



# COMMISSION ON HUMAN RIGHTS

## REPORT ON THE THIRTY-THIRD SESSION

(7 February - 11 March 1977)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS: SIXTY-SECOND SESSION

SUPPLEMENT No. 6

UNITED NATIONS



# **COMMISSION ON HUMAN RIGHTS**

## **REPORT ON THE THIRTY-THIRD SESSION**

**(7 February - 11 March 1977)**

**ECONOMIC AND SOCIAL COUNCIL**

**OFFICIAL RECORDS: SIXTY-SECOND SESSION**

**SUPPLEMENT No. 6**

**UNITED NATIONS**

**New York, 1977**

**NOTE**

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

**E/5927  
E/CN.4/1257**

## CONTENTS

<u>Chapter</u>	<u>Paragraphs</u>	<u>Page</u>
I. Issues that require action by or are brought to the attention of the Economic and Social Council .....		1
A. <u>Draft resolutions</u>		
I. Report of the <u>Ad Hoc Working Group of Experts on southern Africa</u> .....		1
II. Report of the Commission on Human Rights on its thirty-third session .....		2
B. <u>Draft decisions</u>		
1. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission .....		2
2. Question of the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems relating to human rights in developing countries .....		2
3. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories ...		3
4. Study of situations which reveal a consistent pattern of gross violations of human rights as provided in Commission on Human Rights resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII) .....		3
5. Report of the <u>Ad Hoc Working Group of Experts on southern Africa</u> .....		3
6. Study of reported violations of human rights in Chile, with particular reference to torture and other cruel, inhuman or degrading treatment or punishment .....		3
7. Exploitation of labour through illicit and clandestine trafficking .....		4

## CONTENTS (continued)

<u>Chapter</u>	<u>Paragraphs</u>	<u>Page</u>
I. B. <u>Draft decisions</u> (continued)		
8. Study of discrimination against persons born out of wedlock and the draft general principles on equality and non-discrimination in respect of such persons .....		4
II. Question of the violation of human rights in the territories occupied as a result of hostilities in the Middle East .....	1 - 31	5
III. Question of the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems relating to human rights in developing countries .....	32 - 45	10
IV. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; Status of the International Covenants on Human Rights .	46 - 71	13
V. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories .....	72 - 88	17
A. Question of human rights in Cyprus .....	79 - 82	18
B. Study of situations which reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLIII) and 1503 (XLVIII): report of the Working Group established by the Commission at its thirty-second session .....	83 - 88	19
VI. Violations of human rights in southern Africa .....	89 - 122	21
A. Report of the <u>Ad Hoc Working Group of Experts</u> ....	94 - 112	21
B. 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 .....	113 - 122	24
VII. The right of peoples to self-determination and its application to peoples under colonial and alien domination .....	123 - 137	27

## CONTENTS (continued)

<u>Chapter</u>	<u>Paragraphs</u>	<u>Page</u>
VIII. Question of the human rights of all persons subjected to any form of detention or imprisonment and in particular the body of principles for the protection of all persons under any form of detention or imprisonment .....	138 - 148	30
IX. Study of reported violations of human rights in Chile, with particular reference to torture and other cruel, inhuman or degrading treatment or punishment .....	149 - 170	32
X. Election to fill vacancies in the membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities .....	171 - 179	37
XI. Human rights and scientific and technological developments .....	180 - 188	38
XII. Draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief .....	189 - 198	43
XIII. Exploitation of labour through illicit and clandestine trafficking .....	199 - 205	49
XIV. Study of discrimination against persons born out of wedlock and the draft general principles on equality and non-discrimination in respect of such persons .....	206 - 212	52
XV. Communications concerning human rights .....	213	56
XVI. Postponement of items on the agenda .....	214	57
XVII. Implementation of the International Convention on the Suppression and Punishment of the Crime of <u>Apartheid</u> .	215 - 221	58
XVIII. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-ninth session .....	222 - 228	59
XIX. Consideration of the draft provisional agenda for the thirty-fourth session of the Commission .....	229 - 231	60
XX. Adoption of the report .....	232	67

## CONTENTS (continued)

<u>Chapter</u>		<u>Paragraphs</u>	<u>Page</u>
XXI.	Resolutions and decisions adopted by the Commission at its thirty-third session .....		68
A.	<u>Resolutions</u>		
1 (XXXVIII).	Question of the violation of human rights in the territories occupied as a result of hostilities in the Middle East		68
	Resolution A .....		68
	Resolution B .....		71
2 (XXXVIII).	Status of the International Covenants on Human Rights .....		71
3 (XXXVIII).	Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission .....		72
4 (XXXVIII).	Question of the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems relating to human rights in developing countries .....		74
5 (XXXVIII).	Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories .....		76
6 (XXXVIII).	Report of the <u>Ad Hoc</u> Working Group of Experts on southern Africa		76
	Resolution A .....		76
	Resolution B .....		79
	Resolution C .....		79

## CONTENTS (continued)

<u>Chapter</u>	<u>Paragraphs</u>	<u>Page</u>
XXI. A. <u>Resolutions</u> (continued)		
7 (XXXVIII). 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 .....		79
8 (XXXVIII). Question of the human rights of all persons subjected to any form of detention or imprisonment and in particular the body of principles for the protection of all persons under any form of detention or imprisonment .....		81
9 (XXXVIII). Study of reported violations of human rights in Chile, with particular reference to torture and other cruel, inhuman or degrading treatment or punishment .....		82
10 (XXXVIII). Human rights and scientific and technological developments		84
Resolution A .....		84
Resolution B .....		85
11 (XXXVIII). Draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief .....		86
12 (XXXVIII). Exploitation of labour through illicit and clandestine trafficking .		86
13 (XXXVIII). Implementation of the International Convention on the Suppression and Punishment of the Crime of <u>Apartheid</u> .....		87
B. <u>Decisions</u>		
1 (XXXVIII). Telegram to the Government of Israel .....		88
2 (XXXVIII). Telegram to the Secretary-General ...		88

<u>Chapter</u>		<u>Paragraphs</u>	<u>Page</u>
XXI.	B. <u>Decisions</u> (continued)		
	3 (XXXIII). Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission .....		89
	4 (XXXIII). Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission .....		89
	5 (XXXIII). Study of situations which reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII) .....		89
	6 (XXXIII). Question of human rights in Cyprus ..		90
	7 (XXXIII). Election to fill vacancies in the membership of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities .....		90
	8 (XXXIII). Postponement of items on the agenda to the thirty-fourth session of the Commission .....		90
	9 (XXXIII). Study of discrimination against persons born out of wedlock and the draft general principles on equality and non-discrimination in respect of such persons .....		91
	10 (XXXIII). Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-ninth session .....		91
	11 (XXXIII). Draft provisional agenda for the thirty-fourth session of the Commission .....		91

## CONTENTS (continued)

<u>Chapter</u>		<u>Paragraphs</u>	<u>Page</u>
XXII.	Organization of the thirty-third session .....	233 - 246	92
	A. Opening and duration of the session .....	233 - 234	92
	B. Attendance .....	235	92
	C. Election of officers .....	236	92
	D. Agenda .....	237 - 239	92
	E. Organization of work .....	240 - 242	93
	F. Meetings, resolutions and documentation .....	243 - 245	93
	G. Other matters .....	246	94

Annexes

- I. Attendance
- II. Agenda
- III. Financial implications of resolutions and decisions adopted by the Commission at its thirty-third session
- IV. Telegram dated 16 February 1977 from the Secretary-General to the Chairman of the Commission on Human Rights
- V. List of documents issued for the thirty-third session of the Commission

I. ISSUES THAT REQUIRE ACTION BY OR ARE BROUGHT TO THE  
ATTENTION OF THE ECONOMIC AND SOCIAL COUNCIL

A. Draft resolutions

I. Report of the Ad Hoc Working Group of Experts  
on southern Africa

A<sup>1/</sup>

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 6 (XXXIII),

1. Approves the decision taken by the Commission to extend the mandate of the Ad Hoc Working Group of Experts;
2. Expresses its satisfaction to the Ad Hoc Working Group of Experts for the work it has carried out;
3. Decides that the Working Group, in conjunction with the Special Committee against Apartheid, should examine the treatment of prisoners in South Africa, Namibia and Zimbabwe and devote particular attention to the deaths and ill-treatment which have recently occurred as a result of the policy of repression, with a view to submitting a report;
4. Decides that the Group's reports should be brought to the attention of the General Assembly without delay;
5. Requests the Secretary-General to give all due publicity to the report of the Ad Hoc Working Group of Experts (E/CN.4/1222 and Corr.1) and to furnish all necessary assistance to the Group to enable it to fulfil its mandate;
6. Recommends that the General Assembly should declare 1978 International Anti-apartheid Year.

B<sup>2/</sup>

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 6 (XXXIII),

Suggests that the General Assembly should consider the applicability to United Nations organs of "the solemn obligation of the administering Powers ... to promote the political, economic, social and educational advancement of the inhabitants of the Territories under their administration and to protect the human and natural resources of those Territories against abuses", which was reaffirmed by the General Assembly in its resolution 31/7, and, in this connexion, should consider the desirability of exercising fully its powers in its capacity (recognized by the International Court of Justice in 1971) as Administering Authority for Namibia, either directly or through the United Nations Council for Namibia.

---

1/ See chap. XXI, sect. A, resolution 6 B (XXXIII), and chap. VI, sect. A.

2/ See chap. XXI, sect. A, resolution 6 C (XXXIII), and chap. VI, sect. A.

II. Report of the Commission on Human Rights on its  
thirty-third session

The Economic and Social Council

Takes note of the report of the Commission on Human Rights on its thirty-third session.

B. Draft decisions

1. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission 3/

The Economic and Social Council endorses the recommendation made by the Commission on Human Rights in paragraph (b) of its resolution 3 (XXXIII) and consequently requests the United Nations Educational, Scientific and Cultural Organization to lay before its member States appropriate proposals for the implementation of the purposes of the resolution and to submit to the Commission on Human Rights for study, at its thirty-fourth session, a report on the situation with regard to the teaching of human rights throughout the world, accompanied by detailed recommendations.

2. Question of the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems relating to human rights in developing countries 4/

The Economic and Social Council endorses the recommendation made by the Commission on Human Rights in paragraph 4 of its resolution 4 (XXXIII) and consequently invites the Secretary-General, in co-operation with the United Nations Educational, Scientific and Cultural Organization and the other competent specialized agencies, to undertake a study on the subject "The international dimensions of the right to development as a human right in relation with other human rights based on international co-operation, including the right to peace, taking into account the requirements of the New International Economic Order and the fundamental human needs", and to make this study available for consideration by the Commission on Human Rights at its thirty-fifth session.

---

3/ See chap. XXI, sect. A, resolution 3 (XXXIII), and chap. IV.

4/ See chap. XXI, sect. A, resolution 4 (XXXIII), and chap. III.

3. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories 5/

The Economic and Social Council endorses the request made by the Commission on Human Rights in paragraph 1 of its resolution 5 (XXXIII) and consequently appeals to all States, especially the developed States, and the specialized agencies and non-governmental organizations to make all efforts to accelerate the establishment of conditions that could promote the unrestricted enjoyment of all human rights in States with difficult economic and social conditions.

4. Study of situations which reveal a consistent pattern of gross violations of human rights as provided in Commission on Human Rights resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII) 6/

The Economic and Social Council approves the decision of the Commission on Human Rights to set up a working group composed of five of its members, to meet a week before its thirty-fourth session, to examine such particular situations as may be referred to it by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirtieth session under Council resolution 1503 (XLVIII) and those situations which the Commission has decided to keep under review.

5. Report of the Ad Hoc Working Group of Experts on southern Africa 7/

The Economic and Social Council endorses the recommendation made by the Commission on Human Rights in its resolution 6 (XXXIII) and consequently draws 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. Study of reported violations of human rights in Chile, with particular reference to torture and other cruel, inhuman or degrading treatment or punishment 8/

The Economic and Social Council approves the decision of the Commission on Human Rights in its resolution 9 (XXXIII), in response to General Assembly resolution 31/124, to extend the mandate of the Ad Hoc Working Group to inquire into the situation of human rights in Chile within the terms of the Commission resolution, and requests the General Assembly to make arrangements for the provision of adequate financial resources and staff for the implementation of that resolution.

---

5/ See chap. XXI, sect. A, resolution 5 (XXXIII), and chap. V.

6/ See chap. XXI, sect. B, decision 5 (XXXIII), and chap. V, sect. B.

7/ See chap. XXI, sect. A, resolution 6 (XXXIII), and chap. VI, sect. A.

8/ See chap. XXI, sect. A, resolution 9 (XXXIII), and chap. IX.

7. Exploitation of labour through illicit and clandestine trafficking 9/

The Economic and Social Council takes note of Commission on Human Rights resolution 12 (XXXIII), recommending that the Council consider at its sixty-second session the question of exploitation of labour through illicit and clandestine trafficking, taking into account the existing international instruments as well as related studies and reports on the subject.

8. Study of discrimination against persons born out of wedlock and the draft general principles on equality and non-discrimination in respect of such persons 10/

The Economic and Social Council takes note of Commission on Human Rights decision 9 (XXXIII) referring to the Economic and Social Council for further consideration the draft general principles on equality and non-discrimination in respect of persons born out of wedlock. 11/

---

9/ See chap. XXI, sect. A, resolution 12 (XXXIII), and chap. XIII.

10/ See chap. XXI, sect. B, decision 9 (XXXIII), and chap. XIV.

11/ See chap. XIV, para. 212.

II. QUESTION OF THE VIOLATION OF HUMAN RIGHTS  
IN THE TERRITORIES OCCUPIED AS A RESULT  
OF HOSTILITIES IN THE MIDDLE EAST

1. The Commission considered agenda item 4 at its 1383rd to 1390th meetings, held from 9 to 15 February 1977.

2. By its resolution 2 (XXXI) the Commission had decided to place this item on the agenda of its thirty-third session as a matter of high priority. The Commission had before it a report by the Secretary-General (E/CN.4/1244), submitted in accordance with paragraph 13 of its resolution 2 (XXXI), on the measures taken to bring that resolution to the attention of Governments, competent United Nations organs, specialized agencies and regional intergovernmental organizations and to give it the widest possible publicity. The Commission also had before it a letter dated 4 January 1977 from the Permanent Observer of the League of Arab States to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1220) and two letters dated 28 February 1977 and 8 March 1977 from the Permanent Representative of Egypt to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1248 and E/CN.4/1250 respectively). At the request of the representatives of Egypt, Jordan, the Libyan Arab Republic and the Syrian Arab Republic, the following documents were circulated to the Commission:

(a) Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/31/218);

(b) Report of the Secretary-General under General Assembly resolution 3525 D (XXX), concerning Al-Ibrahimi Mosque (A/31/235 and Add.1 and 2);

(c) General Assembly resolution 31/106, concerning the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories;

(d) Note by the President of the Security Council circulating the statement adopted by the Security Council at its 1969th meeting, on 11 November 1976, concerning the situation in the occupied Arab territories (S/12233);

(e) Report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (S/12090);

(f) Resolution 15, concerning educational and cultural institutions in the occupied Arab territories, adopted by the UNESCO General Conference at its nineteenth session;

(g) Resolution concerning health assistance to refugees and displaced persons in the Middle East (WHA 29/69) adopted by the World Health Assembly at its twenty-ninth session;

(h) Resolution IX, concerning the policy of discrimination, racism and violation of trade union freedoms and rights practised by the Israeli authorities in Palestine and in the other occupied Arab territories, adopted by the International Labour Conference at its fifty-ninth session;

(i) Political Declaration of the Fifth Conference of Heads of State or Government of Non-Aligned Countries, Colombo, 1976 (see A/31/197).

3. At the request of the Permanent Representative of Egypt to the United Nations Office at Geneva, the letter dated 17 February 1977 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council (S/12287) was circulated to the Commission.

4. The Commission also had before it a written statement submitted by the World Peace Council (E/CN.4/NGO/196).

5. The Commission heard statements by the observer for Algeria at the 1388th meeting, by the observer for Israel at the 1384th, 1386th and 1389th meetings, and by the observer for the Palestine Liberation Organization at the 1383rd, 1386th and 1390th meetings.

6. The Commission also heard statements by observers for the following non-governmental organizations: World Peace Council (1385th meeting), World Federation of Trade Unions (1388th meeting).

7. Most of the speakers taking part in the debate expressed appreciation of the report of the General Assembly's Special Committee to Investigate Israeli practices Affecting the Human Rights of the Population of the Occupied Territories. They felt that the Special Committee was continuing its investigation with commendable objectivity and impartiality and deplored the Israel authorities' failure to allow it to visit the occupied territories and to co-operate with it.

8. Several speakers expressed concern at reports about the deplorable situation prevailing in Israeli prisons, in particular, reports of torture and ill-treatment of detainees from the occupied territories. Reference was made to the hunger strike by the inmates at Ashkelon Prison and also to reports of the death of certain detainees as a result of ill-treatment while under detention. In this context a proposal was made by the representative of the Syrian Arab Republic that a telegram should be sent to the Government of Israel expressing concern at the plight of the detainees and calling upon it to remedy the situation.

9. Though there was general agreement that a telegram should be sent, there were differences of opinion as to the wording to be used. Some members felt that the telegram should be very carefully drafted in mild language, so as to elicit a favourable reaction from the Government of Israel. Some others felt that a telegram on the lines suggested would be premature since the allegations made in the proposed text were not necessarily proven. Several representatives felt, however, that the proposed text was appropriate and that the substance of the allegations made during the debate was not only proven but had been admitted by spokesmen of the Israeli authorities.

10. The text proposed by the Syrian Arab Republic was revised by an informal group in an effort to make its wording more generally acceptable and to ensure that it reflected fully the humanitarian motive behind the suggestion. The revised text was introduced by the representative of Senegal at the 1386th meeting.

11. At the same meeting a vote on the revised draft telegram was requested by the representative of the United States of America. The vote was taken by roll call at the request of the representative of Cuba. The revised draft telegram was adopted at the 1386th meeting by 22 votes to 3, with 5 abstentions. The voting was as follows:

In favour: Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Cyprus, Ecuador, Egypt, India, Iran, Jordan, Lesotho, Nigeria, Pakistan, Panama, Peru, Senegal, Syrian Arab Republic, Turkey, Uganda, Union of Soviet Socialist Republics, Upper Volta, Uruguay, Yugoslavia.

Against: Canada, Costa Rica, United States of America.

Abstaining: Austria, Germany (Federal Republic of), Italy, Sweden, United Kingdom of Great Britain and Northern Ireland.

12. For the text of the telegram, see chapter XXI, section B, decision 1 (XXXIII). No reply to this telegram had been received by the Commission at the time of the adoption of the present report.

13. Several speakers expressed dissatisfaction with the title of the agenda item, since it might be construed as meaning that there were territories in the Middle East that were occupied by countries other than Israel. They felt that the title should be reworded to reflect the reality more accurately. Other speakers expressed the view that the wording of the agenda item should not be altered since it might create the impression that the Commission was extending the scope of the item beyond that originally intended, namely, the human rights of the population of the territories occupied by Israel as a result of the hostilities of June 1967. One speaker stated that he was against any change in the title since, in his view, the occupation in the Middle East had begun not in 1956 or 1967 but on the day that the Zionists had entered Palestine.

14. There was unanimous agreement that the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 was applicable to the occupied territories. Several speakers expressed regret that Israel had chosen not to acknowledge the applicability of the Convention and that it had undertaken a number of measures in those territories which were in violation of certain provisions of that Convention and which in themselves not only violated the human rights of the civilians in the occupied territories but created serious obstacles to the achievement of peace in the Middle East.

15. Most speakers expressed the view that the very fact of military occupation represented a breach of the human rights of the population of the occupied territories.

16. Deep concern was voiced by many speakers at the situation in the occupied territories. They noted that a situation of unrest had prevailed in the occupied territories during the past 15 months and that this had led to measures of repression, which in turn had provoked more civilian reaction. This situation had resulted in a deterioration in the living conditions of the civilian population of the occupied territories, in particular, those who were in detention because of their resistance to the occupation.

17. Israel's policy of colonization, annexation and expulsion of the indigenous population was condemned by most speakers.

18. There was general agreement that the establishment of settlements by Israel in the occupied territories and measures of annexation undertaken in the same territories were creating serious obstacles to the achievement of peace. The opinion was expressed that the policies and practices followed by Israel in the occupied territories were inspired by the "homeland" doctrine according to which the territory of Palestine was to be considered as a Jewish homeland and that other peoples could only live in that territory on sufferance. The Law of Return was cited as a concrete example of this doctrine. It was stated that these policies and practices of Israel constituted a serious violation of the human rights of the population of the region.

19. Several speakers stressed the importance of the recognition of the inalienable right of self-determination of the Palestinian people, in the absence of which no stable solution could be found to the problem. They also agreed with the statement in the report of the Special Committee that the only way in which the human rights of the civilian population of the occupied territories could be ensured would be to bring the state of occupation to an end. The problems of the Middle East needed to be solved on the basis of respect for the principles of the United Nations Charter and the Universal Declaration of Human Rights.

20. Several speakers referred to the collective responsibility of the Members of the United Nations, in particular the major Powers, for the perpetuation of the conditions in which the civilian population of the occupied territories found themselves and expressed disappointment that the rule of force had been allowed to triumph over the rule of law. Several members referred to the statement adopted by the Security Council on 11 November 1976 concerning the situation in the occupied Arab territories and cited it as a sign that the indifference of the international community might be coming to an end.

21. Deep disappointment was expressed at the continued adoption of measures by Israel in Jerusalem designed to further consolidate its annexation of the occupied part of the city, which was sacred to three religions.

22. Reference was made to the destruction by Israel of the town of Quneitra. Several speakers took note of the report of the Special Committee, which confirmed that the destruction had been wilful and deliberate, and deplored this wanton act.

23. The observer for Israel rejected the charges brought against his Government. He said that the policies and practices followed in the occupied territories were the most liberal and humane ever undertaken by an occupying Power, and that the economic condition of the area had actually improved. The authorities in his country acknowledged that some prisons were overcrowded, but measures were being undertaken to improve the situation. He denied that any detainee had died at Ashkelon Prison. He recorded his Government's view that the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories was not impartially constituted and that its report could not constitute a valid documentation of the situation in the occupied territories.

24. Several speakers, exercising their right of reply, stated that the Israeli argument regarding the condition of the occupied territories was one that had traditionally been employed by colonial and occupying Powers and hence could not

be given weight. They reiterated that detainees in the occupied territories were being subjected to torture and ill-treatment and demanded of the Israeli Government a categorical statement that it accepted the application of the relevant Geneva Convention in the occupied areas.

25. At the 1388th meeting two draft resolutions (A and B) were submitted by Cuba, Cyprus, India, Nigeria, Pakistan, Uganda, Upper Volta and Yugoslavia (E/CN.4/L.1342).

26. There was unanimity in the Commission as regards draft resolution B. On draft resolution A, though most speakers agreed with the spirit of the draft resolution, some delegations found some of its ingredients unacceptable, pointing out that it contained certain presumptions and allegations that were unproven.

27. The draft resolutions (E/CN.4/L.1324) were voted on at the 1390th meeting, on 15 February 1977. Draft resolution B was adopted without a vote.

28. At the request of the representative of Lesotho, a separate vote was taken on operative paragraph 12 of draft resolution A. According to this paragraph the Commission would decide to place the item on the provisional agenda of its thirty-fourth session, as a matter of high priority, under a new title, "Question of the violation of human rights in the occupied Arab territories, including Palestine". The paragraph was adopted by 22 votes to 8, with 2 abstentions.

29. At the request of the representative of the Syrian Arab Republic, a vote was taken by roll call on draft resolution A as a whole. Draft resolution A was adopted by 23 votes to 3, with 6 abstentions. The voting was as follows:

In favour: Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Cyprus, Ecuador, Egypt, India, Iran, Jordan, Lesotho, Libyan Arab Republic, Nigeria, Pakistan, Panama, Peru, Rwanda, Senegal, Syrian Arab Republic, Turkey, Uganda, Union of Soviet Socialist Republics, Upper Volta, Yugoslavia.

Against: Canada, Costa Rica, United States of America.

Abstaining: Austria, Germany (Federal Republic of), Italy, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay.

30. On the suggestion of the Chairman, the Commission agreed that the expression "international humanitarian organizations" in paragraph 4 of draft resolution B should be interpreted as meaning "international governmental humanitarian organizations and the International Committee of the Red Cross".

31. For the text of the resolutions, see chapter XXI, section A, resolutions 1 A and B (XXXIII).

III. QUESTION OF THE REALIZATION OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS RELATING TO HUMAN RIGHTS IN DEVELOPING COUNTRIES

32. The Commission considered agenda item 7 at its 1389th, 1391st to 1394th and 1396th to 1398th meetings, held from 14 to 21 February 1977.

33. By resolution 2 (XXXI) of 10 February 1975, the Commission, considering the importance for the international community of the realization of economic, social and cultural rights, had decided to keep this item on its agenda as a standing item with high priority.

34. It was agreed that all countries should strive towards the achievement of conditions under which all human rights - economic, social and cultural rights as well as civil and political rights - would be fully realized and protected. Most representatives stressed the close interrelationship between economic, social and cultural rights, on the one hand, and civil and political rights, on the other, and the need to keep in mind the indivisibility of human rights.

35. In the opinion of several speakers, the Commission should adopt as one of its guiding concepts the view that the realization of economic, social and cultural rights was essential in order to ensure the meaningful enjoyment of civil and political rights and fundamental freedoms. For instance, illiterates could hardly be expected to fully appreciate the freedom of information, nor could starving, undernourished or unemployed masses in fact exercise their political rights. Such a situation was evident in developing countries where millions of people were still struggling for subsistence amidst difficulties which had in most cases increased over the past decade. This contrasted with the situation in industrialized countries, where the standard of living had continued to rise steadily. The industrialized countries, therefore, had evident responsibilities and obligations in this regard and they seemed to be trying to escape these by hiding behind the tactics of insisting on underlining the importance of political and civil rights. The Governments of many developing countries had of necessity to give priority to economic and social development and to the strengthening of their political institutions. Criticism of the occasional curtailment of certain liberties in such countries could be considered an unfair oversimplification, since it did not take into account the nature and dimensions of the problems they had to face.

36. Some representatives contended that economic and social rights could never be fully realized in capitalistic systems, which, in their view, were based on exploitation and characterized by chronic unemployment, and that consequently civil and political rights remained theoretical in such conditions. In the opinion of those speakers, only socialist systems free from exploitation could ensure full employment and the realization of human rights without discrimination.

