the subject,

1. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its next session and as its first priority urgently to prepare suggestions and draw up a draft programme to be followed during the envisaged "Decade for Action to Combat Racism and Racial Discrimination" and to submit its suggestions and draft programme to the Commission at its twenty-ninth session;

2. Draws the attention of the Sub-Commission to the following points to be considered as guidelines in the study of the subject and the preparation of the suggestions and draft programme thereon:

(a) At the United Nations level, inter alia:

- (i) The study of the establishment of a means for co-ordinate and joint action among the organs and bodies working in the fields of racial discrimination, prevention of discrimination, apartheid and related subjects in order to draw up a unified policy to be considered by the General Assembly in preparation for the formal launching of the "Decade for Action to Combat Racism and Racial Discrimination";
- (ii) The ways and means to ensure the implementation of United Nations resolutions on apartheid, racial discrimination and related matters;
- (iii) The study, in co-operation with the United Nations Institute for Training and Research, of the role that could be entrusted to the latter in preparation for and during the aforementioned Decade;
- (iv) The role that could be entrusted to:
 - a. The advisory services in the field of human rights;
 - b. The United Nations Office of Public Information;
 - c. The specialized agencies, in particular the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization;
- (v) The role of science;

11/ See General Assembly resolution 2784 (XXVI), annex.

- (vi) The role that might be played by non-governmental organizations acting in good faith in accordance with the principles and purposes of the Charter;

(b) At the international and regional level, inter alia:

- (i) The study of ways and means and the preparation of concrete proposals to put an end to the military and economic might of the racist régimes;
- (ii) The study of ways and means and the preparation of concrete proposals to ensure world support - moral and material - for the struggle of all oppressed people against colonial, racist and alien domination;
- (iii) The discussion of the problem of racial discrimination in international conferences and the possibility of holding an international conference on combating racial discrimination during the Decade;
- (iv) The consideration of ways and means of achieving the total international and regional isolation of racist régimes;
- (v) The consideration of ways and means to co-ordinate available media of information to launch a world-wide co-ordinated campaign against racism and racial discrimination;

(c) At the national level, inter alia:

- (i) The education of children and youth in the spirit of human rights and specifically against racial theories, by the inclusion in curricula of special and yearly programmes on the evils of racism, apartheid and racial discrimination;
- (ii) The consideration of enacting laws prohibiting racial discrimination and the activities of organizations that disseminate ideas of racism and racial superiority, taking into consideration the provisions of article 1, paragraph 4, of the International Convention on the Elimination of All Forms of Racial Discrimination, and the repeal of all laws and regulations which contribute to the maintenance and propagation of racial discrimination;
- (iii) The preparation and implementation of economic, social and political measures that would ensure the real equality of all peoples and individuals without regard to race, colour, descent, or national or ethnic origin;
- (iv) The use of all available media of information to educate the public in the spirit of respect for human rights and, in particular, against all policies, practices and manifestations of racism and racial discrimination;

- (v) The possibility of granting scholarships to the youth of the territories under racial rule, in particular, in the schools, institutions and universities of developing countries;

3. Also draws the attention of the Secretary-General and the Sub-Commission to the advisability of developing and updating the programmes carried out during the International Year for Action to Combat Racism and Racial Discrimination;

4. Requests the Secretary-General to prepare, in the light of the above-mentioned guidelines and the experience gained during the International Year for Action to Combat Racism and Racial Discrimination, and on the basis of replies available from Governments to the message sent by the President of the twenty-sixth session of the General Assembly to heads of State or Government, an outline of a long-term programme of international action to combat racism, apartheid and racial discrimination in consultation with the specialized agencies concerned and to submit the outline to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its twenty-fifth session for its consideration and comment;

5. Requests the Economic and Social Council to inform the General Assembly of the action taken by the Commission in the present resolution with a view to early implementation of the request contained in section I of General Assembly resolution 2784 (XXVI).

2 (XXVIII). Reports of the Ad Hoc Working Group of Experts submitted under Commission resolutions 8 (XXVI) and 7 (XXVII) and continuation of studies of policies and practices of racial discrimination 12/

The Commission on Human Rights,

Reaffirming its conviction that all forms of racial discrimination are contrary to the principles and purposes of the Charter of the United Nations, are affronts to human dignity and impediments to peace and progress,

Convinced that racial discrimination in all its forms is morally and socially unjust and that any doctrine based on racial differentiation or ethnic or religious superiority is false and condemnable,

Determined to bring about complete elimination of racial discrimination in all its forms and manifestations, and disturbed at the continuous situation in southern Africa and elsewhere in which racial discrimination continues and is in many cases intensified,

Having studied with appreciation the reports (E/CN.4/1075 and E/CN.4/1076) of the Ad Hoc Working Group of Experts submitted under Commission resolutions 8 (XXVI) and 7 (XXVII),

1. Recommends to the Economic and Social Council that it should authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint a Special Rapporteur to make special studies of policies and practices

12/ Adopted at the 1155th meeting on 17 March 1972. See chap. II, paras. 29-36; see also annex II, paras. 4-10.

of discrimination on the basis of colour faced by people of African origin in all countries, and of the measures being taken and to be taken to combat such policies and practices, with a view to the submission of a report to the General Assembly by the Commission on Human Rights through the Economic and Social Council as soon as possible, but not later than at the twenty-ninth session of the General Assembly, together with recommendations for action to combat such policies and practices, in accordance with section III, paragraph 6, of General Assembly resolution 2784 (XXVI);

2. Requests the Economic and Social Council to transmit to Member States, the Special Committee on Apartheid and the International Law Commission the report of the Ad Hoc Working Group of Experts concerning the question of apartheid from the point of view of international penal law (E/CN.4/1075), submitted under resolution 8 (XXVI) of the Commission on Human Rights for their comments;

3. Decides to consider again at its twenty-ninth session the question of the elimination of racial discrimination.

4 (XXVIII). Draft convention on the suppression and punishment of the crime of apartheid 14/

The Commission on Human Rights,

Recalling General Assembly resolution 2786 (XXVI), which recognized the need to take further effective measures for the suppression and punishment of the crime of apartheid,

Noting the urgency and importance of this question in view of the continuing crime of apartheid being committed by the racist régimes in southern Africa against the African population,

Emphasizing the need to take effective national and international measures for the suppression of the crime of apartheid and the punishment of those who are guilty of perpetrating it,

Having considered the draft convention on the suppression and punishment of the crime of apartheid and the draft protocol on the suppression and punishment of the crime of apartheid to be annexed to the International Convention on the Elimination of All Forms of Racial Discrimination, contained in documents A/C.3/L.1871 and E/CN.4/L.1189.

Taking into account the report of the Ad Hoc Working Group of Experts under Commission resolution 8 (XXVI), and Commission resolution 2 (XXVIII).

Noting that it does not have time to consider fully the aforementioned draft convention and draft protocol,

^{14/} Adopted at the 1163rd meeting on 23 March 1972. See chap. II, paras. 40-48.

1. Requests the Secretary-General to circulate the text of the draft convention on the suppression and punishment of the crime of apartheid, together with amendments thereto, and the text of the draft protocol to be annexed to the International Convention on the Elimination of All Forms of Racial Discrimination to Governments for their comments and views and to transmit such comments and views received, together with the comments made in the Commission on Human Rights during its twenty-eighth session on the relevant drafts, to the General Assembly at its twenty-seventh session;

2. Requests Governments to communicate their comments and views concerning the draft convention and the draft protocol to the Secretary-General at the earliest possible date for consideration by the General Assembly at its twenty-seventh session;

3. Invites the Special Committee on Apartheid to consider the draft convention on the suppression and punishment of the crime of apartheid and the draft protocol to the international convention on the elimination of all forms of racial discrimination and to submit its recommendations to the General Assembly at its twenty-seventh session;

4. Requests the Economic and Social Council to invite the General Assembly to give priority to the question of the adoption of an international instrument for the suppression and punishment of the crime of apartheid in the agenda of its twenty-seventh session.

1 (XXIX). Draft Programme for a decade for action to combat racism and racial discrimination 25/

The Commission on Human Rights,

Recalling its resolution 1 (XXVIII),

Mindful of General Assembly resolution 2919 (XXVII) of 15 November 1972 inviting the Economic and Social Council to request the Commission to give the highest priority to the consideration of the draft programme for the Decade and to submit it to the General Assembly at its twenty-eighth session for final consideration,

Taking into consideration the proceedings of the General Assembly on this question at its twenty-seventh session,

Submits the following draft programme to the Economic and Social Council for submission to the General Assembly:

Draft Programme for a decade for action to combat racism and racial discrimination

1. The United Nations, having solemnly proclaimed, in the Preamble of the Charter, 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, is determined to:

(a) Establish conditions under which justice and respect for obligations arising from treaties and other sources of international law can be maintained;

(b) Promote social progress and better standards of life in larger freedom.

2. The United Nations has opposed all manifestations of racial discrimination and has in particular condemned the policy of apartheid and similar policies based on racial theories and, consequently, its competent organs have:

(a) Declared that discrimination between human beings on the ground of race, colour or ethnic origin is an affront to humanity and shall be condemned as a violation of the principles of the Charter of the United Nations and of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights, as an obstacle to friendly and peaceful relations among nations and as a factor capable of disturbing peace and security among peoples;

25/ Adopted at the Commission's 1203rd meeting on 9 March 1973. See chap. IV above, paras. 46-50; also annex III below, paras. 4-11.

(b) Declared that any Government or régime whose official policy or actual practice is based on racial discrimination contravenes the purposes and principles of the United Nations Charter, and called upon them to desist forthwith from pursuing such policies;

(c) Condemned all military, economic or political collaboration with the racist régimes that enables and encourages these régimes to enforce and perpetuate their racist policies, and called for an immediate end to such collaboration;

(d) Reaffirmed time and again the legitimacy of the struggle of all oppressed peoples, in particular in the territories under colonial, racial or alien domination, to obtain racial equality and freedom, and called for increased and continued moral and material support for these peoples.

3. Action has been taken by a number of countries, as well as international and national institutions, to oppose racial discrimination and promote respect for human rights and fundamental freedoms for all, irrespective of race, religion and language through:

(a) The accession, ratification, and implementation of the widely accepted International Convention on the Elimination of All Forms of Racial Discrimination and other international instruments with similar objectives;

(b) The continuing efforts of specialized agencies, such as the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization and United Nations bodies such as the United Nations Institute for Training and Research;

(c) Instruments, procedures and programmes instituted by regional organizations;

(d) The enactment of legislation and the putting into effect of procedures by Governments to combat racism and improve relations among racial groups;

(e) Activities carried on internationally or within a particular country to reduce and even eliminate racial hostility and prejudice, protect persons and groups from discrimination, and promote respect for all people regardless of race, colour, descent, national or ethnic origin or other status.

4. The actions referred to in paragraphs 2 and 3 above have been successful in promoting a greater understanding of the fallacy and injustice of racist dogmas and practices but have been disregarded by a number of Governments and racist régimes, and in particular in southern Africa; it is also noted that in several countries, segments of the population have continued to maintain attitudes based on racial prejudice and discrimination.

5. The United Nations is convinced more than ever that the current frustrations and disappointments must not be allowed to discourage the continued national, regional and international efforts to eradicate the evil of racial discrimination in all its forms and to promote harmonious relations between races.

6. The ultimate success of the efforts of the United Nations and other bodies in combating racial discrimination will depend upon:

(a) Full adherence to the purposes and principles of the United Nations Charter in creating conditions of universal respect for and observance of human rights and fundamental freedoms for all, without distinction on the basis of race, colour, descent, national or ethnic origin or other status;

(b) The vigour with which action is taken by individual Governments and the degree of co-operation between them, inside and outside the United Nations, to fulfil the purposes and principles of the Charter and to implement the resolutions relating to the eradication of racist policies and practices, as well as colonialism.

7. To this end, the General Assembly proclaims the years 1973 to 1983 to be the Decade for Action to Combat Racism and Racial Discrimination in All its Forms and Manifestations.

Goals and objectives

8. The ultimate goals of the Decade are to promote human rights and fundamental freedoms for all, without distinction of any kind such as race, colour, descent, national or ethnic origin or other status, especially by eradicating racial prejudice, racism and racial discrimination; to arrest any expansion of racist policies, to eliminate the persistence of racist policies and to counteract the emergence of alliances based on mutual espousal of racism and racial discrimination; to resist any policy and practices which lead to the strengthening of the racist régimes and contribute to the sustainment of racism and racial discrimination; to identify, isolate and dispel the fallacious and mythical beliefs, policies and practices that contribute to racism and racial discrimination; and to put an end to racist régimes.

9. To this end, appropriate measures should be taken for the full implementation of United Nations instruments and decisions concerning the elimination of racial discrimination and for ensuring support for all peoples striving for racial equality, for the eradication of all forms of racial discrimination, emphasizing, inter alia, the education of youth in the spirit of human rights and fundamental freedoms and the dignity and worth of the human person and, particularly, against theories of racism and racial discrimination, and for pursuing a vigorous world-wide campaign of information to dispel racial prejudice and to enlighten and involve world public opinion in the struggle against racism and racial discrimination.

Policy measures and target dates

10. The above goals and objectives call for a continuing effort by all peoples, Governments and institutions to eradicate racial discrimination and to promote respect for human rights and fundamental freedoms for all, irrespective of race, sex, religion and language, both within their national jurisdiction and universally.

11. To this end, the following measures need to be taken at the national, regional, international, and United Nations levels:

National

12. (a) The preparation and implementation of measures in the economic, social, cultural and political fields that would ensure the full equality of all peoples and individuals, without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. This would necessitate:

- (i) No support being given to Governments or régimes which practise racial discrimination that will enable them to perpetuate racist policies or practices;
- (ii) In the case of States not parties to the International Convention on the Elimination of All Forms of Racial Discrimination, the urgent enactment as a matter of the highest priority of appropriate legislation and other suitable measures to prohibit and bring to an end racial discrimination, to abrogate, amend, rescind or nullify any policies or regulations which have the effect of creating or perpetuating racial hatred, and, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights set forth in article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, to declare an offence punishable by law all dissemination of ideas based on racial superiority and hatred;
- (iii) The consideration by every national and local Government of recourse to procedures to be invoked against any acts of racial discrimination which may be suffered by an individual and which violate his human rights and fundamental freedoms; it is necessary that there should be adequate machinery and procedures for handling such complaints, with easy access thereto, facilitated by all appropriate encouragement and support to persons in the protection of their rights;
- (iv) Arrangements for granting scholarships by the competent authorities and institutions to the youth of the territories where racial discrimination prevails and in particular by greater contributions to the United Nations Educational and Training Programme for Southern Africa;
- (v) The encouragement of the preparation and publication of studies based in particular on the provisions of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and the International Convention on the Elimination of All Forms of Racial Discrimination;
- (vi) The wide publicizing of the contents of this programme by Governments and all institutions concerned, using every means at their disposal, including all the appropriate media of communication;

- (vii) Accession to and ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, on a universal basis, and the effective implementation of that Convention, in co-operation with the Committee on the Elimination of Racial Discrimination, in particular by the preparation of full and comprehensive reports under article 9 of the Convention;
- (viii) No discrimination for any reason or on any basis whatsoever in education and school systems; this should be implemented as rapidly as possible during the first half of the Decade;
- (ix) No discrimination on any of the grounds mentioned above in the laws and policies of immigration; this should be attained as soon as possible and in any event not later than the end of the Decade.

(b) The inclusion in the curricula of education of children and youth of the subject of human rights, with special emphasis, in the primary stages of education, on the equality of all human beings and the evils of racial discrimination; this should be attained as soon as possible during the Decade.

(c) The use of available media of information to educate the public continuously and systematically in the spirit of respect for human rights and in particular against all policies, practices and manifestations of racism and racial discrimination; this should be embarked upon as from the first year of the Decade.

Regional and international

13. (a) A world conference on combating racism and racial discrimination should be convened by the General Assembly as a major feature of the Decade, as soon as possible but not later than 1978; the Conference should be action-oriented and the main theme should be adoption of ways and means for securing the universal implementation of the United Nations resolutions on racial discrimination, apartheid and decolonization, as well as adherence to and ratification and enforcement of the instruments on human rights.

(b) The convening of international and regional seminars, conferences and other similar activities in line with the goals and objectives of this programme should be undertaken; the Secretary-General should be informed of all of the activities undertaken in this connexion.

(c) The consideration of ways and means to prepare concrete proposals in support of the efforts of all oppressed peoples suffering from racism and racial discrimination, including the establishment of regional funds on a voluntary basis to support the efforts of those peoples, should be undertaken; reports on the subject would be forwarded to the Secretary-General every two years.

