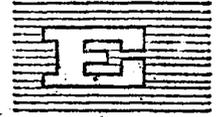


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COMMISSION ON HUMAN RIGHTS  
Sub-Commission on Prevention of  
Discrimination and Protection of  
Minorities



REPORT OF THE SUB-COMMISSION ON PREVENTION OF  
DISCRIMINATION AND PROTECTION OF MINORITIES  
ON ITS THIRTY-FIRST SESSION

Geneva, 28 August-15 September 1978

Rapporteur: Mr. Dumitru Ceausu

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## I. ORGANIZATION OF THE SESSION

### Opening and duration of the session

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities held its thirty-first session at the United Nations Office at Geneva from 28 August to 15 September 1978.
2. The session was opened (800th meeting) by Mr. Syed Sharifuddin Pirzada (Pakistan), Chairman of the Sub-Commission at its thirtieth session, who made a statement.
3. The Director of the Division of Human Rights made an introductory statement.

### Attendance

4. The session was attended by members of the Sub-Commission, by rapporteurs of the Sub-Commission not members thereof, by observers from Member States, by a representative of the Office of the United Nations High Commissioner for Refugees, by a representative of the Commission on the Status of Women and by representatives of two specialized agencies, a regional intergovernmental organization, a national liberation movement and non-governmental organizations. Details of attendance appear in annex I.
5. Some members informed the Secretary-General that they were unable to attend the whole or part of the session and, in accordance with rule 13, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, and with the consent of their Governments, appointed alternates (see annex I). The Secretary-General concurred with these nominations, and the alternates were therefore granted during the session the same status as members of the Sub-Commission, including the right to vote.

### Election of officers

6. At its 800th meeting, the Sub-Commission unanimously elected the following officers:

<u>Chairman:</u>	Mr. Abdelwahab Bouhdiba
<u>Vice-Chairmen:</u>	Mr. Beverly Carter
	Mr. Carlos Holguín Holguín
	Mr. Waleed Sadi
<u>Rapporteur:</u>	Mr. Dumitru Ceausu.

### Agenda

7. At its 801st meeting the Sub-Commission unanimously adopted the following agenda:

1. Election of officers
2. Adoption of the agenda
3. Review of further developments in fields with which the Sub-Commission has been concerned
4. Role of the Sub-Commission in the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination: study and suggestions on effective ways and means and concrete measures for securing the full and universal implementation of the United Nations resolutions and decisions on racism, racial discrimination, apartheid, decolonization and self-determination and related matters
5. 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
6. Problem of the applicability of existing international provisions for the protection of human rights to individuals who are not citizens of the country in which they live
7. 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
8. Implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination
9. Question of the violation of human rights and fundamental freedoms including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)
10. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)
11. Question of the human rights of persons subjected to any form of detention or imprisonment
12. Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism
13. Study of certain questions relating to the situation of human rights in Chile
14. The individual's duties to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration of Human Rights

15. Human rights and scientific and technological developments
16. Study of the problem of discrimination against indigenous populations
17. Study of the question of the prevention and punishment of the crime of genocide
18. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the thirty-second session of the Sub-Commission
19. Report on the thirty-first session

#### Organization of work

8. The Sub-Commission took up the items of its agenda in the following order: 3, 4, 5, 11, 12, 8, 7, 16, 13, 10, 17, 6, 9, 18, 19. At the 820th meeting the Special Rapporteur for item 14, Mrs. Erica-Irene Daes, made a statement concerning the study she was preparing. At the same meeting the Sub-Commission decided to postpone the consideration of agenda items 14 and 15 to the thirty-second session (see chap. XVII, sect. B, decision 3).

#### Meetings, resolutions and documentation

9. The Sub-Commission held 28 meetings (800th to 827th). The views expressed during the discussion on substantive items are summarized in the records of those meetings (E/CN.4/Sub.2/SR.800-827).

10. The Sub-Commission heard statements by the representatives of Argentina (807th meeting), Chile (800th and 818th meetings), Cyprus (825th and 826th meetings), Equatorial Guinea (804th and 812th meetings), the German Democratic Republic (812th and 818th meetings), Iraq (815th and 816th meetings), Israel (803rd and 818th meetings), Poland (818th meeting) and Turkey (802nd, 822nd and 825th meetings).

11. Statements were made by the representative of the Commission on the Status of Women (802nd and 812th meetings).

12. A statement was made by the representative of the International Labour Organisation (812th meeting).

13. The Sub-Commission heard statements by the representatives of the following non-governmental organizations in consultative status: category I: International Youth and Student Movement for the United Nations (818th meeting); World Federation of Trade Unions (818th meeting); category II: Amnesty International (809th meeting); Anti-Slavery Society for the Protection of Human Rights (812th and 816th meetings); International Commission of Jurists (807th, 808th and 809th meetings); International Federation for Human Rights (826th and 827th meetings); Roster: Minority Rights Group (822nd and 823rd meetings).

14. The Sub-Commission adopted resolutions 1 (XXXI) to 11 (XXXI) and took several decisions. The texts of these resolutions and decisions appear in chapter XVII below. The Sub-Commission also adopted a confidential resolution relating to agenda item 10.

15. Statements of the financial and administrative implications of resolutions 1 (XXXI), 2 (XXXI), 4 A (XXXI), 5 A, B and D (XXXI), 6 A (XXXI) and 9 (XXXI) and of decision 2, prepared by the Secretary-General, are reproduced in annex II. Annex III contains a list of the documents submitted for the Sub-Commission's consideration.

II. REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH  
WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

16. The Sub-Commission considered agenda item 3 at its 801st, 802nd and 825th meetings, held on 29 August and 13 September 1978.
17. It had before it a note by the Secretary-General relating to developments between 16 June 1977 and 1 June 1978 in fields with which the Sub-Commission is concerned (E/CN.4/Sub.2/401), a memorandum summarizing the recent activities of the International Labour Organisation in combating discrimination in respect of employment and occupation (E/CN.4/Sub.2/402) and a memorandum summarizing the recent activities of UNESCO in combating discrimination in education and in the field of race relations (E/CN.4/Sub.2/403).
18. Speakers expressed satisfaction at the progress in the field of human rights reflected in the above-mentioned documents and paid tribute particularly to the activities of the ILO and UNESCO relating to the prevention of discrimination and the protection of minorities. Attention was drawn to the need to achieve universality in international agreements in the field of human rights and the elimination of racial discrimination. Special appreciation was also expressed for the actions of the Commission on Human Rights relating to the rights of persons belonging to ethnic, religious and linguistic minorities, the work of the ILO concerning the questions of equal opportunity and equal treatment for men and women workers and of migrant workers and the UNESCO draft declarations on race and racial prejudice and on the fundamental principles governing the use of the mass media in strengthening peace and international understanding and in combating propaganda for war, racism, racial discrimination and apartheid. A reference was made to the human rights situation in Cyprus.
19. Some members of the Sub-Commission stated that, although all human rights and fundamental freedoms were interrelated and indivisible, there was an urgent need to create conditions that would guarantee the enjoyment of the economic, social and cultural rights. In the light of General Assembly resolution 32/130 it was necessary to consider either a new study on this question or an updating of the valuable study by Mr. Ganji. <sup>1/</sup> The enjoyment of economic, social and cultural rights depended largely on the policies adopted by States themselves, even though many of them had to contend with the limitations imposed by underdevelopment, in addition to the unfortunate realities of the international economic situation. In this connexion a speaker pointed out that a number of developing countries which had acceded to the International Covenants on Human Rights had not been able to meet their obligations under the Covenants because of their present economic and social structure. The Sub-Commission might wish to consider what should be done in the case of such States.
20. Other speakers said that the United Nations University should be encouraged to produce studies for the benefit of the various United Nations organs. The Sub-Commission had been dealing mostly with discrimination on grounds of race, nationality and religion, but there was a need to deal with discrimination on grounds of social origin, property and birth. In future the Sub-Commission should also devote greater attention to the rights of women and children and attempt to develop a body of universally accepted norms of international law concerning them.

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<sup>1/</sup> The Realization of Economic, Social and Cultural Rights: Problems, Policies, Progress (United Nations publication, Sales No. E.75.XIV.2).

Another member proposed that the following subjects should be dealt with in future studies: how to ensure that elections are fairly conducted; improved rights for mental patients; how to ensure the right to a fair trial; some aspects of children's rights, especially the question of child labour; debt bondage; some aspects of the exploitation of women.

21. Some members felt that there was a need to ensure that the work of the Sub-Commission reached a wider public, since in the long term the results achieved would depend on public reaction to the issues which the Sub-Commission discussed. The main points of some of the Sub-Commission's reports might, for instance, be made available in a more attractive form.

22. On 11 September 1978 a draft resolution (E/CN.4/Sub.2/L.698) was submitted by Mr. Amadeo, Mr. Ferrero and Mr. Jayawardene. Mrs. Daes later became a sponsor of the draft resolution. At the 825th meeting the draft resolution was introduced by Mr. Jayawardene.

23. The draft resolution, as orally revised, was adopted without a vote.

24. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 8 (XXXI).

III. ROLE OF THE SUB-COMMISSION IN THE IMPLEMENTATION OF THE PROGRAMME FOR THE DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION:-- STUDY AND SUGGESTIONS ON EFFECTIVE WAYS AND MEANS AND CONCRETE MEASURES FOR SECURING THE FULL AND UNIVERSAL IMPLEMENTATION OF THE UNITED NATIONS RESOLUTIONS AND DECISIONS ON RACISM, RACIAL DISCRIMINATION, APARTHEID, DECOLONIZATION AND SELF-DETERMINATION AND RELATED MATTERS

25. The Sub-Commission considered agenda item 4 at its 802nd, 803rd, 804th, 824th and 825th meetings, held on 29 and 30 August and 13 and 15 September 1978.
26. In pursuance of Sub-Commission resolution 3 (XXX), the Sub-Commission had before it two preliminary documents prepared by the Secretary-General (E/CN.4/Sub.2/L.679 and E/CN.4/Sub.2/L.680). The attention of the Sub-Commission was also drawn to the Declaration and Programme of Action adopted by the World Conference to Combat Racism and Racial Discrimination, held in Geneva from 14 to 25 August 1978.
27. Members of the Sub-Commission recognized the importance of the World Conference and agreed that the Sub-Commission was entitled to examine the results of the Conference in order to study its own rôle in the implementation of the recommendations of the Conference, while recognizing that the final allocation of specific tasks to the various United Nations organs would be done by the General Assembly when it considered the results of the Conference at its next session.
28. Members of the Sub-Commission referred to various parts of the Declaration and Programme of Action adopted by the Conference which they considered to be of importance to the work of the Sub-Commission.
29. Views were expressed to the effect that a number of follow-up studies and seminars might be initiated on such questions as the impact of human rights instruments in the field of racism and racial discrimination, the importance of achieving the universality of these instruments for effectively combating racism, racial discrimination and apartheid, the rôle of the mass media in combating racism and the rôle of education. On the question of migrant workers, a study was suggested on the attitudes of host States and the treatment given to migrant workers by them. Studies in this field should also throw light on the question of the exploitation of foreign labour. The view was also expressed that the relevant existing United Nations studies should be popularized through the preparation of short summaries of these studies and through wider distribution outside the United Nations and academic circles. On the question of minorities, it was suggested that the Sub-Commission should study the special measures necessary to protect disadvantaged minority groups, in accordance with paragraph 20 of the Declaration of the Conference. It was also proposed that studies should be prepared on the elimination of discrimination in particular places, sectors and spheres (for instance, habitation and marriage) and on the treatment of disadvantaged minority groups during imprisonment and detention. Studies on indigenous populations and on immigrants were also proposed. Some members of the Sub-Commission expressed support for the idea of a seminar on how United Nations instruments have been used in national courts, administrative tribunals and domestic forums.
30. Foreign support to the minority régimes of southern Africa was pointed out as the chief obstacle to the implementation of the United Nations resolutions concerning Southern Rhodesia, Namibia and South Africa. Strong disapproval was expressed of the activities of transnational corporations, in particular their

investments and their sanction-breaking activities, as well as of co-operation between South Africa and Israel. The "negotiated settlements" in Zimbabwe and Namibia were criticized by one member of the Sub-Commission, while others called for the total severance of all relationships with the minority régimes as the minimum requirement to effect change.

31. On 1 September 1978 a draft resolution (E/CN.4/Sub.2/L.685) was submitted by Mr. Amadeo, Mr. Bahnev, Mr. Ceausu, Mrs. Daes, Mr. Jayawardene, Mr. Singhvi, Mrs. Warzazi and Mr. Whitaker. Mr. Jimeta and Mr. Fisek later became sponsors of the draft resolution. At the 803rd meeting the draft resolution was introduced by Mr. Singhvi.

32. At the 824th meeting the Secretary made a statement on the administrative and financial implications of the draft resolution.