37. Some other representatives, who stressed the need for recognizing the equal value of all human rights, voiced reservations regarding the concept of economic development as a prerequisite for the exercise of civil and political rights. They maintained that certain fundamental rights - such as the right to life, to protection against torture and to safeguards against arbitrary arrest - should and could be implemented in all countries, regardless of their level of economic development. The view was also expressed that at least one of the civil and political rights - the

right to freedom of opinion and expression - was essential for the realization of economic, social and cultural rights, as it allowed for a permanent critical check upon the situation in those fields and was an indispensable stimulus to scientific and technological progress.

38. Several representatives expressed the view that there was no universally valid model for the realization of economic, social and cultural rights, and that the right of each country to determine its own policies for this purpose in the light of its specific problems should be fully respected.

39. It was recognized by a number of speakers that problems relating to the realization of economic, social and cultural rights had international as well as national dimensions. Underdevelopment was basically the sequel of colonial domination. Even after achieving political independence, developing countries too often remained subjected to neo-colonialist exploitation of their natural resources. They had been left dependent upon an unjust international economic system, in respect of terms of trade, transfer of technology, foreign investment and in various other respects. In this connexion, several speakers stressed the importance of implementing the Declaration and Programme of Action on the Establishment of a New International Economic Order and the Charter of Economic Rights and Duties of States, adopted by the General Assembly in its resolutions 3201 (S-VI), 3202 (S-VI) and 3281 (XXIX). Other external factors mentioned as constituting obstacles to the realization of economic, social and cultural rights were aggression and threats against national sovereignty, national unity and territorial integrity, foreign occupation, apartheid and all other forms of discrimination and domination, as well as the activities of multinational corporations.

40. It was generally agreed that international economic and technical co-operation was essential to the realization of economic, social and cultural rights and should be strengthened. Several representatives stressed that, in their view, assistance for the economic and social development of developing countries was a moral and legal obligation of the international community, in particular of the industrialized countries. This duty was based upon the Charter of the United Nations, particularly Articles 55 and 56, the Universal Declaration of Human Rights and other United Nations instruments which emphasized the fundamental principle of solidarity between nations. Lately, the entry into force of the International Covenant on Economic, Social and Cultural Rights had greatly strengthened the legal basis of the obligation of States to co-operate in achieving economic and social development.

41. From these instruments, several speakers deduced the existence of a specific right to development, which the United Nations, and especially the Commission on Human Rights, should promote. It was thus proposed that "The international dimensions of the right to development" should be the subject-matter of a comprehensive study by the Secretary-General, in co-operation with UNESCO and other competent specialized agencies. This study was represented as an essential follow-up of the useful conclusions and recommendations of the Commission's Special Rapporteur, Mr. Ganji, whose report, it was said, should be updated. The study would provide the ethical and legal framework for the implementation of the Programme of Action for the New International Economic Order. Some representatives, however, felt that the very concepts underlying the title of the proposed study should be clarified.

42. In the opinion of several speakers, the right to development was closely linked to the right to peace. Disarmament should be promoted and détente should be maintained and increased so that the vast resources now being used in the arms race

might be diverted towards economic and social progress. Some representatives, though agreeing in principle with these views, questioned whether an individual right to peace was yet established in international law.

43. At the 1396th meeting, the representative of Iran introduced a draft resolution (E/CN.4/L.1343) sponsored by Austria, Cuba, Cyprus, Ecuador, Egypt, India, Iran, Jordan, Libyan Arab Republic, Peru, Senegal, Sweden, Syrian Arab Republic, Uganda and Yugoslavia. The draft resolution was orally revised at the 1398th meeting in the light of the discussion.

44. The draft resolution, as orally revised, was adopted without a vote at the 1398th meeting, on 21 February 1977. One representative stated that his delegation reserved its position on operative paragraph 4 of the draft resolution until the relevant meeting of the Economic and Social Council.

45. For the text of the resolution, see chapter XXI, section A, resolution 4 (XXXIII).

IV. FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS  
AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF  
THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION;  
STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

46. The Commission considered agenda items 9 and 18 jointly at its 1392nd and 1394th to 1396th meetings, on 16, 17 and 18 February 1977.

Further promotion and encouragement of human rights and fundamental freedoms,  
including the question of the programme and methods of work of the Commission

47. At its thirty-second session, in resolution 7 (XXXII) of 3 March 1976, the Commission decided to examine further at its thirty-third session, as a matter of priority, the question of its programme and methods of work. The Commission decided to examine in particular the possibility of grouping the appropriate agenda items in two groups - one consisting of items relating to civil and political rights and the other consisting of items relating to economic, social and cultural rights - to be considered in turn at alternate sessions, while items of an urgent nature, such as those relating to specific situations of alleged gross violations of human rights, would be considered on a priority basis at every session.

48. The Commission recommended to the Economic and Social Council that it authorize the officers of the thirty-second session to hold preparatory meetings at least three days before the beginning of the thirty-third session.

49. By resolution 1992 (IX), the Economic and Social Council authorized, as an interim measure, the officers elected by the Commission at its thirty-second session to hold such preparatory meetings in order to consider ways and means which might enable the Commission to carry out its functions as well as might be, having regard to the following aspects: the establishment of a proper and balanced long-term programme of work in the field of human rights, considering however on a priority basis specific situations of alleged gross violations of human rights at every session; the rationalization of the work by grouping of items and through advance planning of various sessions; recourse to the use of sessional working groups and informal consultations.

50. In connexion with agenda item 9, the Commission had before it the report of the Bureau of the thirty-second session on its meetings held in accordance with Commission resolution 7 (XXXII) and Economic and Social Council resolution 1992 (IX) (E/CN.4/1243); the text of a draft resolution (E/CN.4/L.1324) submitted by Canada at the thirty-second session, which the Commission, by decision 3 (XXXII) of 24 February 1976, had decided to postpone to its thirty-third session for consideration. The following relevant documents, which had been before the Commission at its thirty-second session, were also made available: the analysis of replies received from Member States (E/CN.4/1168 and Add.1-3) prepared by the Secretary-General in pursuance of its resolutions 10 (XXX) and 10 (XXXI); five reports (E/CN.4/1189, 1190, 1191, 1192 and Corr.1 and 1193) concerning various matters relating to human rights within the United Nations system of organizations.

51. At its 1396th meeting, the Commission heard a statement by the observer for the International Confederation of Free Trade Unions.

52. Several speakers noted with appreciation the report of the officers of the thirty-second session of the Commission (E/CN.4/1243) and commented upon the recommendations contained in that report. Suggestions were made concerning the approach the Commission should adopt regarding the promotion of human rights. The view was expressed that, guided by the Universal Declaration of Human Rights, the Commission should give priority to taking action in fields where human needs were evident and urgent. In this connexion, a number of representatives felt that consideration should be given to finding ways to enable the Commission to deal with urgent matters when it was not in session. As regards the question whether it was feasible for the Commission to hold two three-week sessions a year instead of a single five-week session, to enable it to carry out its functions more efficiently, some speakers expressed reservations regarding the additional expenditure that such a formula would entail.

53. On the question of the organization of future work, there was general agreement that the relevant documentation on the item before the Commission and the records of its discussions during its previous and current sessions contained many useful suggestions, which should be summarized and presented to the Commission for its consideration at the thirty-fourth session.

54. One speaker recalled that at its thirty-second session the Commission had requested the Bureau to give preliminary consideration to the possibility of grouping the appropriate agenda items in two groups, to be considered in turn at alternate sessions, and expressed the view that this matter should be further explored in the proposed summary.

55. Some speakers noted that economic, social and cultural rights were inseparably linked to civil and political rights and that on the former depended the development of all other rights. It was pointed out, however, that the pace and direction of the evolution of human rights differed from State to State and that the progress of that evolution in any one State was never uniform in all fields of human rights.

56. The Commission discussed the importance of education for international understanding, co-operation and peace and the question of education relating to human rights and fundamental freedoms. It was the view of most speakers that the thirtieth anniversary of the Universal Declaration of Human Rights was an appropriate occasion for special efforts to be made to promote respect for human rights, more particularly by laying stress on the educational approach, both within and outside formal school systems.

57. At the 1397th meeting, on 21 February 1977, a draft resolution (E/CN.4/L.1344) was submitted by Austria, Canada, Italy and Senegal.

58. At the 1398th meeting, on 21 February 1977, the representative of Canada, on behalf of the sponsors of draft resolution E/CN.4/L.1344, orally revised the text.

59. At the same meeting the Commission adopted the draft resolution (E/CN.4/L.1344) as orally revised, without a vote.

60. For the text of the resolution see chapter XXI, section A, resolution 3 (XXXIII).

61. At the 1397th meeting, on 21 February 1977, the Chairman orally proposed a draft decision for adoption by the Commission, according to which the Commission would decide to request the Secretary-General to submit to it at its thirty-fourth session a report summarizing and analysing the proposals and suggestions put forward in the course of the discussion of the item in the Commission and those contained in relevant documentation before the Commission. The Commission would also decide to establish a working group during the thirty-fourth session to study the report and submit its recommendations to the Commission at that session. The Commission adopted the draft decision without a vote. (See chap. XXI, sect. B, decision 4 (XXXIII).)

62. At the 1394th meeting, the Commission, acting on a proposal made by the representative of Senegal in connexion with the methods of work of the Commission, decided without a vote to invite the Chairman-Rapporteur of the 1976 working group established under resolution 2 (XXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, pursuant to Economic and Social Council resolution 1503 (XLVIII), to attend the closed meetings of the Commission on agenda item 12 (b). (See chap. XXI, sect. B, decision 3 (XXXIII).)

#### Status of the International Covenants on Human Rights

63. In its resolution 12 (XXXII) the Commission had requested the Secretary-General to inform it at each session of any new developments with regard to ratification and implementation of the International Covenants on Human Rights. The Commission had before it a note by the Secretary-General (E/CN.4/1227) prepared in response to that request.

64. All speakers welcomed the entry into force of the Covenants as a historic step in the struggle to promote human rights and fundamental freedoms. Their importance as legally binding instruments, imposing specific obligations on States parties to guarantee the rights recognized therein, was stressed. All speakers expressed the hope that the number of States parties to the Covenants would steadily increase and that the Covenants would receive universal application.

65. Several speakers expressed the hope that more States would ratify the Optional Protocol to the International Covenant on Civil and Political Rights and make the declaration provided for in article 41 of the Covenant. It was argued that without the provisions of the Optional Protocol the rights recognized in that Covenant might be of merely rhetorical significance. Some speakers insisted on the optional character of the declaration provided for in article 41 of the Covenant and of the provisions of the Protocol and considered them superfluous, while others considered them as necessary supplements to the Covenants.

66. One speaker felt that, as a consequence of the entry into force of the Covenants, it was necessary for the various United Nations organs concerned to standardize their procedures, for example, by adopting a unified method of considering communications on human rights and by abolishing those which were not in accordance with the Covenants. Other speakers, drawing attention to the fact that only 15 States had ratified the Optional Protocol, which recognizes the competence of the Human Rights Committee to receive communications from individuals, said that it was essential to maintain the procedure provided for in Economic and Social Council resolution 1503 (XLVIII), which should not be weakened in any way.

They felt that the need to examine the relationship between the various procedures would not arise as long as the number of ratifications of the Covenant and the Optional Protocol did not permit the establishment of a more effective procedure for the protection of individuals against violations of their human rights.

67. The view was expressed that there would be no real danger of overlapping between the work of the Commission on Human Rights and that of the Human Rights Committee, since the latter had specific functions, defined in the International Covenant on Civil and Political Rights and the Optional Protocol thereto, while the former had a general responsibility for questions relating to the promotion and protection of human rights. One speaker expressed regret that the International Covenant on Economic, Social and Cultural Rights did not provide for an implementation committee of impartial and independent experts who could guarantee an objective and careful examination of the reports of States parties. Another speaker believed that the Human Rights Committee and the Economic and Social Council should examine the question of reservations to the Covenants.

68. Several speakers stressed the intimate relationship between civil and political rights and economic, social and cultural rights, which together constituted an indivisible whole. Some speakers insisted on the unity of the rights and obligations of the individual and the necessity of achieving a harmonious balance between the collective interests of the society and the rights of the individual. The firm conviction was expressed that respect for and promotion of human rights and fundamental freedoms required the existence of international peace and security.

69. A draft resolution (E/CN.4/L.1341) was submitted by Sweden. A revised draft resolution, sponsored by Canada, Costa Rica and Sweden (E/CN.4/L.1341/Rev.1) was submitted at the 1395th meeting.

70. At the 1396th meeting, on 18 February 1977, the revised draft resolution was adopted without a vote. After the resolution had been adopted, two representatives expressed reservations concerning paragraphs 2 and 3 of the resolution.

71. For the text of the resolution, see chapter XXI, section A, resolution 2 (XXXIII).

V. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

72. The Commission considered item 12 and its sub-items at its 1399th to 1406th and 1408th to 1410th (closed) meetings on 22 to 25 February and 1 March, the 1423rd (public) meeting on 9 March and at its 1424th to 1425th (closed) meetings on 10 March 1977. The consideration of the item was concluded in public session following the closed part of the 1425th meeting.

73. In connexion with the item as a whole the Commission had before it the following documents: a list of decisions taken by United Nations bodies during 1976 relevant to the question of violations of human rights and fundamental freedoms (E/CN.4/923/Add.10); the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-ninth session (E/CN.4/1218); a note by the Secretary-General containing information from the United Nations High Commissioner for Refugees concerning the situation of refugees in Argentina (E/CN.4/1230), circulated together with the High Commissioner's report to the General Assembly (A/31/12 and Add.1-2); a note by the Secretary-General containing the annual reports of the ILO and UNESCO on certain aspects of racial discrimination, submitted to the Commission in accordance with Economic and Social Council resolution 1588 (L) and General Assembly resolution 2785 (XXVI) (E/CN.4/1238 and Add.1); a special report of the Special Committee against Apartheid (A/31/22/Add.2) circulated to the Commission at the request of the Permanent Representative of the Syrian Arab Republic to the United Nations Office at Geneva (see E/CN.4/1255); a letter dated 9 March 1977 from the Permanent Representative of Israel to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1251); a note verbale dated 9 March 1977 from the Permanent Representative of the Syrian Arab Republic to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1252); a letter dated 9 March 1977 from the representative of the Union of Soviet Socialist Republics to the Chairman of the Commission on Human Rights (E/CN.4/1253); two draft resolutions submitted at the Commission's thirty-second session which had been deferred to the thirty-third session, one submitted by the United States of America (E/CN.4/L.1333/Rev.1) and one by Austria, Germany (Federal Republic of), Italy, the United Kingdom of Great Britain and Northern Ireland and the United States of America (E/CN.4/L.1336); and statements submitted by non-governmental organizations in consultative status with the Economic and Social Council (E/CN.4/NGO/193, 195, 202, 203 and 206).

74. One representative raised an objection concerning an inaccuracy in a letter from the Permanent Representative of Israel addressed to the Chairman which had been circulated as a document (E/CN.4/1249). After a discussion, it was decided that this document should be withdrawn and not considered by the Commission.

75. At the 1423rd meeting two draft resolutions relating to Uganda were introduced by the representative of the United Kingdom and the representative of Canada, respectively (E/CN.4/L.1348 and E/CN.4/L.1349 and Corr.1). It was pointed out that there was also a confidential draft resolution relevant to the draft resolutions contained in documents E/CN.4/L.1348 and E/CN.4/L.1349. After a procedural debate concerning the propriety of continuing consideration of draft resolutions E/CN.4/L.1348 and E/CN.4/L.1349 in public session, the representative of Cuba formally moved under rule 35 of the rules of procedure of the functional

commissions of the Economic and Social Council, that the consideration of the matter be continued in closed session. The motion was adopted by 17 votes in favour, 8 against and 6 abstentions, in a roll-call vote taken at the request of the representative of the United States of America. The result of the voting was as follows:

In favour: Bulgaria, Byelorussian SSR, Cuba, Egypt, India, Iran, Lesotho, Libyan Arab Republic, Nigeria, Pakistan, Rwanda, Senegal, Syrian Arab Republic, Uganda, Union of Soviet Socialist Republics, Upper Volta, Yugoslavia.

Against: Canada, Costa Rica, Germany (Federal Republic of), Italy, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Austria, Cyprus, Ecuador, Panama, Peru, Turkey.

76. The representative of Canada said that he would not insist on further discussion of draft resolution E/CN.4/L.1349 and Corr.1, since he had had the opportunity of introducing the text in public session.

77. It was agreed that the report of the Secretary-General called for under Commission decision 4 (XXXIII) should also draw upon the views expressed during the consideration of item 12, in particular concerning the coexistence of public and confidential procedures for examining allegations of violations of human rights and fundamental freedoms, with a view to determining how the procedural difficulties that might arise in the simultaneous application of both procedures could be avoided. It was also agreed that, before finalizing his report on this question for the thirty-fourth session of the Commission, the Secretary-General should seek the comments and observations of Member States.

78. During the public debate, allegations of violations of human rights were made with regard to certain countries; the allegations, together with the comments of the representatives of Governments concerned, are reflected in the summary record of the 1423rd meeting.

#### A. Question of human rights in Cyprus

79. The Commission took up item 12 (a) at its 1423rd meeting, on 9 March 1977. It had before it a report of the Secretary-General submitted in accordance with Commission resolution 4 (XXXII), containing information relevant to the implementation of that resolution (E/CN.4/1239 and Corr.1 and Add.1).

80. The Commission decided to postpone the consideration of the item, owing to lack of time, to its thirty-fourth session and to give it due priority at that session.

81. A draft resolution (E/CN.4/L.1365) was submitted by Cuba, Egypt, India, Senegal and Yugoslavia; however, in view of the decision to postpone the item, it was not introduced or discussed.

82. The Commission decided to request the Secretary-General to provide it at its thirty-fourth session with information relevant to the consideration of this question (see chap. XXI, sect. B, decision 6 (XXXIII)).

- B. Study of situations which reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group established by the Commission at its thirty-second session

83. The Commission considered item 12 (b) at its 1399th to 1406th and 1408th to 1410th (closed) meetings on 22 to 25 and 28 February and 1 March 1977. At the invitation of the Commission, the Chairman-Rapporteur of the Working Group on Communications established by Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 2 (XXIV), in accordance with Economic and Social Council resolution 1503 (XLVIII), Mr. Kofi Sekyiamah, attended the meetings 12/ and furnished information to the Commission.

84. The Commission had before it confidential documents containing material referred to it under Economic and Social Council resolution 1503 (XLVIII) and observations thereon received from Governments, as well as a confidential report submitted to the Commission by its working group established by Commission decision 6 (XXXII) to examine situations referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities under Council resolution 1503 (XLVIII). The Commission also had before it the relevant chapter of the report of the twenty-ninth session of the Sub-Commission relating to the item (E/CN.4/1218, chap. III).

85. The views expressed and the actions taken by the Commission during the consideration of the item in closed session are confidential pursuant to paragraph 8 of Council resolution 1503 (XLVIII) and are reflected in the confidential summary records. Certain decisions taken by the Commission in closed session may require the approval of the Economic and Social Council and will be transmitted to the Council in an appropriate manner.

86. At its 1408th (closed) meeting, on 28 February 1977, the Commission adopted without a vote a draft resolution submitted by India, requesting the Economic and Social Council to appeal to all States, especially the developed States, and the specialized agencies and non-governmental organizations to make all efforts to accelerate the establishment of conditions which could promote the unrestricted enjoyment of all human rights in States where difficult economic and social conditions appeared to prevail, and further deciding that the Commission, having so far mainly concerned itself with violations of civil and political rights, should also study violations of economic, social and cultural rights. After the adoption of the resolution the Commission decided that it should be made public (see chap. XXI, sect. A, resolution 5 (XXXIII)).

---

12/ A statement of the financial implications of the Commission's decision to invite the Chairman-Rapporteur of the Working Group to attend the meetings was made by the representative of the Secretary-General (see annex III).

87. At its 1410th (closed) meeting the Commission adopted general decisions concerning (a) the establishment of a working group of five of its members to examine situations referred to the Commission under Council resolution 1503 (XLVIII) 13/ and (b) the access of the Sub-Commission to the records of the closed meetings of the Commission and to other confidential documentation relating to the item. After the adoption it was decided that the decisions should be made public (see chap. XXI, sect. B, decisions 5 (a) and (b) (XXXIII)).

88. At the 1427th meeting the Chairman announced that, in accordance with rule 21 of the rules of procedure of the functional commissions of the Economic and Social Council, and after consultation with the regional groups, he had nominated the following four members to serve on the working group established by Commission decision 5 (XXXIII): Mr. Ghulam Ali Allana (Pakistan), Mr. Yvon Beaulne (Canada), Mr. Didimo Rios (Panama) and Mr. Fulgence Seminega (Rwanda). The Chairman was authorized to designate the fifth member of the working group after further consultation with the members of the East European group. He stated that failing such designation no further members would be named. It was understood, however, that in the event that any member of the working group was unable to attend its meetings, the Chairman was empowered to designate in his place another member from the same regional group, after holding appropriate consultations.

---

13/ A statement of the financial implications of the Commission's decision to establish the Working Group was made by the representative of the Secretary-General (see annex III).

VI. VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA

89. The Commission considered agenda item 6 at its 1407th, 1410th and 1413rd to 1416th meetings, on 28 February 1977 and 1 to 4 March 1977.

90. At its 1407th, 1414th and 1415th meetings the Commission heard statements by the observer for the German Democratic Republic and the observer for the South West Africa People's Organisation (SWAPO). The Commission also heard statements by the observers for the following non-governmental organizations in consultative status: International Confederation of Free Trade Unions, International League for Human Rights, Inter-Parliamentary Union, Women's International Democratic Federation, World Federation of Trade Unions, World Peace Council.

91. At its 1410th meeting, the Commission heard a statement by Mr. Leslie O. Harriman, Chairman of the Special Committee Against Apartheid.

92. At its 1390th meeting, on 15 February 1977, the Commission was informed by the representative of SWAPO that the two SWAPO leaders were in danger of death before the law courts of South Africa. A proposal was made by the representative of Nigeria to send a telegram to the Secretary-General of the United Nations requesting him to employ, in all urgency, whatever means he might deem most appropriate to save the lives of these two patriots. After a debate on a proposed text, a revised text was adopted unanimously by the Commission. (For the text of the telegram, see chap. XXI, sect. B, decision 2 (XXXIII).)

93. The Chairman of the Commission received a reply from the Secretary-General dated 16 February 1977 stating that he would take whatever action he appropriately could in this matter. (For the text of the reply, see annex IV.)

A. Report of the Ad Hoc Working Group of Experts

94. The Commission had decided, in resolution 5 (XXXI) of 14 February 1975, that the Ad Hoc Working Group of Experts should continue carefully to observe and survey further developments concerning the policy of apartheid and racial discrimination present in the situation prevailing in Namibia and Southern Rhodesia. By the same resolution, the Commission requested the Group to study the private gaol and farm gaol systems, the development of the separate homelands policy and its effects on the right to self-determination, the farm labour system in the Republic of South Africa and the consequences of apartheid as regards the African family, and to inquire into the particular difficulties of the student movements in South Africa and Namibia. The Group was requested to present an interim report to the Commission at its thirty-second session and a report on its findings to the Commission at its thirty-third session. Furthermore, in its resolution 8 (XXXII) of 4 March, 1976, the Commission decided that the Group should evaluate all the aspects of the Declaration of Dakar on Namibia and Human Rights and the Programme of Action and should submit specific proposals to the Commission at its thirty-third session.

95. Accordingly, the Commission at its thirty-second session considered the interim report of the Ad Hoc Working Group of Experts (E/CN.4/1187). At its thirty-third session, the Commission had before it the report of the Working Group on its findings (E/CN.4/1222 and Corr.1), prepared pursuant to Commission resolutions 5 (XXXI) and 8 (XXXII). In response to Economic and Social Council resolution 1997 (LX) of 12 May 1976, the report also dealt with certain allegations

regarding infringements of trade union rights in South Africa. The Commission also had before it a letter dated 4 February 1977 from the Acting Chairman of the Special Committee against Apartheid concerning the situation of human rights in South Africa (E/CN.4/1245).

96. The Commission also received written statements submitted by the following non-governmental organizations in consultative status. The International League for Human Rights (E/CN.4/NGO/194), the World Peace Council (E/CN.4/NGO/197), the International University Exchange Fund (E/CN.4/NGO/198), the Inter-Parliamentary Union (E/CN.4/NGO/200), the Commission of the Churches on International Affairs of the World Council of Churches (E/CN.4/NGO/204).

97. In his statement to the Commission, the Chairman of the Special Committee against Apartheid emphasized that the atrocities of the apartheid régime had created an explosive situation in South Africa and that the international community had an inescapable duty to take urgent and decisive action to stop those atrocities. He requested the Commission on Human Rights, on behalf of the Special Committee against Apartheid, to consider instituting an urgent international investigation of the crimes of apartheid to uncover and publicize not only the crimes but the identities of all branches of the apartheid régime and of all individuals, police or otherwise, who were responsible.

98. At the 1407th meeting of the Commission, the Chairman of the Ad Hoc Working Group of Experts, Mr. Kéba M'Baye, introduced the report of the Group.

99. Most of the speakers praised the report of the Group, which, in their opinion, continued to make a most valuable contribution to the sustained efforts of the United Nations to combat the constant and flagrant violations of human rights in southern Africa. They congratulated the Chairman of the Group on his introductory statement.

100. A large number of representatives fully subscribed to the conclusions and recommendations contained in the Group's report and proposed that its mandate should be extended.

101. There was general agreement that the situation in southern Africa continued to deteriorate, especially since the massacres of schoolchildren in Soweto on 16 June 1976. Several representatives referred to the facts described in the report and condemned the gross and massive violations of human rights which were constantly occurring in the region. Several speakers drew the attention of the Commission to the torture and killing of patriots in prisons and in police custody.

102. Several representatives considered that apartheid was not only a problem for the people of South Africa but was one of universal concern. They recalled that the General Assembly had proclaimed the special responsibility of the United Nations and the international community towards the oppressed people of South Africa and towards those imprisoned or exiled for their struggle against apartheid. They observed that in spite of all the United Nations resolutions and such relevant international instruments as the International Convention on the Suppression and Punishment of the Crime of Apartheid, the policy of the Government of South Africa did not seem to have undergone any change. The sham "independence" of Transkei declared on 26 October 1976 was a step in the implementation of the scheme of the apartheid régime to deprive the African people of their right of citizenship.

103. Several representatives referred to the intensification of the acts of intimidation and repression committed by the South African régime against the Namibian people and its leaders with a view to stifling their legitimate struggle for self-determination and independence.