(d) Racist régimes should be denied any support or assistance which could enable them to perpetuate racist policies or practices.

(e) It is essential to provide support and assistance, in accordance with the United Nations Charter and the relevant United Nations declarations and resolutions, to liberation movements struggling against colonialism and racial discrimination, as well as to Governments which wish to embark on concrete programmes to eradicate racial discrimination.

(f) The implementation of United Nations resolutions on the question of the elimination of racial discrimination is imperative; the regional organizations should be invited by the United Nations to give attention to this question, in order that the total eradication of all forms of racial discrimination may be attained within the shortest possible time.

(g) The adoption of new international instruments regarding the elimination of racial discrimination in all its forms and regarding the crime of apartheid should be considered.

(h) The co-ordination by all Governments of their activities in the field of information is advisable; such co-ordination should be achieved through the United Nations, the regional organizations or through bilateral or multilateral agreements.

United Nations system

14. In addition to the measures referred to above, the following activities should be undertaken by organizations within the United Nations system:

(a) Research and study

- (i) The existing studies and research in the field of apartheid and racial discrimination should be updated and developed.
- (ii) Student workshops should be organized for the teaching of international law, with particular reference to topics related to the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and the International Convention on the Elimination of All Forms of Racial Discrimination, as well as the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations which, inter alia, refers to the principle of equal rights and self-determination of peoples.
- (iii) Further research and publications should be envisaged dealing with racial discrimination in regard, inter alia, to:
 - a. The right to security of persons and protection by the State, in particular judicial or quasi-judicial guarantees against violence, maltreatment or arbitrary measures exercised by government officials or by any individual, group or institution;
 - b. The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafés, theatres and parks.
- (iv) Pilot studies on racism and racial discrimination in the economic, political, social, cultural, sociological and other fields should be undertaken, continued and co-ordinated, and special attention should be given to:

- a. Kinds of situations which lead to racism;
 - b. Charting the spread or decline of racism or racial discrimination, diagnosing and detecting the introduction of racism or racial discrimination into any area early enough to permit effective preventive action;
 - c. The propagation, consciously or otherwise, of racial prejudice by the press, cinema and television, in particular in publications and programmes for children and youth;
 - d. The role of education and science, especially social science, in combating racism and racial discrimination and in solving racial problems;
 - e. The preparation and implementation of economic, social and political measures that would ensure the real equality of all peoples and individuals, without distinction of any kind on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;
 - f. Problems of discrimination arising in connexion with immigration and foreign workers;
 - g. The crime of apartheid under international penal law, with particular reference to the responsibility of individuals;
 - h. Problems of racial discrimination arising in connexion with housing, sporting activities, etc.;
 - i. The role of private group action in combating racism and racial discrimination, consistent with the objectives of this programme.
- (v) Seminars on both the international and regional levels on special aspects of combating racism and racial discrimination and promoting racial harmony should be organized.
 - (vi) The United Nations should address an appeal to various scientific international organizations (for example, associations of jurists, sociologists, anthropologists, historians, economists) to devote special efforts during the Decade to the analysis and study of aspects of racial discrimination within their competence.

(b) Education, training and information

- (i) The need for inter-agency co-ordination and co-operation in the field of education and training on problems and activities concerning the elimination of racial discrimination undertaken in the implementation of the present programme should be identified.

- (ii) The procedures and types of action used by various agencies in the field of education and training related to racial discrimination with a view to any necessary harmonization should be examined, in the light of the experience acquired.
- (iii) New education and information materials should be prepared to dispel racial prejudice and to combat racism and racial discrimination, such as teaching materials for use in every type of institution of learning, at the elementary, secondary and higher levels of education.
- (iv) Popular publications, films and radio and television programmes should be produced for distribution or broadcasting to the general public.

(c) International funds

The General Assembly should establish an international fund on a voluntary basis to help the peoples struggling against racial discrimination and apartheid.

(d) Co-ordination, review and appraisal, and reporting

- (i) The General Assembly shall appoint a Special Committee of ... representatives of States Members of the United Nations, which will assume responsibility (with the assistance of the Secretary-General) for co-ordinating the programmes and evaluating activities under the Decade. The Special Committee shall normally meet once a year. The General Assembly should consider this question annually on the basis of the report of the Special Committee and relevant information from the Economic and Social Council and should review the implementation of this programme, including the activities of:
 - a. Governments;
 - b. The United Nations;
 - c. The specialized agencies;
 - d. Other international organizations.
- (ii) The Secretary-General should submit an annual report to the General Assembly through the Special Committee during the Decade containing:
 - a. A summary of actions, suggestions, trends, etc. emerging from the deliberations of the United Nations organs and bodies and the Committee on the Elimination of Racial Discrimination, as well as from the deliberations of the specialized agencies concerned with the question of racial discrimination and apartheid.
 - b. A summary of information relating to the elimination of racism and racial discrimination received by the United Nations under the system of periodic reports on human rights.

- (iii) Governments should forward a report every two years on the action taken under the programme of the Decade, on the basis of a questionnaire circulated by the Secretary-General. These reports shall be transmitted to the Special Committee for its consideration.
- (iv) The Special Committee should submit an annual report to the General Assembly during the Decade, containing:
 - a. An enumeration of the activities undertaken to achieve the objectives of the Decade;
 - b. A review and appraisal of the activities undertaken in connexion with the Decade;
 - c. Suggestions and recommendations.
- (v) The Economic and Social Council would have before it in the first year of the Decade:
 - a. A report from the United Nations Institute for Training and Research on the role it can play in the Decade;
 - b. A report by the Secretary-General concerning the activities to be carried out under the advisory services programme in the field of human rights during the Decade in regard to the question of the elimination of racial discrimination;
 - c. A report on the role of the Office of Public Information in this respect;
 - d. A report from the Economic and Social Council's Committee on Non-Governmental Organizations on the activities that could be carried out by non-governmental organizations in consultative status with the Council.
- (vi) The Special Committee should also act as the preparatory committee for the World conference to be convened as a major feature of the Decade.
- (vii) The Economic and Social Council should include in its report to the General Assembly on the above-mentioned questions appropriate recommendations thereon.
- (viii) The General Assembly should address itself at the earliest opportunity to the question of ways and means to ensure the implementation of United Nations resolutions on apartheid, racial discrimination and related matters.
- (ix) The Secretary-General shall provide the Special Committee with such assistance as may be necessary for the performance of its functions; adequate resources would be made available to the Secretary-General for this purpose and generally, to enable him to undertake the activities entrusted to the Secretariat under this programme.

19 (XXIX). Report of the Ad Hoc Working Group of Experts 45/

The Commission on Human Rights,

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

Recalling its resolution 2 (XXIII) in which it established the Ad Hoc Working Group of Experts, its resolutions 21 (XXV), 8 (XXVI), 7 (XXVII) and 2 (XXVIII), in which it extended and enlarged the mandate of the Working Group,

Recalling General Assembly resolutions 2646 (XXV) of 30 November 1970 on the elimination of all forms of racial discrimination, 2675 (XXV) and 2676 (XXV) of 9 December 1970 on respect for human rights in armed conflicts, and resolution 2906 (XXVII) by which the Assembly decided to launch the Decade for Action to Combat Racism and Racial Discrimination on 10 December, 1973,

Recognizing the contribution of the report of the Group to the continuing efforts of the United Nations to investigate and thus expose the gross and flagrant violation of human rights in southern Africa and in the African territories under Portuguese administration,

Bearing in mind its resolution 1 (XXIX), by which it recommended for adoption a detailed programme for a decade for action to combat racism and racial discrimination,

45/ Adopted at the 1237th meeting, on 3 April 1973. See chap. X above, paras. 239-248, and annex III, paras. 20-23, below.

Emphasizing the importance of the activities of the Group to the achievements of the aims and objects of the Decade for Action to Combat Racism and Racial Discrimination,

Having examined the report of the Group (E/CN.4/1111),

1. Expresses its appreciation of the work of the Ad Hoc Working Group of Experts;
2. Expresses grave concern at the continued and deplorable situation of the human rights of the people in southern Africa, as well as the brutal and inhuman treatment meted out to the prisoners in that area;
3. Condemns the Governments of South Africa and Portugal and the illegal régime in Southern Rhodesia for the undermentioned unconscionable state of affairs, particularly:
 - (a) The policy of mass removal of people from fertile to arid regions;
 - (b) The use of napalm and other chemical weapons of war;
 - (c) The execution of freedom fighters, who should be accorded the status and treatment of prisoners of war under the provisions of the third Geneva Convention of 12 August 1949;
4. Takes note with satisfaction of the observations, conclusions and recommendations of the Ad Hoc Working Group of Experts, and recommends that:
 - (a) The international community should follow closely the various trials taking place in southern Africa;
 - (b) There should be a provision of financial aid or funds in cases where persons are arrested for opposing the policy of apartheid;
 - (c) The new system of recruiting African labour from among offenders against the pass laws should be discontinued and abolished outright;
 - (d) The practice of separating workers from their families should be discontinued;
 - (e) In accordance with the purposes and principles of the Charter of the United Nations as well as the resolutions of the General Assembly, moral and material assistance to liberation movements and the liberated territories and their population should be extended on a full scale;
5. Strongly condemns the threats and attacks by the Government of Portugal and the illegal régime in Southern Rhodesia against the independent African countries neighbouring Mozambique, Angola and Guinea (Bissau) and also requests all States to bring pressure on these Governments to desist from these threats and attacks;
6. Calls on the Government of the United Kingdom of Great Britain and Northern Ireland to live up to its obligations and responsibilities in Southern Rhodesia;

7. Appeals to all Governments to desist from giving assistance which will help to perpetuate the situation to the Governments of South Africa and Portugal and to the illegal régime in Southern Rhodesia;

8. Recommends the Economic and Social Council to request the Secretary-General, in consultation with the relevant organs of the United Nations, to explore ways and means of providing financial assistance to the victims of this situation, particularly the political prisoners and members of their families;

9. Requests the Economic and Social Council to call upon the Secretary-General and the United Nations Council for Namibia to take into consideration the conclusions and recommendations of the Ad Hoc Working Group on Namibia (E/CN.4/1111, chapter VI, Section B) in their activities relating to this area;

10. Recommends the Economic and Social Council to invite the General Assembly to bring to the notice of the Security Council the reported aerial bombardment and the use of poisonous chemical substances in the liberated areas by the Government of Portugal (E/CN.4/1111, chapter VI, Section D (100));

11. Invites the International Committee of the Red Cross and the non-governmental organizations concerned to provide all possible assistance to the victims of the racist régimes in southern Africa and to help, to the full extent of their competence, in strengthening world public opinion regarding the situation in those areas;

12. Reminds the Special Committee on Apartheid and the International Law Commission to expedite their comments and suggestions on the study of the Ad Hoc Working Group of Experts concerning the question of apartheid (which has been declared a crime against humanity) from the point of view of international penal law;

13. Decides that the Ad Hoc Working Group of Experts should continue carefully to observe and survey further developments concerning the policies of apartheid and racial discrimination present in the situation prevailing in Namibia, Southern Rhodesia, Angola, Mozambique, Guinea (Bissau) and resulting from the actions of the illegal South African régime in Namibia, the illegal minority régime in Southern Rhodesia and the Portuguese régime in Angola, Mozambique and Guinea (Bissau), and to notify such events to the Chairman of the Commission in due course;

14. Requests the Ad Hoc Working Group of Experts to give particular attention to situations which interfere with human rights in Guinea (Bissau), a subject on which the Group has not yet submitted a report;

15. Requests the Group to remain active and vigilant in its observation of colonial and racially discriminatory practices, especially those arising from the Bantu homeland policies and the disclosure of the payment of wages below the poverty line to black African workers, in South Africa;

16. Further requests the Ad Hoc Working Group to submit a report on its findings to the Commission not later than at the Commission's thirty-first session and to present an interim report to the Commission at its thirtieth session;

17. Further requests the Ad Hoc Working Group of Experts to list all inhuman acts resulting from punishment meted out to the freedom fighters of the liberation movements in Angola, Mozambique and Guinea (Bissau) and to compile a comprehensive report for the consideration of the Commission at its thirty-first session;

18. Recommends the Economic and Social Council to make arrangements for adequate and sufficient financial resources and staff to be provided for the Ad Hoc Working Group of Experts to carry out its mandate;

19. Invites the Economic and Social Council to ask the Secretary-General to give wide publicity to the report of the Ad Hoc Working Group of Experts (E/CN.4/1111).

- 3 (XXXI). Question of the realization of the right of peoples to self-determination on the basis of the Charter of the United Nations and other instruments adopted by United Nations organs, taking into account in particular the promotion and protection of human rights and fundamental freedoms 17/

The Commission on Human Rights,

Recalling its resolutions 4 (XXX) and 5 (XXX) (endorsed by Economic and Social Council resolutions 1865 (LVI) and 1866 (LVI) respectively), in which it on the one hand authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to designate at its twenty-seventh session a special rapporteur from among its members to carry out a study of the right of peoples to self-determination in accordance with its resolution 5 (XXVI) and on the other invited the Sub-Commission to appoint a special rapporteur to analyse the report of the Secretary-General on the implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination and to make recommendations to the Commission at its thirty-second session with regard to the implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination,

Taking note of resolutions 3 (XXVII) and 4 (XXVII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted in pursuance of Commission resolutions 4 (XXX) and 5 (XXX) and appointing special rapporteurs,

Considering the particular importance for the realization of human rights of the application of the principle of the right of peoples to self-determination,

1. Takes note of the decisions adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities;
2. Invites the Sub-Commission to ask the Special Rapporteur on "the historical and current development of the right to self-determination on the basis of the Charter of the United Nations and other instruments adopted by United Nations organs, with particular reference to the promotion and protection of human rights and fundamental freedoms" to submit his final report to the Sub-Commission at its thirtieth session, so that it can be placed before the Commission at its thirty-fourth session;
3. Decides to place the question of "The right of peoples to self-determination and its application to peoples under colonial and alien domination" on its agenda every year with priority.

17/ Adopted at the 1300th meeting, on 11 February 1975, without a vote.
See chap. VI, paras. 44 and 45.

- 6 (XXXII). 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 18/

The Commission on Human Rights,

Bearing in mind its resolution 3 (XXX),

Having noted the progress made in the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the study "to evaluate the importance and the sources of political, military, economic and other assistance given by certain States to the racist and colonial régimes in southern Africa, as well as the direct or indirect effects of such assistance on the perpetuation of colonialism, racial discrimination and apartheid" (E/CN.4/1180),

Aware that the policies of racial discrimination and apartheid constitute flagrant violations of the Purposes and Principles of the United Nations Charter, and that their adoption is incompatible with the enjoyment of fundamental human rights,

Convinced that the political, military, economic and other forms of assistance given by certain States to the régimes of South Africa and Southern Rhodesia are one of the main causes of the perpetuation of the pernicious activities of those régimes,

Convinced also that such assistance is the main cause of the continuing illegal occupation of Namibia by the racist régime of South Africa, and of the use of the territory of Namibia by that régime for committing acts of aggression against neighbouring African States,

1. Denounces with indignation the political, military, economic and other forms of assistance given by certain States to South Africa and to the illegal minority régime of Southern Rhodesia, directly or through national and multinational corporations which they control;

2. Considers that the sales of arms, the nuclear co-operation agreements and the economic activities of national and multinational corporations in South Africa, Namibia or Southern Rhodesia constitute blatant acts of complicity in the policy of apartheid - a crime against humanity - and in the policy of racial discrimination

18/ Adopted at the 1371st meeting, on 1 March 1976, by a roll-call vote of 24 in favour, 4 against and 4 abstentions. See chap. VII.

and are an encouragement for the illegal occupation of Namibia by the racist régime of South Africa and for the use of the territory of Namibia by that régime for committing acts of aggression against neighbouring African States and for intervening in their internal affairs;

3. Strongly condemns the attitude of any country which, by its political, military, economic and other forms of assistance, becomes an accomplice in apartheid and racial discrimination and thus contributes to the perpetuation of those policies;

4. Calls upon States to:

(a) Scrupulously observe the sanctions decreed against the illegal minority régime of Southern Rhodesia;

(b) Prohibit the recruitment of mercenaries in their territories;

(c) Assist the liberation movements of southern Africa that are recognized by the Organization of African Unity and the United Nations;

(d) Take steps to bring about a total embargo by the Security Council on sales, gifts and transfers of arms and all other kinds of military supplies to South Africa;

(e) Give full effect to Decree No.1 of the United Nations Council for Namibia on the protection of the natural resources of Namibia;

5. Encourages the Special Rapporteur appointed to "evaluate the importance and the sources of political, military, economic and other assistance given by... certain States to the racist and colonial régimes in southern Africa, as well as the direct or indirect effects of such assistance on the perpetuation of colonialism, racial discrimination and apartheid" to continue his work so that the final report, accompanied by the recommendations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, can be considered by the Commission at its thirty-third session;

6. Requests the Secretary-General to provide the Special Rapporteur with all the necessary assistance to enable him to complete his work within the time specified.