33. Mr. Nettel requested a separate vote on operative paragraph 2. The paragraph was adopted by 13 votes to 2, with 3 abstentions.

34. The draft resolution as a whole was adopted by 14 votes to 1, with 3 abstentions.

35. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 1 (XXXI).

36. At the 826th meeting, the Sub-Commission decided on the composition of the working group recommended in paragraph 4 of the resolution (see chapter XVII, section B, decision 5).

IV. ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF  
POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE  
GIVEN TO COLONIAL AND RACIST REGIMES IN SOUTHERN AFRICA

37. The Sub-Commission considered agenda item 5 at its 805th, 806th, 807th and 824th meetings, held on 31 August and 1 and 13 September 1978.

38. It had before it two preliminary reports prepared in accordance with Commission resolution 7 (XXXIII) (E/CN.4/Sub.2/R.32 and E/CN.4/Sub.2/L.681). Document E/CN.4/Sub.2/R.32 of 4 July 1978, entitled "Working paper prepared by Mr. Ahmed M. Khalifa, Special Rapporteur, in pursuance of Sub-Commission resolution 1 (XXX) and Commission on Human Rights resolution 7 (XXXIII)", was issued as a restricted document. By decision of the Sub-Commission of 29 August 1978, the working paper was declassified and released for general distribution (E/CN.4/Sub.2/415).

39. The Special Rapporteur introduced document E/CN.4/Sub.2/R.32. 2/ He stated that the drawing up of a general list identifying those individuals, institutions, including banks and other organizations or groups, as well as representatives of States, whose activities constituted political, military, economic or other forms of assistance to the colonial and racist régimes in southern Africa was a very logical continuation of his study (E/CN.4/Sub.2/383/Rev.1). Since the present draft of such a list was preliminary and incomplete and had been prepared only as a basis for a discussion in the Sub-Commission of the precise content and extent of the mandate assigned to him by Commission resolution 7 (XXXIII), it should not be offensive to anyone. It was his intention, if the Sub-Commission so decided, to send a revised provisional list to the Governments mentioned in the list, for their comments.

40. As regards document E/CN.4/Sub.2/L.681, the representative of the Secretary-General pointed out that inquiries made by the Division of Human Rights of other parts of the United Nations Secretariat and of certain specialized agencies did not reveal any partial lists concerning violations of fundamental human rights in southern Africa prepared by United Nations bodies other than the Commission on Human Rights. Document E/CN.4/Sub.2/L.681 contained merely a summary of the information received by the Division of Human Rights as a result of its inquiries in so far as this information was not already covered by the reports of the Ad Hoc Working Group of Experts, an organ of the Commission on Human Rights, over the last eleven years.

41. All the speakers paid tribute to the working paper prepared by the Special Rapporteur and stressed the necessity of proceeding from the provisional list which he had submitted to a list of greater authenticity, which could be sent to the Governments concerned. The working paper of Mr. Khalifa, which supplemented his study, represented an important step towards practical action in the fight to eradicate racism in southern Africa. It was stated that the Special Rapporteur should, in connexion with the submission of the final version of his study (E/CN.4/Sub.2/383/Rev.1) to the General Assembly at its thirty-third session, inform it that he was preparing a 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 in accordance with Commission on Human Rights resolution 7 (XXXIII) and on the basis of the discussions in the Sub-Commission at its thirty-first session.

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2/ A fuller account of the Special Rapporteur's statement appears in the summary record of the 805th meeting (E/CN.4/Sub.2/SR.805).

42. As to certain points on which the Special Rapporteur had asked for clarification, it was stated by many of the speakers that it was not enough to compile the names of banks and transnational corporations. The list should be based on some sort of prima facie evidence. The Special Rapporteur should use his own discretion when considering the information received from various sources. The term "representatives of States" covered all persons holding government office who, in the performance of their duties, gave assistance to racist régimes. If the same persons gave such assistance when not performing their official duties, they must be classified as "individuals". Some speakers stressed that the role of the Special Rapporteur was not that of a prosecutor, and that the Sub-Commission was not a judicial body seeking to prove the guilt of individuals, corporations or States. Consequently it was the Special Rapporteur's task simply to compile a list and to send it to the Governments concerned for their comments.

43. Some speakers mentioned other documents containing names of firms which maintained economic relations with the racist régimes in southern Africa and said that the Special Rapporteur should take them into account. In this connexion the attention of the members of the Sub-Commission was drawn to document E/CN.4/Sub.2/L.680, which had been circulated under agenda item 4.

44. Some speakers pointed out that it was necessary to extend the list to include firms which provided support to investors, for instance, accountants and lawyers. It was also stated that many other countries, irrespective of the regions to which they belonged, should appear on the provisional general list annexed to the Special Rapporteur's working paper.

45. As regards the question of partial lists concerning violations of fundamental human rights in southern Africa drawn up by other United Nations bodies, it was said that in the light of the Secretary-General's report (E/CN.4/Sub.2/L.681), no further action was required under Commission resolution 7 (XXXIII).

46. In his final observations, the Special Rapporteur stated that there was a consensus on the importance of a list identifying those individuals, institutions, including banks, and other organizations or groups, as well as representatives of States, whose activities constituted political, military, economic or other forms of assistance to the colonial and racist régimes in southern Africa. He would continue his work bearing in mind the advice given by the members of the Sub-Commission during the debate and the useful suggestions that had been made. A further list, or perhaps a final list, could be submitted to the Sub-Commission at its next session.

47. On 8 September 1978 a draft resolution (E/CN.4/Sub.2/L.696) was submitted by Mr. Bahnev, Mr. Ceausu, Mrs. Dacs, Mr. El Khani, Mr. Jimeta, Mr. Martínez Baéz, Mr. Sadi, Mr. Smirnov and Mrs. Warzazi. At the 824th meeting the draft resolution was introduced by Mrs. Daes.

48. At the same meeting the Secretary made a statement on the administrative and financial implications of the draft resolution.

49. The draft resolution was adopted without a vote.

50. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 2 (XXXI).

V. QUESTION OF THE HUMAN RIGHTS OF PERSONS  
SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

51. The Sub-Commission considered agenda item 11 at its 806th to 811th and 824th to 826th meetings, on 31 August and 1, 4, 5, 13 and 15 September 1978.

52. The Sub-Commission had before it: the report of the working group, consisting of Mr. Bahnev, Mr. Martínez Cobo, Mr. Nettel and Mr. Singhvi (Mr. Usher was not able to attend), on a draft body of principles for the protection of all persons under any form of detention or imprisonment, which had met in accordance with Economic and Social Council resolution 1978/17 of 5 May 1978 (E/CN.4/Sub.2/406); information from Governments, specialized agencies and regional intergovernmental organizations submitted by the Secretary-General under resolutions 7 (XXVII) and 3 A (XXIX) (E/CN.4/Sub.2/393/Add.2 and E/CN.4/Sub.2/407 and Add.1 and 2); a synopsis, prepared by the Secretariat, of the material received from non-governmental organizations under the same resolutions (E/CN.4/Sub.2/408) and a detailed analysis of documentation received during the first three annual reviews, prepared by the Secretary-General under paragraph 2 of resolution 8 (XXX) (E/CN.4/Sub.2/409).

Draft body of principles for the protection  
of all persons under any form of detention or imprisonment

53. At the 807th meeting of the Sub-Commission, in introducing the report of the working group on a revised draft body of principles for the protection of all persons under any form of detention or imprisonment (E/CN.4/Sub.2/406), the Chairman-Rapporteur, Mr. Nettel, mentioned that the draft principles, which had been discussed at the previous session, had been revised and approved by the working group without a dissenting voice. The only aim of the working group had been to find the best solutions for the protection of all persons subjected to any form of detention or imprisonment. Mr. Nettel expressed the wish that these draft principles, after consideration by the Sub-Commission, might be sent to the Commission on Human Rights and said that they could form the basis for a convention in the near future.

54. The Sub-Commission considered the draft, article by article, from its 807th to its 810th meetings.

I. Definitions

55. The Sub-Commission agreed to a proposal by Mr. Smirnov to delete the word "whole" in subparagraph (b).

II. General Principles

Principle 1

56. The Sub-Commission agreed to the text proposed by the working group.

Principle 2

57. On the proposal of several members, the word "allowed" was substituted for the word "admitted" and, on the proposal of Mr. Smirnov, the words "international law" were replaced by the words "international conventions".

Principle 3

58. The Sub-Commission agreed to the text proposed by the working group.

Principle 4

59. On the proposal of Mrs. Daes, the word "ethnic" was inserted after the word "national" in paragraph 1.

60. On the proposal of Mr. Nettel, the words "pregnant women, nursing mothers" were replaced by the word "women", followed by a specific reference to pregnant women and nursing mothers.

Principle 5

61. The Sub-Commission agreed to the text proposed by the working group.

Principle 6

62. The Sub-Commission agreed, on the proposal of Mr. Smirnov, to reverse the order of paragraphs 1 and 2. On the proposal of Mr. Singhvi, the words "the processes of deprivation of liberty" in the former paragraph 1 were replaced by the words "the arrest, detention or imprisonment of any person or any proceedings connected therewith".

63. On the proposal of Mr. Smirnov, the words "such acts ... sanctions" in the new paragraph 1 were replaced by the words "any act contrary to the rights and duties contained in these principles, make any such act subject to appropriate sanctions and conduct impartial investigations upon complaints".

Principle 7

64. The Sub-Commission agreed to the text proposed by the working group.

Principle 8

65. The Sub-Commission agreed to the text proposed by the working group.

Principle 9

66. In paragraph 1, the words "a detained person" were replaced by "the person concerned".

67. On the proposal of Mrs. Questiaux the words "as far as possible" were deleted from paragraph 2.

Principle 10 (formerly Principle 11)

68. The Sub-Commission agreed to a proposal by Mrs. Warzazi to reverse the order of principles 10 and 11. On the proposal of Mr. Smirnov, the text of former principle 11 was replaced by the text of article 9, paragraph 2, of the International Covenant on Civil and Political Rights, with the addition of the words "or the grounds for his detention".

Principle 11 (formerly Principle 10)

69. On the proposal of Mrs. Questiaux, the words "as far as possible" were deleted from paragraph 2.

Principle 12

70. On the proposal of Mr. Nettel, the words "receive timely ... rights" were replaced by the words "immediately be provided, by the authority responsible for his arrest, detention or imprisonment, with information as to and an explanation of his rights and obligations relating to his arrest, detention or imprisonment and how to avail himself of his rights".

Principle 13

71. The Sub-Commission agreed to the text proposed by the working group.

Principle 14

72. The Sub-Commission accepted a written amendment by Mrs. Daes by which the words "or a refugee" were inserted in the second sentence after the words "is a foreigner", and the words "or the office of the competent intergovernmental organization" were added at the end of the second sentence.

Principle 15

73. As proposed by several members, principle 35 was merged with principle 15. On the proposal of Mr. Nettel, the former text of principle 15 was replaced by the following text:

"1. A detained person shall be entitled to have legal assistance as soon as possible after the moment of arrest.

"2. If a detained person does not have legal assistance he shall be entitled to have a lawyer assigned to him by a judicial or other authority, without payment by him if he does not have sufficient means to pay.

"3. A detained person shall be entitled to communicate with a lawyer of his own choice within the shortest possible period after arrest."

Principle 16

74. On the proposal of Mr. Smirnov, the text of paragraph 1 was modified to read as follows: "A detained person shall be allowed ample opportunity for consultations with his counsel".

75. The Sub-Commission agreed to a proposal by Mr. Sadi, amended by Mr. Jayawardene, to add a fifth paragraph stating that the right of a detained person to communicate with his counsel should be deemed privileged.

Principle 17

76. The Sub-Commission agreed to the text proposed by the working group.

Principle 18

77. The Sub-Commission agreed to the text proposed by the working group.

Principle 19

78. On the proposal of Mr. Khalifa, the verb "to incriminate" in paragraph 1 was replaced by the verb "to testify against".

79. On the proposal of Mr. Jayawardene, the word "required" in paragraph 1 was replaced by the word "compelled".

80. On the proposal of Mr. Smirnov, the words "or imprisoned" were deleted from paragraph 2.

81. On the proposal of Mr. Sadi, as amended by Mr. Nettel, the words "while being interrogated" were added after the words "no detained person" in paragraph 2.

82. On a proposal of Mr. Khalifa, amended by Mr. Smirnov and Mr. Whitaker, a third paragraph was added, reading as follows: "No detained or imprisoned person shall, even with his consent, be subjected to any medical or scientific experimentation which may be detrimental to his health".

Principle 20

83. On the proposal of Mr. Smirnov, the words "at all times" were deleted from paragraph 2.

Principle 21 (formerly 23)

84. The Sub-Commission agreed to a proposal by Mr. Smirnov that principle 23, being more general in scope than principles 21 and 22, should be placed before principle 21. Former principle 23 was agreed upon as proposed by the working group.