104. Several speakers expressed serious concern about the situation in Zimbabwe. They stressed that the illegal régime continued to employ harsh racial discrimination and repressive measures. The abject treatment and persecution of black people as well as the shameful nature of the so-called "consolidated villages" were described by a number of speakers.

105. Cyprus, Cuba, Egypt, India, Jordan, the Libyan Arab Republic, Nigeria, Rwanda, Upper Volta and Yugoslavia submitted draft resolutions (E/CN.4/L.1345, parts A, B and C). The draft resolutions, as revised and sponsored also by the Syrian Arab Republic (E/CN.4/L.1345/Rev.1), were introduced by the representative of Upper Volta at the 1415th meeting. Uganda joined in sponsoring the revised draft resolutions.

106. While most representatives agreed with the humanitarian purposes of the revised draft resolutions, some expressed reservations on the formulation of certain paragraphs of draft resolutions A and C.

107. At the 1416th meeting, on 6 March 1977, the Secretary of the Commission on Human Rights made a statement concerning the administrative and financial implications of document E/CN.4/L.1345/Rev.1. The statement was subsequently circulated in document E/CN.4/L.1359.14/

108. The revised draft resolutions were adopted at the same meeting. At the request of the representative of Upper Volta, a separate vote was taken by roll call on each of the three draft resolutions.

109. Draft resolution A was adopted by 28 votes to 1, with 3 abstentions. The voting was as follows:

In favour: Austria, Bulgaria, Byelorussian SSR, Canada, Costa Rica, Cuba, Cyprus, Ecuador, Egypt, India, Iran, Jordan, Lesotho, Libyan Arab Republic, Nigeria, Pakistan, Panama, Peru, Rwanda, Senegal, Sweden, Syrian Arab Republic, Turkey, Uganda, Union of Soviet Socialist Republics, Upper Volta, Uruguay, Yugoslavia.

Against: United States of America.

Abstaining: Germany (Federal Republic of), Italy, United Kingdom of Great Britain and Northern Ireland.

110. Draft resolution B was adopted unanimously by roll call.

---

14/ A statement of the financial implications of the Commission's resolutions and decisions appears in annex III.

111. Draft resolution C was adopted by 26 votes to none, with 6 abstentions. The voting was as follows:

In favour: Bulgaria, Byelorussian SSR, Canada, Costa Rica, Cuba, Cyprus, Ecuador, Egypt, India, Iran, Jordan, Lesotho, Libyan Arab Republic, Nigeria, Pakistan, Panama, Peru, Rwanda, Senegal, Syrian Arab Republic, Turkey, Uganda, Union of Soviet Socialist Republics, Upper Volta, Uruguay, Yugoslavia.

Against: None.

Abstaining: Austria, Germany (Federal Republic of), Italy, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

112. For the text of the resolutions, see chapter XXI, section A, resolutions 6 A, B and C (XXXIII).

B. 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

113. By its resolution 10 (XXXII) the Commission had decided to place this item on the agenda of its thirty-third session. The Commission had before it the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-ninth session (E/CN.4/1218) containing the results of its consideration of the report on this subject submitted by its Special Rapporteur, Mr. Ahmed M. Khalifa (E/CN.4/Sub.2/371). The Commission also had before it General Assembly resolution 31/33 of 30 November 1976, in which the Assembly invited the Economic and Social Council, in collaboration with the Commission, to examine the question of the consequences of the use of the veto by three permanent members of the Security Council on the enjoyment of human rights by the oppressed people of southern Africa.

114. In the course of the general debate many representatives expressed the opinion that continued political, military, economic and other forms of assistance given by certain States, directly or indirectly, had encouraged the colonial and racist régimes in southern Africa and contributed to the persistence of colonialism, racial discrimination and apartheid in that part of the world. Because of this continued military, political and economic support, the evil system of apartheid was gaining strength and the racist and colonial régimes in southern Africa were able to ignore the numerous resolutions adopted by the General Assembly and the Security Council. These representatives believed that without this sustained outside support, the system of apartheid could not survive. They were convinced that if those resolutions were implemented, great progress would be made towards improving the life of the black population, which constituted the overwhelming majority. They observed that some Member States had demonstrated unparalleled hypocrisy, since, while they had condemned the racist régimes in international forums, they had given them assistance of every kind. They expressed the opinion that the time had come to translate policy into practice and proposed that the world community should double its efforts and increase the international pressure to isolate the racist régimes of southern Africa.

115. The Chairman of the Special Committee Against Apartheid in his statement to the Commission said that, in spite of the arms embargo by the Security Council, certain countries continued to supply the racist régime of South Africa with all kinds of military supplies. He informed the Commission that according to press reports the children of Soweto were murdered by FM rifles - an Israeli gun which had been licensed by a Belgian firm for manufacture in South Africa - that the demonstrators were subjected to tear-gas attacks from Alouette helicopters of the South African Air Force, purchased from France, and that police officers flew over Soweto in Super Frelon helicopters of the Air Force, also purchased from France. The tear-gas and ammunition were manufactured in factories set up with the collaboration of a British multinational company. Police reinforcements were flown to Cape Town in troop transports sold to South Africa by the United States of America.

116. Several representatives pointed out that the most dangerous aspect of the continued military aid to South Africa was the recent revelation that South Africa was an incipient nuclear power. They drew special attention to the co-operation between South Africa and Israel in this field. It was their belief that if this co-operation was allowed to continue, the growing military strength of South Africa would endanger not only the security of the neighbouring States but that of the world as well. These representatives expressed regret that a triple veto in the Security Council had stopped a mandatory arms embargo against South Africa in the matter of Namibia.

117. Some representatives indicated that their Governments would continue to make their contribution to the United Nations funds and programmes for the benefit of the population of southern Africa. They were confident that this assistance would serve to discourage South Africa from practising its policies of apartheid and racial discrimination and would generally serve the cause of human rights in that part of the world.

118. Several representatives expressed appreciation for the report of the Special Rapporteur on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racial régimes in southern Africa. It was suggested that the Special Rapporteur, in preparing his final report, should pay more attention to the consequences of foreign investments in southern Africa and that he should elaborate on the question of the widening disparity of wages between white and black workers. One delegation suggested that a careful analysis should be made to determine which forms of assistance might have adverse or positive consequences for the enjoyment of human rights and that a distinction should be made between relations, on the one hand, and assistance, on the other.

119. On 2 March 1977 a draft resolution (E/CN.4/L.1346) was submitted by Jordan, Senegal and the Syrian Arab Republic. A revised draft resolution, sponsored by Bulgaria, Cuba, Cyprus, Egypt, India, Jordan, Nigeria, Panama, Peru, Rwanda, Senegal, the Syrian Arab Republic, Uganda, Upper Volta and Yugoslavia (E/CN.4/L.1346/Rev.1), was introduced by the representative of Cuba at the 1415th meeting. At the same meeting, Ecuador and the Libyan Arab Republic joined the sponsors of the revised draft resolution.

120. The revised draft resolution was voted upon at the 1416th meeting on 4 March 1977. At the request of the representative of Cuba, the vote was taken by roll call.

121. The draft resolution was adopted by 24 votes to 4, with 4 abstentions. The result of the voting was as follows:

In favour: Bulgaria, Byelorussian Soviet Socialist Republic, Costa Rica, Cuba, Cyprus, Ecuador, Egypt, India, Iran, Jordan, Lesotho, Libyan Arab Republic, Nigeria, Pakistan, Panama, Peru, Rwanda, Senegal, Syrian Arab Republic, Turkey, Uganda, Union of Soviet Socialist Republics, Upper Volta, Yugoslavia.

Against: Canada, Germany (Federal Republic of), United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Italy, Sweden, Uruguay.

122. For the text of the resolution see chapter XXI, section, A, resolution 7 (XXXIII).

VII. THE RIGHT OF PEOPLES TO SELF-DETERMINATION  
AND ITS APPLICATION TO PEOPLES UNDER  
COLONIAL AND ALIEN DOMINATION

123. The Commission considered agenda item 10 at its 1410th to 1413th meetings, from 1 to 3 March 1977.

124. By resolution 3 (XXXI) of 11 February 1975, the Commission, considering the particular importance for the realization of human rights of the application of the principle of the right of peoples to self-determination, decided to place this item on its agenda every year with priority.

125. The Commission heard statements by the observer for the German Democratic Republic at the 1410th meeting, by the observers for the Democratic People's Republic of Korea, France and the Palestine Liberation Organization at the 1411th meeting, by the observers for Algeria, Morocco and the Republic of Korea at the 1412th meeting, and by the observers for Indonesia and Mauritania at the 1413th meeting.

126. The Commission heard statements at its 1412th meeting by the observers for the following three non-governmental organizations in consultative status: Anti-Slavery Society, International Federation for Human Rights, International League for Human Rights.

127. During the general debate, most speakers recognized the importance of the free exercise of the right to self-determination by all peoples as a prerequisite for the enjoyment of other human rights and fundamental freedoms. In this connexion, reference was often made to Article 1, paragraph 2, of the Charter of the United Nations and to article 1 of both International Covenants on Human Rights.

128. Reference was also made to resolution VIII of the International Conference on Human Rights, held at Teheran in 1968, and to General Assembly resolution 2649 (XXV) of 30 November 1970. It was pointed out that the latter resolution had affirmed the legitimacy of the struggle of people under colonial and alien domination, recognized as being entitled to the right of self-determination, to restore to themselves that right by any means at their disposal.

129. Several representatives expressed the view that the right of peoples to self-determination was to be regarded not only as a general principle but as a binding rule of contemporary international law, of fundamental importance for the development of friendly relations among nations and for the strengthening of universal peace. In this regard, questions were raised concerning the precise purpose of resolution 6 (XXIX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which proposed that an advisory opinion be requested from the International Court of Justice on the legal nature and binding force of United Nations declarations and resolutions in the field of human rights. Some fear was expressed that, through the proposed procedure, the authority of United Nations resolutions regarding self-determination might be diminished.

130. The opinion was also expressed by some speakers that the importance of the right to self-determination was equal to that of fundamental principles such as the principle of sovereign equality of States and the principle of non-intervention in

the internal affairs of States, and that the concept of self-determination should not be so interpreted as to give a pretext for actions in contravention of other elements of the Charter of the United Nations or its principles or for actions affecting the integrity of States.

131. A definite link between self-determination and the conditions necessary for economic development was pointed out by many representatives. It was said that more detailed studies should be made of the relationship between the right of peoples to self-determination and economic development, particularly in the light of the General Assembly's declaration on the permanent sovereignty of peoples and nations over their natural resources (resolution 1803 (XVII)), the Declaration on the Establishment of a New International Economic Order and the Charter of Economic Rights and Duties of States.

132. It was stated by several representatives that though considerable progress had been made in the implementation of the right to self-determination since the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, much remained to be done. It was pointed out that the United Nations bore a special responsibility towards people struggling under colonial and alien domination to exercise their recognized right to self-determination.

133. The struggle of the Palestinian people and the people of southern Africa, particularly Zimbabwe and Namibia, was specifically cited to exemplify the importance of this inalienable right, and support was expressed for the liberation movements fighting for that right in those areas. Suggestions were also made for the intensification of measures against the régimes of South Africa and of Southern Rhodesia for their policy of denying to the peoples of southern Africa their right to self-determination. Other situations which could have a bearing on the exercise of the right of peoples to self-determination were also mentioned by some speakers.

134. References were often made during the debate to the relevant studies by special rapporteurs of the Sub-Commission, namely, to the study by Mr. A. Cristescu entitled "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" and to the study by Mr. H. Gros Espiell entitled "Implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination".

135. It was said that the central concern of the General Assembly in having those studies undertaken had been that many people were still being denied the right of self-determination and that it was, therefore, necessary to formulate principles and courses of action such as would ensure, through an increasing awareness and involvement of the international community, the observance of obligations which States might have with regard to the exercise of this right. A speaker expressed the view that Mr. H. Gros Espiell should not fail to include in his study reference to all situations in which the question of self-determination involved had not yet been settled, whether or not reference had been made to them in recent United Nations resolutions.

136. It was suggested that the special rapporteurs of the Sub-Commission should take into account the opinion that had emerged during the debate on the question in the Commission that the right to self-determination constituted a rule and perhaps a peremptory norm of international law. The hope was expressed that co-ordination would continue to be maintained between the two special rapporteurs at this conclusive and important stage of their work.

137. The observers for Algeria, Morocco and Mauritania expressed their views on the situation in the Western Sahara region. Summaries of their statements appear in the records of the 1412th and 1413th meetings of the Commission (E/CN.4/SR.1412 and 1413).

VIII. QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT AND IN PARTICULAR THE BODY OF PRINCIPLES FOR THE PROTECTION OF ALL PERSONS UNDER ANY FORM OF DETENTION OR IMPRISONMENT

\* 138. The Commission considered agenda item 11 at its 1416th, 1417th and 1418th meetings, on 4 and 7 March 1977.

\* 139. It was noted with distress that, despite repeated condemnations by the United Nations, numerous recent reports of international bodies tended to show the increasingly widespread and systematic use of torture on detained persons. It was suggested that the Sub-Commission's Rapporteur, Mr. Erik Nettel, who was entrusted with the task of preparing a draft body of principles on the protection of the human rights of detained persons, should take into account such reports with a view to incorporating all the relevant aspects in his draft. In particular, the wish was expressed that the Rapporteur should have at his disposal all the documentation regarding torture and ill-treatment of prisoners in the occupied territories of the Middle East.

✓ 140. It was agreed that, in view of these alarming developments, appropriate action by the United Nations should be pursued and intensified. As regards the normative aspects of such action, references were made, in particular, to the unanimous adoption by the General Assembly, in resolution 3452 (XXX), of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to the entry into force of the International Covenant on Civil and Political Rights. The draft code of conduct for law enforcement officials proposed by the Commission for Social Development and the work in progress under the auspices of the World Health Organization concerning medical ethics were noted with interest. Some representatives stressed that, in their view, the time had come for the United Nations to give consideration to the preparation of an international convention for the prevention and punishment of torture.

✓ 141. Several representatives emphasized the need for the United Nations to maintain and develop procedures for the implementation of international standards against torture and ill-treatment of prisoners. In this regard, satisfaction was expressed by some speakers concerning the procedure of annual review of developments relevant to the human rights of detained persons established by the Sub-Commission. References were made to the Sub-Commission's recommendation, in its resolution 3 A (XXIX), that it be authorized to establish a working group of five of its members to meet before the Sub-Commission's sessions to analyse the relevant material received and to prepare the Sub-Commission's annual review. The sponsors of the draft resolution that was eventually adopted (E/CN.4/L.1347/Rev.1, see para. 142 below) stated that, with a view to reaching a consensus, they had not endorsed that proposal of the Sub-Commission because it seemed to raise difficulties for a number of representatives. Some other speakers, however, expressing regret over this omission, felt that the establishment of the proposed working group would have been a constructive step towards the full implementation of United Nations standards against torture.

142. At the 1416th meeting, on 4 March 1977, the representative of the Federal Republic of Germany introduced a draft resolution (E/CN.4/L.1347/Rev.1) sponsored by Costa Rica, Ecuador, the Federal Republic of Germany, Jordan and Sweden. At the same meeting, the draft resolution was adopted by the Commission without a vote.

\*  
143. For the text of the resolution, see chapter XXI, section A, resolution 8 (XXXIII).

144. At the 1416th meeting, the representative of the United States of America introduced a proposal containing a draft telegram (E/CN.4/L.1352) to be sent to the Government of the Union of Soviet Socialist Republics. The author of the draft telegram and some other representatives stated that, in their view, the Commission was competent to consider such a proposal, since questions regarding the protection of human rights everywhere in the world were the legitimate concern of the Commission. There had been, they said, several similar instances when the Commission had seen fit to inquire into the situation of human rights in various countries. Furthermore, they stated, the proposal did not pass any judgement but was simply a polite request for information addressed to a Member State. The opinion was also expressed that such requests for information and even possible criticism of action taken by a Government in the field of human rights could not per se be considered as contrary to the concepts of peaceful coexistence and détente, as those concepts could not be understood as involving a suspension of freedom of inquiry and expression.

145. Some other speakers stated that the United States proposal constituted an inadmissible interference in the domestic affairs of a sovereign State in violation of the Charter of the United Nations and that it was not within the competence of the Commission. They firmly rejected the allegations in the United States proposal as inspired by the slanderous anti-Soviet propagandistic campaign conducted in certain Western countries by forces hostile to détente, international peace and co-operation among States. They stressed that it was the sovereign right of each State to enact legislation and to ensure its implementation without any interference from outside. They added that the proposed action would set a dangerous precedent and gravely jeopardize mutual understanding and co-operation among States and the spirit of détente, as well as the proper functioning of the Commission and the real protection of human rights.

146. At the 1416th meeting the representative of Bulgaria submitted a draft decision (E/CN.4/L.1354) under which the Commission would "decide not to consider" the proposal submitted by the United States.

147. Several representatives, while not disagreeing that under certain conditions the Commission had the competence to deal with questions regarding the protection of human rights anywhere in the world, felt that the United States proposal did not meet some essential criteria for action by the Commission. The allegations made or implied related to individuals and did not relate to gross and systematic violations of human rights resulting from official policies, as was the case in southern Africa and the occupied territories in the Middle East. These representatives were of the opinion that the Commission should act with circumspection, and in these circumstances they urged the representative of the United States to withdraw his proposal.

148. At the 1418th meeting, the representative of the United States stated that, in the light of the discussion, he would withdraw his request for a vote on the proposed telegram. Thereupon, the representative of Bulgaria stated that he would also not insist on a vote on his proposal.

IX. STUDY OF REPORTED VIOLATIONS OF HUMAN RIGHTS IN CHILE,  
WITH PARTICULAR REFERENCE TO TORTURE AND OTHER CRUEL,  
INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

149. The Commission considered agenda item 5 at its 1418th to 1423rd meetings, from 7 to 9 March 1977.

150. In its resolution 3 (XXXII) of 19 February 1976, the Commission had decided to consider at its thirty-third session, as a matter of high priority, the question of the violation of human rights in Chile. In that resolution the Commission, acting in accordance with General Assembly resolution 3448 (XXX) of 9 December 1975, extended the mandate of the Ad Hoc Working Group established under Commission resolution 8 (XXXI) of 27 February 1975 to inquire into the present situation of human rights in Chile. It requested the Group to report to the General Assembly at its thirty-first session and to the Commission on Human Rights at its thirty-third session on the situation of human rights in Chile, in particular, any developments, legislative or otherwise, which might occur to re-establish respect for human rights and fundamental freedoms, in implementation of General Assembly resolution 3448 (XXX) and all other relevant resolutions and decisions of the United Nations.

151. The Ad Hoc Working Group, consisting of five members appointed in their personal capacity by the Chairman of the thirty-first session of the Commission, who exercise their functions under his chairmanship, was composed as follows: Mr. Ghulam Ali Allana (Pakistan), Chairman-Rapporteur; Mr. Leopoldo Benites (Ecuador); Mr. Felix Ermacora (Austria); Mr. Abdoulaye Diéye (Senegal) and Mrs. M.J.T. Kamara (Sierra Leone). Since the Chairman-Rapporteur of the Working Group was unable, for reasons of health, to participate in the meetings held in January 1977, the Group elected Mr. Leopoldo Benites Acting Chairman-Rapporteur.

152. In its resolution 3 B (XXIX), entitled "Question of the human rights of persons subjected to any form of detention or imprisonment", adopted on 31 August 1976, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, inter alia, requested the Commission on Human Rights at its thirty-third session, taking into account the report of the Ad Hoc Working Group, to take further steps to put an end to the flagrant and mass violations of human rights in Chile. It further asked the Secretary-General to invite the international organizations concerned to inform the Commission at its next session of their recent activities regarding human rights in Chile so that the Commission might take such information into account when dealing with this question.

153. The Ad Hoc Working Group submitted its report to the General Assembly at its thirty-first session in document A/31/253. The General Assembly, after considering the question of human rights in Chile, adopted resolution 31/124 on 16 December 1976, in which, after concluding that constant and flagrant violations of basic human rights and fundamental freedoms continued to take place in Chile, it inter alia invited the Commission on Human Rights: (a) to extend the mandate of the Ad Hoc Working Group, as presently constituted, so as to enable it to report to the General Assembly at its thirty-second session, and to the Commission at its

thirty-fourth session, with such additional information as might be necessary; (b) to formulate recommendations on possible humanitarian, legal and financial aid to those arbitrarily arrested or imprisoned, to those forced to leave the country and to their relatives; (c) to consider the consequences of the various forms of aid extended to the Chilean authorities.

154. The Commission had before it the following documentation:

(a) The report of the Ad Hoc Working Group to the General Assembly at its thirty-first session (A/31/253);

(b) The report of the Ad Hoc Working Group to the Commission on Human Rights at its thirty-third session, which supplements the Group's report to the General Assembly (E/CN.4/1221);

(c) Information received from international organizations regarding their recent activities that relate to human rights in Chile (E/CN.4/1232 and Add.1-3 and Add.2/Corr.1);

(d) Letter dated 9 February 1977 from the Deputy Permanent Representative of Chile to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1246);

(e) Observations of the Government of Chile on the report of the Ad Hoc Working Group to the Commission on Human Rights at its thirty-third session (E/CN.4/1247 and Add.1-3).

(f) Observations of the Government of Chile on the report of the Ad Hoc Working Group to the General Assembly at its thirty-first session (A/C.3/31/6 and Add. 1);

(g) Letter dated 30 September 1976 from the Permanent Representative of Chile to the United Nations addressed to the Secretary-General (A/C.3/31/4);

(h) Letter dated 30 September 1976 from the Permanent Representative of Chile to the United Nations addressed to the Secretary-General (A/C.3/31/5);

(i) Letter dated 10 November 1976 from the Delegate of the International Committee of the Red Cross to International Organizations addressed to the Secretary-General (A/C.3/31/10);

(j) Letter dated 16 November 1976 from the Permanent Representative of Chile to the United Nations addressed to the Secretary-General (A/C.3/31/11);

(k) Letter dated 19 November 1976 from the Permanent Representative of Chile to the United Nations addressed to the Secretary-General (A/C.3/31/12);

(l) Letter dated 30 November 1976 from the Acting Permanent Representative of the Union of Soviet Socialist Republics to the United Nations addressed to the Secretary-General (A/C.3/31/13);

(m) Letter dated 3 December 1976 from the Permanent Representative of Chile to the United Nations addressed to the Secretary-General (A/C.3/31/14);

(n) Written statement submitted by the World Peace Council, a non-governmental organization (Roster) (E/CN.4/NGO/201);

(o) The summary records of meetings on the consideration of the question of human rights in Chile by the Third Committee of the General Assembly at its thirty-first session (A/C.3/31/SR.45-48 and 54-59).

155. The Commission heard statements by the observers for Argentina (1420th and 1422nd meetings), Brazil (1420th meeting), Chile (1419th, 1420th and 1421st meetings), the German Democratic Republic (1421st meeting) and Hungary (1421st meeting).

156. At the 1422nd meeting, the observers for the following non-governmental organizations in consultative status addressed the Commission: International Confederation of Free Trade Unions, International Youth and Student Movement for the United Nations, Inter-Parliamentary Union, Women's International Democratic Federation, World Federation of Trade Unions, International Association of Democratic Lawyers, International Commission of Jurists, Pax Romana, Socialist International, International Union of Students, World Peace Council.

157. At the 1418th meeting the alternative representative of Senegal, a member of the Ad Hoc Working Group, introduced the Group's report (E/CN.4/1221) in the absence of the Chairman-Rapporteur and Acting Chairman-Rapporteur of the Group.

158. Most of the speakers expressed appreciation to the Ad Hoc Working Group for its report, which they found to contain an impartial, objective and accurate description of the situation of human rights in Chile in spite of the difficult circumstances in which it had had to be prepared. The written and oral observations of the Government of Chile, they felt, had done nothing to place in doubt the over-all accuracy of the report.

159. Many representatives expressed concern over the continued practice of torture and the increasing number of missing persons in Chile. While noting that some positive steps had been taken by the Government of Chile, like the release of some political detainees, they felt nevertheless that the situation continued to cause great concern. The Group's report had shown that no substantial progress had in fact been achieved in the field of human rights and revealed a continuing and systematic pattern of violations of human rights by the military authorities.

160. Other representatives stated that there had been no improvement in the human rights situation in Chile and noted that, on the contrary, there was continued violation of all fundamental human rights, particularly the institutionalized practice of torture, and an intensification of repression through which the Government was aiming to eliminate from national life individuals holding certain opinions. The view was expressed that external economic support was still being given to the Chilean Government by certain countries in spite of the violations of human rights in that country and that this support came from the same sources which had conspired to overthrow the previous democratically elected government.

161. One representative stated that the main characteristics of the situation in Chile, i.e. torture, missing persons and political assassinations, were also to be found in some other countries of that region. The representatives of the States referred to rejected these charges.

162. It was generally agreed that the mandate of the Group should be extended, as recommended in General Assembly resolution 31/124. In this regard, most speakers expressed regret that the Group had not yet been permitted to visit Chile as called for by its mandate and as the Government of Chile had undertaken to permit. The hope was expressed that this visit would take place in the near future, which would enable the Group to verify its information more closely and contribute more directly to the achievement of the Group's objectives.

163. Some representatives attributed, at least in part, the reported improvements in the situation of human rights in Chile to the concern shown by the Commission and its Working Group. One representative expressed doubts as to the objectivity of the Working Group and stressed the progress achieved by the Chilean Government and its constant co-operation with the United Nations.

164. The observer for Chile stated that his Government agreed that the Commission had authority to deal with all violations of human rights and had, therefore, never raised an objection based on the argument of interference in the internal affairs of States. His Government, however, did object to the methods used by the Group, for instance in not giving a fair opportunity to his Government to investigate and to reply in respect of some cases quoted in the Group's report. He claimed that the report was not objective as regards either the sources of its information or the selection of the information it used. While maintaining his country's right to freely determine its own social and cultural system and to take all measures to solve the serious problems facing it, the representative of Chile recorded his Government's willingness to continue its co-operation with the Commission.

165. At the 1420th meeting the representative of Sweden introduced a draft resolution (E/CN.4/L.1355) sponsored by Austria, Cuba, Cyprus, Italy, Rwanda, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Yugoslavia. The following countries subsequently joined the sponsors: Bulgaria, Byelorussian Soviet Socialist Republic, Union of Soviet Socialist Republics.

166. At the 1422nd meeting the Secretary of the Commission made a statement concerning the administrative and financial implications of draft resolution E/CN.4/L.1355; the statement was subsequently distributed as document E/CN.4/L.1364. One delegation stated that it reserved its position on the financial implications as submitted.<sup>15/</sup>

167. The draft resolution (E/CN.4/L.1355) was voted on at the 1422nd meeting, on 9 March 1977. At the request of the representative of Panama, a separate roll call vote was taken on operative paragraph 8 of the draft resolution.