- 9 (XXXII). 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 for the Decade for Action to Combat Racism and Racial Discrimination 23/

The Commission on Human Rights,

Recalling its resolution 1 (XXIX) by which it submitted the draft programme for a decade for action to combat racism and racial discrimination to the Economic and Social Council for submission to the General Assembly,

Reiterating its firm conviction that racism and racial discrimination are the total negation of the purposes and principles of the Charter of the United Nations and that they militate against human progress, peace and justice,

Believing in the urgent need for continuous and vigorous national action and collective international measures against racism and racial discrimination, which affect millions of people all over the world, in order to ensure them the dignity and equality inherent in all human beings,

Mindful of General Assembly resolution 3377 (XXX), calling upon the Commission on Human Rights, in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities, to study ways and means of ensuring

23/ Adopted at the 1378th meeting, on 5 March 1976, by 19 votes to 8, with 1 abstention. See chap. X.

the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination with a view to facilitating the examination of this question by the General Assembly in accordance with paragraph 18 (i) of the Programme for the Decade for Action to Combat Racism and Racial Discrimination,

Taking into consideration all the proceedings and resolutions of the General Assembly and the Economic and Social Council on the question of the Decade for Action to Combat Racism and Racial Discrimination since the adoption by the General Assembly of resolution 3057 (XXVIII) proclaiming the Decade,

Welcoming the decision of the Sub-Commission to include in its agenda for the twenty-ninth session an item entitled "The role of the Sub-Commission in the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination",

1. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its next session to study and prepare suggestions on effective ways and means and concrete measures for securing the full and universal implementation of the United Nations resolutions and decisions on racism, racial discrimination, apartheid, decolonization and self-determination and related matters and to submit its suggestions and proposals to the Commission at its thirty-third session;

2. Draws the attention of the Sub-Commission to the deliberations and decisions of the General Assembly at its thirtieth session and of the Commission at its thirty-second session on this question;

3. Recommends to the Economic and Social Council to take into account the participation of the Commission in the preparatory arrangements for holding the world conference to combat racism and racial discrimination.

6 (XXXIII). Report of the Ad Hoc Working Group of Experts
on southern Africa

A-29/

The Commission on Human Rights,

Recalling its resolution 2 (XXIII), by which it set up the Ad Hoc Working Group of Experts, and its resolutions 21 (XXV), 7 (XXVII), 19 (XXIX) and 5 (XXXI), by which it extended and broadened the terms of reference of that Group,

Recognizing the contribution which the reports of the Ad Hoc Working Group of Experts have made and are continuing to make to the sustained efforts of the United Nations to seek out and combat the constant and flagrant violations of human rights, and in particular the policies of apartheid and racial discrimination which continue unabated in South Africa, as well as in Namibia and Zimbabwe,

Having examined the report of the Ad Hoc Working Group of Experts (E/CN.4/1222 and Corr.1),

29/ Adopted at the 1416th meeting, on 4 March 1977, by a roll-call vote of 28 in favour, 1 against and 3 abstentions. See chap. VI.

Having noted that the South African authorities continue to occupy Namibia illegally, to strengthen their military presence in that Territory and to perpetuate their odious policy of apartheid and racial discrimination there, and that the illegal régime of Salisbury is not only refusing to display any goodwill in the matter of transfer of power to the majority but is continuing to increase its military capabilities with a view to maintaining its oppression of the majority by force,

Deeply concerned by the very serious consequences for the realization of human rights and the most essential fundamental freedoms in South Africa and elsewhere of the confirmation by recent reports of the acquisition by South Africa of the necessary scientific technology giving access to nuclear weapons,

1. Expresses its profound indignation regarding the situation which continues to prevail in southern Africa and which is characterized by a flagrant denial of human rights to the African population and by the brutal and inhuman treatment of political prisoners in that part of the world;

2. Condemns the massacres committed by the South African police during the demonstrations at Soweto in June 1976;

3. Reaffirms the inalienable right of the peoples of Namibia and Zimbabwe to self-determination and independence and their right to enjoy all the rights recognized in the Universal Declaration of Human Rights and in the various international instruments on human rights;

4. Requests the Ad Hoc Working Group of Experts to institute an inquiry in respect of any person who has been guilty in Namibia of the crime of apartheid or of a serious violation of human rights, and to bring the results of that inquiry to the attention of the Commission on Human Rights;

5. Recommends that the Economic and Social Council should draw the attention of the General Assembly and the Security Council to the desirability of adopting specific measures, including those provided for in Chapter VII of the Charter of the United Nations, with a view to putting an end to the illegal occupation of Namibia by South Africa;

6. Denounces the policy of "bantustanization" as an obstacle to any real application of the principle of self-determination;

7. Notes with interest the recommendations set forth in the Declaration and Programme of Action of the International Seminar on the Eradication of Apartheid and in Support of the Struggle for Liberation in South Africa (A/31/104), held at Havana from 24 to 28 May 1976, and decides that the Ad Hoc Working Group of Experts should evaluate all the aspects of that Declaration and Programme of Action and should submit specific proposals to the Commission at its thirty-fourth session;

8. Decides to have itself represented by members of the Ad Hoc Working Group of Experts at the World Conference for Action against Apartheid to be held in 1977, pursuant to General Assembly resolution 31/6/G;

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

10. Condemns the activities of the countries which, either directly or through their nationals, are helping to perpetuate the present situation in Namibia, Zimbabwe and South Africa, and urges them to refrain from such activities;

11. Demands the immediate release of all political prisoners held, in particular those who are suspected of sympathizing with the South West Africa People's Organisation (SWAPO) and, while awaiting their release, requests protection for them in accordance with the applicable provisions of the Geneva Convention relative to the Treatment of Prisoners of War;

12. Endorses the recommendations of the Declaration of Dakar on Namibia and Human Rights and the Programme of Action annexed thereto, and in particular:

(a) Condemns the so-called Windhoek Constitutional Conference;

(b) Recommends that the competent international organizations and Member States should support SWAPO;

(c) Requests the General Assembly to invite the United Nations Council for Namibia to study, in consultation with SWAPO, the possibility of Namibia becoming a party to the International Covenants on Human Rights and, in particular, to the International Convention on the Suppression and Punishment of the Crime of Apartheid;

13. Recommends that the United Nations should intensify its co-operation in the humanitarian field, by supplying the neighbouring countries of Zimbabwe with assistance, particularly in the form of medicines and foodstuffs;

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

15. Requests the Group to submit a report on its findings to the Commission at the thirty-fifth session at the latest, and to submit a progress report to the Commission at the thirty-fourth session;

16. Decides to renew the mandate of the Ad Hoc Working Group of Experts, composed of the following experts acting in their personal capacity: Mr. Kéba M'Baye (Senegal), Chairman-Rapporteur, Mr. Branimir Janković (Yugoslavia), Mr. Amjad Ali (India), Mr. Annan Arkyin Cato (Ghana), Mr. Humberto Díaz Casanueva (Chile) and Mr. Felix Ermacora (Austria);

17. Invites those Member States which have not yet done so to accede to the International Convention on the Suppression and Punishment of the Crime of Apartheid;

18. Requests the Secretary-General, in accordance with Commission resolutions 5 (XXXI) and 8 (XXXII), to continue his contacts with a view to the organization in southern Africa, if possible in 1977, of a symposium on the matters referred to in paragraph 20 of the conclusions and recommendations of the 1975 report of the Ad Hoc Working Group of Experts (E/CN.4/1159);

19. Requests the Secretary-General to transmit this resolution to the General Assembly, the Security Council and the Special Committee against Apartheid.

- 7 (XXXIII). 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 32/

The Commission on Human Rights,

Recalling General Assembly resolution 31/33, and paragraph 5 in particular,

Recalling also its resolution 6 (XXXII) of 1 March 1976,

Having taken cognizance of the progress made in the preparation of the study evaluating the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régimes in southern Africa (E/CN.4/Sub.2/371),

Convinced that the political, military, economic and other forms of assistance given by certain States, directly or through natural or legal persons, encourages the colonial and racist régimes in southern Africa and contributes to the persistence of colonialism, racial discrimination and apartheid in that region,

32/ Adopted at the 1416th meeting, on 4 March 1977, by a roll-call vote of 24 in favour, 4 against and 4 abstentions. See chap. VI.

1. Again denounces and condemns with indignation the political, military, economic and other forms of assistance given by certain States to South Africa and to the illegal minority régime of Southern Rhodesia, either directly or through national or multinational companies;

2. Requests all States to take whatever steps they deem necessary to put an end to such assistance, and, to that end, to implement the measures provided for in paragraph 4 of its resolution 6 (XXXII);

3. Reaffirms that arms sales, nuclear co-operation agreements and the economic activities of national and multinational companies in South Africa, Namibia and Southern Rhodesia constitute blatant acts of complicity in the crime of apartheid (a crime against humanity) and encouragement of the continuation of the policy of racial discrimination and colonialism, and represent a direct cause of the persistence of the illegal occupation of Namibia by the racist régime of South Africa and of the build-up of its military presence on Namibian territory in order to commit acts of aggression against the neighbouring African States and to interfere in their internal affairs;

4. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities and its Special Rapporteur on the question of 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 to prepare the necessary material for a provisional general list identifying those individuals, institutions, including banks, and other organizations or groups, as well as representatives of States, whose activities constitute political, military, economic or other forms of assistance to the colonial and racist régimes in southern Africa;

5. Requests the Secretary-General to prepare, for submission to the Sub-Commission at its thirty-first session, a preliminary report on the existence of partial lists concerning violations of fundamental human rights in southern Africa drawn up by other United Nations bodies;

6. Invites any competent intergovernmental and non-governmental organizations that possess information likely to be of assistance in the preparation of the list referred to in paragraph 4 above to place that information at the disposal of the Secretary-General for transmission to the Sub-Commission before its thirty-first session;

7. Expresses its thanks to the Special Rapporteur;

8. Requests the Secretary-General to accord to the Special Rapporteur all necessary assistance in order that his report may be completed as soon as possible;

9. Decides to place on the agenda of the thirty-fourth session, as a separate priority item, the question of "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".

13 (XXXIII). Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid 41/

The Commission on Human Rights,

Welcoming the entry into force of the International Convention on the Suppression and Punishment of the Crime of Apartheid,

Noting General Assembly resolution 31/80 which, inter alia, invites the Commission to undertake the functions set out in article X of the Convention,

1. Decides that the group of three members of the Commission appointed in accordance with article IX of the Convention should meet for a period of five days before the thirty-fourth session of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention;
2. Invites States parties to the Convention to submit to the group through the Secretary-General reports on the legislative, judicial, administrative and other measures that they have adopted and that give effect to the provisions of the Convention;
3. Requests United Nations organs, when transmitting copies of petitions to the Committee on the Elimination of Racial Discrimination under article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination, to draw the attention of the Commission through the Secretary-General to complaints concerning acts enumerated in article II of the International Convention on the Suppression and Punishment of the Crime of Apartheid;
4. Requests competent United Nations organs to provide to the Commission through the Secretary-General information relevant to the preparation of the list of individuals, organizations, institutions and representatives of States which are alleged to be responsible for the crimes enumerated in article II of the Convention, as well as those against whom legal proceedings have been undertaken by States parties to the Convention;
5. Further requests competent United Nations organs to provide to the Commission through the Secretary-General information concerning measures taken by the authorities responsible for the administration of Trust and Non-Self-Governing Territories, and all other Territories to which General Assembly resolution 1514 (XV) of 14 December 1960 applies, with regard to such individuals alleged to be responsible for crimes under article II of the Convention who are believed to be under their territorial and administrative jurisdiction;
6. Decides to maintain on its agenda as a standing item the question entitled "Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid".

41/ Adopted at the 1426th meeting, on 11 March 1977, by 22 votes to 3, with 5 abstentions. See chap. XVII.

4 (XXXIV). International Anti-Apartheid Year 30/

The Commission on Human Rights,

Recalling General Assembly resolution 32/105 B by which the Assembly proclaimed the year beginning on 21 March 1978 as International Anti-Apartheid Year,

Bearing in mind the purposes and objectives of the Anti-Apartheid Year,

Aware that gross violations of human rights continue unabated in South Africa, as evidenced in the report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1270),

1. Decides to participate actively in the launching of the International Anti-Apartheid Year;
2. Requests the Secretary-General to organize a formal meeting at the United Nations Office at Geneva on 21 March 1978, the day when the Anti-Apartheid Year will be launched at United Nations Headquarters in New York;
3. Decides that the Commission should be represented at the meeting in Geneva by the Chairman of its thirty-fourth session, who should be invited to address the meeting;
4. Requests the Secretary-General to invite the heads of specialized agencies in Geneva to participate in the meeting.

30/ Adopted unanimously at the 1451st meeting, on 22 February 1978.
See chap. IV.

5 (XXXIV). Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts 31/

The Commission on Human Rights,

Recalling its resolution 6 (XXXIII),

Having considered the progress report of the Ad Hoc Working Group of Experts established by its resolution 2 (XXIII) (E/CN.4/1270),

Convinced that the proclamation of 1978 as International Anti-Apartheid Year and the celebration in August of the same year of the World Conference to Combat Racism and Racial Discrimination will also contribute to the aims of the International Convention on the Suppression and Punishment of the Crime of Apartheid,

1. Expresses its satisfaction to the Ad Hoc Working Group of Experts for the progress report which it has submitted;

2. Reaffirms the inalienable right of the peoples of South Africa, Namibia and Zimbabwe to self-determination and independence and the right to enjoy all the rights recognized in the Universal Declaration of Human Rights and the various international instruments on human rights;

3. Denounces with indignation the inhuman treatment of the freedom fighters arrested by the racist régime in South Africa and the illegal and minority régime in Zimbabwe;

4. Denounces the ill-treatment of prisoners in South Africa, Namibia and Zimbabwe, in particular the deaths of persons who have been subjected to brutality by the police on the occasion of peaceful demonstrations against apartheid since the Soweto massacre;

5. Vehemently condemns the criminal acts committed by the South African authorities on children protesting against apartheid;

6. Takes note of the list of persons who are suspected of having been guilty in Namibia of the crime of apartheid or of a serious violation of human rights, as contained in the progress report of the Ad Hoc Working Group of Experts (E/CN.4/1270);

7. Requests the Secretary-General to bring this list to the attention of States and the competent United Nations bodies, including the group of three members of the Commission on Human Rights appointed under article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid;

31/ Adopted at the 1451st meeting, on 22 February 1978, by 26 votes to none, with 4 abstentions. See chap. IV.

8. Notes with interest the declaration and programme of action of the International Seminar on the Eradication of Apartheid and in Support of the Struggle for Liberation in South Africa, held in Havana in 1976;

9. Endorses the Declaration and the Programme of Action of the World Conference for Action against Apartheid, held in Lagos in 1977;

10. Requests the Ad Hoc Working Group of Experts to continue to maintain close co-operation with the Special Committee against Apartheid in the investigation of gross violations of human rights in South Africa, especially with a view to ensuring that any developments requiring urgent action are drawn to the attention of the General Assembly and the Security Council.

6 (XXXIV). 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 32/

The Commission on Human Rights,

Recalling its resolutions 3 (XXX), 6 (XXXII) and 7 (XXXIII), as well as Economic and Social Council resolution 1864 (LVI) and General Assembly resolution 31/33,

Having considered the report of Mr. Ahmed Khalifa, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa (E/CN.4/Sub.2/383),

1. Expresses its appreciation to the Special Rapporteur for his pioneering study;
2. Requests the Special Rapporteur to undertake a final revision of his report and update it as necessary before its submission to the General Assembly at its thirty-third session, taking into account the comments and suggestions made in the Sub-Commission at its thirtieth session and in the Commission at the present session;
3. Recommends to the Economic and Social Council that the report of the Special Rapporteur be printed in its final form and given wide distribution;
4. Further recommends to the Economic and Social Council that the Special Rapporteur be invited to present his report to the General Assembly at its thirty-third session and to attend the meetings of the Assembly at which it is discussed;

32/ Adopted at the 1451st meeting, on 22 February 1978, by 26 votes to none, with 3 abstentions. See chap. V.

5. Takes note of the decision of the Sub-Commission in paragraph 5 of its resolution 1 (XXX) to invite the Special Rapporteur to prepare the necessary material for a provisional general list identifying those whose activities constitute assistance to the colonial and racist régimes in southern Africa, as requested in Commission resolution 7 (XXXIII), and looks forward to receiving as early as possible the results of the work of the Sub-Commission in this matter.