Principle 22 (formerly 21)

85. On a proposal by Mr. Jimeta, amended by Mr. Nettel, the word "physician" in the first sentence of paragraph 1 was replaced by the words "medical officer".
86. On the proposal of Mr. Smirnov, the words "the person who made the request" were replaced by the words "a member of his family".

Principle 23 (formerly 22)

87. The Sub-Commission agreed to a proposal by Mr. Nettel that new principle 23 should read: "Any evidence obtained in contravention of these Principles shall not be admissible in any proceedings against a detained or imprisoned person."

Principle 24

88. On the proposal of Mr. Sadi, the words "in accordance with" were replaced by the words "subject to".
89. On a proposal by Mrs. Warzazi, the words "education and" were added before the word "development".

Principle 25

90. On the proposal of Mr. Sadi, the words "in accordance with paragraph 1" were added after the words "place of detention" in paragraph 2.

Principle 26

91. The Sub-Commission agreed to the text proposed by the working group.

Principle 27

92. On the proposal of Mr. Chowdhury and Mr. Fisek, the words "or imprisoned" were added after the word "detained".

Principle 28 and Principle 29

93. On the proposal of Mr. Nettel, the word "he" in the phrase "if he is unable to do it himself" in principle 28, paragraphs 1 and 2, and in principle 29, paragraph 1, was replaced by the words "the detained person".
94. On a proposal by Mr. Smirnov, amended by Mr. Nettel, the words "someone who can show a close personal interest in" in principle 28, paragraphs 1 and 2, and the words "anyone who can show a close personal interest in" in principle 29, paragraph 1, were replaced by the words "any citizen who has reliable knowledge of".

Principle 30 (new principle)

95. The Sub-Commission agreed to a proposal by Mr. Jayawardene that before principle 30 a new principle should be inserted to read as follows:

"Whenever the death or disappearance of a detained or imprisoned person occurs during or shortly after the termination of his detention or imprisonment, an inquiry into the cause of death or disappearance shall be held by a judicial or other authority, either of its own motion or at the instance of a member of the family of such a person or any citizen who has a reliable knowledge of the case."

Principle 31 (formerly Principle 30)

96. On a written proposal by Mr. Jayawardene, the Sub-Commission approved the following new text for principle 31.

"1. A detained or imprisoned person or, in the event of death, the dependant members of the family of such person who suffer damage as the result of acts contrary to the rights contained in these Principles shall have an enforceable right to compensation.

"2. In a claim for compensation under this principle the dependant or his lawyer shall have the same rights as are enjoyed by the detained person under principles 20 (2) and 22 (2) respectively."

Part III

97. The Sub-Commission agreed, on the proposal of Mr. Smirnov, to delete the entire heading of part III.

Principle 32 (formerly Principle 31)

98. On the proposal of Mr. Bahnev, the words "A person" in the first sentence were replaced by the words "A detained person".

99. On the proposal of Mr. Smirnov, the words "shall be presumed" in the first sentence were replaced by the words "shall have the right to be presumed".

100. On the proposal of Mr. Ferrero, the words "including the mass media" were deleted from the first sentence.

Principle 33 (formerly 32)

101. The Sub-Commission agreed, on the proposal of Mr. Sadi, that the first part of principle 33 should be drafted in the same manner as the first part of principle 32. The Chairman said that this terminology would also be used for subsequent principles.

102. On a proposal by Mr. Nettel, the words "within a period to be specified by law" were replaced by the words "after his arrest".

Principle 34 (formerly 33)

103. The Sub-Commission agreed on the text proposed by the working group.

Principle 35 (formerly 34)

104. The Sub-Commission agreed, on the proposal of its Chairman, to add the words "except in serious cases provided for by law" between the words "A detained person shall" and the words "be given", in the first sentence.

105. On the proposal of Mrs. Daes, the word "security" in the first sentence was replaced by the word "guarantee".

106. On the proposal of Mr. Sadi, the word "means" in the second sentence was replaced by the words "financial guarantee".

107. The draft body of principles, as revised by the Sub-Commission at its 807th to 810th meetings, was distributed in document E/CN.4/Sub.2/L.688.

108. At its 825th meeting, the Sub-Commission adopted this draft with amendments and corrections to principles 6, 22, 27 and 32 proposed orally by Mr. Smirnov. At the same meeting it was decided to delete the word "principle" before each item of the draft body of principles.

109. The draft body of principles, as adopted, reads as follows:

DRAFT BODY OF PRINCIPLES FOR THE PROTECTION OF ALL PERSONS  
UNDER ANY FORM OF DETENTION OR IMPRISONMENT \*/

[PREAMBLE]

1. DEFINITIONS

In these principles:

(a) The word "arrest" means the act of apprehending a person under the authority of law or by any compulsion by any authority;

\*/ The abbreviations used in the references to other instruments are as follows:

Universal Declaration Covenant	Universal Declaration of Human Rights International Covenant on Civil and Political Rights
Torture Declaration	Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
Standard Minimum Rules	Standard Minimum Rules for the Treatment of Prisoners
Draft Principles	Draft Principles on Freedom from Arbitrary Arrest and Detention
Consular Convention	Vienna Convention on Consular Relations.

(b) The word "detention" means the period of deprivation of personal liberty from the moment of arrest up to the time when the person concerned is either imprisoned as a result of final conviction for a criminal offence, or released;

(c) The word "imprisonment" means deprivation of personal liberty as a result of final conviction for a criminal offence.

## II. GENERAL PRINCIPLES

### 1

All persons under any form of detention or imprisonment shall be treated with humanity and with respect for the inherent dignity of the human person.

[Covenant, art.10.]

### 2

No restriction upon or derogation from any of the human rights of persons under any form of detention or imprisonment which are recognized or exist in any country under domestic law, regulations, customs or international conventions shall be allowed on the ground that such rights are not recognized, or are recognized to a lesser extent, in these Principles.

[Covenant, art.5, para,2; Draft Principles, art.41.]

### 3

Any form of detention or imprisonment and all measures affecting the human rights of a person under any form of detention or imprisonment shall be ordered by or be under the effective control of a judicial or other authority under the law whose status and tenure should afford the strongest possible guarantees of competence, impartiality and independence, hereinafter referred to as a "judicial or other authority".

[Universal Declaration, art.10; Covenant, art.14, para.1; Draft principles on equality in the administration of justice.]

### 4

1. These Principles shall be applied to all persons without distinction of any kind, such as race, colour, sex, language, religion or religious belief, political or other opinion, national, ethnic or social origin, property, birth or other status.

2. Measures applied under the law and designed solely to protect the rights and special status of women, especially pregnant women and nursing mothers, children and young, aged, sick or handicapped persons shall not be deemed to be discriminatory. The need for, and the application of, such measures shall be always subject to review by a judicial or other authority.

[Universal Declaration, art.2; Covenant, art.2; Draft principles on equality in the administration of justice, principles 16 and 26.]

5

No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment.

[Universal Declaration, art.5; Covenant, arts.4 and 7; Torture Declaration, art.3.]

6

1. States shall prohibit by law any act contrary to the rights and duties contained in these Principles, make any such act subject to appropriate sanctions and conduct impartial investigations upon complaints.

2. A person who has reliable knowledge of any such violation shall report the matter to the superiors of the authorities or other persons concerned with the arrest, detention or imprisonment and, where necessary, to appropriate authorities or organs vested with reviewing or remedial powers.

[Draft Code of Conduct for Law Enforcement Officials, art.8.]

7

Persons convicted of a criminal offence shall, save in exceptional circumstances, be segregated from all other detained persons, who shall be subject to separate treatment appropriate to their status as unconvicted persons.

[Covenant, art.10, para.2.]

8

The authorities responsible for arresting the suspect and keeping him in detention shall as far as possible be distinct from those entrusted with the investigation of the case. Both authorities shall be under the control of a judicial or other authority.

[Draft Principles, art.26.]

2

1. Before an order of detention is issued, the person concerned shall be given an opportunity to be heard. He shall have the right to defend himself or be assisted by counsel as prescribed by law.

2. The order of detention, together with the reasons therefor, shall be communicated promptly to a detained person and to his counsel, if any. A copy of such records shall be provided to the detained person and his counsel.

3. There shall be a review of the lawfulness and necessity of the detention by a judicial or other authority ex officio at regular intervals.

[Covenant, art.9, para.3; Draft Principles, arts.10, 13 and 15.]

10

Anyone who is arrested shall be informed, at the time of his arrest, of the reasons for his arrest and shall be promptly informed of any charges against him or the grounds for his detention.

[Covenant, art.9, para.2 and art.14, para.3; Draft Principles, art.9.]

11

1. The reasons for and the time of the arrest and of taking an arrested person to a place of custody as well as that of his first appearance before a judicial or other authority, together with the names of the law enforcement officials concerned and the identification of the place of custody, shall be duly recorded in such form as may be prescribed by law.

2. A copy of such records shall be provided to the detained person and his counsel.

12

A detained or imprisoned person shall immediately be provided, by the authority responsible for his arrest, detention or imprisonment, with information as to and an explanation of his rights and obligations relating to his arrest, detention or imprisonment and how to avail himself of his rights.

[Draft Principles, art.17.]

13

From the moment of his arrest or as soon as possible thereafter, a detained person who does not adequately understand or speak the language used in proceedings at which he is present is entitled to have the free assistance of an interpreter. If the furnishing of free assistance of an interpreter meets with insurmountable technical or financial difficulties in a given State, provision shall be made to enable a detained or imprisoned person to avail himself of the services of an interpreter.

[Covenant, art.14, para.3; Draft Principles, art.23.]

14

Immediately after arrest and after each transfer from one place of detention to another, a detained or imprisoned person shall be entitled to notify or to require the authority concerned to notify members of his family of his arrest or detention or of the transfer and of the place where he is kept in custody. If a detained or imprisoned person is a foreigner or a refugee he shall be informed without delay of his right to notify or to require the authority concerned to notify a consular post or the diplomatic mission of his country, or the office of the competent intergovernmental organization. Any such communication so addressed shall be forwarded by the said authorities without delay.

[Draft Principles, arts.18 and 19; Consular Convention, art.36.]

15

1. A detained person shall be entitled to have legal assistance as soon as possible after the moment of arrest.

2. If a detained person does not have legal assistance he shall be entitled to have a lawyer assigned to him by a judicial or other authority, without payment by him if he does not have sufficient means to pay.

3. A detained person shall be entitled to communicate with a lawyer of his own choice within the shortest possible period after arrest.

[Covenant, art.14, para.3; Draft Principles, art.20.]

16

1. A detained person shall be allowed ample opportunity for consultations with his counsel.

2. Written messages between a detained person and his counsel shall not be censored, nor shall the transmittal thereof be delayed.

3. Interviews between a detained person and his counsel may be within sight, but not within the hearing, of a police or other law enforcement official.

4. The right of a detained person to be visited by and to communicate with his counsel may not be suspended or restricted save in exceptional circumstances, to be specified by law, when it is considered indispensable by the judicial or other authority in order to maintain security and good order in the place of detention.

5. The communications between a detained person and his counsel mentioned in this principle shall be deemed privileged.

[Covenant, art.14, para.3; Draft Principles, art.21.]

17

A detained or imprisoned person shall be given reasonable opportunity to communicate with the outside world, and in particular to be visited by and to correspond with members of his family, subject to conditions and restrictions to be specified by law for the purposes of detention and for the maintenance of security and good order in the place of detention.

[Draft Principles, art.19, para.3.]

18

If a detained or imprisoned person so requests, he shall as far as possible be kept in a place of detention reasonably near his usual place of residence so as to facilitate visits from members of his family.

19

1. No detained person shall be compelled to testify against himself.

2. No detained person while being interrogated shall be subjected to violence, threats or methods of interrogation which impair his freedom of decision or his judgement.

3. No detained or imprisoned person shall, even with his consent, be subjected to any medical or scientific experimentation which may be detrimental to his health.

[Covenant, arts.7 and 14, para.3; Draft Principles, arts.24 and 25.]

20

1. The duration of any interrogation and of the intervals between interrogations as well as the names of the officials who conducted the interrogation and of other persons present, shall be duly recorded in such form as may be prescribed by law.

2. A detained person and his counsel shall have access to these records.

21

The medical officer at the place of detention shall see and examine a detained or imprisoned person promptly after his admission and thereafter as often as necessary. The official responsible for supervising the detention of a person needing medical care shall take immediate action to meet the needs of the person in custody for medical attention.

[Standard Minimum Rules, rules 24 and 25; Draft Code of Conduct for Law Enforcement Officials, art.6.]

22

1. A detained or imprisoned person shall also have the right to be examined by a physician of his own choice available under the existing general system of health care, at his request or at the request of his counsel or of a member of his family, subject only to reasonable conditions to ensure security and good order in the place of detention and to avoid undue delay in the investigation.