168. Operative paragraph 8 was adopted by 29 votes to 1, with 2 abstentions. The voting was as follows:

In favour: Austria, Bulgaria, Byelorussian SSR, Canada, Cuba, Cyprus, Ecuador, Egypt, Germany (Federal Republic of), India, Iran, Italy, Jordan, Lesotho, Libyan Arab Republic, Nigeria, Pakistan, Panama, Rwanda,

---

<sup>15/</sup> A statement of the financial implications of the Commission's resolutions and decisions appears in annex III.

Senegal, Sweden, Syrian Arab Republic, Turkey, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Yugoslavia.

Against: Uruguay.

Abstaining: Costa Rica, Peru.

169. Draft resolution E/CN.4/L.1355 as a whole was voted on by roll call at the request of the representative of Cuba. It was adopted by 26 votes to 1, with 5 abstentions. The voting was as follows:

In favour: Austria, Bulgaria, Byelorussian SSR, Canada, Cuba, Cyprus, Egypt, Germany (Federal Republic of), India, Iran, Italy, Lesotho, Libyan Arab Republic, Nigeria, Pakistan, Rwanda, Senegal, Sweden, Syrian Arab Republic, Turkey, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Yugoslavia.

Against: Uruguay.

Abstaining: Costa Rica, Ecuador, Jordan, Panama, Peru.

170. For the text of the resolution, see chapter XXI, section A, resolution 9 (XXXIII).

X. ELECTION TO FILL VACANCIES IN THE MEMBERSHIP  
OF THE SUB-COMMISSION ON PREVENTION OF  
DISCRIMINATION AND PROTECTION OF MINORITIES

171. The Commission considered agenda item 26 at its 1425th meeting, on 10 March 1977.

172. This item arose out of the resignation of two members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Francesco Capotorti (Italy) and Mr. Th. C. van Boven (Netherlands).

173. The Commission had before it a note by the Secretary-General relating to this item (E/CN.4/1242 and Add.1-4).

174. In accordance with Economic and Social Council resolution 1338 (XLIV) of 31 May 1968, the Commission consists of 26 members elected for three-year terms from among experts nominated by Member States, on the following basis: 12 members from the Afro-Asian group of States; 6 members from Western European and other States; 5 members from Latin American States; and 3 members from Eastern European States.

175. The seats vacated by Mr. Capotorti and Mr. van Boven were among those allocated to the Western European and other States. The Secretary-General accordingly, by notes verbales dated 22 December 1976 and 10 February 1977, had requested the Governments of those States to submit to the Commission on Human Rights their nominations of experts for election to the Sub-Commission. As of 9 March 1977, the following nominations had been received: the Government of Italy nominated Mr. Antonio Cassese, the Government of Spain Mr. Juan de Miguel y Zaragoza, the Government of Belgium Mr. Marc Schreiber, and the Government of the Netherlands Mr. E. W. Vierdag.

176. By a communication dated 7 March 1977 the Government of the Netherlands informed the Secretary-General that it had decided to withdraw the nomination of Mr. E. W. Vierdag.

177. At the 1425th meeting, on 10 March 1977, the observer for Spain informed the Commission that the Government of Spain had decided to withdraw the nomination of Mr. Juan de Miguel y Zaragoza.

178. At its 1425th meeting, the Commission elected by acclamation Mr. Antonio Cassese and Mr. Marc Schreiber as members of the Sub-Commission to serve for the unexpired terms of office of the two members mentioned above (see chap. XXI, sect. B, decision 7 (XXXIII)).

Tribute to Mr. Marc Schreiber

179. At the same meeting the Chairman, on behalf of the Commission, read a statement paying tribute to Mr. Marc Schreiber, Director of the Division of Human Rights, on the occasion of his forthcoming retirement, for the work accomplished in the service of the Commission on Human Rights and other United Nations bodies to strengthen the role of the Organization in the field of human rights. The Commission decided to include the statement in extenso in the summary record of the meeting (E/CN.4/SR.1425). Several representatives, speaking on behalf of regional groups, orally expressed their appreciation to the Director in this connexion.

XI. HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

180. The Commission considered agenda item 8 at its 1426th meeting, on 11 March 1977.

181. The Commission had before it the following documents:

(a) A report on the protection of the human personality and its physical and intellectual integrity, in the light of advances in biology, medicine and biochemistry, as requested in paragraph 1 (b) of General Assembly resolution 2450 (XXIII) (E/CN.4/1172 and Corr.1 and Add.1-3);

(b) A report on the balance which should be established between scientific and technological progress and the intellectual, spiritual, cultural and moral advancement of humanity, as requested in paragraph 1 (d) of General Assembly resolution 2450 (XXIII) (E/CN.4/1199 and Add.1);

(c) A compilation of the replies of Governments received in answer to inquiries made in accordance with paragraph 2 of General Assembly resolution 3268 (XXIX) (E/CN.4/1195);

(d) An analysis of the views and observations of Governments and specialized agencies prepared in accordance with paragraph 4 of Commission resolution 2 (XXX) (E/CN.4/1194);

(e) An updated version of the note by the Secretary-General on the programme of work, prepared in accordance with paragraph 1 of Commission resolution 11 (XXXI) (E/CN.4/L.1313);

(f) A report by UNESCO dealing with the impact of scientific and technological developments on the rights laid down in article 26, paragraphs 1 and 2, and article 27 of the Universal Declaration of Human Rights, concerning the right to education, the right to culture and author's rights (E/CN.4/1196);

(g) A report on developments relating to science and technology elsewhere in the United Nations system of interest to the Commission (E/CN.4/1234);

(h) A report on national technological assessment machinery (E/CN.4/1235);

(i) A note on existing and proposed texts which could be used by the Commission in the drafting of a general declaration on human rights and scientific and technological developments (E/CN.4/1233);

(j) A report on the human rights implications of the genetic manipulation of microbes (E/CN.4/1236).

182. On 18 February 1977, the Commission established an informal open-ended working group.

183. The report of the informal working group (E/CN.4/L.1353) was introduced by its Chairman-Rapporteur, Mr. René Gros (France), and reads as follows:

"...

"2. The informal working group held three meetings, on 21 and 24 February and 2 March 1977.

"3. Two draft resolutions were submitted, one by the Byelorussian SSR (E/CN.4/WG.2/Working Paper 1) (see annex I), and one by the United Kingdom of Great Britain and Northern Ireland (E/CN.4/WG.2/Working Paper 2) (see annex II). The representative of Egypt supported the draft resolution submitted by the Byelorussian SSR.

"4. After discussion, the draft resolution submitted by the Byelorussian SSR, as revised to take into account amendments proposed by the representative of Canada, was approved (see annex III).

"5. The representative of India suggested that the uses of science and technology for development should be emphasized.

"6. The representative of the Byelorussian SSR orally proposed the following amendments to the United Kingdom draft resolution:

(a) Insert 'if possible' after the word 'guidelines' in operative paragraph 1;

(b) Replace the words 'at its thirty-fourth session' by the words 'when such report is ready' in operative paragraph 2.

"7. The representative of the United Kingdom accepted the amendments suggested by the representative of the Byelorussian SSR.

"Annex I

"Draft resolution submitted by the Byelorussian Soviet Socialist Republic (document E/CN.4/WG.2/Working Paper 1)

"The Commission on Human Rights,

"Taking into account General Assembly resolution 3384 (XXX) of 10 November 1975, in which the Assembly proclaimed the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, and having regard to General Assembly resolution 31/128.

"Convinced that the application of scientific and technological progress in the interests of peace and for the benefit of mankind is an important factor for the full realization of fundamental human rights and freedoms,

"Recognizing that the application of scientific and technological achievements for creative purposes has a great influence in accelerating the social and economic development of all countries,

"Recalling the provision contained in the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind that the transfer of science and technology is one of the principal ways of accelerating the economic development of developing countries,

"Concerned at the fact that scientific and technological achievements may be used to the detriment of fundamental human rights and freedoms, the dignity of the human person, international peace and security and social progress,

"1. Welcomes the adoption by the General Assembly, in its resolution 3384 (XXX), of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, and accepts it as a guide for its future work;

"2. Emphasizes the importance of the fact that States Members of the United Nations, in their programmes and plans, should take account of the provisions and principles contained in the Declaration;

"3. Instructs the Sub-Commission on Prevention of Discrimination and Protection of Minorities to examine, in the light of the provisions of the Declaration, studies relating to this subject and to submit its observations to the Commission on Human Rights;

"4. Draws the attention of the Committee on Science and Technology for development to the provisions of the Declaration, and requests that Committee to take those provisions into account when preparing for the United Nations Conference on Science and Technology for Development, which the General Assembly has decided to hold in 1979;

"5. Decides to consider, at its thirty-fourth session, under the agenda item 'Human rights and scientific and technological developments', the question of implementing the provisions of the Declaration.

"Annex II

"Draft resolution submitted by the United Kingdom of  
Great Britain and Northern Ireland  
(E/CN.4/WG.2/Working Paper 2)

"The Commission on Human Rights,

"Recalling General Assembly resolution 2450 (XXIII) and its own resolutions 11 (XXXI) and 11 (XXXII) on human rights and scientific and technological developments,

"Noting the Secretary-General's statement on the Secretariat's work programme on these matters (E/CN.4/L.1313),

"Noting in particular the reports circulated by the Secretary-General on the protection of the human personality and its physical and intellectual integrity in the light of advances in biology, medicine and biochemistry (E/CN.4/1172 and Corr.1 and Add.1-3 and E/CN.4/1173),

"Concerned in particular at the consequences that advances in the fields of neurosurgery, biochemistry and psychiatry may hold for the protection of the human personality and its physical and intellectual integrity,

"1. Requests the Sub-Commission on Prevention of Discrimination and the Protection of Minorities at its thirtieth session to study, with a view to formulating guidelines, the question of the protection of those detained on the grounds of mental ill-health against treatment that may adversely affect the human personality and its physical and intellectual integrity;

"2. Further requests the Sub-Commission on the Prevention of Discrimination and Protection of Minorities to submit a progress report on the above paragraph to the Commission at its thirty-fourth session.

"Annex III

"Revised draft resolution submitted by the  
Byelorussian Soviet Socialist Republic

"The Commission on Human Rights,

"Taking into account General Assembly resolution 3384 (XXX) of 10 November 1975, in which the Assembly proclaimed the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, and having regard to General Assembly resolution 31/128.

"Recalling General Assembly resolutions 2450 (XXIII) and 3026 B (XXVII) and Commission on Human Rights resolution 10 (XXVII),

"Convinced that the application of scientific and technological progress in the interests of peace and for the benefit of mankind is an important factor for the full realization of fundamental human rights and freedoms,

"Recognizing that the application of scientific and technological achievements for creative purposes has a great influence in accelerating the social and economic development of all countries,

"Recalling also the provision contained in the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind that the transfer of science and technology is one of the principal ways of accelerating the economic development of developing countries,

"Concerned at the fact that scientific and technological achievements may be used to the detriment of fundamental human rights and freedoms, the dignity of the human person, international peace and security and social progress,

"1. Welcomes the adoption by the General Assembly, in its resolution 3384 (XXX), of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, and accepts it as a guide for its future work;

"2. Emphasizes the importance of the fact that States Members of the United Nations, in their programmes and plans, should take account of the provisions and principles contained in the Declaration, in particular those relating to the transfer of science and technology to developing countries which would accelerate the realization of the economic and social rights of the people of those countries;

"3. Instructs the Sub-Commission on Prevention of Discrimination and Protection of Minorities to examine, in the light of the provisions of the Declaration, studies relating to this subject and to submit its observations

to the Commission on Human Rights, taking into account the provisions of paragraph 1 of General Assembly resolution 2450 (XXIII), paragraph 3 of General Assembly resolution 3026 B (XXVII) and paragraph 3 of Commission on Human Rights resolution 10 (XXVII);

"4. Draws the attention of the Committee on Science and Technology for Development to the provisions of the Declaration, and requests that Committee to take those provisions into account when preparing for the United Nations Conference on Science and Technology for Development, which the General Assembly has decided to hold in 1979;

"5. Decides to consider, at its thirty-fourth session, under the agenda item 'Human rights and scientific and technological developments', the question of implementing the provisions of the Declaration."

184. The draft resolution submitted by the United Kingdom of Great Britain and Northern Ireland (annex II to the report of the working group) was adopted without a vote, subject to the amendments referred to in paragraph 6 of the report of the working group and to a further amendment, proposed orally by the representative of the Byelorussian SSR, involving the deletion of the words "at its thirtieth session" in operative paragraph 1 of the draft resolution.

185. For the text of the resolution, see chapter XXI, section A, resolution 10 A (XXXIII).

186. The revised draft resolution submitted by the Byelorussian SSR (annex III to the report of the working group) was also adopted without a vote, subject to the following amendments, which were accepted by the sponsor:

(a) In the second preambular paragraph, on the proposal of the representative of the Federal Republic of Germany, the words "the relevant provisions of the Proclamation of Teheran and" were inserted after the word "Recalling".

(b) In operative paragraph 1, at the suggestion of the representative of the Federal Republic of Germany, the words "together with other relevant international instruments" were inserted after "accepts it".

(c) In operative paragraph 2, at the suggestion of the representative of India, the word "science" was replaced by "scientific knowledge".

187. For the text of the resolution, see chapter XXI, section A, resolution 10 B (XXXIII).

188. The representatives of Sweden, the United Kingdom, the United States of America and the Federal Republic of Germany expressed certain reservations concerning the reference in the resolution to the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind.

XII. DRAFT DECLARATION ON THE ELIMINATION OF ALL FORMS  
OF INTOLERANCE AND OF DISCRIMINATION BASED ON  
RELIGION OR BELIEF

189. The Commission considered agenda item 15 at its 1426th meeting, on 11 March 1977.

190. The Commission decided at its thirty-second session, by decision 7 (XXXII), to establish an open-ended working group which would meet three times a week during its thirty-third session, beginning in the first week of the session, and to request the Secretary-General to provide the necessary facilities for the work of the group. The General Assembly, in its resolution 31/138 of 16 December 1976, requested the Commission to speed up its work on the elaboration of a single draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief and to submit a progress report, through the Economic and Social Council, to the Assembly at its thirty-second session.

191. At its 1382nd meeting the Commission established an informal open-ended working group to continue the consideration of a draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief.

192. At the 1426th meeting of the Commission, the Chairman-Rapporteur of the informal working group introduced the report of the group (E/CN.4/L.1357). At the same meeting he orally revised paragraph 13 of the report of the informal working group.

193. The Commission decided to adopt the report of the Working Group, as orally revised.

194. At the 1426th meeting the representative of Canada introduced a draft resolution (E/CN.4/L.1361/Rev.1), which he orally revised.

195. At the same meeting draft resolution E/CN.4/L.1361/Rev.1, as orally revised, was adopted without a vote.

196. For the text of the resolution, see chapter XXI, section A, resolution 11 (XXXIII).

197. The report of the informal working group, as orally revised, reads as follows:

"...

"3. The informal working group held four meetings, on 11 and 15 February and 3 and 8 March 1977. At its first meeting, the informal working group unanimously elected Mr. Y. Beaulne (Canada) as its Chairman-Rapporteur.

"4. It should be recalled that the informal working group established by the Commission on Human Rights at the thirty-second session had adopted the text of the title and eight paragraphs of the preamble of the draft declaration. 16/

It should also be recalled that proposals were submitted to the working group for a ninth paragraph of the preamble by the representatives of the United Kingdom and the Byelorussian SSR respectively. 17/

"5. At its first meeting the informal working group decided to complete the preambular part of the Declaration. A number of representatives expressed the view that a modification of preambular paragraph 5 would suffice to complete the preamble, and that if that were done there would be no need for an additional ninth preambular paragraph. Other representatives expressed the view that a new preambular paragraph should be inserted after paragraph 5 in order to complete the text of the preamble of the Declaration.

"6. At its second meeting, the group had before it a proposal submitted by the representative of Italy, to be added to the preamble as a new paragraph 9, and a proposal submitted by the representative of Austria replacing the text of preambular paragraph 5 that had been adopted by the working group at previous sessions of the Commission. The proposal submitted by the representative of Italy read as follows:

'Convinced that it is essential to support efforts to achieve the goals of world peace, social justice and friendship between peoples and States and that freedom of religion and belief exercised with sincere attachment to the ideals of the United Nations can make an important contribution to the success of those efforts'.

The proposal submitted by the representative of Austria read as follows:

'Considering that it is essential to promote understanding, tolerance and respect in matters relating to freedom of religion and belief and to ensure that the use of religion or belief for ends inconsistent with the Charter of the United Nations, other relevant instruments of the United Nations and the purposes and principles of the present Declaration as ideologies or practices of colonialism and racism is inadmissible and that freedom of religion and belief could contribute to the achievement of the goals of world peace, social equity, friendship and co-operation between peoples and States'.

"7. Also at the second meeting of the informal working group, the representative of Cuba submitted the following oral amendment to the proposal submitted by the representative of Austria:

'Convinced that it is essential to support efforts to achieve the goals of world peace, social justice and friendship between peoples and States and that freedom of religion and belief should be exercised with sincere attachment in order to fulfil the ideals of the United Nations, in particular those referring to colonialism and racism, thus making an important contribution to the success of those efforts'.

"8. The representative of Sweden suggested that in the text submitted by Austria the phrase '... as ideologies or practices of colonialism and racism is inadmissible and ...' be replaced by the following: '-... such as the inadmissibility of ideologies or practices of colonialism or racism so ...'.

"9. The representative of Austria agreed to a suggestion of the representative of the Byelorussian SSR that the word 'racism' in his text be replaced by the words 'racial discrimination' and that the words 'could contribute' be replaced by the words 'must contribute'.

"10. At the conclusion of its second meeting, the informal working group decided that a concluding preambular paragraph 9 should not be considered and that the ideas expressed by the various members of the Group could be embodied in a new preambular paragraph to be inserted after paragraph 5.

"11. At its third meeting, the informal working group had before it a proposal submitted by the representative of Canada to replace the already adopted preambular paragraph 5 of the draft Declaration. The Canadian proposal read as follows:

'Convinced that it is essential to promote understanding, tolerance and respect in matters relating to freedom of thought, conscience, religion and belief, particularly with a view to supporting the efforts being made to attain the goals of world peace, social justice and friendship among peoples,

'Considering, moreover, that the exercise of freedom of religion and belief cannot be invoked for ends inconsistent with the Charter and other relevant instruments of the United Nations or with the principles set forth in the present Declaration or, in particular, to defend ideologies or practices of domination, exploitation and racial discrimination'.

"12. At the same meeting the informal working group, on the suggestion of its Chairman-Rapporteur, began consideration of the operative part of the draft Declaration.

"13. The representative of the Byelorussian SSR indicated that the group should consider as a basis of article 1 of the operative part of the Declaration the proposals submitted by the Netherlands and Sweden and reproduced in paragraph 5 of document A/9893. In this connexion the representative of the Byelorussian SSR submitted a proposed text of article 1 of the operative part of the Declaration. The text proposed by the Byelorussian SSR read as follows:

'Everyone has the right to freedom of thought, conscience and religion. This right shall include freedom of theistic, non-theistic and atheistic beliefs as far as their choice and change are concerned, freedom to exercise and express religious beliefs and freedom to express anti-religious views'.

The representative of Italy submitted the following proposed text of article 1 of the operative part of the Declaration:

'Everyone has the right to freedom of thought, conscience and religion. This right shall include, inter alia, freedom to adhere or not to adhere to a religion or belief, to manifest and practise a religion or belief, or to change religion or belief, in accordance with the dictates of his conscience, without being subjected to any coercion likely to impair his freedom of choice or decision in the matter'.

The two viewpoints reflected in this paragraph were the subject of a preliminary discussion.

"14. The informal working group concluded, at the end of its third meeting, that due to the lack of time it would be unable to consider the operative part of the Declaration and that, owing to the heavy workload of the Commission, it would also be unable to hold its scheduled five meetings. It therefore decided to concentrate on the adoption of the preamble.

"15. The representative of the Byelorussian SSR submitted a proposal for a new preambular paragraph to follow paragraph 5, to read as follows:

'Convinced that freedom of religion and belief should contribute to the attainment of the goals of world peace, social justice and friendship among peoples and to the elimination of ideologies or practices of colonialism and racial discrimination'.

"16. At its fourth and final meeting the informal working group considered the proposal by the Byelorussian SSR (see para.15 above).

"17. The representative of Italy proposed that the word 'should' be replaced by the word 'can' in the Byelorussian SSR proposal. The Italian proposal was supported by the representatives of the Federal Republic of Germany and the United States of America.

"18. The observer for the Holy See proposed that the word 'should' in the Byelorussian SSR proposal should be deleted.

"19. The representative of Austria proposed that the word 'also' should be added after the word 'should' in the Byelorussian SSR proposal, so that it would read: 'Convinced that freedom of religion and belief should also contribute ...'. The representative of the Byelorussian SSR announced that he would be ready to accept the Austrian proposal.

"20. A number of representatives made statements urging that the informal working group should show flexibility and adopt the Byelorussian SSR proposal as amended by the Austrian proposal, thus making it possible for the Group to complete the preambular part of the Declaration.

"21. The representatives of the Federal Republic of Germany, Italy and the United States of America did not insist on the substitution of the words 'should also' by the word 'can' in the proposed new preambular paragraph. They did, however, reserve the final position of their Governments.

"22. The informal working group adopted the new preambular paragraph as paragraph 6. Paragraphs 6, 7 and 8 of the preamble as adopted by the informal working group 18/ at the thirty-second session of the Commission would consequently be renumbered as paragraphs 7, 8 and 9.

"Text of a new preambular paragraph 6 as adopted

"23. The new preambular paragraph 6 as adopted reads as follows:

'Convinced that freedom of religion and belief should also contribute to the attainment of the goals of world peace, social justice and friendship among peoples and to the elimination of ideologies or practices of colonialism and racial discrimination'."

198. The text of the title and preamble as adopted therefore reads as follows:

"Draft Declaration on the Elimination of All Forms  
of Intolerance and of Discrimination Based on  
Religion or Belief

"(1) Considering that one of the basic principles of the Charter of the United Nations is that of the dignity and equality inherent in all human beings, and that all States Members have pledged themselves to take joint and separate action in co-operation with the Organization to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

"(2) Considering that the Universal Declaration of Human Rights and the International Covenants on Human Rights proclaim the principles of non-discrimination and equality before the law and the right to freedom of thought, conscience, religion and belief, including the right to choose, manifest and change one's religion or belief,

"(3) Considering that the disregard and infringement of human rights and fundamental freedoms, in particular of the right to freedom of thought, conscience, religion or belief, have brought, directly or indirectly, wars and great suffering to mankind, especially where they serve as a means of foreign interference in the internal affairs of other States and amount to kindling hatred between peoples and nations,

"(4) Considering that religion or belief, for anyone who professes either, is one of the fundamental elements in his conception of life and that freedom of religion or belief should be fully respected and guaranteed,

"(5) Considering that it is essential to promote understanding, tolerance and respect in matters relating to freedom of religion and belief and to ensure that the use of religion or belief for ends inconsistent with the Charter of the United Nations, other relevant instruments of the United Nations and the purposes and principles of the present Declaration is inadmissible,

"(6) Convinced that freedom of religion and belief should also contribute to the attainment of the goals of world peace, social justice and friendship among peoples and to the elimination of ideologies or practices of colonialism and racial discrimination,

"(7) Noting with satisfaction the adoption of several and the coming into force of some conventions, under the aegis of the United Nations and of the specialized agencies, for the elimination of various forms of discrimination,

"(8) Concerned by manifestations of intolerance and by the existence of discrimination in matters of religion or belief still in evidence in some areas of the world,

"(9) Resolved to adopt all necessary measures for the speedy elimination of such intolerance in all its forms and manifestations and to prevent and combat discrimination on the ground of religion or belief".

XIII. EXPLOITATION OF LABOUR THROUGH ILLICIT  
AND CLANDESTINE TRAFFICKING

199. The Commission considered agenda item 20 at its 1426th meeting, on 11 March 1977.

200. On 18 February 1977, the Commission established an informal working group, open to all its members, to deal with this agenda item.

201. At the 1426th meeting of the Commission, the Chairman-Rapporteur of the informal working group introduced the report of the group (E/CN.4/L.1358), containing a draft resolution that had been elaborated in the working group.

202. The report of the working group (E/CN.4/L.1358) read as follows:

"... The informal working group held three meetings, on 22 and 28 February and 8 March 1977. Miss Leila Emara (Egypt) served as Chairman-Rapporteur.

"2. Representatives of the following States members of the Commission participated in the work of the group: Byelorussian SSR, Egypt, Germany (Federal Republic of), Italy, Turkey, Union of Soviet Socialist Republics, United States of America, Upper Volta, Uruguay, Yugoslavia. The following observers were represented: France, Portugal, Holy See. The International Labour Organisation was also represented.

"3. At its meeting on 22 February 1977, the group decided that in view of the lack of sufficient time it would not be feasible to give substantive consideration at the thirty-third session to the documents submitted to the Commission under item 20. The group therefore decided to support the proposal made by the representative of Uruguay to recommend that the Commission on Human Rights take note of the study prepared by Mrs. Halima Warzazi, the Special Rapporteur on the exploitation of labour through illicit and clandestine trafficking, and the draft recommendations, as well as the report of the seminar on the human rights of migrant workers held in Tunis from 12 to 24 November 1975, and that the Commission transmit these documents to the Economic and Social Council.

"4. A draft resolution was submitted by the Federal Republic of Germany, the United States of America and Uruguay. After discussing the draft resolution, the working group decided to transmit it for adoption to the Commission on Human Rights. The text of the draft resolution reads as follows:

'The Commission on Human Rights,

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

'Considering the relevant instruments on the subject,

'Aware of the fact that the problem of migrant workers continues to be of major importance to many countries, despite the existence of international instruments and despite efforts exerted by certain States, including the adoption of bilateral agreements,

'Recalling General Assembly resolution 31/127 of 16 December 1976, in which the General Assembly recommended that the Commission on Human Rights and the Economic and Social Council consider this question at their next sessions,

'1. Takes note with satisfaction of the thorough study, including the draft recommendations, prepared by the Special Rapporteur on the exploitation of labour through illicit and clandestine trafficking and of the report of the seminar on the human rights of migrant workers, held in Tunis from 12 to 24 November 1975;

'2. Recommends to the Economic and Social Council to consider this question at its sixty-second session, taking into account the existing international instruments, as well as related studies and reports on the subject.'

"5. During the discussion in the working group, a number of delegations made comments concerning the documentation before the Commission.