7 (XXXIV). Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid 33/

The Commission on Human Rights,

Recalling its resolution 13 (XXXIII), in which it welcomed the entry into force of the International Convention on the Suppression and Punishment of the Crime of Apartheid and requested the group of three members of the Commission appointed under article IX of the Convention to meet before the thirty-fourth session,

Having considered the report of the group (E/CN.4/1286),

1. Takes note with appreciation of the report of the group, in particular the general guidelines proposed by the group concerning the form and the contents of reports to be submitted by States parties under article VII of the Convention;

2. Requests States parties to take the guidelines fully into account in submitting their reports under article VII of the Convention;

3. Calls upon the States parties to submit their first report under article VII of the Convention not later than two years after becoming parties to the Convention and their periodic reports at two-yearly intervals, with the understanding that they may submit additional information to the group at any time they wish in the intervening period;

4. Commends those States parties that have submitted their reports and urges other States parties to submit theirs as soon as possible;

5. Appeals to all States that are not yet parties to the Convention to ratify or accede to it;

6. Calls upon competent United Nations organs to provide to the Commission through the Secretary-General information relevant to the preparation of the list of individuals, organizations, institutions and representatives of States alleged to be responsible for crimes enumerated in article II of the Convention, as well as those against whom legal proceedings have been undertaken by States parties to the Convention;

33/ Adopted at the 1451st meeting, on 22 February 1978, by 23 votes to none, with 8 abstentions. See chap. XII.

7. Further calls upon the competent United Nations organs to provide to the Commission through the Secretary-General information concerning measures taken by the authorities responsible for the administration of Trust and Non-Self-Governing Territories, and all other Territories to which General Assembly resolution 1514 (XV) of 14 December 1960 applies, with regard to individuals alleged to be responsible for crimes under article II of the Convention who are believed to be under their territorial and administrative jurisdiction;

8. Further requests United Nations organs, when transmitting copies of petitions to the Committee on the Elimination of Racial Discrimination under article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination, to draw the attention of the Commission through the Secretary-General to complaints concerning acts enumerated in article II of the International Convention on the Suppression and Punishment of the Crime of Apartheid;

9. Decides that the group of three members of the Commission appointed in accordance with article IX of the Convention should meet for a period of five days before the thirty-fifth session of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention;

10. Decides to maintain on its agenda as a standing item the question entitled "Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid".

8 (XXXIV). Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination 34/

The Commission on Human Rights,

Reiterating its firm conviction that racism and racial discrimination are the total negation of the purposes and principles of the Charter of the United Nations and that they militate against human progress, peace and justice,

Recalling its resolution 1 (XXIX) by which it submitted the draft programme for a decade for action to combat racism and racial discrimination to the Economic and Social Council for submission to the General Assembly,

Mindful of General Assembly resolution 3057 (XXVIII) in which the Assembly designated the ten-year period beginning on 10 December 1973 as the Decade for Action to Combat Racism and Racial Discrimination and approved the Programme for the Decade,

Noting General Assembly resolution 32/10 in which the Assembly urges United Nations organs, specialized agencies and intergovernmental and non-governmental organizations to strengthen and enlarge the scope of their activities in support of the objectives of the Programme for the Decade,

34/ Adopted at the 1451st meeting, on 22 February 1978, without a vote. See chap. XV.

in particular by, inter alia, offering all assistance to and co-operating with the Secretary-General to ensure the success of the World Conference to Combat Racism and Racial Discrimination,

Welcoming General Assembly resolution 32/129 which requested the Secretary-General to invite the Commission on Human Rights to attend the World Conference to Combat Racism and Racial Discrimination as an observer,

\ Having considered the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirtieth session (E/CN.4/1261),

1. Designates the Ad Hoc Working Group of Experts on southern Africa to represent the Commission at the World Conference to Combat Racism and Racial Discrimination to be held in Geneva from 14 to 25 August 1978;

2. Takes note of resolution 3 (XXX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, by which the Sub-Commission decided to consider, as a major part of its own contributions to the Decade for Action to Combat Racism and Racial Discrimination, ways and means of using national courts, administrative tribunals and domestic forums, including legislative forums, to help implement United Nations resolutions on racism, racial discrimination, apartheid, decolonization and self-determination and related matters;

3. Welcomes the recommendations made by the working group of the Sub-Commission and adopted by the Sub-Commission, as contained in paragraph 75 of the Sub-Commission's report on its thirtieth session (E/CN.4/1261);

4. Suggests that the World Conference to Combat Racism and Racial Discrimination should consider, among other things, the adoption of measures containing the following elements:

(a) All States which are not parties to international conventions dealing with racism, racial discrimination and apartheid should consider, as a matter of priority, ratifying or acceding to these instruments as soon as possible;

(b) The inclusion in curricula of education of children and youth of the subject of human rights, with special emphasis, in the primary stages of education, on the equality of all human beings and the evils of racial discrimination;

(c) The development of national programmes guaranteeing access to education, including higher education, for all citizens;

(d) The use of available information media to educate the public continuously and systematically in the spirit of respect for human rights and, in particular, against all policies, practices and manifestations of racism and racial discrimination;

(e) Strengthening the human rights advisory services programme: education, training and dissemination of information are vital if the root causes of racial discrimination and other violations of human rights are to be eliminated;

(f) Increasing assistance to the liberation movements, and greater pressure on Governments and transnational corporations whose co-operation with South Africa is hindering the rapid realization of racial equality in southern Africa called for by numerous United Nations resolutions and decisions relating to southern Africa;

(g) Denial of any support or assistance to racist régimes that could enable them to perpetuate racist policies or practices, including policies aimed at depriving people of their inalienable rights;

(h) Recommending to the General Assembly that consideration be given to the establishment of an international fund on a voluntary basis with a view to implementing the Programme for the Decade;

(i) Provision for improved co-operation as well as co-ordination within the United Nations family, including the regional commissions, with a view to the implementation of the Programme for the Decade and the total elimination of racial discrimination;

5. Appeals to the Conference in particular:

(a) To recommend the establishment at the national and local level of recourse procedures to be invoked against any act of racial discrimination which may be suffered by an individual and which violates his human rights and fundamental freedoms;

(b) To request the Secretary-General to invite Governments to include in their reports to the Secretary-General made in accordance with the provisions of the Programme for the Decade a concise account of recourse procedures which can be invoked against any act of racial discrimination which may be suffered by an individual and which violates his human rights and fundamental freedoms.:

21 (XXXIV). Measures to improve the situation and ensure the human rights and dignity of all migrant workers 47/

A

The Commission on Human Rights,

Recalling General Assembly resolutions 2920 (XXVII) of 15 November 1972, 3224 (XXIX) of 6 November 1974, 3449 (XXX) of 9 December 1975, 31/127 of 16 December 1976 and 32/120 of 16 December 1977 concerning migrant workers, as also Economic and Social Council resolutions 1749 (LIV) and 1926 (LVIII), which affirm the need for the United Nations to consider the situation of migrant workers in an interrelated manner and in relation with the general factors which affect human rights and human dignity,

Considering the work of the International Labour Organisation and its pertinent instruments, especially the Migrant Workers (Supplementary Provisions) Convention, 1975, and the Recommendation concerning Migrant Workers, 1975, adopted by the General Conference of the International Labour Organisation,

Particularly concerned about the situation of the children of migrant workers and the effects upon their cultural, medical and psychosociological well-being and the difficulties of adaptation and separation to which they are exposed, and aware of the gravity of the conflict of loyalty facing these children and the need to remedy it by the adoption of adequate measures,

Convinced of the need to adopt special measures in favour of these children in view of their special situation, and in particular to secure for them an education preserving their cultural values and strengthening the homogeneity of their families, with a view to promoting effective equality of opportunity and of treatment,

Recognizing that the access of children to education should not be jeopardized by the status, regular or otherwise, of their parents vis-à-vis the immigration laws,

Convinced that the effectiveness of measures concerning the family in general, and the children in particular, of migrant workers depends essentially on the mother of the family and that it is therefore necessary to adopt social and educational measures to prevent her isolation and to enable her to take an active part in the education of her children,

Bearing in mind General Assembly resolution 31/169 on the International Year of the Child, in which the General Assembly urges Governments to devote special attention to children in the most vulnerable and the most disadvantaged groups,

47/ Adopted at the 1472nd meeting, on 8 March 1978, without a vote.
See chap. XX.

1. Notes that in resolution 32/120 the General Assembly considered that, in view of the importance that the problems of migrant workers have assumed, the Commission on Human Rights should take immediate measures to ensure the human rights and dignity of all migrant workers, and that in operative paragraph 2 (b) of that resolution the Assembly invites all States to promote and facilitate by all the means in their power the implementation of the relevant international instruments and the adoption of bilateral agreements designed, inter alia, to eliminate the illicit traffic in alien workers;

2. Requests Member States to strengthen and develop the measures designed to ensure the welfare of children of migrant workers and of their families as a whole;

3. Also requests the appropriate international organizations of the United Nations system to give special attention, in the light of their respective contributions to the International Year of the Child, to these questions in the framework of their activities in connexion with migrant workers and together to ensure by appropriate means a very wide dissemination of information on the measures taken to alleviate the difficulties encountered by migrant workers and their families;

4. Invites the Governments of host countries to consider the adoption of definitive measures to promote the normalization of the family life of migrant workers in their territory by the reunion of their families.

B

The Commission on Human Rights,

Having taken cognizance of the report of the working group (E/CN.4/L.1411),

Aware of the work done in the field of migrant workers by the specialized agencies, particularly the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization, and by United Nations organs such as the Commission for Social Development and the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the satisfaction which it expressed concerning the study on the exploitation of labour through illicit and clandestine trafficking (E/CN.4/Sub.2/L.640) and the report of the seminar on the human rights of migrant workers, held at Tunis from 12 to 24 November 1975 (ST/TAO/HR/50),

Noting, however, that in order to be in a position to undertake the full in-depth study recommended by the General Assembly in its resolution 32/120, it should have at its disposal a consolidated study outlining the work of the various organs in the United Nations system and that of the intergovernmental organizations concerned,

Appreciating the work done by the non-governmental organizations concerned in the field of the human rights of migrant workers and recognizing the importance of any information that the latter organizations might consider it useful to furnish to the Commission on this question, in accordance with the provisions relating to consultative status,

1. Requests the Secretary-General to prepare a consolidated report, preferably including proposals which would enable the Commission to define the scope of its future action;
2. Recommends that the Economic and Social Council should authorize a meeting of an open-ended working group in December 1978, for at most three days, in order to analyse the substance of the Secretary-General's report and to submit specific proposals to the Commission at its thirty-fifth session;
3. Requests the Secretary-General to communicate this consolidated report to Member States not less than two weeks before the meeting of the working group;
4. Decides to consider as a matter of priority at its thirty-fifth session the item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

8 (XXXV). Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination 50/

The Commission on Human Rights,

Reiterating its firm conviction that racism and racial discrimination are the total negation of the purposes and principles of the Charter of the United Nations and that they militate against human progress, peace and justice,

Noting that the General Assembly, by its resolution 33/99 of 16 December 1978 has approved the Declaration and Programme of Action adopted by the World Conference to Combat Racism and Racial Discrimination,

50/ Adopted at the 1506th meeting, on 5 March 1979, by 24 votes to none, with 7 abstentions. See chap. XV.

Bearing in mind resolution 9 (XXXII) and resolution 8 (XXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities with regard to the implementation of the Decade for Action to Combat Racism and Racial Discrimination,

Mindful that the General Assembly by its resolution 33/99 stressed the importance of continuous action at all levels to eradicate the evils of racism, racial discrimination, colonial and alien domination and apartheid,

Recalling that the General Assembly by its resolution 33/99 reaffirmed the special responsibility of the United Nations and the International community for the victims of racial discrimination as well as for peoples subjected to colonial or alien domination,

Taking into account that violation of human rights, denial of the right of peoples under colonial or foreign domination to self-determination, violation of territorial integrity, foreign occupation, alien domination, economic and political oppression, social injustice and cultural contempt are among the root causes of discrimination and tension,

Having considered the report 51/ of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-first session,

1. Takes note of resolution 1 (XXXI) of the Sub-Commission; 52/
2. Requests the Economic and Social Council to authorize the Chairman of the Sub-Commission to appoint a working group of five of its members to meet for not more than three working days in advance of the thirty-second session of the Sub-Commission to make specific proposals for a work programme to implement the goals and objectives of the Decade for Action to Combat Racism and Racial Discrimination;
3. Recommends to the Economic and Social Council while considering the specific activities which could be undertaken during the second half of the Decade to ensure:
 - (a) full co-ordination and co-operation within the United Nations system in relation to the implementation of the activities of the Decade for Action to Combat Racism and Racial Discrimination;
 - (b) evaluation of the status of support given to victims of racism and racial discrimination;
 - (c) proper focus on the social, economic, cultural, political and other roots of racial discrimination;
 - (d) wider adherence to the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid, as well as the United Nations International Human Rights Covenants.

51/ E/CN.4/1296.

52/ Ibid., chap. XVII, sect. A.

- 9 (XXXV). 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 53/

The Commission on Human Rights,

Recalling its resolutions 3 (XXX), 6 (XXXII), 7 (XXXIII) and 6 (XXXIV) as well as General Assembly resolution 33/23 of 29 November 1978,

Taking note of resolution 2 (XXXI) of 13 September 1978 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having considered the progress report of Mr. Ahmed M. Khalifa, 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 colonial and racist régimes in southern Africa 54/,

1. Expresses its appreciation to the Special Rapporteur for his report;
2. Invites the Special Rapporteur, in preparing the necessary material for a provisional general list referred to in resolution 7 (XXXIII), to bear in mind those Governments and transnational corporations, as well as individuals, whose military, economic, financial and other forms of assistance, including nuclear aid, to the colonial and racist régimes in southern Africa constitutes a denial of the enjoyment of human rights in Namibia, Zimbabwe and South Africa;
3. Requests all States, competent United Nations agencies, non-governmental and other organizations, as well as individuals to co-operate with the Special Rapporteur by providing necessary information at their disposal for the successful completion of his work;
4. Requests further the Special Rapporteur, through the Sub-Commission, to submit to the thirty-sixth session of the Commission an updated version of the report, taking into account the deliberations of the Commission at its thirty-fifth session.

- 10 (XXXV). Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid 55/

The Commission on Human Rights,

Recalling its resolution 7 (XXXIV) in which it called on 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-yearly intervals,

53/ Adopted at the 1506th meeting, on 5 March 1979, by 23 votes to 3, with 6 abstentions. See chap. V.

54/ E/CN.4/Sub.2/415.

55/ Adopted at the 1506th meeting, on 5 March 1979, by 22 votes to none, with 9 abstentions. See chap. XIII.

Recalling also article I of the Convention which declares that apartheid is a crime against humanity,

Having considered the report of the group of three members of the Commission appointed under article IX of the Convention 56/,

Convinced that the ratification of the Convention will contribute significantly to the eradication of the crime of apartheid,

1. Takes note with appreciation of the report of the Group of Three, in particular its recommendations of general guidelines concerning the desirability for the States parties to implement fully article IV of the Convention;

2. Appeals once again to those countries that have not yet done so, to accede to the Convention on the Suppression and Punishment of the Crime of Apartheid without delay;

3. Commends those States parties that have submitted their reports, and urges the States parties which have not yet done so to submit their report as soon as possible, bearing in mind the general guidelines proposed by the Group in its 1978 report 57/;

4. Calls on States parties to implement fully article IV of the Convention by adopting necessary legislative, judicial and administrative measures to prosecute, bring to trial and punish, in accordance with their jurisdiction, persons responsible for, or accused of, the acts defined in article II of the Convention;

5. Requests the Secretary-General to invite States parties to the Convention to suggest ways and means for the establishment of the international penal tribunal referred to in article V of the Convention;

6. Calls upon competent United Nations organs to provide to the Commission through the Secretary-General information relevant to the periodic compilation of the list of individuals, organizations, institutions and representatives of States alleged to be responsible for crimes enumerated in article II of the Convention as well as those against whom legal proceedings have been undertaken by States parties to the Convention;

7. Calls once again upon competent United Nations organs to provide to the Commission, through the Secretary-General, information concerning measures taken by the authorities responsible for the administration of Trust and Non-Self Governing Territories, and all other territories to which General Assembly resolution 1514 (XV) of 14 December 1960 applies, with regard to individuals alleged to be responsible for crimes under article II of the Convention who are believed to be under their territorial and administrative jurisdiction;

56/ E/CN.4/1328.