2. The fact that a detained or imprisoned person underwent a medical examination, the name of the physician and the results of such examination shall be duly recorded, and such records shall be made available promptly to the person examined, his counsel or a member of his family.

23

Any evidence obtained in contravention of these Principles shall not be admissible in any proceedings against a detained or imprisoned person.

[Draft Principles, art.24.]

24

A detained or imprisoned person shall have the right to request and receive reasonable quantities of educational and other material necessary for his education and development subject to available resources and subject to the conditions required for the purpose of maintaining security and good order in the place of detention.

25

1. Places of detention shall be visited regularly by qualified and experienced persons appointed by a competent authority distinct from the authority responsible for the administration of the place of detention.

2. A detained or imprisoned person shall have the right to talk with the persons who visit the place of detention in accordance with paragraph 1 without the staff of the institution being present, subject to the conditions required for the maintenance of security and good order in the place of detention.

[Standard Minimum Rules, rule 36; Draft Principles, art.27, para.3.]

26

The types of conduct that constitute disciplinary offences during detention or imprisonment, the types and duration of disciplinary punishment that may be inflicted, and the authorities competent to impose such punishment shall be determined by law or by regulations made under law and duly published. A detained or imprisoned person shall have the right to be heard before disciplinary action is taken and he shall have the right to appeal to higher authorities against such measures.

[Standard Minimum Rules, rule 29.]

27

In case of need, the competent authorities shall endeavour to ensure, as far as possible, the minimum level of support to dependent members of the families of detained persons.

28

1. A detained person, his counsel, or, if the detained person is unable to do it himself, a member of his family or any citizen who has a reliable knowledge of the case shall be entitled at any time to take proceedings before a judicial or other authority to challenge the lawfulness or necessity of his detention and to obtain his release without delay if it is unlawful.

2. A detained or imprisoned person, his counsel, or, if the detained or imprisoned person is unable to do it himself, a member of his family or any citizen who has a reliable knowledge of the case shall be entitled at any time to take proceedings before a judicial or other authority to prove that he has been subjected to torture or other cruel, inhuman or degrading treatment, or that he has been denied any other right contained in these Principles, and to seek relief.

3. The proceedings before the authority referred to in paragraphs 1 and 2 shall be simple, expeditious and at no cost. The authority concerned must without delay produce the detained or imprisoned person before the reviewing authority.

[Covenant, art.9, para.4; Draft Principles, art.38.]

29

1. A detained or imprisoned person, his counsel, or, if the detained or imprisoned person is unable to do it himself, a member of his family or any citizen who has a reliable knowledge of the case shall have the right to make directly and in confidence a request or complaint regarding his treatment to the authorities responsible for the administration of the place of detention and to higher authorities.

2. Every request or complaint shall be promptly dealt with and replied to without undue delay. If the request or complaint is rejected, or in case of inordinate delay, the complainant shall be entitled to seek redress from a judicial or other authority.

[Standard Minimum Rules, rule 36.]

30

Whenever the death or disappearance of a detained or imprisoned person occurs during or shortly after the termination of his detention or imprisonment, an inquiry into the cause of death or disappearance shall be held by a judicial or other authority, either of its own motion or at the instance of a member of the family of such a person or any citizen who has a reliable knowledge of the case.

31

1. A detained or imprisoned person or, in the event of death, the dependent members of the family of such person who suffer damage as the result of acts contrary to the rights contained in these Principles shall have an enforceable right to compensation.

2. In a claim for compensation under this principle the dependant or his lawyer shall have the same rights as are enjoyed by the detained person under principles 20 (2) and 22 (2) respectively.

[Covenant, art.9, para.5; Torture Declaration, art. 11; Draft Principles, art.40.]

32

A detained person suspected or accused of a criminal offence shall have the right to be presumed innocent until finally proved guilty according to law and shall be treated as such by all concerned. The arrest and detention of such a person pending investigation and trial shall be used only for the necessities of the administration of justice on grounds and under conditions specified by law. The imposition of any restrictions upon a person so detained which are not strictly required for the purposes of the detention or for the maintenance of security and good order in the place of detention shall be forbidden.

[Universal Declaration, art.11, para.1; Covenant, art.14, para.2;  
Draft Principles, arts.2, 3 and 27, para.1.]

33

A detained person suspected or accused of a criminal offence shall be brought before a judicial or other authority promptly after his arrest. Such a person shall have the right to make a statement before such an authority concerning the treatment received by him while in custody. The authority before which the arrested person is brought shall decide without delay upon the lawfulness and necessity of detention. No person may be kept under detention pending investigation or trial except upon the written order of a judicial or other authority.

[Covenant, art.9, para.3; Draft Principles, arts.10, 13 and 15]

34

A person detained on a criminal charge shall be entitled to trial within a reasonable time or to release.

[Covenant, art.9, para.3.]

35

A detained person suspected or accused of a criminal offence shall, except in serious cases provided for by law, be given an early opportunity to obtain his provisional release, with or without financial guarantee or subject to other reasonable conditions. No detained person shall be denied the possibility of obtaining provisional release solely on account of lack of financial guarantee.

[Covenant, art.9, para.3; Draft Principles, art.16]

110. On 7 September 1978 a draft resolution (E/CN.4/Sub.2/L.690) was submitted by Mr. Amadeo, Mr. Carter, Mrs. Daes, Mr. El Khani, Mr. Khalifa, Mrs. Questiaux and Mr. Whitaker. At the 824th meeting the draft resolution was introduced by Mrs. Daes.

111. The draft resolution, as orally revised, was adopted without a vote.

112. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 5 C (XXXI).

Study of the implications for human rights of states of siege or emergency

113. The Sub-Commission considered this question at its 810th and 811th meetings.

114. Mrs. Questiaux recalled that the Sub-Commission, by its resolution 10 (XXX), had entrusted to her, jointly with Mr. Caicedo Perdomo and with the assistance of the Secretariat, the task of preparing a preliminary version of a comprehensive study of the implications for human rights of developments regarding states of siege and emergency in the light of information provided by Governments on the legislation and jurisprudence applicable to such situations. A correlation had been noted between such situations and distressing developments in the treatment of detained persons. Resolution 10 (XXX) had been adopted specifically with these problems in mind.

115. As far as the methodology was concerned, the Sub-Commission had taken the innovative step of entrusting the study jointly to two rapporteurs from different legal systems. Unfortunately, their respective occupations during the year had prevented them from meeting in order to draw up jointly an outline for the study. The Sub-Commission would have to decide how to proceed further in the matter. The pertinent resolution had been sent to Governments and interesting replies had been received from 25 States. The Secretariat had classified the material received and made a valuable analysis of it for the rapporteurs.

116. The hypotheses which were proposed by Mrs. Questiaux as a framework for the study, should the Sub-Commission decide to continue with this project, were submitted on her sole responsibility.

117. It appeared from the legislation mentioned in the replies that, in general, a state of emergency was considered legitimate if four conditions were fulfilled: it had to be officially declared, it had to be controlled, it had to be temporary and it had to be subjected to certain limitations. Concerning the first point, an analysis could be prepared of the laws and practices which required a declaration of a state of emergency and which entrusted certain authorities with such a power. Regarding the second aspect, national and international texts were based on the assumption that certain criteria should be met and that the application of those criteria could be monitored. A study could be made of the effectiveness of the procedures of control. Concerning the third point, an analysis of what happened regarding the duration of the state of emergency and its prolongation would be very important. In certain countries,

declarations of emergency had been frequent and extension had been granted indefinitely, so that emergency régimes tended to become the rule rather than the exception. Lastly, a comparison between the International Covenant on Civil and Political Rights and regional conventions would reveal a common core of rights from which no derogation was ever permitted. The rapporteurs would need to ascertain whether such rights were respected in countries under régimes of emergency, and, if they were not always respected, to ascertain the reasons why. Consideration should be given to the possibility of extending the list of the rights concerned.

118. Several members of the Sub-Commission expressed their appreciation to Mrs. Questiaux for her statement and considered that the study should be pursued. They agreed that Mrs. Questiaux should be entrusted with its further preparation under conditions to be specified in a draft resolution.

119. On 7 September 1978 a draft resolution (E/CN.4/Sub.2/L.692) was submitted by Mr. Carter, Mr. Chowdhury, Mrs. Daes, Mr. Khalifa, Mr. Martínez Báez, Mr. Martínez Cobo, Mrs. Warzazi and Mr. Whitaker. Mr. Jimeta later became a sponsor of the draft resolution. At the 824th meeting the draft resolution was introduced by Mr. Carter.

120. At the same meeting the Secretary made a statement on the administrative and financial implications of the draft resolution.

121. The draft resolution was adopted without a vote.

122. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 5 D (XXXI).

#### Other matters

123. It was recalled that the Sub-Commission had decided in 1974 to review annually developments regarding the human rights of detained persons on the basis of information received from various sources in accordance with resolution 7 (XXVII). This annual review had proved very fruitful, leading to the identification by the Sub-Commission of certain types of critical issues in this field.

124. In stressing the importance of this annual review, one member proposed that the Sub-Commission resubmit to the Commission the recommendation in its resolution 3 A (XXIX) to empower the Chairman of the Sub-Commission to appoint a working group, to meet before the session, in order to analyse the material for the preparation of the annual review.

125. Some members felt that the procedure envisaged could overlap with the system of Council resolution 1503 (XLVIII) and recalled that a previous proposal of that type had not been pressed to a vote before the Economic and Social Council. Many members supported the proposal, which, they felt, could greatly facilitate the annual review.

126. On 7 September 1978 a draft resolution (E/CN.4/Sub.2/L.689) was submitted by Mr. Amadeo, Mr. Carter, Mr. Chowdhury, Mrs. Daes, Mr. El Khani, Mr. Ferrero, Mr. Khalifa, Mr. Martínez Báez, Mrs. Questiaux, Mr. Singhvi, Mrs. Warzazi and Mr. Whitaker. At the 824th meeting the draft resolution was introduced by Mr. Khalifa.
127. At the same meeting the Secretary made a statement on the administrative and financial implications of the draft resolution.
128. The draft resolution was adopted by 16 votes to 4, with 1 abstention.
129. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 5 B (XXXI).
130. At the 826th meeting the Sub-Commission decided on the composition of the working group referred to in the resolution (see chap. XVII, sect. B, decision 5).
131. A suggestion was made by some members that the Sub-Commission undertake a study on ways and means of ensuring the independence of the judiciary, which played in general the most important role as regards ordering and reviewing detention.
132. On 11 September 1978 a draft resolution (E/CN.4/Sub.2/L.697) was submitted by Mr. Carter, Mr. Chowdhury, Mr. Ferrero, Mr. Holguín Holguín, Mr. Jayawardene, Mr. Jimeta, Mrs. Questiaux and Mr. Whitaker. At the 824th meeting the draft resolution was introduced by Mr. Jayawardene.
133. The draft resolution, as orally amended, was adopted without a vote.
134. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 5 E (XXXI).
135. Several members proposed that the Sub-Commission undertake a study of the situation of persons detained under foreign occupation.
136. On 6 September 1978 a draft resolution (E/CN.4/Sub.2/L.687) was submitted by Mr. Amadeo, Mr. Ceausu, Mr. Chowdhury, Mrs. Daes, Mr. El Khani, Mr. Ferrero, Mr. Fisek, Mr. Ganji, Mr. Jayawardene, Mr. Jimeta, Mr. Khalifa, Mr. Martínez Báez, Mr. Nettel, Mr. Sadi, Mr. Singhvi, Mr. Usher, Mrs. Warzazi and Mr. Whitaker. Mr. Bahnev later became a sponsor of the draft resolution. At the 824th meeting, Mr. Nettel asked for his name to be withdrawn from the list of sponsors. The draft resolution was introduced by Mr. Sadi.

137. At the same meeting the Secretary made a statement on the administrative and financial implications of the draft resolution.

138. Mr. Nettel requested a separate vote on the words "and from" in the first preambular paragraph and in the operative paragraph of the draft resolution. The words were retained by 9 votes to 8, with 1 abstention.

139. The draft resolution as a whole was adopted by 15 votes to 2, with 2 abstentions.

140. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 5 A (XXXI).

VI. QUESTION OF SLAVERY AND THE SLAVE TRADE IN ALL THEIR PRACTICES AND MANIFESTATIONS, INCLUDING THE SLAVERY-LIKE PRACTICES OF APARTHEID AND COLONIALISM

141. The Sub-Commission considered agenda item 12 at its 811th, 812th, and 824th to 826th meetings, on 5, 13 and 15 September 1978.