"6. The representative of Egypt stated that her delegation would have preferred to discuss the substance of the study prepared by Mrs. Warzazi. She said that in that case the Egyptian delegation, in principle, would have supported the draft recommendations.

"7. The representative of the Federal Republic of Germany observed that, in general, the study of Mrs. Warzazi was excellent. He noted that there were a few recommendations that required further clarification and reflection, including, for example, the question of language courses during working hours or the question whether special programmes should be introduced for wives only, or for spouses of both sexes.

"8. The representative of Turkey expressed his delegation's satisfaction with the high quality of the documentation submitted under this agenda item and expressed the wish that Mrs. Warzazi's study should be given the widest possible publicity. While agreeing that the lack of time precluded substantive consideration of the documents at this session, he stated that the Turkish delegation would have preferred it if they could have been fully considered by the Commission. In view of the importance his country attached to the problem of migrant workers, he said that his delegation would have to reserve the right to make further observations before the Commission at the appropriate time.

"9. With regard to the question of giving publicity to Mrs. Warzazi's study, most members of the working group felt, for varying reasons, that consideration of this question would be premature.

"10. At the last meeting of the working group, on 8 March 1977, the representative of Italy suggested the following amendments to the above draft resolution:

(a) Add at the end of the second preambular paragraph:

'and in particular the ILO instruments: the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Migration for Employment Recommendations (Revised), 1949 (No. 86), the Migrant Workers Recommendation, 1975 (No. 151), and the Equality of Treatment in Social Security Convention, 1962 (No. 118)';

(b) Insert after operative paragraph 1 as new operative paragraphs 2 and 3 the following:

'2. Notes that various United Nations and non-United Nations agencies are developing activities in the field of migrant workers and their families, which are co-ordinated in the framework of the co-ordination services supplied by the ILO, to give effect to Economic and Social Council resolution 1926 (LVIII);

'3. Notes in particular that pursuant to article 19 of the ILO Constitution the ILO has requested that Governments of States which have not ratified them should supply reports on Conventions Nos. 97 and 143, that Governments of all ILO Member States should supply reports on Recommendations Nos. 86 and 151 and that the Committee of Experts on the Application of Conventions and Recommendations made a general survey of the effect given to these instruments;'

and renumber the original operative paragraph 2 as operative paragraph 4.

"11. The other members of the working group felt that owing to lack of time it would not be possible to consider the substance of the amendments proposed by the representative of Italy.

"12. At its meeting on 8 March 1977, the working group adopted the present report."

203. At the 1426th meeting, after some discussion of the agenda item, including substantive statements, the representative of Italy reintroduced the amendments to the draft resolution recommended by the working group which his delegation had proposed (see para. 10 of the report of the working group). After some discussion, he stated that he would not press for a vote on those amendments because of lack of time.

204. At the same meeting the Commission adopted the draft resolution without a vote.

205. For the text of the resolution, see chapter XXI, section A, resolution 12(XXXIII).

XIV. STUDY OF DISCRIMINATION AGAINST PERSONS BORN OUT OF  
WEDLOCK AND THE DRAFT GENERAL PRINCIPLES ON EQUALITY  
AND NON-DISCRIMINATION IN RESPECT OF SUCH PERSONS

206. The Commission considered agenda item 22 at its 1426th and 1427th meetings, on 11 March 1977.

207. The Commission had before it the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-ninth session (E/CN.4/1218), which contains in its paragraph 53 the draft general principles as adopted by the Sub-Commission.

208. On 18 February 1977, the Commission established an informal working group, open to all its members, to deal with this agenda item.

209. At the 1426th meeting of the Commission, the Chairman-Rapporteur of the informal working group, Mr. Aureliano Aguirre (Uruguay), introduced the group's report (E/CN.4/L.1360), which read as follows:

"...

"2. The informal working group held three meetings, on 23 February and 3 and 8 March 1977.

"3. The working group undertook the examination and review of the draft general principles on equality and non-discrimination in respect of persons born out of wedlock contained in paragraph 53 of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-ninth session (E/CN.4/1218).

"Preamble

"4. The first five paragraphs of the preamble were approved.

"5. The working group approved a proposal made by the representative of the Federal Republic of Germany to add the words "against themselves or their unmarried mothers" after "discrimination" in the sixth preambular paragraph. ...

"6. The seventh preambular paragraph was approved without change.

"Operative part

"7. The first six operative paragraphs were approved without change.

"8. In operative paragraph 7, the group approved a proposal made by the representative of the Federal Republic of Germany to replace the words 'the same legal status as' by 'legal status equal to that of'. The revised text of operative paragraph 7 reads as follows:

'7. Every person born out of wedlock, once his filiation has been established, shall have a legal status equal to that of a person born in wedlock.'

"9. Operative paragraphs 8 and 9 were approved without change.

"10. In operative paragraph 10, the representative of the Federal Republic of Germany proposed the addition of the words 'with due regard to the distribution of parental authority' after 'both parents shall'.

"11. Operative paragraphs 11 and 12 were approved without change.

"12. In operative paragraph 13, the representative of the Federal Republic of Germany proposed the addition of the words 'unless preference is given to the nationality or citizenship of the mother' at the end of the paragraph.

"13. Operative paragraphs 14, 15 and 16 were approved without change.

"14. After a lengthy discussion, the working group decided to recommend that the Commission approve the draft principles and forward them to the Economic and Social Council for consideration, while drawing attention to the need for further consideration of operative paragraphs 10 and 13."

210. There was some discussion concerning paragraph 14 of the report, following which the Commission decided: (a) to accept in principle the draft general principles on equality and non-discrimination in respect of persons born out of wedlock, and (b) to refer them to the Economic and Social Council for further consideration (see chap. XXI, sect. B, decision 9 (XXXIII)).

211. The remainder of the report of the working group was adopted without a vote.

212. The draft principles, as amended, therefore read as follows:

"Draft general principles on equality and non-discrimination  
in respect of persons born out of wedlock

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

"Whereas the Charter sets forth, as one of the purposes of the United Nations, the promotion and encouragement of respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

"Whereas the Universal Declaration of Human Rights proclaims that all human beings are equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein without distinction of any kind,

"Whereas the same social protection for all children, whether born in or out of wedlock, has been proclaimed in the Declaration of the Rights of the Child of 1959 and in article 25, paragraph 2, of the Universal Declaration of Human Rights and confirmed by article 10, paragraph 3, of the International Covenant on Economic, Social and Cultural Rights and by article 24 of the International Covenant on Civil and Political Rights,

"Whereas efforts should be made, through all possible means, to enable all persons to enjoy the equal and inalienable rights to which they are entitled,

"Whereas a sizable portion of the population of the world is composed of persons born out of wedlock, many of whom, because of the nature of their birth, are the victims of legal or social discrimination against themselves or their unmarried mothers in violation of the principles of equality and non-discrimination set out in the Charter of the United Nations, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Universal Declaration of Human Rights and the Declaration of the Rights of the Child,

"Now therefore, with a view to eliminating this form of discrimination, the following general principles are proclaimed:

"1. Every person born out of wedlock shall be entitled to legal recognition of his maternal and paternal filiation.

"2. The fact of birth of a child shall by itself establish maternal filiation to the woman who gives birth to the child.

"3. The establishment of paternal filiation shall be provided for by law through a variety of means, including acknowledgement, recognition of legal presumptions and judicial decision. Judicial proceedings to establish paternal filiation shall not be subject to any time-limits.

"4. The husband shall be presumed to be the father of any child born to his wife if it is conceived or born during the marriage. This presumption may be overcome only by a judicial decision based upon evidence that the husband is not the father.

"5. Any person born of parents who marry each other after the birth of that person shall be considered to be born of that marriage.

"6. Every person born in wedlock, or considered so as a result of the subsequent marriage of his parents, shall retain his status notwithstanding the invalidity or annulment of the matrimonial link.

"7. Every person born out of wedlock, once his filiation has been established, shall have a legal status equal to that of a person born in wedlock.

"8. Every person born out of wedlock whose filiation is established in relation to both parents shall have the right to bear a surname determined as in the case of a person born in wedlock. If his filiation is established in relation only to his mother, he shall be entitled to bear her surname, modified, if necessary, in such a manner as not to reveal the fact of birth out of wedlock.

"9. The rights and obligations pertaining to parental authority shall be the same whether the child is born in wedlock or out of wedlock, provided filiation has been established. Unless otherwise decided by the court in the best interest of the child born out of wedlock, parental authority shall be

exercised according to the same rules as for a child born in wedlock if his filiation is established in relation to both parents, or by his mother alone if his paternal filiation is not established.

"10. The domicile of any child born out of wedlock whose filiation is established in relation to both parents shall be determined according to the same rules as for children born in wedlock. If the filiation is established in relation to the mother alone, appropriate rules shall ensure in any case that the child has a domicile.

"11. Every person born out of wedlock shall, once his filiation has been established, have the same maintenance rights as persons born in wedlock. Birth out of wedlock shall not affect the order of priority of claimants.

"12. Every person born out of wedlock shall, once his filiation has been established, have the same inheritance rights as persons born in wedlock. Legal limitations or restrictions on the freedom of a testator to dispose of his property shall afford equal protection to persons entitled to inheritance, whether they are born in wedlock or out of wedlock.

"13. The nationality or citizenship of a person born out of wedlock shall be determined by the same rules as those applicable to persons born in wedlock.

"14. Information in birth and other registers containing personal data which might disclose the fact of birth out of wedlock shall be available only to persons or authorities having a legitimate interest with respect to filiation. In referring to persons born out of wedlock, any designation which might carry a derogatory connotation shall be avoided.

"15. When national legislation provides for adoption, the adoption of children born out of wedlock shall not be subject to any additional restrictions beyond those applicable to the adoption of children born in wedlock. Adoption shall have the same consequences in both cases.

"16. Every person born out of wedlock shall enjoy the same political, social, economic and cultural rights as persons born in wedlock. The State shall render material and other assistance to children born out of wedlock."

XV. COMMUNICATIONS CONCERNING HUMAN RIGHTS

213. The Secretary-General distributed to the members of the Commission confidential lists of communications (E/CN.4/CCR.89-100), replies of Governments (E/CN.4/GR.76/1-7, 76/8 and Add.1-2, 76/9-12) and a confidential document of a statistical nature (E/CN.4/CCR/Stat.18). A non-confidential list of communications containing a brief indication of the substance of each communication that dealt with principles involved in the promotion of universal respect for and observance of human rights (E/CN.4/CR.47) was also distributed. The Commission postponed consideration of this item to the thirty-fourth session (see chap. XXI, sect. B, decision 8 (XXXIII)).

XVI. POSTPONEMENT OF ITEMS ON THE AGENDA

214. At its 1426th meeting, on 11 March 1977, the Commission decided, without a vote, to postpone to its thirty-fourth session consideration of agenda items 14, 16, 17, 21, 23, 24 and 25 (see chap. XXI, sect. B, decision 8 (XXXIII)). 19/

---

19/ See also chap. XXI, sect. B, decision 6 (XXXIII).

XVII. IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

215. The Commission considered agenda item 13 at its 1426th meeting, on 11 March 1977.

216. The General Assembly, by its resolution 31/80 of 13 December 1976 concerning the status of the International Convention, welcomed the entry into force on 18 July 1976 of the above-mentioned Convention and, inter alia, invited the Chairman of the thirty-third session of the Commission on Human Rights to appoint a group consisting of three members of the Commission as provided for by article IX of the Convention. The Assembly also invited the Commission on Human Rights to undertake the functions set out in article X of the Convention, in particular to prepare a 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.

217. At its thirty-third session, the Commission had before it a note by the Secretary-General (E/CN.4/1231 and Add.1 and 2) concerning the status of ratifications and accessions to the Convention and setting out the provisions of the International Convention and of General Assembly resolution 31/80 requiring action by the Commission. The Commission also had before it statements submitted by the International Youth and Student Movement for the United Nations (E/CN.4/NGO/199) and by the International University Exchange Fund (E/CN.4/NGO/198), non-governmental organizations in consultative status with the Economic and Social Council.

218. At the 1426th meeting, the representative of Yugoslavia, also on behalf of Cuba, introduced a draft resolution (E/CN.4/L.1362/Rev.1).

219. The draft resolution was adopted by 22 votes to 3, with 5 abstentions.

220. At the same meeting, the Secretariat informed the Commission of the financial implications of the setting up of the group consisting of three members of the Commission as provided for in article IX of the Convention. 20/ The Chairman of the Commission announced the appointment of Cuba and the Syrian Arab Republic to that group and stated that the third member of the group would be appointed at a later date after consultation with the appropriate regional groups.

221. For the text of the resolution, see chapter XXI, section A, resolution 13 (XXXIII).

---

20/ A statement of the financial implications of the Commission's resolutions and decisions appears in annex III.

XVIII. REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION  
AND PROTECTION OF MINORITIES ON ITS TWENTY-NINTH SESSION

222. At its 1427th meeting, on 11 March 1977, the Commission considered agenda item 19.

223. The Commission had before it the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-ninth session (E/CN.4/1218) and the following additional documents: E/CN.4/Sub.2/366; E/CN.4/Sub.2/372 and Add.1; E/CN.4/Sub.2/373; E/CN.4/Sub.2/L.642 and Add.1-3; E/CN.4/NGO/193; E/CN.4/NGO/195; E/CN.4/NGO/202 and E/CN.4/NGO/203.

224. During the course of the general debate many representatives emphasized the importance of the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. One speaker drew attention to the work of the Sub-Commission on the rights of ethnic, linguistic and other minorities and expressed the hope that the Sub-Commission would submit appropriate recommendations which could become the basis of an international instrument. Another representative felt the necessity for closer co-operation between Member States in order to solve the various problems facing mankind.

225. Objections or reservations were expressed by some representatives with respect to Sub-Commission resolution 2 B (XXIX) and by others with respect to Sub-Commission resolution 6 (XXIX). Several delegations referred to paragraph 62 of the report of the Sub-Commission, stating that the text contained in that paragraph was unfounded and tendentious. During the debate questions were raised concerning violations of human rights in certain countries (see the summary record of the 1427th meeting, E/CN.4/SR.1427).

226. The Commission heard statements by the observers for Algeria, Argentina, the German Democratic Republic and Morocco. The observer for the Palestine Liberation Organization also made a statement.

227. Statements were made by the representatives of the following non-governmental organizations in consultative status with the Economic and Social Council: International Federation for Human Rights, Pax Romana, International Movement for Fraternal Union among Races and Peoples, Amnesty International.

228. The Commission decided to take note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-ninth session (see chap. XXI, sect. B, decision 10 (XXXIII)).

XLX. CONSIDERATION OF THE DRAFT PROVISIONAL AGENDA FOR THE  
THIRTY-FOURTH SESSION OF THE COMMISSION

229. The Commission considered agenda item 27 at its 1427th meeting, on 11 March 1977. In accordance with paragraph 3 of the Economic and Social Council resolution 1894 (LVII), a note by the Secretary-General (E/CN.4/L.1363) containing a draft provisional agenda for the thirty-fourth session of the Commission, indicating the documents to be submitted under each item and the legislative authority for their preparation, was before the Commission.

230. The Chairman of the Commission, in introducing the item, pointed out that the draft provisional agenda before the Commission and the documentation relating to it would be revised in the light of the decisions which the Commission had taken after the preparation of the document.

231. The Commission took note of the draft provisional agenda for its thirty-fourth session, as revised in the light of the decisions taken by the Commission subsequent to the preparation of document E/CN.4/L.1363 and of the comments and proposals concerning it made by several representatives (see chap. XXI, sect. B, decision 11 (XXXIII)). It reads as follows: 21/

1. Election of officers
2. Adoption of the agenda
3. Organization of the work of the session

Relevant resolutions and decisions of the General Assembly, the Economic and Social Council and the Commission will be brought to the attention of the Commission.

4. Question of the violation of human rights in the occupied Arab territories, including Palestine

By resolution 1 A (XXXIII) the Commission decided to place this item on the provisional agenda of its thirty-fourth session as a matter of high priority.

The Secretary-General will report to the Commission on the measures taken to bring that resolution to the attention of Governments, competent United Nations organs, specialized agencies, regional intergovernmental organizations and international humanitarian organizations, and to give it wide publicity.

Legislative authority: Commission resolution 1 A (XXXIII), paragraph 11.

---

21/ An asterisk indicates that the document is likely to exceed the 32-page limit referred to in Economic and Social Council resolution 1894 (LVII).

5. Study of reported violations of human rights in Chile, with particular to torture and other cruel, inhuman or degrading treatment or punishment

By resolution 9 (XXXIII), the Commission decided to place this item on the provisional agenda for its thirty-fourth session as a matter of high priority.

Report of the Working Group.\*

Report of the Secretary-General on steps taken by Member States, United Nations agencies and international organizations to implement paragraph 4 of General Assembly resolution 31/124.

Legislative authority: Commission resolution 9 (XXXIII), paragraphs 5 and 8, subject to the concurrence of the Economic and Social Council.

6. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts

Report of the Ad Hoc Working Group of Experts established under Commission resolution 2 (XXXIII).\*

Legislative authority: Commission resolution 6 (XXXIII).

7. The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa

By resolution 7 (XXXIII), the Commission decided to place this item on the agenda of the thirty-fourth session as a separate priority item.

The final report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,\* Mr. A. M. Khalifa, together with the recommendations of the Sub-Commission.

Legislative authority: Commission resolution 3 (XXX).

8. Question of the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems relating to human rights in developing countries

By resolution 2 (XXXI), the Commission decided to keep this item on its agenda as a standing item with high priority.

Report of the Secretary-General transmitting the views and comments of the competent economic organs of the United Nations on Commission resolution 4 (XXXIII), and containing his recommendations on ways and means of updating the report of the Special Rapporteur on the realization of economic, social and cultural rights.

Legislative authority: Commission resolution 4 (XXXIII).

9. The right of peoples to self-determination and its application to peoples under colonial and alien domination

This question has been placed on the provisional agenda of the Commission every year with priority, in accordance with Commission resolution 3 (XXXI).

The final reports of the Special Rapporteurs of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Aureliu Cristescu and Mr. Hector Gros Espiell, along with the recommendations of the Sub-Commission.\*

Legislative authority: Commission resolutions 4 (XXX) and 5 (XXX) (endorsed by Economic and Social Council resolutions 1865 (LVI) and 1866 (LVI) respectively).

10. Question of the human rights of all persons subjected to any form of detention or imprisonment and in particular the body of principles for the protection of all persons under any form of detention or imprisonment

By resolution 8 (XXXVIII), the Commission decided to consider this item with priority.

The Sub-Commission will present to the Commission at its thirty-fourth session a comprehensive report on the elaboration of a body of principles for the protection of all persons under any form of detention or imprisonment for submission to the General Assembly at its thirty-third session, in accordance with General Assembly resolution 31/85.

Legislative authority: Commission resolution 8 (XXXVIII).

11. Further promotion and encouragement of human rights and fundamental freedoms including the question of the programme and methods of work of the Commission...

A report and recommendations submitted by UNESCO with regard to the teaching of human rights throughout the world.

Legislative authority: Commission resolution 3 (XXXVIII), subject to endorsement by the Economic and Social Council.

12. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

- (a) Question of human rights in Cyprus
- (b) Study of situations which reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXVIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group established by the Commission at its thirty-third session

Annual supplement to document E/4226 (E/CN.4/923/Add.11), listing decisions taken by United Nations bodies during 1977 relevant to the

question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories.

Legislative authority: Economic and Social Council resolution 1102 (XL).

Information which may be submitted by the International Labour Organisation (ILO) and the United Nations Scientific, Educational, Social and Cultural Organization (UNESCO).

Legislative authority: General Assembly resolution 2785 (XXVI).

Report by the Secretary-General on the question of human rights in Cyprus.

Legislative authority: Commission decision 6 (XXXIII).

Confidential documents, including those of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and its Working Group and the report of the Working Group established by the Commission at its thirty-third session by decision 5 (XXXIII).

Legislative authority: Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII).

13. Human rights and scientific and technological developments

By resolution 10 B (XXXIII) the Commission decided to consider this agenda item at its thirty-fourth session.

Relevant chapters of the report of the Sub-Commission on its thirtieth session.

Legislative authority: Commission resolutions 10 A and B (XXXIII).

14. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid

By resolution 13 (XXXIII), the Commission decided to keep this item on its agenda as a standing item.

Reports submitted by States parties in accordance with article VII of the Convention.\*

Report of the Group appointed under article IX of the Convention.

Information provided by United Nations organs in accordance with article X of the Convention.

Legislative authority: Commission resolution 13 (XXXIII).

15. The role of youth in the promotion and protection of human rights, including:

(a) Channels of communication with youth and international youth organizations

(b) The question of conscientious objection to military service

By decision 8 (XXXIII) the Commission postponed consideration of this item to its thirty-fourth session.

16. Draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief

By resolution 11 (XXXIII) the Commission decided to continue at its thirty-fourth session the elaboration of the draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief.

17. Periodic reports on freedom of information

By decision 8 (XXXIII) the Commission postponed consideration of this item to its thirty-fourth session.

18. (a) Study in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities of ways and means of ensuring the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination

(b) Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination

By decision 8 (XXXIII) the Commission postponed consideration of this item to its thirty-fourth session.

Relevant chapters of the report of the Sub-Commission on its twenty-ninth and thirtieth sessions.

19. Status of the International Covenants on Human Rights

Report of the Secretary-General on any new developments with regard to ratification and implementation of the International Covenants on Human Rights and the Optional Protocol to the International Covenant on Civil and Political Rights.

Legislative authority: Commission resolution 2 (XXXIII).

20. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirtieth session

Report of the Sub-Commission on the work of its thirtieth session.\*

21. Question of international legal protection of the human rights of individuals who are not citizens of the country in which they live

By decision 8 (XXXVIII) the Commission postponed consideration of this item to its thirty-fourth session.

The final report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,\*  
Baroness Elles, along with the recommendations of the Sub-Commission.

Legislative authority: Economic and Social Council resolutions 1790 (LIV) and 1871 (LVI).

22. Question of measures to be taken against ideologies and practices based on terror or on incitement to racial discrimination or any other form of group hatred

By decision 8 (XXXVIII) the Commission postponed consideration of this item to its thirty-fourth session.

23. Advisory services in the field of human rights

By decision 8 (XXXVIII) the Commission postponed consideration of this item to its thirty-fourth session.

Report of the Secretary-General on the programme of advisory services in the field of human rights.

Legislative authority: General Assembly resolution 926 (X) and Economic and Social Council resolutions 684 (XXVI) and 1008 (XXVIII).

24. Communications concerning human rights

By decision 8 (XXXVIII) the Commission postponed consideration of this item to its thirty-fourth session.

Confidential and non-confidential lists of communications and documents containing the replies of Governments to communications furnished to them and a confidential document of a statistical nature.

Legislative authority: Economic and Social Council resolution 728 F (XXVIII) and Commission resolutions 14 (XV) and 15 (XV).

25. Election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

Note by the Secretary-General containing nominations.

Legislative authority: Economic and Social Council resolution 1334 (XLIV).

26. Draft provisional agenda for the thirty-fifth session of the Commission

Note by the Secretary-General containing the draft provisional agenda for the thirty-fifth session of the Commission, together with information concerning documentation relating thereto.

Legislative authority: Economic and Social Council resolution 1894 (LVII).

27. Report to the Economic and Social Council on the thirty-fourth session of the Commission

Legislative authority: rule 38 of the rules of procedure of the functional commissions.

XX. ADOPTION OF THE REPORT

232. At its 1427th meeting, on 11 March 1977, the Commission considered its draft report on the work of the thirty-third session. The draft report, as amended in the course of the discussion, was adopted unanimously.

XXI. RESOLUTIONS AND DECISIONS ADOPTED BY THE  
COMMISSION AT ITS THIRTY-THIRD SESSION

A. Resolutions

1. (XXXIII). Question of the violation of human rights  
in the territories occupied as a result  
of hostilities in the Middle East

A<sup>22/</sup>

The Commission on Human Rights,

Guided by the principles and purposes of the Charter of the United Nations, as well as the principles and provisions of the Universal Declaration of Human Rights and the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,

Recalling the pertinent United Nations resolutions on the situation in the occupied territories and the protection of the human rights and fundamental freedoms of the inhabitants of the occupied Arab territories,

Taking into account that the General Assembly has, in resolution 31/20, recalled its resolution 3376 (XXX), in which it expressed grave concern that no progress has been achieved towards:

(a) The exercise by the Palestinian people of its inalienable rights in Palestine, including the right to self-determination without external interference and the right to national independence and sovereignty,

(b) The exercise by Palestinians of their inalienable right to return to their homes and property from which they have been displaced and uprooted,

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

Welcoming the statement adopted by the Security Council at its 1969th meeting, on 11 November 1976, by which the Council, inter alia, expressed its grave anxiety and concern over the present serious situation in the occupied Arab territories as a result of continued Israeli occupation,

---

<sup>22/</sup> Adopted at the 1390th meeting, on 15 February 1977, by a roll-call vote of 23 in favour, 3 against and 6 abstentions. See chap. II.