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

8. Decides that the group of three members of the Commission appointed in accordance with article IX of the Convention should meet for a period of no more than five days before the thirty-sixth session of the Commission to consider the reports submitted by States Parties in accordance with article VII of the Convention;

9. Decides also to maintain on its agenda as a standing item, the question entitled "Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid".

12 (XXXV). Violations of human rights in southern Africa:
report of the Ad Hoc Working Group of Experts 63/

The Commission on Human Rights,

Recalling its resolution 2 (XXIII), by which it set up the Ad Hoc Working Group of Experts, and its resolutions 21 (XXV), 7 (XXVII), 19 (XXIX), 5 (XXXI) and 6 (XXXIII) by which it extended and broadened the terms of reference of that Group,

Recognizing the contribution which the reports of the Ad Hoc Working Group of Experts have made and are continuing to make to the sustained efforts of the United Nations to seek out and combat the constant and flagrant violations of human rights, and in particular the policies of apartheid and racial discrimination which continue unabated in South Africa, as well as in Namibia and Zimbabwe,

Having examined the report 64/ of the Ad Hoc Working Group of Experts,

Having noted that the South African authorities continue to occupy Namibia illegally and to perpetuate on Namibian territory their odious policy of apartheid and racial discrimination, and that the illegal régime of Salisbury is not only refusing to transfer power to the true majority but is continuing to increase its military capabilities with a view to maintaining its domination by force and perpetrating aggressions against neighbouring countries,

Deeply concerned by the very serious consequences for the realization of human rights and the most essential fundamental freedoms of the confirmation of the acquisition by South Africa of the necessary scientific technology giving access to nuclear weapons,

1. Congratulates the Ad Hoc Group of Experts on the excellent work accomplished and warmly thanks it;

2. Expresses its profound indignation regarding the situation which continues to prevail in southern Africa and which is characterized by a flagrant denial of human rights to the African population and by the brutal and inhuman treatment of political prisoners in that part of the world;

3. Strongly condemns the increased South African military presence in Namibia, the consequences of which include:

(a) Harassment of the civilian population, and particularly women and children;

(b) Mass arrests and arbitrary detentions accompanied by torture;

63/ Adopted at the 1508th meeting, on 6 March 1979, by a roll-call vote of 23 votes to 3, with 6 abstentions. See chap. IV.

64/ E/CN.4/1311.

- (c) Ill-treatment and, in particular, torture of captured freedom fighters;
- (d) Massacres of the population of villages and refugee camps;
- (e) Violations of the territorial integrity of Angola;

4. Reaffirms the inalienable right of the peoples of Namibia and Zimbabwe to self-determination and independence and their right to enjoy all the rights recognized in the Universal Declaration of Human Rights, and declares that in the case of Namibia (a territory under United Nations administration) this right can be legally exercised only in accordance with directives given by the competent organs of the United Nations;

5. Requests the Ad Hoc Working Group of Experts to continue to institute enquiries in respect of any persons suspected of having been guilty in Namibia of the crime of apartheid or of a serious violation of human rights, and to bring the results of those enquiries to the attention of the Commission on Human Rights;

6. Denounces the policy of "bantustanization" as an obstacle to any real application of the principle of self-determination;

7. Recommends in particular to the Economic and Social Council, having noted with interest the recommendations of the Symposium on the Exploitation of Blacks in South Africa and Namibia and on Prison Conditions in South African Jails, held at Maseru (Lesotho) from 17 to 22 July 1978, that:

(a) The appropriate United Nations bodies, acting in consultation with the competent specialized agencies and particularly International Labour Organisation, should take the initiative of preparing an international convention on the rights of migrant workers;

(b) Special assistance should be granted to the countries neighbouring South Africa so as to enable them to take effective action against the system of exploiting migrant workers which is in force in South Africa;

(c) Fresh efforts should be made to provide the Ad Hoc Working Group of Experts with the opportunity of making an on-the-spot study of living conditions in the prisons of South Africa and Namibia and of the treatment of prisoners in those countries;

(d) On the occasion of the International Year of the Child, the United Nations Children's Fund, acting in collaboration with the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the Food and Agriculture Organization of the United Nations, should publish an investigation into the lot of black children in South Africa;

8. Recommends:

(a) that Member States should redouble their efforts and strengthen their measures to combat racism, racial discrimination and apartheid;

(b) that the Economic and Social Council should request the General Assembly;

- (i) To urge United Nations bodies to consider reserving, at each of their sessions, a special meeting which would be devoted to the struggle against apartheid, on which occasion the participants would censure the policy of apartheid and provide information concerning specific new measures which their respective countries or national institutions have taken or are planning to take to combat apartheid;
- (ii) To ensure that subsidiary bodies dealing with the problems of apartheid and racial discrimination consider the possibility of a joint meeting each year for the purpose of discussing their respective experiences and co-ordinating their future activities;
- (iii) To arrange for the organization at least once a year, in some part of the world, of a symposium on apartheid and the various aspects of racial discrimination, a symposium in which the Ad Hoc Group of Experts of the Commission on Human Rights would be invited to participate;
- (iv) To arrange for a study to be made of the South African Government's legitimacy in view of its policy of apartheid and in particular its systematic refusal to apply the principles of the Charter of the United Nations, of international law and of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, and then to draw from that study all appropriate conclusions of law and of fact;

9. Adopts, in general the conclusions and recommendations of the Ad Hoc Working Group of Experts;

10. Condemns the activities of the countries which, either directly or through their nationals, are helping to perpetuate the present situation in Namibia, Zimbabwe and South Africa, and urges them to refrain from such activities;

11. Demands the immediate release of all political prisoners held in South Africa, Zimbabwe and Namibia, in particular those who are suspected of sympathizing with the South West Africa People's Organization (SWAPO) and, while awaiting their release, requests protection for them in accordance with the applicable provisions of the Third Geneva Convention relative to the Treatment of Prisoners of War;

12. Recommends that Member States should intensify their co-operation in the humanitarian field so as to strengthen their assistance to the neighbouring countries of Zimbabwe in order to enable them to face the difficulties inherent in the refugee situation, and that the General Assembly should ensure that the Office of the United Nations High Commissioner for Refugees continues to evaluate the situation of the refugees from Zimbabwe and takes adequate measures of assistance and protection on their behalf;

13. Appeals to Member States to assist SWAPO in its struggle for ensuring the proper exercise by the Namibian people of their right to self-determination, to contribute to the measures taken by the international community for safeguarding the cultural heritage and wealth of the Namibian people, to give special attention to Namibian children and, in particular, to accord them scholarships and training grants for study on the occasion of the International Year of the Child;

14. Decides to renew the mandate of the Ad Hoc Working Group of Experts, composed of the following experts acting in their personal capacity: Mr. Kéba M'Baye (Senegal), Chairman-Rapporteur, Mr. Branimir Janković (Yugoslavia), Mr. Annan Arkyin Cato (Ghana), Mr. Humberto Díaz Casanueva (Chile), Mr. Felix Ermacora (Austria) and Mr. Mulka Govinda Reddy (India);

15. Decides that the Ad Hoc Working Group of Experts should continue to study the policies and practices which violate human rights in South Africa, Namibia and Zimbabwe, and that it should carry out a comprehensive study on the action taken to implement the recommendations made by the Ad Hoc Working Group of Experts since its establishment, with a view to improved assessment of the further efforts needed in the struggle against the system of apartheid and against colonialism and racial discrimination in southern Africa;

16. Requests the Group to submit a report on its findings to the Commission at the thirty-seventh session at the latest, and to submit a progress report to the Commission at the thirty-sixth session;

17. Further requests the Group, in co-operation with the Special Committee against Apartheid, to investigate the cases of torture and murder of detainees in South Africa, contained in the report drawn up by the Special Committee against Apartheid 65/ and communicated to the Commission and to submit a special report on this investigation to the Commission on Human Rights at its thirty-sixth session.

18. At the same time requests the Group that particularly serious violations of which it learns during its enquiries should immediately be brought to the attention of the Chairman of the Commission on Human Rights, so that he may take whatever action he deems appropriate;

19. Requests the Secretary-General to transmit this resolution to the General Assembly, the Security Council and the Special Committee against Apartheid.

13 (XXXV). Violations of human rights in southern Africa 66/

The Commission on Human Rights

1. Expresses its profound appreciation to the Government of Iran, which has recently severed all relations with the racist régime of South Africa and has, in particular, stopped all oil supplies to that régime, thereby contributing substantially to the struggle against apartheid and racism;

2. Takes this opportunity to commend all other Governments which have already adopted measures similar to those recently taken by the Government of Iran.

65/ E/CN.4/1327/Add.2.

66/ Adopted at the 1508th meeting, on 6 March 1979, by a roll-call vote of 24 votes to 1, with 7 abstentions. See chap. IV.

25 (XXXIV). Measures to improve the situation and ensure the human rights and dignity of all migrant workers and their families 91/

The Commission on Human Rights,

Recalling the provisions of the Universal Declaration of Human Rights,

Bearing in mind the previous resolutions of the General Assembly and the Economic and Social Council relating to migrant workers, and in particular the General Assembly resolution 33/163 of 20 December 1978 concerning migrant workers,

Further recalling its resolutions 21 A and B (XXXIV),

Considering the Migrant Workers (Supplementary Provisions) Convention, 1975, and the Recommendation concerning Migrant Workers, 1975, adopted by the General Conference of the International Labour Organisation,

Having examined the report of the Secretary-General 92/ prepared in accordance with Economic and Social Council resolution 1978/22 of 5 May 1978,

91/ Adopted at the 1522nd meeting, on 14 March 1979, without a vote. See chap. XII.

92/ E/CN.4/1325.

Considering and appreciating the work on migrant workers already done by various international organizations,

Noting that, despite the efforts made at the international, multilateral and bilateral levels, migrant workers continue to encounter, in certain fields, practical difficulties which deprive them of the full and genuine enjoyment of human rights,

Recognizing that every relationship between employers and workers gives rise to rights and obligations and that violation of these rights may constitute a violation of the human rights of migrant workers when such workers' rights are also human rights, as defined in the Universal Declaration of Human Rights,

Believing that special attention should be paid to the problems of migrant workers and of their families,

Emphasizing that the situation of the children of migrant workers is of paramount importance,

1. Invites all States to:

(a) Work towards the creation, at the national level, of the necessary conditions which would prevent migrant workers and their families in their working and private life from encountering discrimination;

(b) Take all appropriate measures to ensure that the human rights, defined in the Universal Declaration of Human Rights, including the economic and social rights of migrant workers, be fully safeguarded under their domestic legislation;

(c) Apply relevant international instruments, bilateral and multilateral, and, if necessary, to conclude new bilateral and multilateral agreements designed, in particular, to improve the conditions of migrant workers and of their families and to eliminate the illicit traffic in foreign labour and the violations of human rights resulting therefrom;

2. Invites the Governments of host countries to:

(a) Assure migrant workers and the members of their families of equality of treatment in the field of labour, particularly concerning the economic and social rights, living and working conditions, wages, the right of association and other related rights;

(b) Adopt effective measures to ensure that the migrant workers and their families are familiar with and can avail themselves of all their civil, economic and social rights, including rights relating to social security;

(c) Take the necessary steps to promote the normalization of the family life of migrant workers through the reunification of their families on their territories, within the framework of their legislative systems;

(d) Give special attention to the situation of the children of migrant workers, envisage appropriate measures which would enable those children, while preserving their national values, to adjust to the society in which they live, and establish, in co-operation with the countries of origin, appropriate machinery to assure them of a bi-cultural education, and give to the children of migrant workers, as far as possible, access to the teaching of their mother tongue and culture, the general conditions applicable to such teaching, including those relating to co-ordination with standard teaching, to be laid down by the host country in co-operation with the country of origin;

(e) Implement policies relating to training, health, housing and educational and cultural development, similar to those enjoyed by citizens of the host country, for migrant workers and their families and guarantee them the free exercise of activities calculated to preserve their cultural values;

3. Invites the Governments of countries of origin to provide migrant workers with effective protection and to inform them as fully as possible of their rights and obligations;

4. Requests host countries and countries of origin to co-operate in various ways through the conclusion of bilateral or multilateral agreements capable of solving the problems facing migrant workers and to work together in examining the reintegration of migrant workers in case of voluntary return to the country of origin, and recommends to this end that special attention should be paid to voluntary reintegration in the country of origin, which should be smooth and should take the economic context of the country of origin and possible vocational retraining into account;

5. Recommends that the United Nations bodies and the competent specialized agencies, particularly the International Labour Organisation, should pay continuing attention to migrant workers, and intensify their action in this field;

6. Requests the United Nations bodies, the specialized agencies and the other world-wide and regional intergovernmental organizations and competent non-governmental organizations, and the countries of origin and host countries of migrant workers, to communicate to the Commission the model agreements and agreements which they formulate on the various aspects of inter-State relations in so far as they concern migrant workers;

7. Decides:

(a) To supervise, with the assistance of the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, and the other competent intergovernmental organizations and those NGOs which have consultative status with the Economic and Social Council, the application of the principles of the Universal Declaration of Human Rights to all migrant workers;

(b) To give priority, at its next session, to the following three questions:

- (i) Protection of the children of migrant workers against any form of discrimination and measures to be taken in order to facilitate their adaptation to the culture of the host country while maintaining and developing their knowledge of the language and national culture of the country of origin;
- (ii) Violations of the human rights of migrant workers resulting from the illicit traffic in such workers;
- (iii) Access of migrant workers to remedies in enterprises, from the administration, in courts and against all forms of arbitrary expulsion;

8. Decides to keep on its agenda the item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers", in particular for the purpose of studying the situation of those groups of migrant workers who continue to encounter practical difficulties with regard to the complete and genuine enjoyment of human rights.

9 (XXXVI). Violations of human rights in southern Africa:
report of the Ad Hoc Working Group of Experts 17/

The Commission on Human Rights,

Recalling its resolution 2 (XXIII), by which it set up the Ad Hoc Working Group of Experts, and its resolutions 21 (XXV), 7 (XXVII), 19 (XXIX), 5 (XXXI), 6 (XXXIII) and 12 (XXXV), by which it extended and broadened the terms of reference of that Group,

Having examined the progress report of the Ad Hoc Working Group of Experts 18/ submitted in accordance with Commission on Human Rights resolution 12 (XXXV),

1. Congratulates the Ad Hoc Working Group of Experts on the excellent work accomplished and warmly thanks it;
2. Expresses its profound indignation regarding the situation prevailing in South Africa;
3. Denounces the so-called declaration of independence of the Transkei, Bophuthatswana and Venda, as well as of any other bantustan which the South African régime might establish, as a serious infringement of the principle of the right of peoples to self-determination;
4. Reaffirms the inalienable right of the people of Namibia to self-determination and independence and their right to enjoy all the rights recognized in the Universal Declaration of Human Rights, and declares that this right can be legally exercised only in accordance with directives given by the competent organs of the United Nations;
5. Requests the Ad Hoc Working Group of Experts to continue to institute inquiries in respect of any persons suspected of having been guilty in Namibia of the crime of apartheid or of a serious violation of human rights, and to bring the results of those inquiries to the attention of the Commission on Human Rights;
6. Requests the Ad Hoc Working Group of Experts to continue to study the policies and practices which violate human rights in South Africa, in Namibia and, as appropriate, in Zimbabwe, and immediately to bring to the attention of the Chairman of the Commission on Human Rights particularly serious violations of human rights of which it learns during that study, so that he may take whatever action he deems appropriate;
7. Requests the Secretary-General to transmit this resolution to the General Assembly, the Security Council and the Special Committee against Apartheid;
8. Requests the Secretary-General to prepare a one-page summary of the findings of the Ad Hoc Working Group of Experts and to publish it in the world's leading newspapers, together with the Commission's condemnation of the violations of human rights in South Africa.

^{17/} Adopted at the 1556th meeting, on 26 February 1980, by 32 votes to none. See chap. IV.

^{18/} E/CN.4/1365.

- 10 (XXXVI). 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 19/

The Commission on Human Rights,

Recalling General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Reaffirming the responsibility of the United Nations in support of the struggle of the people of Zimbabwe for the exercise of their inalienable rights to self-determination and independence,

Bearing in mind Security Council resolution 463 (1980) of 2 February 1980,

1. Takes note of the agreement reached at Lancaster House, London, (United Kingdom) in December 1979, on the future of Zimbabwe;
2. Affirms that the purpose of that agreement is to enable the people of Zimbabwe to exercise their inalienable right to self-determination and independence and to enjoy those other fundamental rights which had been denied them by the racist minority régime in Southern Rhodesia;
3. Calls upon all parties to comply with the Lancaster House Agreement;
4. Calls upon the Administering Authority, the Government of the United Kingdom of Great Britain and Northern Ireland, to implement the agreement impartially and in strict compliance with its terms;
5. Also calls upon the Government of the United Kingdom to ensure that the forthcoming general elections in Zimbabwe are free and fair and that no political party is handicapped;
6. Urges the international community not to accord any recognition to any institution set up in Zimbabwe which is not the direct outcome of free and fair elections in Zimbabwe;
7. Demands that the apartheid régime of South Africa, which has played such a diabolical role in the violation of the rights of the people of Zimbabwe, should be prevented from further meddling in the affairs of Zimbabwe.