142. At its twenty-ninth session, the Sub-Commission had decided to consider this item biennially, although the Working Group on Slavery would continue to meet every year. Therefore, the Sub-Commission had before it the reports of the Working Group on Slavery on its third and fourth sessions (E/CN.4/Sub.2/389 and E/CN.4/Sub.2/410), submitted by the Chairmen-Rapporteurs, Mr. Whitaker and Mr. Chowdhury, respectively. <sup>3/</sup> The Sub-Commission also had before it notes by the Secretary-General reproducing information received from the International Criminal Police Organization (INTERPOL) (E/CN.4/Sub.2/388 and E/CN.4/Sub.2/411 and Add.1).

143. The Working Group, which had been established under Sub-Commission resolution 11 (XXVII), consisted at its third session, following designations by the Chairman of the twenty-ninth session of the Sub-Commission in accordance with the same resolution, of Mr. Caicedo Perdomo, Mr. Ganji, Mr. Janković, Mrs. Kinyanjui and Mr. Whitaker. The Group held its third session at the Office of the United Nations at Geneva on 10, 11 and 24 August 1977.

144. At its fourth session, following designations by the Chairman of the thirtieth session of the Sub-Commission, the Working Group consisted of Mr. Amadeo, Mr. Ceasu, Mr. Chowdhury, Mrs. Warzazi and Mr. Whitaker. The Group held its fourth session at the Office of the United Nations at Geneva on 23, 24 and 30 August 1978.

145. In introducing the report on the third session, Mr. Whitaker stated that the Group had found a continuation of both traditional and modern forms of slavery. It had received submissions on such practices as forced labour, the exploitation of child labour and abuses against workers and indigenous populations. The Group had also considered the situation in South Africa and Namibia as a collective form of slavery. He stated that efforts should be directed not only at condemnation but also at the alleviation of problems, and that the United Nations agencies could offer concrete assistance in this respect. He pointed out that many of the practices examined by the Group, in particular the sale of children, the exploitation of child labour, and debt bondage, were widespread and needed deeper study. In this respect, it was necessary to consider how the sources of information available to the Group could be improved and its work made more efficient, particularly since the Sub-Commission itself examined the item only once every two years.

146. In his introductory remarks on the fourth session of the Group, Mr. Chowdhury stated that the Group had received submissions and heard statements by several non-governmental organizations. The Group had considered such slavery-like practices as enforced prostitution and traffic in persons, abuses against indigenous peoples and rural workers, the sale of children for exploitative purposes, child labour and debt bondage. Mr. Chowdhury outlined the recommendations of the

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<sup>3/</sup> A fuller account of the introductory statements made by Mr. Whitaker and Mr. Chowdhury may be found in the summary record of the 811th meeting (E/CN.4/Sub.2/SR.811).

Working Group, which included proposals to call on Governments to ratify relevant international instruments and provide information on their implementation; to prepare, or co-operate with other United Nations organs in the preparation of, a number of in-depth studies, in particular of debt bondage, the sale of children, the exploitation of child labour, and the exploitation of prostitution; to update the Report on Slavery prepared by the Special Rapporteur, Mr. Mohamed Awad; 4/ to involve United Nations agencies in the combat against slavery and slavery-like practices; and to call again on the Commission on Human Rights and the Economic and Social Council to expand the terms of reference of the Group.

147. Several speakers commended the Group for its work and stated that the evidence presented to the Group on the continuation of slavery and slavery-like practices, often in new forms, in many parts of the world showed that the Group was fulfilling an essential function and that it should be put in a position to carry out its work more effectively. They endorsed the recommendations made by the Group in its two reports and supported its request for an extension of its terms of reference.

148. Some speakers, on the other hand, referring to certain allegations contained in the reports relating to individual countries, stated that the situations reported were due to historical factors which could not be changed easily by legislation and, consequently, opposed calling such situations slavery or slavery-like practices. They pointed out that the situations in question were often unduly magnified by the non-governmental organizations and the press, even though the Governments concerned were attempting to solve the problem. While agreeing to the Group's proposals for deeper studies of certain problem areas, they emphasized that the Group should deal with general patterns and not with individual cases. They opposed adopting recommendations addressed to specific Governments, stating that this had not been the practice of the Sub-Commission in the past.

149. Other members pointed out that few Governments, whether or not they were parties to the relevant Conventions, had supplied information to the Group. They emphasized the important role which non-governmental organizations were playing in studying the issues and submitting reports to the Group, and stated that the Group should make use of all the reliable information sources available to it in carrying out the proposed studies.

150. The importance of studying the root causes of the institutions and practices in question was emphasized by several speakers. They expressed disappointment that so little concrete progress had been achieved despite the valuable work done by the Group. They pointed out that poverty, which affected masses of people in many countries, led to many degrading consequences. They urged the Group to investigate the underlying causes of the problems in its studies and to recommend possible alleviating measures. The view was expressed that the Sub-Commission should go beyond contributing to the development of international law and attempt to elaborate concrete remedies.

151. Several other suggestions were made concerning the studies to be undertaken, whether by the Group itself or by other United Nations organs in co-operation with the Group. It was stated that the Group should examine the reasons for the lack of enforcement of the provisions contained in the Convention on the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others. On the updating of the report on slavery by Mr. Awad, some members stated that the task

should not be left to the Secretariat alone, and that the Sub-Commission should look into the advisability of appointing a new Special Rapporteur. Concerning child labour, the importance of the work of the ILO was emphasized and the ILO was invited to continue to provide the Group with information on the implementation of the relevant Conventions or the reasons for lack of implementation, and on measures taken to remedy the situation. The view was also expressed that the Sub-Commission should make its own contribution to the International Year of the Child in 1979.

152. Some members stated that the questions of apartheid and colonialism, which affected millions of people, represented the most serious violation facing the Group and should therefore be given the utmost priority. They felt that in future the Group should make an effort to submit concrete proposals on those questions for action by the Sub-Commission. Several other members, while recognizing that the matters in question were extremely grave and urgent, expressed the view that a number of other organs and specialized agencies of the United Nations were already dealing with these questions and that the Working Group, with the limited time and resources at its disposal, could not make an original contribution to their solution. They felt that the Group should instead concentrate on the other grave problems falling within its mandate which were not being dealt with elsewhere in the United Nations system.

153. At the 812th meeting the Chairmen-Rapporteurs responded to the comments and suggestions made by the members of the Sub-Commission. <sup>5/</sup> Mr. Whitaker said that all the problems considered required preventative and educational as well as repressive measures. There was a need for diagnosing the root causes of the problems in order to prescribe remedies. He pointed out that, since official information was often lacking, there was a need for co-operation with non-governmental organizations and individuals, perhaps also in the form of seminars of experts. He pointed out that special case studies were needed, not in order to condemn but in order to understand a specific problem in depth in all its dimensions, and that the work of the Group, and its capacity to offer concrete remedies, would greatly benefit from participation of the Governments concerned in future sessions of the Group. He further stated that in view of the paramount importance of the problems of apartheid and colonialism, the Group might in future consider making a study of indentured labour in the mines of South Africa. He pointed out that, on the other hand, there was a contradiction between requesting the Group to do more in certain areas and at the same time opposing an extension of its terms of reference. Concerning the suggestion made that a new Special Rapporteur be appointed to update the Report on Slavery prepared by Mr. Awad, he emphasized the importance for the Working Group itself to continue its work; since manifestations of slavery and slavery-like practices changed continuously, there was a need for continuing machinery which would be on guard against their recurrence.

154. Mr. Chowdhury stated that the Group could hardly have done more within the limitations imposed by its mandate. He pointed out that, given the scarce resources at its disposal, the Group had been concerned not to duplicate the work of other United Nations bodies but that it remained ready to accept any task which the Sub-Commission wanted to entrust to it.

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<sup>5/</sup> A summary of the statements by the Chairmen-Rapporteurs appears in the summary record of the 812th meeting (E/CN.4/Sub.2/SR.812).

155. On 8 September 1978 a draft resolution (E/CN.4/Sub.2/L.693) was submitted by Mr. Carter, Mrs. Deas, Mr. El Khani, Mr. Ferrero, Mr. Fisek, Mr. Nettel, Mrs. Questiaux and Mrs. Warzazi. Mr. Jimeta later became a sponsor of the draft resolution. At the 824th meeting the draft resolution was introduced by Mrs. Daes.
156. At the same meeting the Secretary made a statement on the administrative and financial implications of the draft resolution.
157. The draft resolution was adopted by 17 votes to 3, with 1 abstention.
158. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 6 A (XXXI).
159. On 8 September 1978 a draft resolution (E/CN.4/Sub.2/L.695) was submitted by Mr. Carter, Mr. Fisek, Mr. Jayawardene, Mr. Sadi and Mr. Usher. At the 825th meeting the draft resolution was introduced by Mr. Jayawardene.
160. The draft resolution, as orally amended, was adopted without a vote.
161. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 6 B (XXXI).
162. At the 826th meeting the Sub-Commission decided on the composition of the Working Group on Slavery (see chap. XVII, sect. B, decision 5).

VII. IMPLEMENTATION OF UNITED NATIONS RESOLUTIONS RELATING TO  
THE RIGHT OF PEOPLES UNDER COLONIAL AND ALIEN DOMINATION  
TO SELF-DETERMINATION

163. The Sub-Commission considered agenda item 8 at its 813rd, 814th, 815th and 824th meetings, held on 6, 7 and 13 September 1978.

164. The Sub-Commission had before it the updated report on this question (E/CN.4/Sub.2/405) prepared by its Special Rapporteur, Mr. Héctor Gros Espiell.

165. At the 813rd meeting, 6/ the Special Rapporteur reviewed the historical background and contents of his study and emphasized the multifaceted and permanent nature of the right to self-determination. The right necessarily encompassed economic, social and cultural aspects in addition to legal and political components, and it was applicable even after the achievement of political independence. The Special Rapporteur underlined the importance of the right to self-determination as a prerequisite for the enjoyment of other human rights and described it as having both individual and collective implications. He further described the right to self-determination as a general principle of international law having the character of jus cogens and pointed out that all States had a positive legal duty to respect, promote and assist the exercise of this right and a negative obligation to refrain from taking any measures which deprived people of their right to self-determination. The violation by a State of the right of peoples to self-determination gave rise to international responsibility. The Special Rapporteur drew attention to the recommendations contained in his report, in particular to his suggestion that a declaratory resolution should be drafted for adoption by the General Assembly to systematize, codify and update all the various decisions and resolutions relating to the right of peoples under colonial and alien domination to self-determination.

166. The Special Rapporteur was congratulated for the excellent quality and the comprehensive character of his report. Many speakers felt that this report offered a significant contribution to the progressive development of contemporary international law. It was felt that the report of Mr. Gros Espiell and that of Mr. Cristescu approached the problem of self-determination from different points of view and complemented each other. A suggestion was made that the two reports might be merged, but most members did not support this opinion. There was a consensus that both reports should be given the widest possible dissemination.

167. Several members of the Sub-Commission supported the view that the principle of self-determination had the character of jus cogens and that the enjoyment of this right was a sine qua non for the exercise of other human rights. The opinion was expressed that peoples under colonial and alien domination were subjects of international law, as were national liberation movements. Some speakers felt that, when peaceful efforts had failed, peoples under colonial and alien domination had a legitimate right to engage in an armed struggle. References were often made in this connexion to the peoples in southern Africa and to the Palestinian people.

168. The opinion was expressed that the right to self-determination should not be understood as including the right to secession or the right to impair the territorial integrity of States. Attention was also drawn to the widespread

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6/ A fuller account of the Special Rapporteur's introductory statement appears in the summary record of the 813rd meeting (E/CN.4/Sub.2/SR.813).

phenomenon of replacing overt foreign domination by other forms of domination of an apparently domestic nature. The need for a careful study of these matters was stressed.

169. Wide support was expressed for the recommendations of the Special Rapporteur, Mr. Gros Espiell, particularly his recommendation that the General Assembly should adopt a resolution codifying and updating all previous decisions and recommendations on self-determination. One speaker suggested that the Sub-Commission might request the International Law Commission to assist in elaborating such a declaratory resolution. Some doubts were expressed in this regard by another member, who proposed that this task could be carried out most efficiently by the Special Rapporteur himself.

170. Several members proposed that a new recommendation should be added to those of the Special Rapporteur, with a view to preparing a new programme of action for an accelerated process of decolonization.

171. In the course of the debate, references to certain specific situations were made by some members, as well as by a few observers.

172. In his final observations the Special Rapporteur expressed his profound thanks to the members of the Sub-Commission for their constructive suggestions.

173. On 6 September 1978 a draft resolution (E/CN.4/Sub.2/L.686) was submitted by Mr. Amadeo, Mr. Ceausu, Mrs. Daes, Mr. Ferrero, Mr. Holguín Holguín, Mr. Khalifa, Mr. Martínez Cobo and Mr. Martínez Báez. At the 824th meeting the draft resolution was introduced by Mr. Amadeo.