Taking note of the reports of United Nations organs, specialized agencies and international humanitarian organizations on the situation of the occupied Arab territories and their inhabitants, in particular the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/31/218),

Greatly alarmed by the continuation of the violations of human rights and fundamental freedoms by Israel in the occupied Arab territories, particularly the measures aiming at annexation, as well as the continuing establishment of settlers' colonies, mass destruction of homes, torture and ill-treatment of detainees, expropriation of properties and imposition of discriminatory economic legislation,

1. Expresses its grave anxiety and concern over the deteriorating serious situation in the occupied Arab territories as a result of the continued Israeli occupation and aggression;

2. Calls upon Israel to take immediate steps for the return of the Palestinians and the other displaced inhabitants of the occupied Arab territories to their homes;

3. Deplores once again Israel's continued violations, in the occupied Arab territories, of the basic norms of international law and of the relevant international conventions, in particular, Israel's grave breaches of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, which are considered as war crimes and an affront to humanity, as well as Israel's persistent defiance of the relevant resolutions of the United Nations and its continued policy of violating the basic human rights of the inhabitants of the occupied Arab territories;

4. Condemns in particular the following Israeli policies and practices:

(a) The annexation of parts of the occupied territories;

(b) The establishment of Israeli settlers' colonies therein and the transfer of alien population thereto;

(c) Mass destruction and demolition of Arab houses;

(d) The evacuation, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories, and the denial of their right to return;

(e) Mass arrests, administrative detention and ill-treatment of the Arab population;

(f) The torture and ill-treatment of persons under detention and the violation of the relevant provisions of the Geneva Conventions;

(g) The confiscation, expropriation and all transactions for the acquisition of Arab property and land by Israeli authorities and individuals;

(h) The exploitation of human, natural and all other resources of the occupied territories and the promulgation of discriminatory economic legislations;

- (i) The pillaging of archaeological and cultural property;
- (j) The denial to the population of the occupied Arab territories of their right to national education and cultural life;
- (k) The interference with religious freedoms and practices;

5. Condemns once more the massive deliberate destruction of Quneitra perpetrated during Israeli occupation and prior to the withdrawal of Israeli forces from that city in 1974, and considers this act as a grave breach of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949;

6. Reaffirms that all such measures taken by Israel to change the physical character, demographic composition or status of the occupied Arab territories or any part thereof, including Jerusalem, are all null and void, and calls upon Israel to rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of the occupied Arab territories, including Jerusalem;

7. Declares all measures taken by Israel with a view to changing the structure, status, and established religious practices in the sanctuary of Al-Ibrahimi Mosque in the city of Al-Khalil null and void and calls upon Israel to rescind all such measures already taken;

8. Calls upon Israel to release all Arabs detained or imprisoned as a result of their struggle for self-determination and the liberation of their territories, and to accord to them, pending their release, the protection envisaged in the relevant provisions concerning the treatment of prisoners of war and, in this context, requests the Secretary-General to collect all relevant information concerning detainees, such as their number, identity, place and duration of detention, and to make this information available to the Commission at its next session;

9. Further calls upon Israel once more to comply with its obligations under the Charter of the United Nations and the Universal Declaration of Human Rights, and to acknowledge and abide by its obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

10. Reiterates its call upon all States, international organizations and specialized agencies not to recognize any changes carried out by Israel in the occupied territories and to avoid actions which might be used by Israel in its pursuit of the policies and practices referred to in the present resolution;

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

12. Decides to place on the provisional agenda of the thirty-fourth session as a matter of high priority, the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine", and requests the Secretary-General to bring to the attention of the Commission all United Nations reports appearing between sessions of the Commission that deal with the situation of the civilians of these territories.

B<sup>23</sup>/

The Commission on Human Rights,

Recalling General Assembly resolution 31/106/B, which reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 is applicable to all the Arab territories occupied by Israel since 1967, including Jerusalem,

1. Deplores the failure of Israel to acknowledge the applicability of that Convention to all the Arab territories it has occupied since 1967, including Jerusalem;
2. Urgently calls once more upon Israel to acknowledge and to comply with the provisions of that Convention in all the Arab territories it has occupied since 1967, including Jerusalem;
3. Urges once more all States parties to that Convention to exert all efforts in order to ensure respect for and compliance with the provisions thereof in all the Arab territories occupied by Israel since 1967, including Jerusalem;
4. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations and the international humanitarian organizations.

2 (XXXIII). Status of the International Covenants  
on Human Rights 24/

The Commission on Human Rights,

Recalling its resolution 12 (XXXII) inviting all Member States to consider the question of ratification of the International Covenants on Human Rights in the near future,

---

23/ Adopted at the 1390th meeting, on 15 February 1977, without a vote.  
See chap. II.

24/ Adopted at the 1396th meeting, on 18 February 1977, without a vote.  
See chap. IV.

Having noted the report by the Secretary-General (E/CN.4/1227) on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights,

Convinced of the important contribution that the entry into force of the International Covenants and the Optional Protocol can make to the promotion of human rights and fundamental freedoms,

1. Welcomes with deep satisfaction the entry into force of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights as a major step in the international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. Calls upon all States to take legislative or other measures for the realization of the human rights and fundamental freedoms provided for in the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights;

3. Invites all States to become parties to the International Covenant on Economic, Social and Cultural Rights and to the International Covenant on Civil and Political Rights and the Optional Protocol thereto;

4. Further invites the States parties to the International Covenant on Civil and Political Rights to consider making the declaration provided for in article 41 of that Covenant;

5. Requests the Secretary-General to continue to inform the Commission on Human Rights at each session of any new developments with regard to ratification and implementation of the International Covenants on Human Rights and the Optional Protocol.

3 (XXXIII). Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission 25/

The Commission on Human Rights,

Considering that the year 1978 will mark the thirtieth anniversary of the Universal Declaration of Human Rights, which has been and continues to be a fundamental source of inspiration for national and international efforts and numerous international instruments for the protection and promotion of human rights and, in particular, the International Covenants on Human Rights,

---

25/ Adopted at the 1398th meeting, on 21 February 1977, without a vote. See chap. IV.

Concerned with the serious violations of human rights which continue to occur, often systematically, in many countries,

Recalling its resolutions 11 C (XXVII), 17 (XXIX) and 1 B (XXXII) and the recommendation concerning education for international understanding, co-operation and peace and education relating to human rights and fundamental freedoms adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its eighteenth session,

Considering that the General Assembly, in proclaiming the Universal Declaration of Human Rights, called upon all peoples and every organ of society to strive in every possible way to promote respect for human rights and fundamental freedoms,

Considering that the thirtieth anniversary of the Universal Declaration of Human Rights should afford an opportunity for Member States and their peoples, and particularly schools and universities, teachers and the parents of students, to comply fully with this request of the General Assembly,

Decides:

(a) To recommend to Member States, the specialized agencies and all international organizations, governmental and non-governmental, concerned with the protection and promotion of human rights to take appropriate measures to ensure that the thirtieth anniversary of the Universal Declaration of Human Rights is the occasion of special efforts to promote international understanding, co-operation and peace and the universal and effective respect for human rights, more particularly by laying stress on the educational approach both within and outside formal school systems;

(b) To request the Economic and Social Council, at its sixty-second session, to invite the United Nations Educational, Scientific and Cultural Organization to lay appropriate proposals for this purpose before its Member States and to submit to the Commission for study, at its thirty-fourth session, a report on the situation with regard to the teaching of human rights throughout the world, accompanied by detailed recommendations;

(c) To invite Member States, the specialized agencies and all interested international organizations to report to the Commission at its thirty-fifth session on efforts made with a view to marking the thirtieth anniversary of the Universal Declaration of Human Rights.

- 4 (XXXIII). Question of the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems relating to human rights in developing countries 26/

The Commission on Human Rights,

Guided by the Charter of the United Nations and in particular its Articles 55 and 56,

Recalling its resolution 2 (XXXI), by which it decided to inscribe on its agenda the item "Question of the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems relating to human rights in developing countries" as a standing item with high priority,

Recalling further General Assembly resolutions 2542 (XXIV) of 11 December 1969, containing the Declaration on Social Progress and Development, and 31/84 of 13 December 1976 on the world social situation,

Taking into account the provisions of the Declaration and the Programme of Action on the Establishment of a New International Economic Order and the Charter of Economic Rights and Duties of States, adopted by the General Assembly in its resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974 and 3281 (XXIX) of 12 December 1974, as well as of resolution 3362 (S-VII) of 16 September 1975 on development and international economic co-operation,

Recognizing that the persistence of colonialism, aggression and threats against national sovereignty, national unity and territorial integrity, of foreign occupation, apartheid and all forms of discrimination and domination, as well as the refusal to recognize the fundamental right of every nation to exercise full sovereignty over its national wealth and resources, constitute, inter alia, essential obstacles to the full realization of economic, social and cultural rights,

Concerned about the increasing disparity of living conditions and income levels between the developed and the developing countries, and convinced that it is the duty of the international community to contribute to putting an end to this disparity,

Convinced that the resources that could be released as a result of achieving measures leading to general and complete disarmament are of particular importance in securing economic and social development and, consequently, the implementation of economic, social and cultural rights, especially in developing countries,

---

26/ Adopted at the 1398th meeting, on 21 February 1977, without a vote.  
See chap. III.

Considering that, due to the interdependence of all human rights and fundamental freedoms, the full implementation of economic, social and cultural rights is of crucial importance for the real and meaningful enjoyment of civil and political rights,

Noting the importance of the provisions of the International Covenant on Economic, Social and Cultural Rights and its entry into force,

Bearing in mind the report of its Special Rapporteur entitled The Realization of Economic, Social and Cultural Rights: Problems, Policies, Progress, 27/

1. Stresses the responsibility and duty of all members of the international community to create the necessary conditions for the full realization of economic, social and cultural rights as an essential means of ensuring the real and meaningful enjoyment of civil and political rights and fundamental freedoms;
2. Calls upon all States to take prompt and effective measures, both on the national and on the international level, to remove all obstacles to the full realization of economic, social and cultural rights and to promote all actions that will secure the enjoyment of the said rights;
3. Decides that the concepts contained in the present resolution will guide its future work on this item and, accordingly, to pay special attention to the consideration of the obstacles hindering the full realization of economic, social and cultural rights, particularly in the developing countries, as well as of the actions taken on the national and international levels to secure the enjoyment of the said rights;
4. Recommends to the Economic and Social Council to invite the Secretary-General, in co-operation with the United Nations Educational, Scientific and Cultural Organization and the other competent specialized agencies, to undertake a study on the subject "The international dimensions of the right to development as a human right in relation with other human rights based on international co-operation, including the right to peace, taking into account the requirements of the New International Economic Order and the fundamental human needs", and to make this study available for consideration by the Commission on Human Rights at its thirty-fifth session,
5. Requests the Secretary-General to bring the present resolution to the attention of the competent economic organs of the United Nations and to ask for their views and comments in order to transmit them to the Commission on Human Rights at its thirty-fourth session;
6. Requests the Secretary-General to examine ways and means of updating the report of the Special Rapporteur on the realization of economic, social and cultural rights, and to present his recommendations in this regard to the Commission on Human Rights at its thirty-fourth session.

5 (XXXIII). Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories 28/

The Commission on Human Rights,

Having observed that in many of the cases drawn to its attention concerning allegations of violations of human rights, difficult economic and social conditions appear to prevail in the countries concerned,

Recognizing that, despite these difficulties, the States concerned have a duty to do everything in their power to ensure respect for human rights, including cultural rights,

1. Requests the Economic and Social Council to appeal to all States, especially the developed States, and the specialized agencies and non-governmental organizations to make all efforts to accelerate the establishment of conditions that could promote the unrestricted enjoyment of all human rights in the States concerned;

2. Decides that the Commission, which has so far concerned itself mainly with violations of civil and political rights, should also study violations of economic, social and cultural rights.

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

A<sup>29/</sup>

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),

---

28/ Adopted at the 1408th meeting, on 28 February 1977, without a vote. See chap. V.

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.

B<sup>30/</sup>

The Commission on Human Rights,

Recalling its resolutions 5 (XXXI) and 8 (XXXII),

Recommends that the Economic and Social Council should adopt the following draft resolution:

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

C<sup>31/</sup>

The Commission on Human Rights,

Recalling General Assembly resolution 31/6/I,

Recommends that the Economic and Social Council should adopt the following draft resolution:

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

7 (XXXVIII). 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,

---

<sup>30/</sup> Adopted unanimously by roll call at the 1416th meeting, on 4 March 1977. See chap. VI.

<sup>31/</sup> Adopted at the 1416th meeting, on 4 March 1977, by a roll-call vote of 26 in favour, none against and 6 abstentions. See chap. VI.

<sup>32/</sup> 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".

- 8 (XXXIII). Question of the human rights of all persons subjected to any form of detention or imprisonment and in particular the body of principles for the protection of all persons under any form of detention or imprisonment 33/

The Commission on Human Rights,

Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, contained in General Assembly resolution 3452 (XXX), and Economic and Social Council resolution 1993 (LX), calling upon all Governments fully to observe and implement the Declaration,

Recalling also General Assembly resolution 31/85,

Mindful of its resolution 10 (XXXII), in which it inter alia invited the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in pursuance of General Assembly resolution 3453 (XXX):

(a) To draw also upon the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as a guideline for its work when considering the question of the human rights of persons subjected to any form of detention or imprisonment under Sub-Commission resolutions 7 (XXVII) and 4 (XXVIII),

(b) To draw up at its twenty-ninth session, on the basis of the Study of the Right of Everyone To Be Free from Arbitrary Arrest, Detention and Exile, 34/ the draft principles on freedom from arbitrary arrest and detention and other relevant material, a body of principles for the protection of all persons under any form of detention or imprisonment,

Noting resolution 3 (XXIX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, wherein the Sub-Commission inter alia recommended the appointment of a group of its members to analyse the material received in connexion with the human rights of persons subjected to any form of detention or imprisonment and to prepare the Sub-Commission's annual review of developments in this field,

Noting also the decision adopted by the Sub-Commission at its twenty-ninth session to appoint Mr. Erik Nettel as Rapporteur to formulate, in co-operation with the Secretariat, the first draft of a body of principles for the protection of all persons under any form of detention or imprisonment, for consideration at the thirtieth session of the Sub-Commission, 35/

---

33/ Adopted at the 1416th meeting, on 4 March 1977, without a vote. See chap. VIII.

34/ United Nations publication, Sales No. E.65.XIV.2.

35/ See E/CN.4/1218, chap. XVII, sect. B, para. 2.

Stressing the importance of full implementation of the right of every individual to be protected from being subjected to torture and other cruel, inhuman or degrading treatment or punishment,

1. Reiterates the need for full observance and implementation of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as unanimously adopted by the General Assembly in resolution 3452 (XXX);

2. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to continue to consider the question of torture and other cruel, inhuman or degrading treatment or punishment in the light of previous pertinent resolutions;

3. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to present to the Commission on Human Rights at its thirty-fourth session a comprehensive report on the elaboration of a body of principles for the protection of all persons under any form of detention or imprisonment, to be submitted to the General Assembly at its thirty-third session, in accordance with General Assembly resolution 31/85;

4. Decides to consider with priority at its thirty-fourth session the item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment and in particular the body of principles for the protection of all persons under any form of detention or imprisonment".

9 (XXXIII). Study of reported violations of human rights in Chile, with particular reference to torture and other cruel, inhuman or degrading treatment or punishment 36/

The Commission on Human Rights,

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

Recalling that the Universal Declaration of Human Rights solemnly declares that everyone has the right to life, liberty and security of person and the right not to be subjected to arbitrary arrest, detention or exile, or to torture or cruel, inhuman or degrading treatment or punishment,

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

---

36/ Adopted at the 1422nd meeting, on 9 March 1977, by a roll-call vote of 26 in favour, 1 against and 5 abstentions. See chap. IX.

Further recalling General Assembly resolutions 3219 (XXIX), 3448 (XXX) and 31/124 concerning the protection of human rights in Chile,

Considering its resolutions 8 (XXXI), by which an Ad Hoc Working Group to inquire into the situation of human rights in Chile was established, and 3 (XXXII), by which the mandate of the Ad Hoc Working Group was extended,

Having considered the report of the Ad Hoc Working Group (E/CN.4/1221) as well as the documents submitted by the Chilean authorities (E/CN.4/1247 and Add.1-3),

1. Expresses its appreciation to the Chairman and the members of the Ad Hoc Working Group for the thorough and objective manner in which the report was prepared, despite the persistent refusal of the Chilean authorities to permit the Group to visit the country in accordance with its mandate;

2. Shares the profound indignation expressed by the General Assembly in its resolution 31/124 that constant and flagrant violations of human rights have taken place and continue to take place in Chile, in particular the institutionalized practice of torture, cruel, inhuman and degrading treatment and punishment, the disappearance of persons for political reasons, arbitrary arrests, detention, exile and cases of deprivation of Chilean nationality;

3. Calls upon the Chilean authorities to put an end to the inadmissible practice of secret arrests and subsequent disappearance of persons whose detention is systematically denied or never acknowledged;

4. Calls once more upon the Chilean authorities to restore and safeguard, without delay, basic human rights and fundamental freedoms and fully to respect the provisions of the international instruments to which Chile is a party, and to this end to implement paragraph 2 of General Assembly resolution 31/124;

5. Requests the Secretary-General to invite Member States, United Nations agencies and international organizations to inform him of steps taken to implement paragraph 4 of General Assembly resolution 31/124, and to report to the General Assembly at its thirty-second session and to the Commission at its thirty-fourth session;

6. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirtieth session to undertake a study on the consequences of the various forms of aid extended to the Chilean authorities and to present a progress report thereon to the Commission on Human Rights at its thirty-fourth session;

7. Further requests the Sub-Commission to analyse feasible ways to give humanitarian, legal and financial aid to those arbitrarily arrested or imprisoned, to those forced to leave the country and to their relatives, and to present specific proposals to the Commission at its thirty-fourth session;

8. Extends for one year the mandate of the present Ad Hoc Working Group, made up of the following members, to work as experts in their personal capacity: Mr. Ghulam Ali Allana (Pakistan), Chairman-Rapporteur, Mr. Leopoldo Benites (Ecuador), Mr. Felix Ermacora (Austria), Mr. Abdoulaye Diéye (Senegal) and Mrs. M.J.T. Kamara (Sierra Leone), and requests it to report to the General Assembly at its thirty-second session and to the Commission on Human Rights at its thirty-fourth session with such additional information as may be necessary;

9. Requests the Secretary-General to render to the Ad Hoc Working Group all the assistance which it might require in its work;

10. Recommends to the Economic and Social Council to make arrangements for the provision of adequate financial resources and staff for the implementation of the present resolution;

11. Decides to consider at its thirty-fourth session as a matter of high priority the question of the violation of human rights in Chile.

10 (XXXIII). Human rights and scientific and technological developments

A-37/

The Commission on Human Rights,

Recalling General Assembly resolution 2450 (XXIII) and its own resolutions 11 (XXXI) and 11 (XXXII) on human rights and scientific and technological developments,

Noting the Secretary-General's statement on the Secretariat's work programme on these matters (E/CN.4/L.1313),

Noting in particular the reports circulated by the Secretary-General on the protection of the human personality and its physical and intellectual integrity in the light of advances in biology, medicine and biochemistry (E/CN.4/1172 and Corr.1 and Add.1-3 and E/CN.4/1173),

Concerned in particular at the consequences that advances in the fields of neurosurgery, biochemistry and psychiatry may hold for the protection of the human personality and its physical and intellectual integrity,

1. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to study, with a view to formulating guidelines, if possible, the question of the protection of those detained on the grounds of mental ill-health against treatment that may adversely affect the human personality and its physical and intellectual integrity;

2. Further requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to submit to the Commission a progress report on the question referred to in paragraph 1 above when such a report is ready.

---

37/ Adopted at the 1426th meeting, on 11 March 1977, without a vote.  
See chap. XI.

The Commission on Human Rights,

Taking into account General Assembly resolution 3384 (XXX) of 10 November 1975, in which the Assembly proclaimed the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, and having regard to General Assembly resolution 31/128,

Recalling the relevant provisions of the Proclamation of Teheran, General Assembly resolutions 2450 (XXIII) and 3026 B (XXVII) and Commission on Human Rights resolution 10 (XXVII),

Convinced that the application of scientific and technological progress in the interests of peace and for the benefit of mankind is an important factor for the full realization of fundamental human rights and freedoms,

Recognizing that the application of scientific and technological achievements for creative purposes has a great influence in accelerating the social and economic development of all countries,

Recalling also the provision contained in the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind that the transfer of science and technology is one of the principal ways of accelerating the economic development of developing countries,

Concerned at the fact that scientific and technological achievements may be used to the detriment of fundamental human rights and freedoms, the dignity of the human person, international peace and security and social progress,

1. Welcomes the adoption by the General Assembly in its resolution 3384 (XXX) of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, and accepts it, together with other relevant international instruments, as a guide for its future work;

2. Emphasizes the importance of the fact that States Members of the United Nations, in their programmes and plans, should take account of the provisions and principles contained in the Declaration, in particular those relating to the transfer of technology and scientific knowledge to developing countries which would accelerate the realization of the economic and social rights of the people of those countries;

3. Instructs the Sub-Commission on Prevention of Discrimination and Protection of Minorities to examine, in the light of the provisions of the Declaration, studies relating to this subject and to submit its observations to the Commission on Human Rights, taking into account the provisions of paragraph 3

of General Assembly resolution 3026 B (XXVII), paragraph 1 of General Assembly resolution 2450 (XXIII) and paragraph 3 of Commission on Human Rights resolution 10 (XXVII);

4. Draws the attention of the Committee on Science and Technology for Development to the provisions of the Declaration and requests that Committee to take those provisions into account when preparing for the United Nations Conference on Science and Technology for Development, which the General Assembly has decided to hold in 1979;

5. Decides to consider, at its thirty-fourth session, under the agenda item "Human rights and scientific and technological developments", the question of implementing the provisions of the Declaration.

11 (XXXIII). Draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief 39/

The Commission on Human Rights,

Taking note of the report of the working group on agenda item 15 (E/CN.4/L.1357),

1. Decides to continue the elaboration of the draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief;

2. Decides to establish an open-ended working group which would meet three times weekly from the first week of the thirty-fourth session, and requests the assistance of the Secretary-General to ensure the good functioning of this working group.

12 (XXXIII). Exploitation of labour through illicit and clandestine trafficking 40/

The Commission on Human Rights,

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

Considering the relevant instruments on the subject,

---

39/ Adopted at the 1426th meeting, on 11 March 1977, without a vote.  
See chap. XII.

40/ Adopted at the 1426th meeting, on 11 March 1977, without a vote.  
See chap. XIII.

Aware of the fact that the problem of migrant workers continues to be of major importance to many countries, despite the existence of international instruments and despite efforts exerted by certain States, including the adoption of bilateral agreements,

Recalling General Assembly resolution 31/127 of 16 December 1976, in which the General Assembly recommended that the Commission on Human Rights and the Economic and Social Council consider this question at their next sessions,

1. Takes note with satisfaction of the thorough study, including the draft recommendations, prepared by the Special Rapporteur on the exploitation of labour through illicit and clandestine trafficking and of the report of the seminar on the human rights of migrant workers, held in Tunis from 12 to 24 November 1975;

2. Recommends to the Economic and Social Council to consider this question at its sixty-second session, taking into account the existing international instruments, as well as related studies and reports on the subject.

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;

---

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

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".

#### B. Decisions

##### 1 (XXXIII). Telegram to the Government of Israel<sup>42/</sup>

The Commission decided to send the following telegram to the Government of Israel:

"The Commission on Human Rights, convened at its thirty-third session, mindful of its duty to promote and to encourage respect for human rights throughout the world, is deeply concerned at reports of the deaths of Arab detainees in Israeli prisons which are attributed to the conditions of their imprisonment and calls upon the Government of Israel to take urgent measures to ensure in conformity with the relevant provisions of the Geneva Conventions an improvement in prison conditions and refrain from ill-treatment of detainees."

##### 2 (XXXIII). Telegram to the Secretary-General<sup>43/</sup>

The Commission decided to send the following telegram to the Secretary-General:

"The Commission on Human Rights, convened at its thirty-third session, has been informed that Aaron Mushimba and Hendrik Shikongo of SWAPO are in danger of death before the law courts of South Africa, which is illegally occupying the Territory of Namibia. The Commission requests the Secretary-General of the United Nations to employ, in all urgency, whatever means he may deem most appropriate to save the lives of these two patriots."

---

<sup>42/</sup> Adopted at the 1386th meeting, on 10 February 1977. See chap. II.

<sup>43/</sup> Adopted at the 1390th meeting, on 15 February 1977. See chap. VI. For the reply received from the Secretary-General, see annex IV.

3 (XXXIII). Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission 44/

The Commission decided to invite the Chairman-Rapporteur of the 1976 working group established under resolution 2 (XXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, pursuant to Economic and Social Council resolution 1503 (XLVIII), to attend the closed meetings of the Commission on agenda item 12 (b).

4 (XXXIII). Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission 45/

(a) The Commission decided to request the Secretary-General to submit to it at its thirty-fourth session a report summarizing and analysing the proposals and suggestions put forward in the course of the discussion of the item at the thirty-third and previous sessions of the Commission, as well as those contained in the relevant documentation before the Commission.

(b) The Commission decided to establish at its thirty-fourth session a working group to study the report and submit its recommendations to the Commission at that session.

5 (XXXIII). Study of situations which reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII) 46/

(a) The Commission decided to set up a working group composed of five of its members, to meet a week before its thirty-fourth session, to examine such particular situations as may be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirtieth session under Economic and Social Council resolution 1503 (XLVIII) and those situations which the Commission has decided to keep under review.

(b) The Commission decided that the Sub-Commission on Prevention of Discrimination and Protection of Minorities and its Working Group on Communications should have access to the records of the closed meetings of the Commission in which it examines situations referred to it under Economic and Social Council resolution 1503 (XLVIII), together with all other confidential documents relating thereto that have been before the Commission.

---

44/ Adopted at the 1395th meeting, on 18 February 1977. See chap. IV. For a statement of the financial implications, see annex III.

45/ Adopted at the 1397th meeting, on 21 February 1977. See chap. IV.

46/ Adopted at the 1410th meeting, on 1 March 1977. See chap. V.

6 (XXXIII). Question of human rights in Cyprus 47/

The Commission decided, due to the lack of time, to postpone the consideration of item 12 (a), entitled "Question of human rights in Cyprus", to its thirty-fourth session and to give it due priority at that session. The Commission also requested the Secretary-General to provide the Commission at its thirty-fourth session with information relevant to the consideration of this question.

7 (XXXIII). Election to fill vacancies in the membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities 48/

The Commission elected by acclamation Mr. Antonio Cassese (Italy) and Mr. Marc Schreiber (Belgium) as members of the Sub-Commission to serve for the unexpired terms of office of Mr. Th. van Boven and Mr. Francesco Capotorti.

8 (XXXIII). Postponement of items on the agenda to the thirty-fourth session of the Commission 49/

The Commission decided to postpone to its thirty-fourth session consideration of the following items of its agenda:

The role of youth in the promotion and protection of human rights, including:

- (a) Channels of communication with youth and international youth organizations
- (b) The question of conscientious objection to military service [item 14]

Periodic reports on freedom of information [item 16]

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 [item 17 (a)]

Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination [item 17 (b)]

Question of international legal protection of the human rights of individuals who are not citizens of the country in which they live [item 21]

Question of measures to be taken against ideologies and practices based on terror or on incitement to racial discrimination or any other form of group hatred [item 23]

---

47/ Adopted at the 1423rd meeting, on 9 March 1977. See chap. V.

48/ Adopted at the 1425th meeting, on 10 March 1977. See chap. X.

49/ Adopted at the 1426th meeting, on 11 March 1977. See chap. XVI.

Advisory services in the field of human rights [item 24]

Communications concerning human rights [item 25]

- 9 (XXXIII). Study of discrimination against persons born out of wedlock and the draft general principles on equality and non-discrimination in respect of such persons 50/

The Commission:

- (a) Accepted in principle the draft general principles on equality and non-discrimination in respect of persons born out of wedlock; 51/
- (b) Referred them to the Economic and Social Council for further consideration.

- 10 (XXXIII). Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-ninth session 52/

The Commission took note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-ninth session.