19/ Adopted at the 1556th meeting, on 26 February 1980, by a roll-call vote of 33 to none, with 9 abstentions. See chap. V.

- 11 (XXXVI). 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 20/

The Commission on Human Rights,

Reaffirming that any political, military, economic and other forms of assistance given to the colonial and racist régimes in southern Africa strengthen those régimes and obstruct the efforts aimed at the elimination of colonialism, apartheid and racial discrimination in southern Africa;

Recognizing that utmost priority must be accorded to international action to secure the full implementation of the international instruments as well as resolutions of the United Nations for the eradication of racism and apartheid and for the liberation of the people of southern Africa from racist and colonial régimes,

Recalling its resolutions 3 (XXX), 6 (XXXII), 7 (XXXIII), 6 (XXXIV) and 9 (XXXV) as well as General Assembly resolution 33/23 of 29 November 1978,

Further recalling General Assembly resolution 34/93 in particular resolution 34/93 C of 12 December 1979 regarding the organization in 1980, in co-operation with the Organization of African Unity, of an international conference on sanctions against South Africa,

Taking note of resolution 3 (XXXII) of 5 September 1979 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having considered the revised report 21/ prepared by Mr. Ahmed Khalifa, 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 colonial and racist régimes in southern Africa which contains a general provisional list of banks, transnational corporations and other organizations giving assistance to the racist and colonial régimes of southern Africa,

Deeply concerned at the fact that foreign interests continue to support and give all forms of assistance, including the delivery of nuclear supplies and equipment, to the racist régime of South Africa,

Deeply alarmed at recent reports that South Africa with Israeli co-operation has detonated a nuclear explosive device,

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

20/ Adopted at the 1556th meeting, on 26 February 1980, by 31 votes to 4, with 6 abstentions. See chap. V.

21/ E/CN.4/Sub.2/425, Corr.1 and 2 and Add.1-6.

1. Expresses its appreciation to the Special Rapporteur for his revised report containing the general provisional list of banks, transnational corporations and other organizations assisting the racist régimes in southern Africa;

2. Expresses also its full support for the international conference on sanctions against South Africa to be organized by the United Nations in co-operation with the Organization of African Unity;

3. Requests all States which have not yet done so to take effective measures to end the supply of funds and other forms of assistance, including military and nuclear supplies and equipment, to the racist régimes which use such assistance to repress the peoples of southern Africa and their national liberation movements;

4. Calls upon the Governments of the countries where the banks, transnational corporations and other organizations named and listed in the revised report are based, to take effective action to put a stop to their trading, manufacturing and investing activities in the territories of the racist and colonial régimes of southern Africa;

5. Requests the Economic and Social Council that the revised report 22/ be appended to the original report 23/ by the Special Rapporteur and that it be printed and disseminated on the widest scale;

6. Requests also the Economic and Social Council to forward the revised report to the General Assembly;

7. Calls upon all States, relevant specialized agencies, non-governmental and other organizations to give wide publicity to the report;

8. Requests the Sub-Commission to mandate Mr. Ahmed Khalifa, Special Rapporteur, to continue to update the list every year and submit through the Sub-Commission the updated report to the Commission;

9. Decides to consider at its thirty-seventh session the next report, within the framework of its item on 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.

22/ Ibid.

23/ United Nations publication, Sales No. E.79.XIV.3.

12 (XXXVI). Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid 24/

The Commission on Human Rights.

Recalling General Assembly resolutions 34/24 and 34/27 of 15 November 1979,

Recalling further its resolution 2 (XXIII), by which it set up the Ad Hoc Working Group of Experts, and its resolutions 21 (XXV), 7 (XXVII), 19 (XXIX), 5 (XXXI), 6 (XXXIII) and 12 (XXXV) by which it extended and broadened the terms of reference of that Group,

Recalling also article I of the International Convention on the Suppression and Punishment of the Crime of Apartheid which declares that apartheid is a crime against humanity,

Having considered the special report 25/ of the Ad Hoc Working Group of Experts drawn up pursuant to paragraph 17 of Commission on Human Rights resolution 12 (XXXV) of 6 March 1979,

Convinced of the need to redouble its efforts to carry out its functions under the International Convention on the Suppression and Punishment of the Crime of Apartheid,

1. Takes note of the special report prepared by the Ad Hoc Working Group of Experts pursuant to paragraph 17 of Commission resolution 12 (XXXV);
2. Expresses its appreciation to the Ad Hoc Working Group of Experts for the objectivity and clarity of the work accomplished;
3. Appeals once again to those countries that have not yet done so to accede to the Convention on the Suppression and Punishment of the Crime of Apartheid without delay;
4. Commends those States that have submitted their reports;
5. Urges the States parties to adopt the measures prescribed by the Convention, particularly those referred to in its articles IV and V;
6. Requests the Ad Hoc Working Group of Experts to continue, in co-operation with the Special Committee against Apartheid as appropriate, its compilation of the list of individuals, organizations, institutions and representatives of States deemed responsible for crimes enumerated in article II of the Convention on the Suppression and Punishment of the Crime of Apartheid and of individuals, organizations, institutions, and representatives of States against whom or which legal proceedings have been undertaken;

24/ Adopted at the 1556th meeting, on 26 February 1980, by 30 votes to 1, with 9 abstentions. See chap. XII.

25/ E/CN.4/1366.

7. Further requests the Ad Hoc Working Group of Experts, in co-operation with the Special Committee against Apartheid and in accordance with paragraph 20 of the annex to resolution 34/24 adopted by the General Assembly on 15 November 1979, to undertake a study on ways and means of ensuring the implementation of international instruments such as the International Convention on the Suppression and Punishment of the Crime of Apartheid, including the establishment of the international jurisdiction envisaged by the said Convention;

8. Requests the Secretary-General to arrange for the publication, in the largest possible number of newspapers, of an account of each case in the list of persons allegedly guilty of the crime of apartheid under the International Convention on the Suppression and Punishment of the Crime of Apartheid, stating the individuals involved, the victim, the culpable deed and its legal definition, and to bring such accounts to the attention of the public by all other communication media;

9. Welcomes the active campaign by the Special Committee against Apartheid in co-operation with the Commission, to give effect to the provisions of the Convention, in response to the Commission's request, under article X of the Convention;

10. Reiterates the request addressed to competent United Nations organs in paragraphs 6 and 7 of its resolution 10 (XXXV);

11. Decides to maintain on its agenda as a standing item the question entitled "Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid".

13 (XXXVI). Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid 26/

The Commission on Human Rights,

Recalling its resolutions 7 (XXXIV) of 22 February 1978 and 10 (XXXV) of 5 March 1979,

Recalling its resolution 7 (XXXIV) in which it called on 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-yearly intervals,

Having considered the report 27/ of the group of three members of the Commission appointed under article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid,

26/ Adopted at the 1556th meeting, on 26 February 1980, by a roll-call vote of 32 to none, with 10 abstentions. See chap. XII.

27/ E/CN.4/1358.

Reaffirming its conviction that wider ratification of the Convention will contribute significantly 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, and in particular the recommendations contained in it;

2. Emphatically renews its appeal to those countries that have not yet done so to accede to the International Convention on the Suppression and Punishment of the Crime of Apartheid without delay;

3. Commends those States parties that have submitted their reports, and in particular those that have submitted a second report, and urges the States parties which have not yet done so to submit their report as soon as possible;

4. Requests the Secretary-General to renew his invitation to the States parties to the Convention which have not yet done so to suggest ways and means for the establishment of the international penal tribunal referred to in article V of the Convention, and to transmit such suggestions to the Ad Hoc Working Group of Experts responsible for investigating violations of human rights in southern Africa in order that it may undertake a study on the establishment of the aforesaid international penal tribunal, in accordance with the mandate entrusted to it under resolution 12 (XXXVI) of the Commission on Human Rights;

5. Again urges the States parties to the Convention to take into consideration, when submitting their reports, the guidelines 28/ laid down by the group of three members of the Commission in 1978 for the submission of the reports;

6. Decides that the group of three members of the Commission appointed in accordance with article IX of the Convention should meet for a period of no more than five days before the thirty-seventh session of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention.

28/ E/CN.4/1286.

- 15 (XXXVI). Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism 36/

The Commission on Human Rights

1. Recommends to the Economic and Social Council that it authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to entrust Mr. Benjamin Whitaker with the further extension and updating of the Report on Slavery 37/ in the light of the comments made in the Sub-Commission at its thirty-first session;
2. Requests the Secretary-General to give the Special Rapporteur all the assistance that he may require in his work, including all relevant information from reliable sources;
3. Requests the Special Rapporteur to submit his report to the Sub-Commission at its thirty-fourth session.

36/ Adopted at the 1562nd meeting, on 29 February 1980, without a vote. See chap. XVII.

37/ United Nations publication, Sales No. 67.XIV.2.

3 (XXXVII). Question of measures to be taken against ideologies and practices based on terror or incitement to racial discrimination or any other form of group hatred 7/

The Commission on Human Rights,

Recalling that the United Nations emerged from the struggle against nazism, fascism, and foreign aggression and occupation,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling that the Charter of the United Nations states in Article I that the purposes of the United Nations are, inter alia, to achieve international co-operation in solving international problems and in promoting and encouraging respect for human rights and fundamental freedoms,

Emphasizing that all totalitarian or other ideologies and practices, in particular nazi, fascist and neo-fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences, may jeopardize world peace and constitute obstacles to friendly relations between States and to the realization of human rights and fundamental freedoms,

Recalling General Assembly resolution 35/200 of 15 December 1980,

Reaffirming that all totalitarian or other ideologies and practices, in particular nazi, fascist and neo-fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences, 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 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, the Convention of the Prevention and Punishment of the Crime of Genocide and other relevant international instruments,

Expressing deep concern at increasing activities in any part of the world by groups and organizations or whoever is propagating and practising the above-mentioned inhumane ideologies,

Bearing in mind that racist ideologies are totally incompatible with the purposes of international co-operation in promoting and developing respect of human rights and fundamental freedoms of all individuals and peoples without distinction as to race, sex, language, religion, or national or ethnic origin,

7/ Adopted at the 1611th meeting, on 23 February 1981, by a roll-call vote of 38 to none, with 1 abstention. See chap. XXII.

1. Condemns all totalitarian or other ideologies and practices, in particular nazi, fascist and neo-fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences;

2. Urges all States to draw attention to the threats to democratic institutions by the above-mentioned ideologies and practices and to consider taking measures, in accordance with their national constitutional systems, to prohibit or otherwise deter activities by groups and organizations or whoever is practising these ideologies;

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

4. Appeals to States which have not yet done so to become parties to the International Covenants on Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and other relevant international instruments;

5. Decides to consider this question, including the possibility of elaborating a draft Declaration, at its thirty-eighth session.

4 (XXXVII). Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts 8/

The Commission on Human Rights,

Recalling Security Council resolutions 435 (1978) of 29 September 1978 and 439 (1978) of 13 November 1978 which established the United Nations plan for the independence of Namibia based on free and fair elections in the territory under the supervision and control of the United Nations,

Recalling also General Assembly resolutions 35/28 and 35/29 of 11 November 1980, 35/118 and 35/119 of 11 December 1980 and 35/206 E of 16 December 1980,

Noting with satisfaction the report of the Ad Hoc Working Group of Experts 9/ on violations of human rights in southern Africa,

Reaffirming that the continued administration of Namibia by the Government of South Africa is a violation of the inalienable rights of the Namibian people to the enjoyment of their human rights,

8/ Adopted at the 1611th meeting, on 23 February 1981, by a roll-call vote of 35 to none, with 6 abstentions. See chap. IV.

9/ E/CN.4/1429.

Cognizant of the report of the United Nations Secretary-General to the Security Council 10/ which envisaged independence for Namibia in 1981 on the basis of which direct talks were held in Geneva from 7 to 14 January 1981, between the South West Africa People's Organization and South Africa aimed at reaching agreement on the ceasefire and date for the emplacement of the United Nations Transition Assistance Group in Namibia in March 1981,

Noting racist South Africa's refusal at the Geneva talks to agree to the date for a ceasefire and the emplacement of the United Nations Transition Assistance Group and its defiance of the peaceful overtures of the international community,

Disappointed that three years of talks between the United Nations and racist South Africa aimed at achieving a negotiated settlement of the Namibian question have so far failed due to the bad faith consistently shown by racist South Africa,

Bearing in mind the provisions of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949 and Additional Protocol I to the Geneva Conventions, of 8 June 1977, recognizing the status of liberation movements,

1. Welcomes declared readiness of the South West Africa People's Organization at the Geneva meeting to agree to the date for a ceasefire and the emplacement of the United Nations Transition Assistance Group in Namibia in accordance with Security Council resolutions 435 (1978) of 29 September 1978 and 439 (1978) of 13 November 1978;

2. Strongly condemns the position of the Government of South Africa at the Geneva talks and holds it fully responsible for the breakdown of that meeting;

3. Reaffirms the inalienable rights of the Namibian people to self-determination and to independence;

4. Declares that only exercise in the conditions determined by the United Nations of the right of self-determination of the Namibian people conforms to international law;

5. Condemns further the attempt by the racist régime of South Africa to impose a puppet régime on the people of Namibia;

6. Demands that South Africa cease forthwith all acts of torture and ill-treatment of Namibian detainees and prisoners;

7. Further demands that captured freedom fighters be granted prisoner-of-war status and that they should be treated in accordance with the Geneva Conventions of 1949;

8. Calls for the immediate release of all Namibian political prisoners interned in Namibia and in South Africa;

9. Calls upon South Africa to desist forthwith from its aggression and flagrant violations of the territorial integrity of African States through attacks by land and air aimed at destabilizing those States in their resolve to support the heroic struggle of the Namibian people for self-determination and independence;

10. Appeals to all States and competent organs of the United Nations to increase all necessary political, financial and material assistance to the South West Africa People's Organization in its liberation struggle;

11. Calls upon those countries from which South Africa recruits mercenaries to fight with the South African army in Namibia to prevent their nationals from being so recruited;

12. Requests the Security Council to:

(a) Consider imposing mandatory economic sanctions against South Africa, under Chapter VII of the Charter of the United Nations, including in particular a mandatory embargo on the supply of petroleum and petroleum products to South Africa.

(b) Reinforce the arms embargo against South Africa by adopting comprehensive mandatory measures to end all military and nuclear collaboration with the apartheid régime of South Africa.

5 (XXXVII). Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts 11/ 12/

The Commission on Human Rights,

Recalling its resolution 2 (XXIII), by which it set up the Ad Hoc Working Group of Experts, and its resolutions 21 (XXV), 7 (XXVII), 19 (XXIX), 5 (XXXI), 6 (XXXIII) and 12 (XXXV) by which it extended and broadened the terms of reference of that Group,

Recognizing the contribution which the reports of the Ad Hoc Working Group of Experts have made and are continuing to make to the efforts of the United Nations to seek out and combat the violations of human rights, in particular the policies of apartheid and racial discrimination, pursued in South Africa and in Namibia,

Having examined the report of the Ad Hoc Working Group of Experts, 13/

Having noted that the South African authorities, far from changing their policy of apartheid, are strengthening it by various means and are continuing to occupy Namibia illegally,

11/ Adopted at the 1611th meeting, on 23 February 1981, by 33 votes to 3, with 5 abstentions. See chap. IV.

12/ A statement of the financial implications of this resolution appears in annex III.

13/ E/CN.4/1429.