174. At the same meeting the Secretary made a statement on the administrative and financial implications of the draft resolution.

175. On 8 September 1978 an amendment to this draft resolution (E/CN.4/Sub.2/L.694) was submitted by Mrs. Questiaux and Mrs. Warzazi. At the 824th meeting the amendment was introduced by Mrs. Questiaux.

176. The amendment, as orally revised, was adopted by 9 votes to none, with 8 abstentions.

177. Mr. Smirnov submitted an oral amendment to operative paragraph 2 of draft resolution E/CN.4/Sub.2/L.686. This amendment was adopted by 15 votes to 1, with 2 abstentions.

178. The text of the resolution as a whole, as amended, was adopted by 17 votes to none, with 1 abstention.

179. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 4 A (XXXI).

180. On 11 September 1978 a draft resolution (E/CN.4/Sub.2/L.699) was submitted by Mr. Carter, Mr. Chowdhury and Mr. Sadi. At the 824th meeting Mr. Carter asked for his name to be withdrawn from the list of sponsors. The draft resolution was introduced by Mr. Sadi.

181. The draft resolution was adopted without a vote.

182. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 4 B (XXXI).

VIII. 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

183. The Sub-Commission considered agenda item 7 at its 813th, 814th, 815th and 824th meetings, held on 6, 7 and 13 September 1978.

184. It had before it the final report on this subject, submitted by Mr. Aureliu Cristescu, Special Rapporteur (E/CN.4/Sub.2/404).

185. The Special Rapporteur introduced his study. <sup>7/</sup> He stated that the final version of the study represented in a concentrated form the three reports examined by the Sub-Commission at its last three sessions. His study, which analysed the right to self-determination in its historical development since the creation of the United Nations, complemented the studies which had already been prepared by Mr. Khalifa and Mr. Gros Espiell and was linked with those of Mr. Santa Cruz, Mr. Ganji, Mr. Martínez Cobo, Mr. Capotorti and Mrs. Warzazi. The numerous books and articles dealing with the question of self-determination were nearly all devoted to the political aspect of the right to self-determination, but he had tried in the study to consider this right in all its aspects. He pointed out that respect for the right to self-determination was the basis for friendly relations among nations and that lack of respect for this right constituted a threat to security. In connexion with the conclusions contained in the study, he drew attention in particular to paragraphs 696 to 713, which dealt with the concept of the right to development. He suggested that it might be advisable to send the study to the Governments of the Member States for their comments.

186. All speakers paid tribute to the excellent study of Mr. Cristescu. It was said that this report and the outstanding study of Mr. Gros Espiell on the implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination (E/CN.4/Sub.2/405) were complementary. The readers of these studies would have available a full account of the development of the concept of the right to self-determination in its political, social, economic and cultural aspects. Mr. Cristescu had analysed not only the concept of colonialism but also that of neo-colonialism, which comprised economic, cultural, social and political elements.

187. The view was expressed that the elements for defining the term "peoples" given in paragraph 279 of the study were clear and convincing and of paramount significance. Another speaker stressed the great importance of chapter V of the study, dealing with the right of peoples to pursue freely their economic development. This chapter should be a point of departure for a further study. It was said that although the right to political self-determination had become an acknowledged principle of international law, the right to economic independence was still far from a reality in many countries.

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<sup>7/</sup> A fuller account of the Special Rapporteur's statement appears in the summary record of the 813th meeting (E/CN.4/Sub.2/SR.813).

188. Several members stated that the eminently important studies of Mr. Cristescu and Mr. Gros Espiell should be printed as soon as possible and disseminated on the widest scale. They should be given a place in the libraries of faculties of international law and political science and brought to the attention of the world in general.

189. Some speakers said that the two studies prepared the way for a new United Nations instrument and for further action towards decolonization. It was suggested that the Sub-Commission should co-operate with the International Law Commission in the creation of a new United Nations instrument in this field.

190. In his final observations the Special Rapporteur expressed his deep appreciation to the members of the Sub-Commission for the attention they had given to his work and for their comments.

191. On 1 September 1978 a draft resolution (E/CN.4/Sub.2/L.691) was submitted by Mr. Ceausu, Mr. Chowdhury, Mrs. Daes, Mr. El Khani, Mr. Jimeta, Mr. Khalifa, Mr. Martínez Cobo, Mr. Sadi and Mrs. Warzazi. At the 824th meeting the draft resolution was introduced by Mrs. Warzazi.

192. Mr. Nettel requested a separate vote on the second part of operative paragraph 2. This part was adopted by 10 votes to 2, with 4 abstentions.

193. The draft resolution as a whole, as orally revised, was adopted by 18 votes to none, with 1 abstention.

194. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 3 (XXXI).

IX. STUDY OF THE PROBLEM OF DISCRIMINATION  
AGAINST INDIGENOUS POPULATIONS

195. The Sub-Commission considered agenda item 16 at its 816th meeting, held on 7 September 1978.

196. Mr. José R. Martínez Cobo, Special Rapporteur for the study, <sup>8/</sup>said that he regretted not having been able to fulfil the mandate given to him by the Sub-Commission at its twenty-eighth session to submit the study in its final form at the present session. He said that, as he had thought that the submission of an oral report on the progress made in the preparation of the study (as had been suggested by the Secretariat) would not be consistent with decisions taken by the Sub-Commission, a document had, at his request, been prepared in connexion with the study and approved by him in July 1978. It covered four important international meetings held in 1977 at which indigenous peoples had expressed their views. The document (E/CN.4/Sub.2/L.684) was, however, not yet available in any of the working languages.

197. He stated that, although the final report was not ready for the current session, great progress had been made in recent months in the preparation of basic materials for the study, in the form of the document mentioned above, the texts of country monographs and drafts of various chapters of the final report. The monographs were complex and delicate texts which had been prepared despite the poor response from Governments and non-governmental organizations to the repeated requests made for information in connexion with the study. Recently, only one Government had submitted comments and supplementary data on the draft monograph it had received, and no basic information had been forthcoming from Governments or non-governmental organizations, except for the Anti-Slavery Society, which had forwarded useful information concerning several countries.

198. Mr. Martínez Cobo requested the Division of Human Rights to give the study on indigenous populations the necessary priority so that it could be finished in good time. He suggested that the discussion on this item be deferred to the next session, when a final report should be before the Sub-Commission.

199. The Director of the Division of Human Rights made a statement in which he said that, although he fully realized the great importance of this subject, staff recruitment and availability had affected the advancement of the study. He stated that, although staff had been assigned to the study, the exigencies of the service had forced him occasionally to assign them to more urgent tasks. He assured the Special Rapporteur and the Sub-Commission that in the future the study would have all possible priority within the context of the other tasks entrusted to the Division.

200. Some speakers stressed the importance of giving appropriate priority to the study, so that it could be advanced at an accelerated tempo. One speaker stated that only one out of ten studies undertaken by the Sub-Commission in recent years had been completed and examined within the time-limits foreseen in the five-year programme of work adopted by the Sub-Commission in 1975. He expressed the hope that the study of Mr. Martínez Cobo would be ready in final form by the next session.

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<sup>8/</sup> A fuller account of the Special Rapporteur's statement appears in the summary record of the 816th meeting (E/CN.4/Sub.2/SR.816).

201. Another speaker stated that, in view of the growing interest in human rights matters throughout the world, the Division of Human Rights needed more staff and more resources and he hoped that the Sub-Commission would do what it could to assist it in obtaining them.

202. The Chairman, in closing the debate on agenda item 16, said that, unless he heard objections, he would consider the item deferred until the thirty-second session of the Sub-Commission. No objection having been voiced, it was so decided.

X. STUDY OF CERTAIN QUESTIONS RELATING TO THE  
SITUATION OF HUMAN RIGHTS IN CHILE

203. The Sub-Commission considered agenda item 13 at its 816th to 818th meetings, held on 7 and 8 September 1978.

204. In resolution 31/124 of 16 December 1976 the General Assembly had invited the Commission on Human Rights to consider the consequences of the various forms of aid extended to the Chilean authorities.

205. The Commission in resolution 9 (XXXIII) requested the Sub-Commission 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.

206. The Sub-Commission, in resolution 11 (XXX) section I, of 31 August 1977, decided to comply with the request made by the Commission in resolution 9 (XXXIII) and appointed Mr. Antonio Cassese Rapporteur to prepare the study; it requested him to analyse the volume, origins, development and significance of the assistance given to the present régime in Chile and to study whether a quantitative or qualitative change in the aid being given might contribute to restoring respect for human rights in Chile and to submit a progress report to the Commission at its thirty-fourth session.

207. The Commission on Human Rights in its resolution 12 (XXXIV) of 6 March 1978 welcomed the decision by the Sub-Commission in its resolution 11 (XXX) to undertake a study on the consequences of the various forms of aid extended to the Chilean authorities and the subsequent initiation of the study by a specially appointed Rapporteur and invited the Rapporteur to present his report to the Sub-Commission at its thirty-first session; it further instructed the Sub-Commission to transmit this report to the General Assembly at its thirty-third session.

208. The Sub-Commission had before it the report submitted by the Rapporteur, Mr. Antonio Cassese (E/CN.4/Sub.2/412).

209. The Rapporteur, introducing his report, <sup>2/</sup> pointed out that it formed part of a new United Nations strategy in human rights which took a global view of problems and examined the causes of human rights violations. A study of the economic and social situation in Chile was justified because United Nations organs had found that Chile was grossly and systematically violating human rights. The Special Rapporteur stated that only a small part of the population of Chile appeared to benefit from economic gains, while the needs of the underprivileged were disregarded. He tended to conclude that foreign economic assistance to Chile helped to maintain human rights violations and to uphold the oppressive political system.

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<sup>2/</sup> A fuller account of the introductory statement appears in the summary record of the 816th meeting (E/CN.4/Sub.2/SR.816).

210. The Rapporteur received congratulations on the enormous amount of work done and the scholarship displayed in the writing of his report.

211. Several speakers felt that the study constituted interference in the internal affairs of a Member State, especially as the information furnished in the report could not be verified by the Rapporteur with the government departments, groups and persons concerned; no definitive conclusion could be drawn from that information unless it were substantiated on the spot. It was, however, pointed out that membership of the United Nations meant that States should be prepared to relinquish some elements of their sovereignty whenever necessary in the interests of the international community as a whole, and it was suggested that the Rapporteur should be given the opportunity to visit Chile to verify in loco the findings reported in the study.

212. Several speakers felt that some elements of the situation described in the study could also be found in other countries; the study showed the need to prepare guidelines and principles of wider application in order to give a human rights dimension to the new international economic and political order as well as to develop human rights criteria in relation to foreign economic investments.

213. One speaker felt that the social situation in Chile could not be blamed on the economic policy chosen and that the Chilean Government and the Chilean people should be the ones to choose whether future development should be sacrificed to the needs of the present. The notion that the "profit motive" was ipso facto an evil was unacceptable. Some speakers felt that there was no direct connexion between a free-market economy and deterioration of human rights.

214. It was said that more consideration might have been given to the question whether the human rights situation in Chile had improved.

215. One speaker said that although the Rapporteur had not wished to make recommendations, it was obvious to him that the conclusion to be drawn from the report was that private and international institutions did not hesitate to give loans as long as the régimes receiving them were credit-worthy. Foreign aid was used to reinforce an economic system which was based on a denial of human rights. The same speaker thought that the specialized agencies of the United Nations should take into consideration the General Assembly's appeals on behalf of the people of Chile.

216. Some speakers felt that human rights could not be separated from economic development, as there was a definite link between the two, and that foreign aid was unfortunately used, under certain conditions, to suppress human rights. One speaker said that the report did not pay enough attention to the links between civil and economic rights.

217. On the subject of the principle of conducting studies on particular countries, the opinion was expressed that it was justifiable for the Sub-Commission, as an expert group, to focus on particular countries, especially in the case of Chile, which had frequently been cited by the Commission on Human Rights and the General Assembly for grossly violating human rights.

218. It was said that there had been a sharp decline in the living conditions of workers in Chile and that the vast influx of foreign money had not brought a great deal of improvement in the lives of the great majority of the people.

219. The observer for Chile said that his delegation's apprehension about the study, which had been expressed a year previously, had been justified; his Government had had no guarantee of the Rapporteur's objectivity, in view of the opinions that he had expressed in the Sub-Commission before his appointment as Rapporteur. He said that his Government was prepared to co-operate with all serious studies, provided respect was shown to his country, as had been proved by the recent visit to Chile of the Ad Hoc Working Group of the Commission on Human Rights. He felt that the normal activities of international financial institutions should not be confused with assistance and that the meaning of assistance as used in the report should be clarified. He said that the figures and some of the statements contained in the report were inaccurate and that the sources used were the ones most hostile to the Chilean Government. His Government would appeal to the United Nations Secretary-General to make Mr. Cassese's report available to the various international financial institutions in order that the inaccuracies it contained could be corrected.