- 11 (XXXIII). Draft provisional agenda for the thirty-fourth session of the Commission 53/

The Commission took note of the draft provisional agenda for the thirty-fourth session.

---

50/ Adopted at the 1427th meeting, on 11 March 1977. See chap. XIV.

51/ See chap. XIV, para. 212.

52/ Adopted at the 1427th meeting, on 11 March 1977. See chap. XVIII.

53/ Adopted at the 1427th meeting, on 11 March 1977. For the draft provisional agenda, see chap. XIX.

## XXII. ORGANIZATION OF THE THIRTY-THIRD SESSION

### A. Opening and duration of the session

233. The Commission on Human Rights held its thirty-third session at the United Nations Office at Geneva from 7 February to 11 March 1977.

234. The session was opened (1380th meeting) by Mr. Leopoldo Benites (Ecuador), Chairman of the Commission at its thirty-second session, who made a statement. The Director of the Division of Human Rights addressed the Commission and welcomed the participants in the session on behalf of the Secretary-General and the Director-General of the United Nations Office at Geneva.

### B. Attendance

235. The session was attended by representatives of all States members of the Commission, by observers from other States Members of the United Nations, by the observer from one non-member State and by representatives of specialized agencies, regional intergovernmental organizations, national liberation movements and non-governmental organizations. An attendance list is given in annex I below.

### C. Election of officers

236. At its 1380th and 1381st meetings, on 7 February 1977, the Commission unanimously elected the following officers:

Chairman:	Mr. Aleksandar Bozović (Yugoslavia)
Vice-Chairmen: <sup>54/</sup>	Mr. Carlos Lechuga Hevía (Cuba) Mr. Omran El-Shafei (Egypt) Mr. Giuseppe Sperduti (Italy)
Rapporteur:	Mr. Khalid Saleem (Pakistan)

### D. Agenda

237. The Commission had before it the provisional agenda for the thirty-third session (E/CN.4/1219 and Corr.1), drawn up in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council on the basis of the draft provisional agenda considered by the Commission at its thirty-second session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII). The Commission also had before it the report of the Bureau of the thirty-second session of the Commission on its preparatory meetings held in accordance with Commission resolution 7 (XXXII) and Economic and Social Council resolution 1992 (LX) (E/CN.4/1243). By these resolutions, the officers elected by the Commission at its thirty-second session had been requested to meet before the opening of the thirty-third session to consider ways and means which might enable the Commission to carry out its functions as well as may be.

---

<sup>54/</sup> The Vice-Chairmen are listed in the English alphabetical order of the names of the countries they represent.

238. At the 1381st and 1382nd meetings the Commission considered the provisional agenda (E/CN.4/1219 and Corr.1) and took the following decisions:

(a) As proposed by the representative of Senegal, the Commission decided without a vote to amend the title of agenda item 6 to read "Violations of human rights in southern Africa, including in particular: (a) Report of the Ad Hoc Working Group of Experts; (b) 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".

(b) On a proposal by the representative of Senegal, amended by the representative of the United Kingdom of Great Britain and Northern Ireland, the Commission decided to amend the title of agenda item 12 to read "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including: (a) Question of human rights in Cyprus; (b) Study of situations which reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group established by the Commission at its thirty-second session".

(c) On a proposal by the representative of the Byelorussian SSR, the Commission decided to consider items 9 and 18 jointly.

239. The agenda, as adopted, is given in annex II below.

#### E. Organization of work

240. With regard to the order of consideration of the items on its agenda, the Commission at its 1382nd meeting, on 8 February 1977, bearing in mind the priority of the various items and the availability of the relevant documentation, accepted a recommendation by its officers to the effect that the following priority items should be considered in the order shown: 4, 7, 9 and 18, 10, 6, 11, 5, 12, 19, 8.

241. The Commission decided that an informal working group, open to all its members, should be established to examine agenda item 15, and that the group would hold one full meeting each week and submit the results of its work to the Commission.

242. The Commission also decided that informal open-ended working groups should be set up to examine agenda items 8, 20 and 22 and to submit the results of their work to the Commission.

#### F. Meetings, resolutions and documentation

243. The Commission held 48 meetings. In accordance with Commission decision 3 (XXXI) of 5 February 1975, summary records were dispensed with for procedural matters and were accordingly prepared only in respect of questions of substance. Summary records were issued for the 1380th to 1427th meetings, or parts thereof.

244. The resolutions and decisions adopted by the Commission at its thirty-third session are contained in chapter XXI of the present report. Draft resolutions and decisions for action by the Economic and Social Council and other matters of concern to the Council are set out in chapter I.

245. Annex III to this report contains statements of the administrative and financial implications of certain decisions. Annex V contains a list of documents submitted for the Commission's consideration. The working documents of the thirty-third session are contained in document E/CN.4/1258.

G. Other matters

246. At its 1395th meeting, on 18 February 1977, the Commission, on a proposal by Senegal, decided without a vote to invite the Chairman-Rapporteur of the 1976 working group established under resolution 2 (XXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, pursuant to Economic and Social Council resolution 1503 (XLVIII), to attend the closed meetings of the Commission on agenda item 12 (b). <sup>55/</sup> (See chap. XXI, sect. B, decision 3 (XXXIII)).

---

<sup>55/</sup> A statement of the financial implications of the Commission's decision appears in annex III.

ANNEXES

Annex I

ATTENDANCE

Members

Austria: Mr. Felix Ermacora, Mrs. Leonore Abele-Emich\*

Bulgaria: Mr. Luben Pentchev, Mr. Kalin Mitrev\*

Byelorussian Soviet Socialist Republic: Mr. L. I. Maksimov,  
Mr. Vadim I. Lukyanovich,\* Mr. A. V. Orlovski\*

Canada: Mr. Y. Beaulne, Mr. F. E. K. Chandler,\* Miss M. I. Massip,\*  
Mr. R. Hurtubise,\* Mr. G. Voisin,\*\* Mr. Peter McRae\*\*

Costa Rica: Mr. Fernando Salazar, Mrs. Mérida Morales\*

Cuba: Mr. Carlos Lechuga Hevíá, Mr. Miguel Alfonso Martínez,\*  
Mr. Humberto Rivero Rosario,\* Mr. Julio Heredia Perea\*

Cyprus: Mr. Justice Triantafyllides, Mr. Loukis Loukaides,\*  
Mr. Andreas Mavrommatis,\* Mr. Nicos Macris,\*\* Mr. Christophoros Yianguou\*\*

Ecuador: Mr. Leopoldo Benites, Mr. José Rafael Serrano\*

Egypt: Mr. Omran El-Shafei, Mr. Ahmed Aboul-Kheir,\* Mrs. M. Tallawy,\*  
Miss L. Emara,\* Mrs. Dawlat Ibrahim Hassan\*

Germany, Federal Republic of: Mr. Gerhard Jahn, Mr. Hartmut Hillgenberg,\*  
Mr. Christoph Merkel,\* Mr. Hermann Hillger,\*\* Mr. Karl Heinz Kuhne\*\*

India: Mr. V. C. Trivedi, Mrs. Nina Sibal,\* Mr. P. K. Gupta\*

Iran: H.I.H. Princess Ashraf Pahlavi, Mr. Manoutchehr Fartash,\*  
Mr. Djamel Shemirani,\*\* Miss Chirine Tahmasseb,\*\* Miss Soheila Shahkar\*\*

Italy: Mr. Giuseppe Sperduti, Mr. M. Alessi,\* Mr. L. Ortona,\*\*  
Mr. D. Occhipinti,\*\* Miss R. Archini\*\*

---

\* Alternate.

\*\* Adviser.

Jordan: Mr. Waleed M. Sadi, Mr. Saleh Kabariti,\* Mr. Talal Hassan,\*  
Mr. Kamal Hasa\*

Lesotho: Mr. L. E. Mathaba

Libyan Arab Republic: Mr. Kamal El-Maqhour, Mr. Youssef Arebi,\*  
Mr. Mohamed Jamal Ghellali,\* Mr. Attia Embark\*

Nigeria: Mr. G. A. Falase, Mr. J. A. Adeosun,\* Mr. O. O. Somorin,\*  
Mr. E. E. Otobo\*\*

Pakistan: Mr. Ghulam Ali Allana,<sup>a/</sup> Mr. Mohammed Yunus,\* Mr. Humayun Khan,\*  
Mr. Khalid Saleem\*

Panama: Mr. Dídimo Ríos,<sup>a/</sup> Mr. Aquilino Villamonte Ramos

Peru: Mr. Luis Marchand Stens,<sup>a/</sup> Mr. Luis Chávez-Godoy,\* Mr. Juan Aurich\*\*

Rwanda: Mr. Fulgence Seminega, Mr. Antoine Ntashamaje\*

Senegal: Mr. Kéba M'Baye, Mr. Abdoulaye Dièye\*

Sweden: Mr. Hans Danelius, Mr. Jan Ståhl,\* Mr. John Hagard\*

Syrian Arab Republic: Mr. Dia Allah El-Fattal, Miss Mawia Sheikh-Fadli,\*  
Mr. Adnan Jouman-Agha

Turkey: Mr. Ercüment Yavuzalp, Mr. Kaya Toperi,\* Mr. Ünal Marasli,\*  
Mr. Hasim Utkan,\* Mr. Elvend Kantar,\* Mr. Osman Korutürk\*

Uganda: Mr. L. K. Mwangaguhunga,<sup>a/</sup> Mr. Francis J. Ayume,\*\* Mr. Godfrey S. Lule\*\*

Union of Soviet Socialist Republics: Mr. V. A. Zorin, Mr. D. V. Bykov,\*  
Mr. M. I. Vezel,\*\* Mr. K. F. Goutsenko,\*\* Mr. S. V. Chernichenko,\*\*  
Mr. S. B. Nikiforov,\*\* Mr. P. G. Evstratov,\*\* Mr. P. G. Dziubenko\*\*

United Kingdom of Great Britain and Northern Ireland: Sir Keith Unwin,  
Mr. David Broad,\* Mr. E. W. Callway\*\*

---

\* Alternate.

\*\* Adviser.

<sup>a/</sup> Did not attend the session.

United States of America: Mr. Allard K. Lowenstein, Mr. Warren Hewitt,\*  
Mr. Brady Tyson,\*\* Ms. Gloria Gaston,\*\* Mrs. Lois Matteson\*\*

Upper Volta: Mr. Charles Sériba Traore, Mr. Athanase Nanema\*

Uruguay: Mr. Carlos Giambruno, Mr. Aureliano Aguirre,\* Miss Graziella Dubra,\*\*  
Mr. Juan Carlos Volpe\*\*

Yugoslavia: Mr. Aleksandar Božović, Miss Zagorka Ilić,\*  
Mrs. Gordana Diklić-Trajković\*\*

States Members of the United Nations represented by observers

Algeria, Argentina, Australia, Bangladesh, Belgium, Bolivia, Brazil, Chile, Colombia, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Equatorial Guinea, Finland, France, German Democratic Republic, Greece, Guatemala, Hungary, Indonesia, Iraq, Ireland, Israel, Japan, Kuwait, Lebanon, Mauritania, Mongolia, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Philippines, Poland, Portugal, Republic of Korea, Spain, Tunisia, Ukrainian Soviet Socialist Republic, Venezuela, Zaire.

Non-member States represented by observers

Holy See

United Nations organs

Special Committee against Apartheid

Specialized agencies

International Labour Organisation

United Nations Educational, Scientific and Cultural Organization

Regional intergovernmental organizations

Council of Europe

League of Arab States

Organization of African Unity

Organization of American States

---

\* Alternate.

\*\* Adviser.

National liberation movements

African National Council of Zimbabwe

Palestine Liberation Organization

South West Africa People's Organisation

Non-governmental organizations in consultative status

Category I

International Alliance of Women - Equal Rights, Equal Responsibilities,  
International Confederation of Free Trade Unions, International Council of Women,  
International Youth and Student Movement for the United Nations,  
Inter-Parliamentary Union, Women's International Democratic Federation,  
World Federation of Trade Unions, World Federation of United Nations  
Associations

Category II

Afro-Asian Peoples' Solidarity Organizations, All-India Women's Conference,  
Amnesty International, Anti-Slavery Society, Arab Lawyers Union, Association for  
the Study of the World Refugee Problem, Bahá'i International Community,  
Caritas Internationalis (International Confederation of Catholic Charities),  
Commission of the Churches on International Affairs, Consultative Council  
of Jewish Organizations, Friends World Committee for Consultation,  
International Association of Democratic Lawyers, International Catholic  
Migration Commission, International Commission of Jurists, International  
Committee of the Red Cross, International Co-operation for Socio-Economic  
Development, International Council of Jewish Women, International Council of  
Social Democratic Women, International Federation for Human Rights,  
International Federation of Business and Professional Women, International  
Federation of University Women, International Federation of Women in Legal  
Careers, International Federation of Women Lawyers, International Law  
Association, International League for Human Rights, International Movement for  
Fraternal Union among Races and Peoples, International Union for Child Welfare,  
International University Exchange Fund, International Young Christian Workers,  
Pan-Pacific and South-East Asia Women's Association, Pax Romana, Socialist  
International, Women's International League for Peace and Freedom, Women's  
International Zionist Organization, World Alliance of Young Men's Christian  
Associations, World Association of World Federalists, World Jewish Congress,  
World Women's Christian Temperance Union, World Union of Catholic Women's  
Organizations, World University Service, World Young Women's Christian  
Association

Roster

International Humanist and Ethical Union, International Union of Students,  
Movement against Racism, Antisemitism and for Peace, World Peace Council

Annex II

AGENDA

1. Election of officers
2. Adoption of the agenda
3. Organization of the work of the session
4. Question of the violation of human rights in the territories occupied as a result of the hostilities in the Middle East (Commission resolution 2 (XXXII))
5. Study of reported violations of human rights in Chile, with particular reference to torture and other cruel, inhuman or degrading treatment or punishment (Commission resolution 3 (XXXII))
6. Violations of human rights in southern Africa, including in particular:
  - (a) Report of the Ad Hoc Working Group of Experts (Commission resolutions 5 (XXXI) and 8 (XXXII); Economic and Social Council resolution 1997 (LX))
  - (b) 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 (Commission resolution 6 (XXXII))
7. Question of the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems relating to human rights in developing countries (Commission resolution 2 (XXXI))
8. Human rights and scientific and technological developments (Commission resolutions 10 (XXVII) and 11 (XXXII))
9. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission (Commission resolution 7 (XXXII); Economic and Social Council resolution 1992 (LX))
10. The right of peoples to self-determination and its application to peoples under colonial and alien domination (Commission resolution 3 (XXXI))
11. Question of the human rights of all persons subjected to any form of detention or imprisonment and in particular the body of principles for the protection of all persons under any form of detention or imprisonment (Commission resolution 10 (XXXII); Economic and Social Council resolution 1993 (LX))
12. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

- (a) Question of human rights in Cyprus (Commission resolution 4 (XXXII))
  - (b) Study of situations which reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group established by the Commission at its thirty-second session (Commission decision 6 (XXXII); Economic and Social Council decision 147 (LX))
13. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid (articles IX and X of the Convention and General Assembly resolution 31/80)
14. The role of youth in the promotion and protection of human rights, including:
- (a) Channels of communication with youth and international youth organizations (Commission resolution 1 B (XXXII))
  - (b) The question of conscientious objection to military service (Commission resolution 1 A (XXXII))
15. Draft declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief (General Assembly resolutions 3069 (XXVIII) and 3267 (XXIX); Commission decision 7 (XXXII))
16. Periodic reports on freedom of information (Economic and Social Council resolutions 1074 C (XXXIX) and 1596 (L); Commission resolution 16 B (XXIII))
17. (a) Study in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities of ways and means of ensuring the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination (Commission resolution 9 (XXXII))
- (b) Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination (General Assembly resolution 3377 (XXX))
18. Status of the International Covenants on Human Rights (Commission resolution 12 (XXXII))
19. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-ninth session
20. Exploitation of labour through illicit and clandestine trafficking (General Assembly resolution 2920 (XXVII); Economic and Social Council resolution 1789 (LIV); Commission decision 4 of 6 March 1974)
21. Question of international legal protection of the human rights of individuals who are not citizens of the country in which they live (Economic and Social Council resolution 1790 (LIV) and Commission decision 9 (XXXII))

22. Study of discrimination against persons born out of wedlock, and the draft general principles on equality and non-discrimination in respect of such persons (Economic and Social Council resolution 1787 (LIV); Commission resolution 1 (XXXI) and Commission decision 9 (XXXII))
23. Question of measures to be taken against ideologies and practices based on terror or on incitement to racial discrimination or any other form of group hatred (General Assembly resolution 2839 (XXVI); Commission decision 9 (XXXII))
24. Advisory services in the field of human rights (General Assembly resolution 926 (X); Economic and Social Council resolution 1008 (XXXVII); Commission decision 9 (XXXII))
25. Communications concerning human rights (Economic and Social Council resolution 728 F (XXVIII); Commission resolutions 14 (XV) and 15 (XV))
26. Election to fill vacancies in the membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
27. Draft provisional agenda for the thirty-fourth session of the Commission (Economic and Social Council resolution 1894 (LVII))
28. Report to the Economic and Social Council on the thirty-third session of the Commission.

Annex III

FINANCIAL IMPLICATIONS OF RESOLUTIONS AND DECISIONS  
ADOPTED BY THE COMMISSION AT ITS THIRTY-THIRD SESSION

1. In the course of its thirty-third session, the Commission adopted three resolutions and two decisions that have financial implications. The Secretary-General, in compliance with regulation 13.1 of the Financial Regulations of the United Nations and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, submitted statements on the administrative and financial implications of the proposals.
2. If the Economic and Social Council approves the proposals contained in the report of the Commission, the Secretary-General would request from the General Assembly at its thirty-second session any additional resources needed to implement the proposals in 1977 and 1978.
3. The financial implications arising from proposals emanating from the thirty-third session of the Commission are summarized as follows:

Summary table of financial implications of resolutions and decisions adopted by the Commission at its thirty-third session

<u>Resolution or decision number and subject</u>	<u>Requirements</u>	<u>1977</u>	<u>1978</u> (US dollars)	<u>1979</u>
Resolution 6 A (XXXIII). Report of the Ad Hoc Working Group of Experts	Travel and subsistence of six experts, of witnesses and of substantive, administrative and conference servicing staff; conference servicing costs and general expenses	194,630	205,000	58,500
Resolution 9 (XXXIII). Study of reported violations of human rights in Chile, with particular reference to torture and other cruel, inhuman or degrading treatment or punishment	Travel and subsistence of the five members of the Ad Hoc Working Group, of witnesses and of substantive, administrative and conference servicing staff; conference servicing costs and general expenses	241,000	93,300	-
Resolution 13 (XXXIII). Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid	Conference servicing costs (interpretation and sound engineer, English, French and Spanish)	-	8,100	-
Decision 3 (XXXIII). Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission	Travel (first class) of the Chairman-Rapporteur of the 1976 working group (London/Geneva/London)	642	-	-
Decision 5 (XXXIII). Study of situations which reveal a consistent pattern of gross violations of human rights	Conference servicing costs (interpretation and sound engineer, English, French and Spanish)	-	8,100	-
		<u>436,272</u>	<u>314,500</u>	<u>58,500</u>

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

4. Under the terms of paragraphs 8, 14, 15, 16 and 18 of resolution 6 A (XXXIII), the Commission decided to renew the mandate of the Ad Hoc Working Group of Experts; decided that the Group should continue to study the policies and practices which violate human rights in South Africa, Namibia and Zimbabwe and submit a report on its findings to the Commission at its thirty-fifth session at the latest and a progress report to the Commission at its thirty-fourth session; decided 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; and requested the Secretary-General, in accordance with its 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).

5. For the purpose of determining the financial implications of the resolution, the following assumptions were made:

(a) The Ad Hoc Working Group, composed of six experts, would meet for one week in Geneva at the end of July 1977 to organize and plan its work in relation to the terms of its mandate, followed by three days in London to gather information relevant to its mandate, in particular in implementation of paragraph 3 of the draft resolution recommended for adoption by the Economic and Social Council in part B of the draft resolution;

(b) In August 1977, three of the members of the Ad Hoc Working Group, accompanied by a member of the Secretariat, would participate in the World Conference for Action against Apartheid, to be held in Lagos from 22 to 26 August 1977;

(c) A symposium would be organized in southern Africa, if possible in 1977;

(d) In January 1978, the Ad Hoc Working Group would meet in Geneva for two weeks to consider and adopt its progress report for submission to the Commission at its thirty-fourth session;

(e) In July/August 1978, the Ad Hoc Working Group, accompanied by substantive, administrative and conference servicing staff of the Secretariat, would carry out a field mission for a total duration of approximately four weeks and visit London, Dar es Salaam, Luanda, Maputo and Geneva for the purpose of hearing testimony and gathering first-hand information on matters falling within its mandate;

(f) In January 1979, the Ad Hoc Working Group would meet again in Geneva for a period of two weeks to consider and adopt its final report for submission to the Commission at its thirty-fifth session.

6. On the above assumptions, the relevant costs are estimated as follows:

	<u>1977</u>	<u>1978</u> (US dollars)	<u>1979</u>
<u>I. Meetings in Geneva 25-29 July 1977</u> <u>(one week) and three days in</u> <u>London (1-3 August 1977)</u>			
Travel and subsistence of six members			
(a) Travel (first class)	7,200	-	-
(b) Subsistence	3,100	-	-
Conference servicing costs (Geneva)			
(a) Interpretation and sound engineer	8,100 <u>a/</u>	-	-
(b) Pre-session documentation: contractual translation, typing and reproduction in English, French and Spanish (150 pages)	9,300 <u>a/</u>	-	-
Consultant services	6,000	-	-
Additional travel and subsistence of six members	3,700	-	-
Travel and subsistence of substantive, administrative and conference servicing staff (London)			
(a) Travel (economy class) of 11 staff members	3,850	-	-
(b) Subsistence of 11 staff members	1,280	-	-
Principal Secretary	1		
Assistant Secretary	1		
Interpreters (2 English, 2 French, 2 Spanish)	6		
Sound Engineer	1		
Secretaries	2		
(c) Salaries/wages of conference servicing staff	2,400	-	-

1977      1978      1979  
(US dollars)

II. Participation in World Conference for  
Action against Apartheid, Lagos, Nigeria,  
22-26 August 1977 (one week)

Travel and subsistence of three members

(a) Travel (first class)	7,900	-	-
(b) Subsistence	2,000	-	-

Travel and subsistence of one staff member  
from the Division of Human Rights

(a) Travel (economy class)	1,200	-	-
(b) Subsistence	500	-	-

III. Symposium in southern Africa,  
December 1977 (one week)

Travel and subsistence of six members

(a) Travel (first class)	18,600	-	-
(b) Subsistence	2,400	-	-

Travel and subsistence of substantive,  
administrative and conference servicing  
staff

(a) Travel (economy class) for nine staff members	16,100	-	-
(b) Subsistence of nine staff members	3,000	-	-

Representative of the Secretary-General	1
Secretary of Symposium	1
Substantive officers	2
Conference co-ordinator	1
Documents officer	1
Bilingual stenographers (English/French)	2
Secretary	1

	<u>1977</u>	<u>1978</u> (US dollars)	<u>1979</u>
(c) Salaries, travel and subsistence of conference servicing staff	77,800	-	-
Interpreters	9		
Translators	5		
Stenotypists	9		
(d) Pre-session, in-session and post-session documentation: translation, typing and reproduction in English, French and Spanish	12,700	-	-
(e) General expenses	5,500	-	-
Freight expenditures for approximately 500 kg of documentation and equipment			
(f) Consultant services	2,000	-	-
<u>IV. Meeting in Geneva, January 1978</u>			
<u>(two weeks)</u>			
Travel and subsistence of six members			
(a) Travel (first class)	-	7,600	-
(b) Subsistence	-	6,600	-
Conference servicing costs			
(a) Interpretation and sound engineer	-	17,000 a/	-
(b) Pre-session documentation: contractual translation, typing and reproduction in English, French and Spanish (250 pages)	-	16,200 a/	-
<u>V. Field mission to Africa (London/</u>			
<u>Dar es Salaam/Luanda/Maputo/Geneva)</u>			
<u>July/August 1978 (approximately 4 weeks)</u>			
Travel and subsistence of six members			
(a) Travel (first class)	-	23,400	-
(b) Subsistence	-	11,300	-

	<u>1977</u>	<u>1978</u> (US dollars)	<u>1979</u>
Travel and subsistence of substantive, administrative and conference servicing staff			
(a) Travel (economy class) of 14 staff members	-	36,700	-
(b) Subsistence of 14 staff members	-	18,800	-
Principal secretary	1		
Assistant secretary	1		
Administrative and finance officer	1		
Interpreters (2 English, 2 French, 2 Spanish)	6		
Verbatim reporter	1		
Sound Engineer	1		
Press Officer	1		
Secretaries	2		
Local interpreters to be recruited in region	(1)		
(c) Salaries/wages of conference servicing staff (four weeks)	-	30,500	-
Six interpreters			
One Sound Engineer			
One Local interpreter			
(d) General expenses	-	18,000	-
Rental of conference rooms and office space; local transportation; communications (administrative and press cables); air freight for equipment			
(e) Travel and subsistence of witnesses, contractual translation, typing and reproduction in English, French and Spanish (200 pages)	-	12,900	-
(f) Consultant services	-	6,000	-

	<u>1977</u>	<u>1978</u> (US dollars)	<u>1979</u>
<u>VI. Meeting in Geneva, January 1979</u> <u>(two weeks)</u>			
Travel and subsistence of six members			
(a) Travel (first class)	-	-	7,900
(b) Subsistence	-	-	6,900
Conference servicing costs			
(a) Interpretation and sound engineer	-	-	17,300 <u>a/</u>
(b) Pre-session documentation: contractual translation, typing and reproduction in English, French and Spanish (400 pages)	-	-	26,400 <u>a/</u>
<u>Summary</u>			
I. Meetings in Geneva, July 1977 (one week) and three days in London	44,930	-	-
II. Participation in World Conference, August 1977 (one week)	11,600	-	-
III. Symposium in southern Africa December 1977 (one week)	138,100	-	-
IV. Meeting in Geneva, January 1978 (two weeks)	-	47,400	-
V. Field mission to Africa July/August 1978 (four weeks)	-	157,600	-
VI. Meeting in Geneva, January 1979 (two weeks)	-	-	58,500
	<u>194,630</u>	<u>205,000</u>	<u>58,500</u>

---

a/ These costs to be charged to section 23 (Conference servicing).