1. Congratulates the Ad Hoc Group of Experts on the excellent work accomplished and warmly thanks it;
2. Strongly condemns the increased South African military presence in Namibia;
3. Denounces and condemns as a breach of international law the attacks perpetrated by the Pretoria régime on the territorial integrity of the independent countries bordering on Namibia or South Africa;
4. Reaffirms the inalienable right of the Namibian people to self-determination and independence and its right to enjoy all the rights recognized in the Universal Declaration of Human Rights and other relevant international instruments;
5. Declares that only in the conditions determined by the United Nations is the exercise by the Namibian people of its right to self-determination in conformity with international law;
6. Denounces once again the bantustanization invented and imposed by South Africa to oppose the legitimate claims of the black population to liberty and dignity as a violation of the right to self-determination;
7. Requests the General Assembly to reaffirm that the struggle against apartheid justifies the granting of political, material and other assistance by United Nations to those taking part in that struggle;
8. Invites those countries which are collaborating with South Africa in the political, economic, cultural, military and other fields to terminate such relations, since apartheid constitutes a crime against humanity;
9. Suggests that the General Assembly of the United Nations should refer for consideration to the International Court of Justice the question of whether a State which pursues a policy of apartheid and denies human rights, as does South Africa, may lawfully continue to hold a place in the international community, in view of the provisions of the Charter of the United Nations, more particularly Chapter II, Article 6;
10. Appeals once again to all States which have not yet done so to ratify the International Convention on the Suppression and Punishment of the Crime of Apartheid;
11. Invites every Member State of the United Nations to make observations on the interim report, and on the draft statutes of the International Penal Tribunal, as envisaged in document E/CN.4/1426, so as to enable the Ad Hoc Working Group to continue its study;
12. Demands that the South African authorities should grant captured freedom fighters the status of prisoners of war and treat them as such, more particularly by applying to them the Third Geneva Convention relative to the Treatment of Prisoners and the Additional Protocols thereto;

13. Stresses once again that the economic sanctions should be applied to South Africa in order to compel it to abandon its policy of apartheid and that the oil embargo should be considered and observed by all States as a consequence of the compulsory arms embargo;

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

15. Decides to renew the mandate of Ad Hoc Working Group of Experts, composed of the following members acting in a personal capacity: Mr. Kéba M'Baye (Senegal), Chairman/Rapporteur; Mr. Branimir Janković (Yugoslavia); Mr. Annan Arkyn Cato (Ghana); Mr. Humberto Díaz-Casanueva (Chile); Mr. Mulka Govinda Reddy (India) and Mr. Felix Ermacora (Austria);

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

17. Decides that the Ad Hoc Working Group of Experts should examine in particular the report of the Secretary-General on apartheid as a collective form of slavery 14/ and the report on child labour in South Africa submitted to the Working Group on Slavery at its sixth session by the Anti-Slavery Society for the Protection of Human Rights 15/ and to propose in due course such measures as the Group deems appropriate;

18. Further decides that the Group should study all ways and means that the Commission might use or suggest for the purposes of active participation in the struggle waged by the international community against apartheid;

19. Requests the Group to submit a report on its findings to the Commission at its thirty-ninth session at the latest and to submit a progress report to the Commission at its thirty-eighth session;

20. Also requests the Group, in co-operation with the Special Committee against Apartheid, to investigate the conditions of imprisonment and the state of health of persons captured at Kassinga and imprisoned at the Hardap Dam Camp, near Marienthal, in the south of Namibia;

21. Also requests the Group, in co-operation with the Special Committee against Apartheid, to study the effects of the policy of apartheid on black women and children in South Africa, in conformity with General Assembly resolutions 35/206 G and N of 16 December 1980;

22. Decides that the Group should continue to institute inquiries in respect of any persons suspected of having been guilty in Namibia of the crime of apartheid or any other serious violation of human rights and to bring the results of those inquiries to the attention of the Commission on Human Rights;

14/ E/CN.4/Sub.2/449.

15/ See E/CN.4/Sub.2/447, paras. 28-30.

23. Decides that the Group should continue to bring immediately to the attention of the Chairman of the Commission on Human Rights, so that he may take whatever action he deems appropriate, particularly serious violations or any violations calling for urgent action, when it learns of such violations during its inquiries;

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

25. Requests the Secretary-General to provide every assistance and the resources required to enable the Ad Hoc Working Group of Experts to discharge its responsibilities in accordance with its terms of reference;

26. Requests the Economic and Social Council to transmit this resolution to the General Assembly, the Security Council and the Special Committee against Apartheid.

6 (XXXVII). Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid 16/

The Commission on Human Rights,

Recalling its resolutions 7 (XXXIV) of 22 February 1978, 10 (XXXV) of 5 March 1979 and 13 (XXXVI) of 26 February 1980,

Recalling its resolution 7 (XXXIV) in which it called on 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 17/ of the Group of Three members of the Commission appointed under article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid,

Reaffirming its conviction that wider ratification of, or accession to, the Convention will contribute significantly to the eradication of the crime of apartheid,

1. Takes note with appreciation of the report of the Group of Three and in particular the recommendations contained in it;

16/ Adopted at the 1611th meeting, on 23 February 1981, by 30 votes to none, with 11 abstentions. See chap. XV.

17/ E/CN.4/1417.

2. Appeals once again to those States that have not yet done so to ratify or to accede to the International Convention on the Suppression and Punishment of the Crime of Apartheid without delay;

3. Commends those States parties that have submitted their reports, and in particular those that have submitted their second reports, and appeals to those States parties that have not yet done so to submit their reports as soon as possible;

4. Reiterates its recommendation that States parties should take into consideration when submitting their reports, the guidelines laid down by the Group of Three in 1978 for the submission of reports;

5. Requests the Secretary-General to invite the States parties to submit their views and comments on the interim study 18/ prepared by the Ad Hoc Working Group of Experts in accordance with Commission resolution 12 (XXXVI) on the ways and means of ensuring the implementation of international instruments such as the International Convention on the Suppression and Punishment of the Crime of Apartheid;

6. Decides that the Group of Three appointed in accordance with article IX of the Convention should meet for a period of no more than five days before the thirty-eighth session of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention.

7 (XXXVII). Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination 19/

The Commission on Human Rights,

Recalling that in its resolution 3057 (XXVIII) of 2 November 1973, the General Assembly adopted a Programme for the Decade for Action to Combat Racism and Racial Discrimination,

Recalling also General Assembly resolution 34/24, of 15 November 1979, which deals with the programme of activities for the second half of the Decade,

Recalling further its resolution 14 (XXXVI) of 26 February 1980,

Taking note of the fact that, in conformity with General Assembly resolutions 33/99 of 16 December 1978 and 34/24 of 15 November 1979, regional seminars have been held at the level of the Economic Commission for Europe and the Economic Commission for Africa in 1979 and 1980 respectively,

18/ E/CN.4/1426.

19/ Adopted at the 1611th meeting, on 23 February 1981, by 32 votes to none, with 8 abstentions. See chap. XVIII.

Taking note of the Round-table of university professors and directors of race relations institutions held at Geneva from 5 to 9 November 1979 within the context of the Decade for Action to Combat Racism and Racial Discrimination and in accordance with General Assembly resolution 33/99 of 16 December 1978,

Taking into account that violations of human rights, denial of the right of peoples under colonial or foreign domination and occupation to self-determination and independence, as well as economic and political oppression, social injustice and cultural contempt, are among the root causes of discrimination,

Mindful of the recommendations contained in the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-third session, 20/

1. Takes note of resolutions 3 (XXXIII) and 4 (XXXIII) of the Sub-Commission;
2. Expresses its satisfaction at the reports of the seminars and the round-table held in 1979 and 1980 within the context of the Decade for Action to Combat Racism and Racial Discrimination; 21/
3. Welcomes the note 22/ containing the arrangements made for the convening of a seminar to study the formulation of effective measures to prevent transnational corporations and other established interests from collaborating with the racist régime in South Africa;
4. Takes note of the note of the Secretary-General contained in document E/CN.4/1447 and requests him to expedite consultations with all the bodies referred to in resolution 14 C (XXXVI) of the Commission on Human Rights of 26 February 1980, such as the Commission on Transnational Corporations, the Special Committee Against Apartheid, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the United Nations Council for Namibia with a view to determining modalities under which the study referred to in paragraph 18 of the programme of activities should be carried out, and to submit specific proposals as regards the preparation of the study and the outline thereof;
5. Welcomes General Assembly resolution 35/33 of 14 November 1980, in which the General Assembly decided to hold in 1983 a second world conference to combat racism and racial discrimination;

20/ E/CN.4/1413 and Corr.1.

21/ Seminar on recourse procedures available to victims of racial discrimination, and activities to be undertaken at the regional level (ST/HR/SER.A/3); Round-table of university professors and directors of race relations institutions on the teaching of problems of racial discrimination (ST/HR/SER.A/5); and, Seminar on political, economic, cultural and other factors underlying situations leading to racism, including a survey of the increase or decline of racism and racial discrimination (ST/HR/SER.A/7).

22/ E/CN.4/1431.

6. Urges all States to create social and other conditions which would exclude the emergence of all forms of racial discrimination, or combat them where they already exist;

7. Invites all States to establish adequate, efficient and easily accessible recourse procedures with a view to guaranteeing to victims of acts of racial discrimination the application of legal provisions relating to the substance of the law in penal, civil or administrative matters alike;

8. Calls upon all States to ensure that complaints of racial discrimination are dealt with expeditiously and that victims of racial discrimination receive full and immediate compensation, commensurate with the injury sustained;

9. Recommends that all States adopt adequate measures to ensure the widest possible dissemination of information and teaching designed to suppress human rights violations and racial discrimination. In this context, special effort should be made to promote the ideals of the Charter of the United Nations, the Universal Declaration of Human Rights, 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 other relevant international instruments;

10. Requests international organizations, organs and bodies of the United Nations system, such as the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the United Nations Institute for Training and Research and the United Nations University to intensify their activities aimed at teaching and publicizing material concerning the problems of racial discrimination in general and apartheid in particular.

8 (XXXVII). The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in South Africa 23/ 24/

The Commission on Human Rights,

Reaffirming that any political, military, economic and other forms of assistance given to the colonial and racist régime in South Africa strengthen that régime and obstructed the efforts aimed at the elimination of colonialism, apartheid and racial discrimination in South Africa and Namibia,

Recognizing that utmost priority must be accorded to international action to ensure the full implementation of the international instruments as well as resolutions of the United Nations for the eradication of racism and apartheid and for the liberation of the people of southern Africa from the racist and colonial régime,

23/ Adopted at the 1611th meeting, on 23 February 1981, by 30 votes to 4, with 6 abstentions. See chap. V.

24/ A statement of the financial implications of this resolution appears in annex III.

Recalling General Assembly resolutions 3382 (XXX) of 10 November 1975, 31/33 of 30 November 1976 and 33/23 of 29 November 1978, and 35/32 of 14 November 1980,

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

Bearing in mind its resolutions 7 (XXXIII) of 4 March 1977, 6 (XXXIV) of 22 February 1978, 9 (XXXV) of 5 March 1979 and 11 (XXXVI) of 26 February 1980,

Taking note of resolution 2 (XXXIII) and the relevant parts of resolution 8 (XXXIII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having considered the revised report 25/ prepared by Mr. Ahmed Khalifa, 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 colonial and racist régimes in southern Africa which contains a general provisional list of banks, transnational corporations and other organizations giving assistance to the racist and colonial régime in South Africa,

Deeply concerned at the fact that foreign interests continue to support and give all forms of assistance, including the delivery of nuclear supplies and equipment, to the racist régime of South Africa, enabling it to acquire nuclear weapon capability,

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 in South Africa,

1. Expresses its appreciation to the Special Rapporteur for his report containing the general provisional list of banks, transnational corporations and other organizations assisting the racist régime in South Africa;

2. Expresses also its full support for the international conference on sanctions against South Africa to be organized by the United Nations in co-operation with the Organization of African Unity scheduled to be held in Paris in May 1981;

3. Affirms the inalienable right of the oppressed peoples of South Africa and Namibia to self-determination, independence and the enjoyment of the natural resources of their territories;

4. Requests all States which have not yet done so to take effective measures to end all forms of collaboration and assistance, including military and nuclear supplies and equipment, to the racist régime which uses such assistance to repress the people of South Africa and Namibia and their national liberation movements as well as commit acts of aggression against neighbouring independent African States;

5. Calls upon the Governments of the countries in which the banks, transnational corporations and other organizations named and listed in the revised report are based, to take effective action to put an end to their trading, manufacturing and investing activities in South Africa and Namibia;

6. Calls upon all States, relevant specialized agencies, non-governmental and other organizations to continue to give wide publicity to the report of the Special Rapporteur;

7. Welcomes the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to mandate Mr. Ahmed Khalifa, Special Rapporteur, to continue to update the list and submit through the Sub-Commission the revised report to the Commission;

8. Decides to consider at its thirty-eighth session the revised report, within the framework of its item on adverse consequences for the enjoyment of human rights, of political, military, economic and other forms of assistance given to the colonial and racist régimes in southern Africa.

37 (XXXVII). Measures to improve the situation and ensure the human rights and dignity of all migrant workers ^{82/}

The Commission on Human Rights,

Convinced of the need to establish international co-operation by resolving international problems of an economic, social, intellectual or humanitarian nature by developing and encouraging respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Recalling the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenants on Human Rights,

Stressing the importance of the contribution made by migrant workers to the development of the host countries,

Concerned however, by the fact that the situation of migrant workers is becoming more serious in certain regions, owing to current political and economic circumstances and for social and cultural reasons,

Conscious of the need for further efforts to ensure the protection of the rights and the improvement of the living conditions of all migrant workers and their families,

^{82/} Adopted at the 1640th meeting, on 12 March 1981, by 34 votes to none, with 6 abstentions. See chap. XIII.

Bearing in mind that the family is the natural and fundamental unit of society and is entitled to protection by society and the State and that, in that context, the families of migrant workers are also entitled to appropriate protection,

Recalling resolution 34/172 of 17 December 1979, in which the General Assembly decided to create, at its thirty-fifth session, a working group open to all Member States to elaborate an international convention on the protection of the rights of all migrant workers and their families,

Further recalling resolution 35/198 of 15 December 1980, in which the General Assembly noted with satisfaction that the working group had been able to commence its work during the thirty-fifth session in accordance with its terms of reference,

Noting with satisfaction that the General Assembly decided that this working group would hold an intersessional meeting of two weeks' duration in New York in May 1981, immediately after the first regular session of the Economic and Social Council, to enable it to continue its work in order to discharge its mandate to the best of its ability,

1. Welcomes the fact that the working group has begun its work with a view to the elaboration of an international convention on the protection of the rights of all migrant workers and their families, thus making substantial progress in the quest for the protection of the human rights of this population group;

2. Expresses the hope that the General Assembly will complete the elaboration of this convention at its thirty-sixth session;

3. Decides to give careful consideration to the progress achieved in that regard at its thirty-eighth session under the item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

1982/8. Violations of human rights in southern Africa:
report of the Ad Hoc Working Group of Experts 35/

The Commission on Human Rights,

Recalling its resolution 2 (XXIII), by which it set up the Ad hoc Working Group of Experts on southern Africa, and its resolutions 21 (XXV), 7 (XXVII), 19 (XXIX), 5 (XXXI), 6 (XXXIII), 12 (XXXV) and 5 (XXXVII),

Recalling also Economic and Social Council decision 1981/155 of 8 May 1981,

Having examined the progress report of the Ad hoc Working Group of Experts submitted in accordance with Commission resolution 5 (XXXVII), 36/

35/ Adopted at the 37th meeting on 25 February 1982, by a roll-call vote of 42 to none, with 1 abstention. See chap. IV.

36/ E/CN.4/1485.