220. The Rapporteur denied that he had been guilty of a lack of objectivity or had set out to scrutinize the economic policy of the Chilean Government; he had sought to determine, in all impartiality, the link between foreign economic assistance and the enjoyment of human rights. This topic deserved further careful consideration in the future.

221. The Sub-Commission decided, in accordance with the instructions contained in paragraph 13 of Commission on Human Rights resolution 12 (XXXIV), to transmit the report, together with the relevant summaries of the debate, to the General Assembly at its thirty-third session (see chap. XVII, sect. B, decision 2).

XI. COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE WORKING GROUP ESTABLISHED UNDER SUB-COMMISSION RESOLUTION 2 (XXIV) IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)

222. The Sub-Commission considered agenda item 10 at its 819th to 821st and 824th to 827th meetings, held on 11 to 13 and 15 September 1978.

223. By resolution 1503 (XLVIII) of 27 May 1970 the Economic and Social Council had authorized the Sub-Commission to appoint a working group of not more than five of its members to meet annually for 10 days, immediately before each session of the Sub-Commission, to consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959, including replies of Governments thereon, with a view to bringing to the attention of the Sub-Commission those communications, together with replies of Governments, if any, and any other relevant information, which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.

224. The procedure to be followed by the Working Group in deciding on the admissibility of communications was established by Sub-Commission resolution 1 (XXIV) of 13 August 1971, and the Working Group itself was set up in accordance with Sub-Commission resolution 2 (XXIV) of 16 August 1971.

225. The members of the Working Group, Mr. Carter, Mr. Holguín Holguín, Mr. Jimeta, Mr. Pirzada and Mr. Smirnov, met from 16 to 25 August 1978 for the seventh annual session of the Working Group, to consider communications, together with replies of Governments, received by the Secretary-General.

226. The Sub-Commission had before it a confidential report of the Working Group (E/CN.4/Sub.2/R.33 and addenda). On behalf of the Chairman-Rapporteur of the Working Group, Mr. Pirzada, who was unable to attend, Mr. Carter introduced the report. A detailed examination of the report followed.

227. At its 827th (closed) meeting the Sub-Commission adopted a confidential report and a confidential resolution on the item (E/CN.4/R.35.), by which it communicated its findings to the Commission on Human Rights.

228. On 13 September 1978 a draft resolution (E/CN.4/Sub.2/L.705) was submitted by Mr. Amadeo, Mr. Bahnev, Mr. Carter, Mr. Holguín Holguín, Mr. Singhvi, Mr. Smirnov and Mrs. Warzazi. At the 825th meeting Mr. Smirnov, introducing the draft resolution, said that the sponsors were concerned over a news item in Le Monde of 13 September 1978, which purportedly reflected the confidential deliberations of the Sub-Commission on this item. The draft resolution would request the Secretary-General, inter alia, to conduct a thorough investigation into the violations of the rule of confidentiality and in particular the publication of the aforesaid news item.

229. The Director of the Division of Human Rights assured the Sub-Commission that the Secretary-General shared the Sub-Commission's concern and that all measures were taken to ensure full compliance with and respect for the rule of confidentiality at the Secretariat level. He stated that serious consideration would be given to any possibilities of further strengthening such measures. With regard to the request for a thorough investigation into the breach of the rule of confidentiality which had led to the publication of the news item in question, the Director observed that any investigation that

might be undertaken could never be carried out in relation to all parties involved, as the Secretary-General could hardly be expected to investigate the conduct of the expert members of the Sub-Commission. He also observed that the matter raised questions in relation to the press which the Secretary-General would have to examine carefully.

230. At the 825th meeting the draft resolution, as orally revised, was adopted without a vote.

231. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 10 (XXXI).

232. At the 826th meeting the Sub-Commission decided on the composition of the Working Group on Communications (see chap. XVII, sect. B, decision 5).

XII. STUDY OF THE QUESTION OF THE PREVENTION AND PUNISHMENT  
OF THE CRIME OF GENOCIDE

233. The Sub-Commission considered agenda item 17 at its 822nd and 825th meetings, on 12 and 13 September 1978.

234. The Sub-Commission had before it the final report (E/CN.4/Sub.2/416) prepared by the Special Rapporteur, Mr. Nicodème Ruhashyankiko.

235. In introducing his report, 10/ the Special Rapporteur recalled that the present study originated from a decision taken by the Sub-Commission in 1967 and approved by the Economic and Social Council in 1969. He pointed out that the sources of the material used in the study were information received from governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations and the work of scholars, and that a questionnaire has been used for the collection of information. It had been decided that no country monographs were needed for this study. The final report consisted of the previous reports on the subject, rearranged, brought up to date and completed by the addition of material on new topics, and much of the study was given over to a history of the adoption of the various articles of the Convention on the Prevention and Punishment of the Crime of Genocide of 1948 and an examination of controversies in the literature concerning the interpretation and value of those articles. He drew attention to the conclusions and recommendations contained in chapter X of the study. He stated that it would be a mistake to interpret the 1948 Convention in broader terms than those envisaged by the signatories, that it would be better to prepare new instruments as desired, and that the question of universal jurisdiction over genocide should be reconsidered.

236. During the debate, most speakers congratulated the Special Rapporteur on his valuable work.

237. Several speakers expressed regret over the deletion from the study of reference to the massacres of the Armenians by the Ottoman Empire in the years 1915 to 1918 which had appeared in an earlier document submitted by the Special Rapporteur. The view was expressed that there was ample evidence of the genocide of the Armenians. It was suggested that any revision of the study should include a paragraph concerning the case of the Armenians. It was stressed that the responsibility belonged to the former Ottoman Empire and that the Republic of Turkey and the Turkish people had no moral or legal responsibility for those events.

238. One observer said that the problem posed was not to put the past on trial but to set forth certain principles aimed at the elimination of genocide. According to the same observer, there was no evidence that the Government of the Ottoman Empire had had any intention of destroying the Armenians as a people. The inclusion in the study of reference to events that had taken place in 1915 concerning the Armenians would result in the incitement of feelings of hatred and revenge against innocent people.

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10/ The Special Rapporteur's introductory statement is reflected in the summary record of the 822nd meeting of the Sub-Commission (E/CN.4/Sub.2/SR.822).

239. One member expressed the view that the form of genocide suffered by the Palestinian people should have been mentioned in the present study.

240. Many speakers expressed support for the conclusions and recommendations contained in chapter X of the final report.

241. In response to the comments made during the debate, the Special Rapporteur said that he had tried to analyse various measures adopted by States which, although envisaged in the Genocide Convention, were not effective at the national level. He expressed the hope that the members of the Sub-Commission would work out more effective measures. He pointed out that national groups had frequently been victims of atrocities; however, care should be taken in deciding whether a given situation constituted genocide. He suggested that the establishment of an international penal court specializing in this matter would be helpful and that the establishment of special groups to investigate allegations of genocide would also help to determine whether a given set of circumstances amounted to genocide or not.

242. At its 825th meeting the Sub-Commission decided to express its thanks to the Special Rapporteur, Mr. Nicodème Ruhashyankiko, for his excellent report (E/CN.4/Sub.2/416), to transmit the report to the Commission on Human Rights for consideration at its thirty-fifth session and to recommend to the Commission on Human Rights and to the Economic and Social Council that the report should be given the widest possible distribution (see chap. XVII, sect. B, decision 4).

XIII. PROBLEM OF THE APPLICABILITY OF EXISTING INTERNATIONAL PROVISIONS  
FOR THE PROTECTION OF HUMAN RIGHTS TO INDIVIDUALS WHO ARE  
NOT CITIZENS OF THE COUNTRY IN WHICH THEY LIVE

243. The Sub-Commission considered agenda item 6 at its 822nd, 823rd and 825th meetings, on 12 and 13 September 1978.

244. The Sub-Commission had before it the revised draft declaration on this subject (E/CN.4/Sub.2/L.682) prepared by Baroness Elles, Special Rapporteur, in accordance with Sub-Commission resolution 4 (XXX) of 31 August 1977. The Sub-Commission also had before it document E/CN.4/Sub.2/L.682/Add.1 containing the comments received from Governments on the draft declaration annexed to her study (E/CN.4/Sub.2/392).

245. The Special Rapporteur introduced her revised draft declaration and expressed her gratitude and appreciation to the governments which had sent their comments and views on the draft declaration. 11/ She stated that many governments had raised specific matters relating to the provisions of the draft declaration. On matters on which they had made no comment, tacit approval was assumed. She stressed that she had taken into account all the matters raised by Governments and the views expressed by members of the Sub-Commission to establish a text that would be universally acceptable to Member States, bearing in mind their specific legal systems and different political, economic and social structures.

246. Many speakers congratulated the Special Rapporteur for her revised draft declaration. The view was expressed that such a draft declaration was important and significant in an area that was not sufficiently covered by international instruments. Some members, however, questioned the advisability of drafting a declaration on the rights of aliens, since, they said, the problems dealt with in the document were already covered in the existing international instruments in the field of human rights.

247. The view was expressed that the Special Rapporteur had been limited by her terms of reference to persons who actually lived in a foreign country. It was suggested that the draft declaration should be extended to cover persons who were temporary visitors or tourists, for whom some degree of protection should be given. One member pointed out that if the provisions of the draft declaration were to apply to temporary visitors or tourists, the provisions of some articles, in particular article 8, would have to be amended.

248. Clarification was requested by some speakers concerning terms such as "non-residents" and "foreigners". It was suggested that the term "non-citizens" should be replaced by the term "aliens", with the necessary consequential changes.

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11/ A fuller account of the Special Rapporteur's introductory statement appears in the summary record of the 822nd meeting (E/CN.4/Sub.2/SR.822).

249. Many speakers found some difficulty in agreeing with the provisions of article 2, of article 4, subparagraphs (iv) and (vi), and of article 9 of the draft declaration. It was felt that those articles needed to be redrafted more precisely, and suggestions in this respect were advanced.

250. Reservations were expressed by some members concerning the right to "just compensation" for expropriation, in article 9, paragraph 2.

251. Some members stressed that the reference to socialist countries in paragraph 87 should not have appeared in the report, since it expressed the personal view of the Special Rapporteur; the opinion that private property was forbidden in socialist countries was absolutely false. The Special Rapporteur explained that her reference was not to socialist countries as such, but was only to those countries in which ownership of private property was prohibited by municipal law.

252. The Special Rapporteur took note of the comments and views expressed during the debate, and amended article 2 and article 4, paragraph iv, to read as follows:

"Article 2

"1. Non-citizens shall observe the laws in force in the State in which they reside and refrain from illegal activities prejudicial to the State.

"2. Every State is entitled to expect that non-citizens will respect the customs and traditions of the people of the State."

"Article 4

"...

"(iv) The right to leave the country and return to his own country;

"..."

253. On 13 September a draft resolution (E/CN.4/Sub.2/L.703) was submitted by Mr. Chowdhury, Mrs. Daes, Mr. El Khani, Mrs. Warzazi and Mr. Whitaker. Mr. Carter and Mr. Ferrero later became sponsors of the draft resolution. At the 825th meeting the draft resolution was introduced by Mrs. Daes.

254. At the same meeting the Secretary made a statement on the administrative and financial implications of the draft resolution.

255. The draft resolution, as orally revised, was adopted without a vote.

256. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 9 (XXXI).

XIV. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

257. The Sub-Commission considered item 9 of its agenda at its 823rd, 825th to 827th meetings, on 13 and 15 September 1978.

258. The Sub-Commission had before it, pursuant to decision 9 (XXXIV) of the Commission on Human Rights, a document concerning the situation of human rights in Democratic Kampuchea (E/CN.4/Sub.2/414 and Add.1-7). A note from the Ministry of Foreign Affairs of Democratic Kampuchea, dated 22 April 1978, was also before the Sub-Commission (E/CN.4/Sub.2/418).

259. Several members of the Sub-Commission expressed their deep concern over reports of alleged systematic and flagrant violations of human rights and fundamental freedoms in Democratic Kampuchea, which allegedly had brought about the death of hundreds of thousands if not millions of people from all walks of life, men, women and children, since 1975, and voiced fear that on the basis of the information before the Sub-Commission, the alleged atrocities were still being perpetrated. They emphasized that they were not concerned with this or any other country's politics, but proposed that a working group, or at least a rapporteur, of the Sub-Commission should analyse the evidence of over 1,000 pages and report to the Commission on Human Rights as a matter of the highest priority.