Resolution 9 (XXXIII). Study of reported violations of human rights in Chile, with particular reference to torture and other cruel, inhuman or degrading treatment or punishment

7. In paragraph 8 of resolution 9 (XXXIII) the Commission on Human Rights decided to extend for one year the mandate of the Ad Hoc Working Group of five members of the Commission, acting in their personal capacity as experts, and request it to report to the General Assembly at its thirty-second session and to the Commission at its thirty-fourth session on the situation of human rights in Chile, in implementation of General Assembly resolution 31/124. Under paragraph 9 of the resolution, the Secretary-General is requested to render to the Ad Hoc Working Group all the assistance which it might require in its work. In paragraph 10, it is recommended to the Economic and Social Council to make arrangements for the provision of adequate financial resources and staff for the implementation of the resolution.

8. For the purpose of determining the financial implications of the resolution, the following assumptions have been made:

(a) The Working Group would visit Chile during 1977 for a period of three weeks, accompanied by one principal secretary, three substantive officers, two secretaries experienced in the work of the Division of Human Rights, and information, administrative and technical staff. The visit to Chile would be preceded by one week of meetings in Geneva, at the end of May, in order to organize the Group's work and the field mission to Chile and consult as appropriate with the Government of Chile on the modalities of the visit to Chile. A further week for hearing testimony and gathering oral and written information in a suitable country in South America is also envisaged.

(b) Should the mission to Chile not materialize in the available time, the Group would require two weeks of meetings in Latin America for hearing testimony and gathering oral and written information, as well as one week at United Nations Headquarters, New York, for the same purpose.

(c) The Working Group would meet for a further period of three weeks in Geneva in late summer 1977 for the purpose of gathering information and preparing and adopting its report to the General Assembly at its thirty-second session under General Assembly resolution 31/124. The Chairman-Rapporteur would be present in Geneva one week before the meeting of the Working Group in connexion with the preparation of the report.

(d) The Chairman-Rapporteur of the Working Group would spend three weeks at Headquarters, New York, at the time of the submission of the report of the Working Group to the General Assembly at its thirty-second session.

(e) The Working Group would meet for a period of two and a half weeks in Geneva in January 1978 for the purpose of gathering additional information and preparing and adopting its report to the Commission on Human Rights, at its thirty-fourth session, scheduled to begin on 6 February 1978.

(f) In case the Chairman-Rapporteur is not a member of the Commission on Human Rights, provision should be made for his presence during two weeks in Geneva, in February, 1978, to present the report to the Commission.

9. On the above assumptions, the relevant costs are estimated as follows:

	<u>Human rights</u> (section 18)		<u>Conference services</u> (section 23)	
	<u>1977</u> (US dollars)	<u>1978</u>	<u>1977</u> (US dollars)	<u>1978</u>
I. Meeting in Geneva, spring 1977 (one week)				
Travel and subsistence of five members				
(a) Travel (first class)	7,100	-	-	-
(b) Subsistence	2,700	-	-	-
Conference servicing costs				
(a) Interpretation and sound technicians	-	-	8,300	-
(b) Pre-session, in-session and post-session documentation (contractual translation, typing and reproduction in English French, and Spanish, 150 pages, restricted distribution)	-	-	9,500	-
(c) Travel and subsistence of witnesses	3,000	-	-	-
(d) Temporary assistance for transcription of taped evidence	300	-	-	-
(e) Press clippings and other related services	2,000	-	-	-
Sub-total I	15,100	-	17,800	-
II. Field mission to Chile (three weeks) plus one week in another Latin American country, summer 1977 (total four weeks)				
Travel and subsistence of five members				
(a) Travel (first class)	16,700	-	-	-
(b) Subsistence	8,000	-	-	-

	<u>Human rights</u>		<u>Conference services</u>	
	<u>(section 18)</u>		<u>(section 23)</u>	
	<u>1977</u>	<u>1978</u>	<u>1977</u>	<u>1978</u>
	(US dollars)		(US dollars)	
Travel and subsistence of staff of Division of Human Rights				
Principal Secretary	1			
Substantive officers	3			
Secretaries	2			
(a) Travel	13,700	-	-	-
(b) Subsistence	6,900	-	-	-
Conference servicing costs				
(a) Administrative staff, which other United Nations offices in Latin America may provide without charge	-	-	-	-
Administrative officer	1			
Information officer	1			
Bilingual secretaries	2			
Typists	2			
(b) Travel, subsistence and salaries of conference servicing staff loaned by United Nations offices in Latin America and Headquarters and servicing staff recruited by ECLA in Latin America	40,000 a/	-	-	-
Interpreters	7			
Translators	3			
Verbatim reporters	3			
Sound engineer	1			
Secretary	1			

	<u>Human rights</u>		<u>Conference services</u>	
	<u>(section 18)</u>		<u>(section 23)</u>	
	<u>1977</u>	<u>1978</u>	<u>1977</u>	<u>1978</u>
	(US dollars)		(US dollars)	
(c) Travel and subsistence of witnesses (and experts from outside Chile)	9,000	-	-	-
(d) General expenses	9,000	-	-	-
Rental of conference facilities and office space; local transportation and communications; air freight for equipment and documentation; rental of equipment; miscellaneous expenses				
Sub-total II	103,300	-	-	-

III. In the event that the mission to Chile does not materialize, field mission to Latin America, summer 1977 (two weeks), plus one week at Headquarters, New York (total, three weeks)

Travel and subsistence of five members

(a) Travel (first class)	15,700	-	-	-
(b) Subsistence	8,200	-	-	-

Travel and subsistence of staff of Division of Human Rights

Principal Secretary	1
Substantive officers	2
Secretaries	2

(a) Travel	9,000	-	-	-
(b) Subsistence	5,600	-	-	-

	<u>Human rights</u>		<u>Conference services</u>	
	<u>(section 18)</u>		<u>(section 23)</u>	
	<u>1977</u>	<u>1978</u>	<u>1977</u>	<u>1978</u>
	<u>(US dollars)</u>		<u>(US dollars)</u>	
Conference servicing costs				
(a) Administrative staff, which other United Nations offices in Latin America may provide without charge	-	-	-	-
Administrative officer	1			
Information officer	1			
Bilingual secretaries	2			
Typists	2			
(b) Travel, subsistence and salaries of conference servicing staff loaned by United Nations offices in Latin America and Headquarters and servicing staff recruited by ECLA in Latin America	20,000 a/	-	-	-
Interpreters	7			
Translators	3			
Verbatim reporters	3			
Sound engineer	1			
Secretary	1			
(c) Travel and subsistence of witnesses (and experts from outside Chile)	5,000	-	-	-
(d) General expenses	8,000	-	-	-
Rental of conference facilities and office space; local transportation and communications; air freight for equipment and documentation; rental of equipment; miscellaneous expenses				
Sub-total III	<u>(71,500)b/</u>	-	-	-

	<u>Human rights</u>		<u>Conference services</u>	
	<u>(section 18)</u>		<u>(section 23)</u>	
	<u>1977</u>	<u>1978</u>	<u>1977</u>	<u>1978</u>
	(US dollars)		(US dollars)	
IV. Meeting in Geneva, late summer 1977 (three weeks) plus one extra week for Chairman-Rapporteur				
Travel and subsistence of five members				
(a) Travel (first class)	7,100	-	-	-
(b) Subsistence	8,000	-	-	-
Conference servicing costs				
(a) Interpretation and sound technicians	-	-	25,000	-
(b) Pre-session, in-session and post-session, documentation (contractual translation, typing and reproduction in English, French and Spanish, 700 pages, restricted distribution)	-	-	44,500	-
(c) Travel and subsistence of witnesses	12,000	-	-	-
(d) Temporary assistance for transcription of taped evidence	1,800	-	-	-
(e) Overtime	500	-	-	-
Sub-total IV	29,400	-	69,500	-
V. Travel and subsistence of Chairman-Rapporteur of Working Group for mission to Headquarters, New York, at thirty-second session of General Assembly (three weeks)				
(a) Travel (first class)	4,500	-	-	-
(b) Subsistence	1,400	-	-	-
Sub-total V	5,900	-	-	-

<u>Human rights</u>		<u>Conference services</u>	
<u>(section 18)</u>		<u>(section 23)</u>	
<u>1977</u>	<u>1978</u>	<u>1977</u>	<u>1978</u>
(US dollars)		(US dollars)	

VI. Meeting in Geneva, January 1978 (two and a half weeks)

Travel and subsistence of five members (travel costs will be reduced by appropriate amounts for those members of the Group who will travel to Geneva under their normal entitlements as members of the Commission)

(a) Travel (first class)	-	7,400	-	-
(b) Subsistence	-	7,000	-	-

Conference servicing costs

(a) Interpretation and sound technicians	-	-	-	21,200
(b) Pre-session, in-session and post-session documentation (contractual translation, typing and reproduction in English, French and Spanish, 700 pages, restricted distribution)	-	-	-	46,700
(c) Travel and subsistence of witnesses	-	6,000	-	-
(d) Temporary assistance for transcription of taped evidence	-	1,800	-	-
Sub-total VI	-	22,200	-	67,900

VII. Travel of Chairman-Rapporteur to Geneva to thirty-fourth session of Commission on Human Rights (two weeks)

(a) Travel (first class)	-	2,100	-	-
(b) Subsistence	-	1,100	-	-
Sub-total VII	-	3,200	-	-

	<u>Human rights</u>		<u>Conference services</u>	
	<u>(section 18)</u>		<u>(section 23)</u>	
	<u>1977</u> (US dollars)	<u>1978</u>	<u>1977</u> (US dollars)	<u>1978</u>
<u>Summary</u>				
I. Meeting in Geneva, spring 1977 (one week)	15,100	-	17,800	-
II. Field mission to Chile (three weeks) plus one week in another Latin American country, summer 1977 (total four weeks)	103,300	-	-	-
III. In the event that the mission to Chile does not materialize, field mission to Latin America, summer 1977 (two weeks), plus one week at Headquarters, New York (total three weeks)	(71,500) <sup>b/</sup>	-	-	-
IV. Meeting in Geneva, late summer 1977 (three weeks) plus one extra week for Chairman	29,400	-	69,500	-
V. Travel and subsistence of Chairman-Rapporteur of Working Group for mission to Headquarters, New York, at thirty-second session of General Assembly (three weeks)	5,900	-	-	-
VI. Meeting in Geneva, January 1978 (two and a half weeks)	-	22,200	-	67,900
VII. Travel of Chairman-Rapporteur to Geneva to thirty-fourth session of Commission on Human Rights (two weeks)	-	3,200	-	-
TOTAL	153,700	25,400	87,300	67,900

<sup>a/</sup> In the absence of precise data regarding duty station of such staff, these amounts are included subject to reassessment of actual costs when such data become available.

<sup>b/</sup> Not included in over-all total of costs.

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

10. In paragraph 1 of resolution 13 (XXXIII), the Commission decided that the group of three members of the Commission appointed in accordance with article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid 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.

11. For the purpose of determining the financial implications of the resolution, it has been noted that the travel expenses of the members concerned will be covered under the normal provisions for the attendance of members of the Commission.

12. On the above assumptions, the relevant costs are estimated as follows:

	<u>1978</u> (US dollars)
Conference costs (interpretation and sound engineer; English, Spanish and possibly French)	8,100 a/

Decision 3 (XXXIII). Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission

13. The Commission decided to invite the Chairman-Rapporteur of the 1976 working group established under resolution 2 (XXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, pursuant to Economic and Social Council resolution 1503 (XLVIII), to attend the closed meetings of the Commission on agenda item 12 (b).

14. On the basis of the foregoing, the financial implications of the decision are as follows:

	<u>1977</u> (US dollars)
Travel (first class) of the Chairman-Rapporteur of the 1976 working group (London/Geneva/London)	307
Subsistence, five days at \$67 per day	<u>335</u>
	<u>642</u>

---

a/ These costs to be charged to section 23 (Conference servicing).

Decision 5 (XXXIII). Study of situations which reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII)

15. The Commission decided to set up a working group composed of five of its members to meet a week before its thirty-fourth session, to examine such particular situations as might be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirtieth session under Economic and Social Council resolution 1503 (XLVIII).

16. For the purpose of determining the financial implications of that decision, it has been noted that the travel expenses of the members concerned will be covered under the normal provision for the attendance of members of the Commission.

17. On the above assumption, the relevant costs are estimated as follows:

	<u>1978</u> (US dollars)
Conference costs (interpretation and sound engineer, English, French, Spanish)	8,100 <u>a/</u>

---

a/ These costs to be charged to section 23 (Conference servicing).

Annex IV

TELEGRAM DATED 16 FEBRUARY 1977 FROM THE  
SECRETARY-GENERAL TO THE CHAIRMAN OF THE  
COMMISSION ON HUMAN RIGHTS

I have received your message of 15 February drawing to my attention the apprehensions of the Commission on Human Rights for the fate of Aaron Mushimba and Hendrik Shikongo of SWAPO. I fully share the Commission's concern in this regard and have immediately contacted the South African authorities. You may be assured that I shall continue to follow the developments in this matter closely and take whatever action I appropriately can within the possibilities of my office.

Annex V

LIST OF DOCUMENTS ISSUED FOR THE THIRTY-THIRD SESSION  
OF THE COMMISSION ON HUMAN RIGHTS

<u>Documents issued in the general series</u>		<u>Agenda item</u>
E/CN.4/907/Rev.13	Periodic reports on human rights: status of multilateral treaties in the field of human rights concluded under the auspices of the United Nations: memorandum by the Secretary-General	16
E/CN.4/923/Add.10	Decisions taken by United Nations bodies containing provisions relevant to the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries (eleventh supplement to document E/4226)	12
E/CN.4/1213	Report of the Commission on its thirty-second session ( <u>Official Records of the Economic and Social Council, Sixtieth Session, Supplement No. 3 (E/5768)</u> )	
E/CN.4/1214 and Add.1-20 and Add.1/Corr.1	Periodic reports on human rights: reports on freedom of information, for the period 1 July 1970-30 June 1975, received from Governments under Economic and Social Council resolution 1074 C (XXXIX)	16
E/CN.4/1215 and Add.1-3 and Add.2/Corr.1	Periodic reports on human rights: reports on freedom of information, for the period 1 July 1970-30 June 1975, received from specialized agencies under Economic and Social Council resolution 1074 C (XXXIX)	16
E/CN.4/1216	Letter dated 14 May 1976 from the Minister for Foreign Affairs of Chile addressed to the Chairman of the Commission on Human Rights in reply to the telegram adopted by the Commission on 19 February 1976 and sent to the Government of Chile by the Chairman of the Commission	5
E/CN.4/1217	Letter dated 6 August 1976 from the Permanent Representative of Indonesia to the United Nations Office at Geneva addressed to the Director of the Division of Human Rights	

		<u>Agenda item</u>
E/CN.4/1218	Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twenty-ninth session	19
E/CN.4/1219 and Corr.1 and Add.1-3	Provisional agenda: note by the Secretary-General	2
E/CN.4/1220	Letter dated 4 January 1977 from the Permanent Observer of the League of Arab States to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights	4
E/CN.4/1221	Report of the <u>Ad Hoc</u> Working Group established under resolution 8 (XXXI) of the Commission on Human Rights to inquire into the present situation of human rights in Chile	5
E/CN.4/1222 and Corr.1	Report of the <u>Ad Hoc</u> Working Group of Experts	6 (a)
E/CN.4/1223 and Add.1 and 2	Report of the Secretary-General	14
E/CN.4/1224	Periodic reports on human rights: analytical summary of reports and other material on freedom of information for the period 1 July 1970 to 30 June 1975, received under Economic and Social Council resolution 1074 C (XXXIX)	16
E/CN.4/1225	Periodic reports on human rights: subject and country index to reports on freedom of information: note by the Secretary-General	16
E/CN.4/1226	Report of the <u>Ad Hoc</u> Committee on Periodic Reports	16
E/CN.4/1227	Note by the Secretary-General	18
E/CN.4/1228	Report of the Secretary-General	24
E/CN.4/1229	Information submitted in accordance with Economic and Social Council resolution 1159 (XLI) regarding co-operation with regional intergovernmental bodies concerned with human rights: note by the Secretary-General	
E/CN.4/1230	Note by the Secretary-General	12

		<u>Agenda item</u>
E/CN.4/1231 and Add.1 and 2	Note by the Secretary-General	13
E/CN.4/1232 and Add.1 and 2, Add.2/Corr.1 and Add.3	Note by the Secretary-General	5
E/CN.4/1233	Existing and proposed texts which could be used in the drafting of a further international instrument on human rights and scientific and technological developments: note by the Secretary-General	8
E/CN.4/1234	Developments elsewhere in the United Nations system of interest to the Commission: report of the Secretary-General	8
E/CN.4/1235	Human rights and national machinery for decision-making on science policy, with particular reference to technology assessment: report of the Secretary-General	8
E/CN.4/1236	The human rights implications of the genetic manipulation of microbes: report of the Secretary-General	8
E/CN.4/1237	Human rights and international machinery for technology assessment: report of the Secretary-General	8
E/CN.4/1238 and Add.1	Annual reports on racial discrimination submitted by the ILO and UNESCO in accordance with Economic and Social Council resolution 1588 (L) and General Assembly resolution 2785 (XXVI): note by the Secretary-General	
E/CN.4/1239 and Corr.1 and Add.1	Report of the Secretary-General in pursuance of resolution 4 (XXXII) of the Commission on Human Rights	12 (a)
E/CN.4/1240	Report of the <u>Ad Hoc</u> Advisory Group on Youth on its second meeting at United Nations Headquarters from 16 to 25 September 1974	14 (a)
E/CN.4/1241	Report of the <u>Ad Hoc</u> Advisory Group on Youth on its third meeting at United Nations Headquarters from 21 July to 1 August 1975	14 (a)
E/CN.4/1242 and Add.1-4	Note by the Secretary-General	26

		<u>Agenda item</u>
E/CN.4/1243	Report of the Bureau of the thirty-second session of the Commission on Human Rights on its preparatory meetings held in accordance with Commission resolution 7 (XXXII) and Economic and Social Council resolution 1992 (LX)	3
E/CN.4/1244	Report of the Secretary-General	4
E/CN.4/1245	Letter dated 4 February 1977 from the Acting Chairman, Special Committee against <u>Apartheid</u> , addressed to the Secretary-General	6
E/CN.4/1246	Letter dated 9 February 1977 from the Deputy Permanent Representative of Chile to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights	5
E/CN.4/1247 and Add.1-3	Note by the Secretariat	5
E/CN.4/1248	Letter dated 28 February 1977 from the Permanent Representative of Egypt to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights	4
E/CN.4/1249	[Document withdrawn]	
E/CN.4/1250	Letter dated 8 March 1977 from the Permanent Representative of Egypt to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights	4
E/CN.4/1251	Letter dated 9 March 1977 from the Permanent Representative of Israel to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights	12
E/CN.4/1252	Note verbale dated 9 March from the Permanent Representative of the Syrian Arab Republic to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights	12
E/CN.4/1253	Letter dated 9 March 1977 from the representative of the Union of Soviet Socialist Republics addressed to the Chairman of the Commission on Human Rights	12

	<u>Agenda item</u>
E/CN.4/1254	Note verbale dated 15 March 1977 from the Permanent Representative of Argentina to the United Nations Office at Geneva addressed to the Director of the Division of Human Rights 19
E/CN.4/1255	Letter dated 9 March 1977 from the Permanent Representative of the Syrian Arab Republic to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights 12
E/CN.4/1256	Note verbale dated 11 March 1977 from the Permanent Mission of the United States of America to the United Nations Office at Geneva addressed to the Secretary-General 5
E/CN.4/1258	Working documents of the thirty-third session
E/CN.4/CR.47	Non-confidential list of communications concerning human rights
E/CN.4/SR.1380-1398, 1407, 1410-1423, 1425-1427 <u>a/</u>	Summary records of the thirty-third session of the Commission on Human Rights
<u>Documents issued in the limited series</u> <sup>b/</sup>	
E/CN.4/L.1341	Sweden: draft resolution 18
E/CN.4/L.1341/Rev.1	Canada, Costa Rica and Sweden: revised draft resolution 18
E/CN.4/L.1342	Cuba, Cyprus, India, Nigeria, Pakistan, Uganda, Upper Volta and Yugoslavia: draft resolution 4
E/CN.4/L.1343	Austria, Cuba, Cyprus, Ecuador, Egypt, India, Iran, Jordan, Libyan Arab Republic, Peru, Senegal, Sweden, Syrian Arab Republic, Uganda and Yugoslavia: draft resolution 7

a/ The 1399th to 1406th, 1408th, 1409th and 1424th meetings and the first part of the 1410th and 1425th meetings were closed.

b/ The sponsors listed here include those who became sponsors of the draft resolution or amendment subsequent to the issue of the document.

		<u>Agenda item</u>
E/CN.4/L.1344	Austria, Canada, Italy and Senegal: draft resolution	9
E/CN.4/L.1345	Cyprus, Cuba, Egypt, India, Jordan, Libyan Arab Republic, Nigeria, Rwanda, Upper Volta and Yugoslavia: draft resolution	6 (a)
E/CN.4/L.1345/Rev.1	Cyprus, Cuba, Egypt, India, Jordan, Libyan Arab Republic, Nigeria, Rwanda, Syrian Arab Republic, Uganda, Upper Volta and Yugoslavia: revised draft resolution	6 (a)
E/CN.4/L.1346	Jordan, Senegal and Syrian Arab Republic: draft resolution	6 (b)
E/CN.4/L.1346/Rev.1	Bulgaria, Cuba, Cyprus, Ecuador, Egypt, India, Jordan, Libyan Arab Republic, Nigeria, Panama, Peru, Rwanda, Senegal, Syrian Arab Republic, Uganda, Upper Volta and Yugoslavia: revised draft resolution	6 (b)
E/CN.4/L.1347	Costa Rica, Ecuador, Germany (Federal Republic of), Jordan and Sweden: draft resolution	11
E/CN.4/L.1347/Rev.1	Costa Rica, Ecuador, Germany (Federal Republic of), Jordan and Sweden: revised draft resolution	11
E/CN.4/L.1348	United Kingdom of Great Britain and Northern Ireland: draft resolution	12
E/CN.4/L.1349 and Corr.1	Canada: draft resolution	12
E/CN.4/L.1350 and Add.1/Rev.1 and Add.2-15	Draft report of the Commission	28
E/CN.4/L.1351 and Add.1-4	Draft report of the Commission	28
E/CN.4/L.1352	Proposal by the United States of America: draft telegram	11
E/CN.4/L.1353	Report of the Working Group	8
E/CN.4/L.1354	Bulgaria: draft decision	11

		<u>Agenda item</u>
E/CN.4/L.1355	Austria, Bulgaria, Byelorussian SSR, Cuba Cyprus, Italy, Rwanda, Sweden, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, and Yugoslavia: draft resolution	5
E/CN.4/L.1356	Canada: draft resolution	14 (b)
E/CN.4/L.1357	Report of the Working Group	15
E/CN.4/L.1358	Report of the Working Group	20
E/CN.4/L.1359	Administrative and financial implications of the draft resolution contained in document E/CN.4/L.1345/Rev.1: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council	6 (a)
E/CN.4/L.1360	Report of the Working Group	22
E/CN.4/L.1361	Canada: draft resolution	15
E/CN.4/L.1361/Rev.1	Canada: revised draft resolution	15
E/CN.4/L.1362	Yugoslavia: draft resolution	13
E/CN.4/L.1362/Rev.1	Cuba and Yugoslavia: revised draft resolution	13
E/CN.4/L.1363	Note by the Secretary-General	27
E/CN.4/L.1364	Administrative and financial implications of the draft resolution contained in document E/CN.4/L.1355: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council	5
E/CN.4/L.1365	Cuba, Egypt, India, Senegal and Yugoslavia: draft resolution	12 (a)

Documents issued in the non-governmental organizations series

E/CN.4/NGO/192	Written statement submitted by Amnesty International, a non-governmental organization in category II consultative status, on behalf of: International Council of Women, International Youth and Student Movement for the United Nations and World Confederation of Labour (category I); Amnesty International, Christian Democratic World Union, Friends World Committee for Consultation, International Catholic Child Bureau, International Commission of Jurists,	14 (b)
----------------	---	--------

Agenda  
item

E/CN.4/NGO/192 (continued)	International Council of Social Democratic Women, International Federation for Human Rights, International League for Human Rights, International Movement for Fraternal Union among Races and Peoples, International Union for Child Welfare, War Resisters International, Women's International League for Peace and Freedom, World Alliance of Young Men's Christian Associations, World Conference of Religion for Peace, World University Service and Young Women's Christian Association (category II); and International Humanistic and Ethical Union, International Peace Bureau, International Voluntary Service and Pax Christi (International Catholic Peace Movement) (Roster)	14 (b)
E/CN.4/NGO/193	Written statement submitted by Amnesty International, a non-governmental organization in category II consultative status	12) 19)
E/CN.4/NGO/194	Written statement submitted by the International League for Human Rights, a non-governmental organization in category II consultative status	6
E/CN.4/NGO/195	Written statement submitted by the International Commission of Jurists, a non-governmental organization in category II consultative status	12) 19)
E/CN.4/NGO/196	Written statement submitted by the World Peace Council, a non-governmental organization on the Roster	4
E/CN.4/NGO/197	Written statement submitted by the World Peace Council, a non-governmental organization on the Roster	6
E/CN.4/NGO/198	Written statement submitted by the International University Exchange Fund, a non-governmental organization in category II consultative status	6 (a) ) 13 )
E/CN.4/NGO/199	Written statement submitted by the International Youth and Student Movement for the United Nations, a non-governmental organization in category I consultative status	13
E/CN.4/NGO/200	Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in category I consultative status	6
E/CN.4/NGO/201	Written statement submitted by the World Peace Council, a non-governmental organization on the Roster	5

Agenda  
item

E/CN.4/NGO/202	Written statement submitted by the International University Exchange Fund, a non-governmental organization in category II consultative status	12) 19)
E/CN.4/NGO/203	Written statement submitted by the Commission of the Churches on International Affairs of the World Council of Churches, a non-governmental organization on category II consultative status	12) 19)
E/CN.4/NGO/204	Written statement submitted by the Commission of the Churches on International Affairs of the World Council of Churches, a non-governmental organization in category II consultative status	6
E/CN.4/NGO/205	Written statement submitted by the World Union of Catholic Women's Organizations, a non-governmental organization in category II consultative status	8
E/CN.4/NGO/206	Written intervention submitted by the International Youth and Student Movement for the United Nations, a non-governmental organization in category I consultative status	12
E/CN.4/NGO/207	Written statement submitted by the Organization of African Trade Union Unity, a non-governmental organization in category I consultative status	6
E/CN.4/NGO/208	Written statement submitted by the World Jewish Congress, a non-governmental organization in category II consultative status	15

---