1. Expresses its appreciation to the Ad hoc Working Group of Experts for the in-depth study and the objective findings contained in the progress report;
2. Expresses its deep indignation at the continuing widespread and inhuman violations of human rights in South Africa and in Namibia;
3. Condemns the impediments which the racist Government of South Africa has placed in the way of negotiations for the independence of Namibia;
4. Condemns once again the so-called "granting of independence" to the Ciskei following the granting of so-called "independence" to Transkei, Bophuthatswana and Venda, and declares that these acts constitute serious denial of the right of peoples to self-determination and independence;
5. Expresses its profound indignation at the fact that:
 - (a) Child labour is practised in South Africa on a wide scale;
 - (b) Persons captured at Kassinga and imprisoned at the Hardap Dam Camp near Mariental in the South of Namibia are subjected to various forms of torture and other acts of ill-treatment;
 - (c) Black women and children are subjected to various forms of oppression and are denied the security, protection and comfort of family life;
 - (d) International standards concerning trade union rights for black workers are violated in South Africa;
 - (e) The torture and murder of political prisoners in detention continue unabated in South Africa;
6. Demands that South Africa cease forthwith all acts and inhuman practices, particularly those which violate the enjoyment of human rights by the people, especially black children and black women, in South Africa;
7. Requests the Ad hoc Working Group of Experts to continue to study the policies and practices which violate human rights in South Africa and Namibia and to submit its findings and recommendations to the Commission at its thirty-ninth session;
8. Renews its invitation to all Member States of the United Nations to make observations on the draft statutes of the International Penal Tribunal 37/ to enable the Ad hoc Working Group to continue its study;
9. Decides that the Ad hoc Working Group of Experts should continue to bring to the attention of the Chairman of the Commission on Human Rights, for whatever action he may deem necessary and appropriate, particularly serious violations when it learns of such violations during its inquiries;
10. Requests the Secretary-General to transmit this resolution to the General Assembly, the Security Council and the Special Committee against Apartheid;
11. Requests the Secretary-General further to prepare a summary of the findings of the Ad hoc Working Group of Experts contained in the progress report and to give these findings and the Commission's condemnation of them wide publicity;

1982/9. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts - Namibia 38/

The Commission on Human Rights,

Having examined the chapter of the report relating to the question of Namibia as submitted by the Ad Hoc Working Group of Experts on southern Africa, 39/

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

Taking into account the deteriorating situation in Namibia,

Recalling the Declaration on Namibia and Programme of Action in Support of Self-Determination and National Independence for Namibia contained in General Assembly resolution S-9/2 of 3 May 1978,

Recalling Security Council resolutions 435 (1978) of 29 September 1978 and 439 (1978) of 13 November 1978 which established the United Nations plan for the independence of Namibia based on free and fair elections in the territory under the supervision and control of the United Nations,

Bearing in mind the relevant resolutions adopted by the Council of Ministers of the Organization of African Unity at its thirty-seventh ordinary session, held at Nairobi from 15 to 26 June 1981,

Bearing in mind also the relevant provisions of the Declaration adopted by the Conference of Ministers for Foreign Affairs of Non-Aligned Countries, held at New Delhi from 9 to 13 February 1981, 40/ as well as the final communiqué of the Extraordinary Ministerial Meeting of the Co-ordinating Bureau of the Non-Aligned Countries on the Question of Namibia, held at Algiers from 16 to 18 April 1981, 41/

Taking into account the relevant provisions of the Special Declaration on Namibia adopted by the International Conference on Sanctions against South Africa, held in Paris from 20 to 27 May 1981, 42/

1. Reaffirms the inalienable rights of the Namibian people to self-determination and independence and the rights enshrined in the Universal Declaration of Human Rights 43/ and other relevant international instruments;

38/ Adopted at the 37th meeting on 25 February 1982, by a roll-call vote of 37 to none, with 6 abstentions. See chap. IV.

39/ E/CN.4/1485.

40/ See A/36/116 and Corr.1, annex.

41/ See A/36/222-S/14458 and Corr.1, annex.

42/ A/36/319-S/14531, annex II.

43/ General Assembly resolution 217 A (III).

2. Declares that the Namibian people can legitimately exercise their right to self-determination and independence only under conditions determined by the United Nations in accordance with Security Council resolutions 435 (1978) and 439 (1978);

3. Emphasizes the need for the urgent implementation of Security Council resolutions 435 (1978) and 439 (1978);

4. Welcomes again the declared readiness of the South West Africa People's Organization to work for a negotiated settlement of the independence of Namibia under United Nations auspices;

5. Demands that South Africa comply with all resolutions on Namibia adopted by the Security Council, the General Assembly and the Commission on Human Rights in order to enable the United Nations to fulfil its obligations to the Namibian people;

6. Demands also that South Africa cease without further delay all acts of torture and ill-treatment of Namibian political detainees and prisoners;

7. Condemns the ever-increasing atrocities perpetrated against defenceless people, especially women and children, by the racist régime because of their opposition to apartheid;

8. Further demands that captured combatants be granted prisoner-of-war status and be treated in accordance with the provisions of the Geneva Conventions of 1949 44/ and Additional Protocol I thereto; 45/

9. Requests that South Africa allow the Ad Hoc Working Group of Experts to make an on-the-spot investigation of living conditions in the prisons of South Africa and Namibia and of the treatment of prisoners in those countries;

10. Calls upon South Africa to desist forthwith from its aggression and flagrant violation of the territorial integrity of African States, especially the territorial integrity of Angola;

11. Requests the Ad Hoc Working Group of Experts to continue to study, as a matter of priority, the policies and practices which violate human rights in Namibia and to submit a report to the Commission at its thirty-ninth session.

1982/10. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid 46/

The Commission on Human Rights,

Recalling its resolutions 10 (XXXV) of 5 March 1979, 13 (XXXVI) of 26 February 1980 and 6 (XXXVII) of 23 February 1981,

44/ United Nations, Treaty Series, vol. 75, Nos. 970-973, p. 31 et seq.

45/ A/32/144, annex I.

46/ Adopted at the 37th meeting on 25 February 1982, by a roll-call vote of 32 to none, with 11 abstentions. See chap. XIV.

Recalling its resolution 7 (XXXIV) of 22 February 1978, in which it called on 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 of the Group of Three members of the Commission 47/ appointed under article IX of the International Convention on the Suppression and Punishment of the Crime of apartheid,

Reaffirming its conviction that wider ratification of, or accession to, the Convention will contribute significantly to the eradication of the crime of apartheid,

1. Takes note with appreciation of the report of the Group of Three and in particular the conclusions and recommendations contained in it;
2. Commends those States parties that have submitted periodic reports and urges 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;
3. Again calls upon States which have not yet done so to ratify or accede to the Convention without delay;
4. Recommends once again that all States parties should take full account of the general guidelines laid down by the Group of Three in 1978 for the submission of reports;
5. Again requests the Secretary-General to invite the States parties to submit their views and comments on the interim study 48/ prepared by the Ad Hoc Working Group of Experts on southern Africa in accordance with Commission resolution 12 (XXXVI);
6. Calls once again on States parties to strengthen their co-operation at the national and international levels 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 the Charter of the United Nations;
7. Draws the attention of 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;
8. Decides that the Group of Three shall meet for a period of not more than five days before the thirty-ninth session of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention.

47/ E/CN.4/1507.

48/ E/CN.4/1426.

1982/11. Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination 49/

The Commission on Human Rights,

Recalling General Assembly resolution 35/33 of 14 November 1980, by which the General Assembly decided to hold in 1983 a Second World Conference to Combat Racism and Racial Discrimination,

Recalling also General Assembly resolution 36/8 of 28 October 1981 and Commission on Human Rights resolution 7 (XXXVII) of 23 February 1981 on the Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination,

Mindful that the Second World Conference to Combat Racism and Racial Discrimination should contribute to a profound evaluation of the state of racial discrimination in the world and should contribute concretely and effectively to the further struggle against racism and racial discrimination,

1. Recommends to the Preparatory Sub-Committee for the Second World Conference to Combat Racism and Racial Discrimination that the Second World Conference should pay particular attention to the findings of the various seminars, round-tables and studies conducted during the second half of the Decade, and that the relevant reports and studies should be among the basic documents of the Second World Conference;
2. Urges the Secretary-General to appoint the Secretary-General for the Second World Conference to Combat Racism and Racial Discrimination as early as possible, so as to enable him or her to commence the preparations for the World Conference as soon as possible;
3. Decides that the Commission on Human Rights shall be represented at the World Conference by the Chairman of its thirty-ninth session;
4. Decides to discuss the preparations for the Second World Conference and the Commission's participation therein at its thirty-ninth session.

1982/12. 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 50/

The Commission on Human Rights,

Reaffirming that any political, military, economic and other forms of assistance given to the colonial and racist regime in South Africa strengthen that regime and obstruct the efforts aimed at the elimination of colonialism, apartheid and racial discrimination in South Africa and Namibia,

49/ Adopted at the 37th meeting on 25 February 1982, by a roll-call vote of 34 to none, with 8 abstentions. See chap. XVI.

50/ Adopted at the 37th meeting on 25 February 1982, by a roll-call vote of 32 to 4, with 7 abstentions. See chap. V.

Recognizing that the utmost priority must be accorded to international action to ensure the full implementation of the international instruments as well as resolutions of the United Nations for the eradication of racism and apartheid and for the liberation of the people of southern Africa from the racist and colonial regime,

Recalling General Assembly resolutions 3362 (XXX) of 10 November 1975, 31/33 of 30 November 1976, 33/23 of 29 November 1978 and 35/32 of 14 November 1980,

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

Recalling further General Assembly resolution 36/172 of 17 December 1981,

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 and 8 (XXXVII) of 23 February 1981,

Taking note of resolution 2 (XXXIII) and the relevant parts of resolutions 8 (XXXIII) and 6 (XXXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having considered the updated report 51/ prepared by Mr. Ahmed Khalifa, 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 colonial and racist regimes in southern Africa, which contains an updated list of banks, transnational corporations and other organizations giving assistance to the racist and colonial regime in South Africa.

Deeply concerned at the fact that foreign interests continue to support and to give all forms of assistance, including the delivery of nuclear supplies and equipment, to the racist regime of South Africa, enabling it to acquire nuclear weapon capability,

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

1. Expresses its appreciation to the Special Rapporteur for his report containing the updated list of banks, transnational corporations and other organizations assisting the racist regime in South Africa;

2. Welcomes the declarations adopted by the International Conference on Sanctions against South Africa organized by the United Nations in co-operation with the Organization of African Unity and held in Paris from 20 to 27 May 1981 as well as the proclamation by the General Assembly of 1982 as the International Year of Mobilization for Sanctions against South Africa;

3. Affirms the inalienable right of the oppressed peoples of South Africa and Namibia to self-determination, independence and the enjoyment of the natural resources of their territories;

4. Reiterates its request to all States which have not yet done so to take effective measures to end all forms of collaboration and assistance, including military and nuclear supplies and equipment, to the racist regime which uses such assistance to repress the people of South Africa and Namibia and their national liberation movements as well as commit acts of aggression against neighbouring independent African States;

5. Appeals once again to the Governments of the countries in which the banks, transnational corporations and other organizations named and listed in the revised report are based, to take effective action to put an end to their trading, manufacturing and investment activities in South Africa and Namibia;

6. Calls again upon all States, relevant specialized agencies, non-governmental and other organizations to continue to give wide publicity to the report of the Special Rapporteur;

7. Welcomes the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to mandate Mr. Ahmed Khalifa, Special Rapporteur, to continue to update the list, subject to annual review, and submit, through the Sub-Commission, the revised report to the Commission;

8. Requests the Group of Three Members of the Commission which has been set up under the International Convention on the Suppression and Punishment of the Crime of Apartheid to examine whether the actions of transnational corporations which operate in South Africa come under the definition of the crime of apartheid, and whether or not some legal action could be taken under the Convention, and to report to the Commission;

9. Decides to consider at its thirty-ninth session the revised report, within the framework of its item "Adverse consequences for the enjoyment of human rights, of political, military, economic and other forms of assistance given to the colonial and racist regimes in southern Africa".

1982/16. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation 59/

The Commission on Human Rights,

Bearing in mind the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights 60/ and other relevant international instruments relating to human rights,

59/ Adopted at the 38th meeting on 25 February 1982, by a roll-call vote of 32 to 8, with 3 abstentions. See chap. VII.

60/ General Assembly resolution 217 A (III).

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, 2621 (XXV) of 12 October 1970, containing the programme of action for the full implementation of the Declaration and 35/118 of 11 December 1980, containing 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 of 14 November 1980, 36/68 of 1 December 1981 and 36/76 of 4 December 1981,

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

Recalling Security Council resolutions 405 (1977) of 14 April 1977 and 419 (1977) of 24 November 1977, in which the United Nations denounced the practices of using mercenaries against developing countries and national liberation movements,

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, 61/

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

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

Affirming that Walvis Bay and the offshore islands constitute an integral part of the territory of Namibia,

Affirming 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,

61/ General Assembly resolution 2625 (XXV).

Affirming also that the system of apartheid imposed on the South African people constitute 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) and 2145 (XXI) of 27 October 1966, as well as in subsequent resolutions of the Assembly relating to Namibia, and the legitimacy of their struggle by all means at their disposal, including armed struggle, against the illegal occupation of their territory by South Africa;

3. Reaffirms the legitimacy of the struggle of the oppressed people of South Africa and their 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 as a whole;

4. Strongly condemns the apartheid regime 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;

5. Condemns the continued policy of "bantustanization" which is contrary to the principle of self-determination and inconsistent with genuine independence and national unity;

6. 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 forthwith all such collaboration;

7. 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 the colonial territories, particularly Namibia;

8. 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;

9. 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;

10. Condemns the actions of those States, especially the major trading partners of South Africa, which have increased their collaboration in the political, economic and military fields with the racist regime of South Africa, despite repeated appeals by the international community, and the decisions of the United Nations;

11. 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;

12. Expresses deep appreciation of the important work being done by the Ad Hoc Committee towards the elaboration of an international convention against the recruitment, use, financing and training of mercenaries and urges all States to contribute towards the early adoption of such a convention;

13. Reaffirms once again 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 62/ and poses a serious threat to international peace and security;

14. Decides to include in the provisional agenda of its thirty-ninth 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.

62/ General Assembly resolution 1514 (XV).

1982/20. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fourth session: question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism 80/

The Commission on Human Rights,

1. Decides, pursuant to an invitation by the Government of Mauritania, to authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to send a delegation not exceeding two persons, to be appointed by the Chairman of the Sub-Commission in consultation with the Government of Mauritania, to visit Mauritania in order to study the situation and ascertain the country's needs:

2. Requests the United Nations Department of Public Information to take measures to create greater public awareness of the continued existence of slavery and slavery-like institutions and practices and to mobilize international action for their eradication;

80/ Adopted at the 56th meeting, on 10 March 1982, by 34 votes to none, with 9 abstentions. See chap. XVIII.

3. Appeals to Member States of the United Nations;

(a) To ratify the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, ^{81/} if they have not yet done so, or to implement its provisions effectively if they have already ratified it;

(b) To undertake concerted action against all enterprises which promote prostitution and the traffic in persons and to include relevant information in their reports concerning the Convention;

(c) To intensify research into the economic, social, psychological, sexual and emotional causes of prostitution and pimping and to promote the social reintegration of victims of prostitution and traffic;

4. Invites the Voluntary Fund for the United Nations Decade for Women to consider whether the Fund could provide support for projects aimed at the rehabilitation of prostitutes in poor areas, and to make this information available to the Working Group on Slavery at its eighth session;

5. Recognizes that apartheid is a slavery-like practice and endorses the call for mandatory economic sanctions against South Africa and appeals to Member States of the Security Council to support proposals to this effect;

6. Requests the Secretary-General to transmit the statements submitted to the Working Group at its seventh session by the Anti-Slavery Society for the Protection of Human Rights, the Minority Rights Group and the International Abolitionist Federation containing allegations specifically on slavery-like practices in certain countries, together with the relevant parts and recommendations of the report of the Working Group on Slavery, to the Governments of those countries for information and such observations as they may wish to make, and to the intergovernmental organizations and agencies mentioned by the Working Group in its recommendations;

7. Requests the Secretary-General to call upon States parties to the Slavery Convention of 1926, ^{82/} the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 ^{83/} and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 to submit regular reports on the situation in their countries, as provided for under the Conventions, and to call upon other States, intergovernmental organizations, relevant agencies of the United Nations and non-governmental organizations concerned and the International Criminal Police Organization (Interpol) to supply relevant information to the Working Group on Slavery.

^{81/} United Nations, Treaty Series, vol. 96, No. 1342, p.271.

^{82/} League of Nations, Treaty Series, vol. LX, No. 1414, p.253.

^{83/} United Nations, Treaty Series, vol. 266, No. 3822, p.40.

1982/35. Measures to improve the situation and ensure the human rights and dignity of all migrant workers 121/

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, in which the Assembly decided to create, at its thirty-fifth session, a working group open to all Member States to elaborate an international convention on the protection of the rights of all migrant workers and their families,

Recalling also General Assembly resolution 35/198 of 15 December 1980, in which the Assembly noted with satisfaction that the Working Group had been able to commence its work during the thirty-fifth session in accordance with its terms of reference,

Further recalling General Assembly resolution 36/160 of 16 December 1981, in which the Assembly took note of the report of the open-ended Working Group 122/ and expressed its satisfaction with the substantial progress that the Working Group had so far made in the accomplishment of its mandate,

Noting that the General Assembly decided that, in order to enable the Working Group to complete its task as soon as possible, the Working Group would hold again an intersessional meeting of two weeks duration in New York, in May 1982, immediately after the first regular session of the Economic and Social Council,

1. Welcomes the progress made so far by the Working Group in the elaboration of the convention;
2. Invites all Member States to co-operate fully with the Working Group in the discharge of its mandate;
3. Expresses the hope that the General Assembly will complete the elaboration of the convention as soon as possible;
4. Requests the Secretary-General to inform the Commission at its thirty-ninth session on further progress achieved in this regard under the item "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

121/ Adopted at the 60th meeting on 11 March 1982, by a roll-call vote of 39 to none, with 3 abstentions. See chap. XII.

122/ A/C.3/36/10.