260. One member of the Sub-Commission objected to the distribution under the present item of documents E/CN.4/Sub.2/414 and Add.1-7, observing that they consisted of slanderous propaganda disseminated by political refugees hostile to the present régime of Democratic Kampuchea, and that those documents could not be considered information of the nature envisaged by Commission decision 9 (XXXIV). He also expressed the view that the contents of the note reproduced in document E/CN.4/Sub.2/418 constituted an official reply of the Government of Democratic Kampuchea. In his opinion, neither the Sub-Commission nor any other United Nations body had any right to intervene in the domestic affairs of that country, such interference being a violation of Article 2, paragraph 7 of the Charter of the United Nations.

261. During the debate several members of the Sub-Commission expressed concern over reports of alleged violations of human rights in Argentina, in particular reports of alleged arbitrary arrests and detention, torture and the disappearance of numerous individuals, which reports often emanated from close relatives of the alleged victims.

262. Several members of the Sub-Commission expressed the view that, taking into account the provisions of Economic and Social Council resolution 1503 (XLVIII), which provided for a confidential procedure for dealing with communications relating to violations of human rights and fundamental freedoms, the Sub-Commission was precluded from dealing with the question relating to Argentina in public session.

263. One member proposed that, for humanitarian reasons, the Sub-Commission should transmit to the Government of Argentina a number of documents consisting chiefly of letters received by several members of the Sub-Commission. That proposal was opposed by a number of members on procedural and other grounds.

264. Members of the Sub-Commission drew attention to the anniversary of the death of Steve Biko in the Republic of South Africa and stressed that the Sub-Commission had a pertinent role to play to combat the evils of the policy of apartheid and to come to the aid of the victims of that policy.

265. At the 827th meeting, the Sub-Commission decided to send the following telegram to the Government of South Africa:

"THE UNITED NATIONS HUMAN RIGHTS SUBCOMMISSION IN ITS CONCERN WITH VIOLATIONS OF HUMAN RIGHTS THROUGHOUT THE WORLD ASKS FOR THE IMMEDIATE RELEASE OF THE RECENTLY DETAINED MEMBERS OF THE LATE STEVE BIKO'S FAMILY AND FOR A NEW IMPARTIAL INVESTIGATION OF HIS DEATH ONE YEAR AGO"

(see chap. XVII, sect. B, decision 7).

266. On 13 September 1978 a draft resolution (E/CN.4/Sub.2/L.706) was submitted by Mr. Carter, Mrs. Daes, Mr. El Khani, Mr. Sadi and Mr. Whitaker. On 14 September 1978 it was replaced by a revised draft resolution (E/CN.4/Sub.2/L.706/Rev.1) submitted by Mr. Carter, Mrs. Daes, Mr. El Khani and Mr. Whitaker. At the 826th meeting the revised draft resolution was introduced by Mr. Whitaker.

267. At the same meeting the Secretary made a statement concerning the administrative and financial implications of the revised draft resolution.

268. Mr. Bahnev and Mr. Smirnov orally proposed an amendment to the operative paragraph of the revised draft resolution. The amendment was rejected by 7 votes to 4, with 5 abstentions.

269. The revised draft resolution was adopted by 15 votes to 3, with 2 abstentions.

270. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 11 (XXXI).

271. On 13 September 1978, a draft resolution (E/CN.4/Sub.2/L.704) was submitted by Mrs. Questiaux, who introduced it at the 825th meeting.

272. At the 826th meeting, the draft resolution was rejected by 5 votes to 3, with 9 abstentions.

XV. CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION  
AND OF THE DRAFT PROVISIONAL AGENDA FOR THE  
THIRTY-SECOND SESSION OF THE SUB-COMMISSION

273. The Sub-Commission considered agenda item 18 at its 825th and 826th meetings, on 13 and 15 September 1978.

274. In accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII), a note by the Secretary-General (E/CN.4/Sub.2/L.700) containing a draft provisional agenda for the thirty-second session of the Sub-Commission, indicating the documents to be submitted under each item and the legislative authority for their preparation, was before the Sub-Commission.

275. Several members of the Sub-Commission expressed the view that, given the number, importance and complexity of the subjects discussed in the Sub-Commission and the heavy workload imposed on the Division of Human Rights in the preparation of the necessary documents, the Sub-Commission should request its superior bodies to extend the time allotted for its sessions. It was felt that the Sub-Commission should have two sessions every year for a period of three weeks each, instead of one session as at present. It was suggested that one of the sessions should take place shortly before the session of the Commission on Human Rights. It was proposed that, if possible, one of the meetings should take place at the United Nations Headquarters in New York and the other in Geneva. Other suggestions were made concerning the organization of the proposed sessions. Some members, however, while sharing the concern expressed, felt that the objectives pursued could be attained by improving the methods of work of the Sub-Commission.

276. Many members of the Sub-Commission felt that the adoption of the method of voting by secret ballot would strengthen the confidentiality of the procedure envisaged in Economic and Social Council resolution 1503 (XLVIII). It was proposed that the competent United Nations bodies should be requested to amend the rules of procedure so that in future the Sub-Commission and its Working Group provided for in paragraph 1 of Council resolution 1503 (XLVIII) would, in taking decisions on matters arising in the implementation of that resolution, adopt the method of voting by secret ballot.

277. Some members expressed the view that it would be necessary to amend the relevant rules of procedure to allow for a secret vote by the Sub-Commission on cases brought before it under resolution 1503 (XLVIII). Others expressed the contrary view, that is, that amendment of the rules of procedure was not necessary for that purpose and that the existing rules of procedure allowed for a secret vote.

278. The draft provisional agenda was orally amended at the 826th meeting by the Secretary of the Sub-Commission in order to take into account decisions already taken by the Sub-Commission at the current session.

279. During the debate on this item, Mr. Ferrero proposed that an additional item, entitled "The New International Economic Order and the promotion of human rights", be included in the provisional agenda. Many members of the Sub-Commission supported this proposal, which was accepted by the Sub-Commission.

A few members expressed reservations about adding this item to the agenda because of the already heavy agenda before the Sub-Commission and because the subject was already under examination in various other international forums.

280. The draft provisional agenda, as approved by the Sub-Commission, reads as follows: 12/

1. Election of officers
2. Adoption of the agenda
3. Review of further developments in fields with which the Sub-Commission has been concerned

Reports by the Secretary-General, ILO and UNESCO.

Legislative authority: Sub-Commission resolution 5 (XIV).

4. Measures to combat racism and racial discrimination and the role of the Sub-Commission

Report of the working group.

Legislative authority: Sub-Commission resolution 1 (XXXI).

5. 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

Revised report by the Special Rapporteur.

Legislative authority: Commission resolution 7 (XXXIII) and Sub-Commission resolution 1 (XXX).

6. 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

No document may be needed for this item.

Legislative authority: Economic and Social Council resolution 1235 (XLII) and Commission resolution 8 (XXIII).

7. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)

Confidential report of the Working Group and supporting papers.\*

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12/ An asterisk indicates that the document or report is likely to exceed the 32 pages referred to in Economic and Social Council resolution 1894 (LVII).

Legislative authority: Economic and Social Council resolution 1503 (XLVIII) and Sub-Commission resolutions 1 (XXIV) and 2 (XXIV).

8. Question of the human rights of persons subjected to any form of detention or imprisonment

Report by Mrs. Questiaux. Reports by the Secretary-General.\*

Legislative authority: Sub-Commission resolutions 7 (XXVII) and 10 (XXX).

9. The individual's duties to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration of Human Rights

Final report by the Special Rapporteur, Mrs. Erica-Irene Daes.\*

Legislative authority: Sub-Commission decision 1 (ii) taken at its 686th meeting on 19 September 1973 and approved by Commission decision 6 (ii) taken at its 1286th meeting on 6 March 1974; Sub-Commission resolution 9 (XXVII); Sub-Commission decision of 11 September 1978.

10. Human rights and scientific and technological developments

A note by the Secretary-General.

Legislative authority: Commission resolutions 10 A (XXXIII) and 10 B (XXXIII) and Sub-Commission decision of 11 September 1978.

11. Study of the problem of discrimination against indigenous populations

Final report by the Special Rapporteur, Mr. Martínez Cobo.\*

Legislative authority: Economic and Social Council resolution 1589 (L) and Sub-Commission resolution 8 (XXIV).

12. Exploitation of child labour

Legislative authority: Sub-Commission resolution 6 B (XXXI).

13. The New International Economic Order and the promotion of human rights

A note by the Secretary-General

Legislative authority: Sub-Commission decision 6 of 15 September 1978.

14. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the thirty-third session of the Sub-Commission

A note by the Secretary-General.

Legislative authority: Sub-Commission resolution F adopted at its tenth session and Economic and Social Council resolution 1894 (LVII).

15. Report on the thirty-second session

Report of the Sub-Commission on its thirty-second session.\*

281. On 12 September 1978 a draft resolution (E/CN.4/Sub.2/L.701) was submitted by Mr. Amadeo, Mr. Chowdhury, Mr. El Khani, Mr. Martínez Báez, Mrs. Questiaux, Mr. Sadi, Mrs. Warzazi and Mr. Whitaker. At the 825th meeting the draft resolution was introduced by Mr. El Khani.

282. Mr. Bahnev submitted an oral amendment to subparagraph (a) of the operative paragraph. The amendment was rejected by 11 votes to 4.

283. Subparagraph (b) was adopted by 9 votes to 4, with 3 abstentions.

284. Subparagraph (c) was adopted by 5 votes to 3, with 4 abstentions.

285. Subparagraph (d) was adopted by 12 votes to 1.

286. The draft resolution as a whole was adopted by 13 votes to 3, with 1 abstention.

287. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 7 A (XXXI).

288. On 12 September 1978 a draft resolution (E/CN.4/Sub.2/L.702) was submitted by Mrs. Daes, Mr. Fisek, Mr. Holguín Holguín, Mr. Jayawardene, Mr. Nettel, Mr. Sadi, Mrs. Questiaux, Mrs. Warzazi and Mr. Whitaker. Mr. Ferrero later became a sponsor of the draft resolution. At the 825th meeting the draft resolution was introduced by Mr. Whitaker.

289. The draft resolution, as orally revised, was adopted without a vote.

290. The text of the resolution as adopted appears in chapter XVII, section A, as resolution 7 B (XXXI).

291. At the request of some members, the Sub-Commission decided to ask the Secretariat to submit to it at its thirty-second session a list of the studies prepared for the Sub-Commission in recent years, indicating whether the studies are still available and what steps are being taken to reprint those that are out of stock (see chap. XVII, sect. B, decision 1).

XVI. ADOPTION OF THE REPORT

292. The Sub-Commission considered the draft report on its thirty-first session at its 827th meeting, on 15 September 1978, and adopted the report as amended.

XVII. RESOLUTIONS AND DECISIONS ADOPTED BY THE  
SUB-COMMISSION AT ITS THIRTY-FIRST SESSION

A. Resolutions

- 1 (XXXI). Role of the Sub-Commission in the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination: study and suggestions on effective ways and means and concrete measures for securing the full and universal implementation of the United Nations resolutions and decisions on racism, racial discrimination, apartheid, decolonization and self-determination and related matters 13/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the goals of the Decade for Action to Combat Racism and Racial Discrimination,

Recognizing that the World Conference to Combat Racism and Racial Discrimination, held in Geneva from 14 to 25 August 1978 pursuant to General Assembly resolution 32/129, was a major milestone in the struggle against racism and racial discrimination,

Bearing in mind its role in effectuating the purposes and principles contained in the Declaration and Programme of Action adopted by the World Conference,

1. Takes note of the Declaration and Programme of Action adopted by the World Conference to Combat Racism and Racial Discrimination (A/CONF.92/40);
2. Endorses generally the premises, declarations, recommendations and proposals contained in the said Declaration and Programme of Action;
3. Records its readiness to co-operate and assist in an appropriate manner in the implementation of the proposals envisaged in the said Declaration and Programme of Action and in accordance with the decisions of the General Assembly, the Economic and Social Council and the Commission on Human Rights;
4. Recommends that the Commission on Human Rights request the Economic and Social Council to authorize the Chairman of the Sub-Commission to appoint a working group of five of its members to meet for not more than three working days

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13/ Adopted at the 824th meeting, on 13 September 1978. See chap. III, para. 34.

in advance of the thirty-second session of the Sub-Commission to make specific proposals for a work programme which may be undertaken by the Sub-Commission for the effective implementation of the Programme of Action against Racism and Racial Discrimination;

5. Decides to include the item "Measures to combat racism and racial discrimination and the role of the Sub-Commission" in its agenda for its thirty-second session as a matter of high priority.

2 (XXXI). Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist regimes in southern Africa 14/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having discussed the report prepared by Mr. Ahmed Khalifa, Special Rapporteur, in pursuance of Commission on Human Rights resolution 7 (XXXIII) (E/CN.4/Sub.2/415),

1. Expresses its gratitude to the Special Rapporteur for having prepared the report, especially the annexed provisional general list identifying the 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;

2. Refers the report to the Commission on Human Rights for consideration;

3. Draws the attention of the Commission on Human Rights to the discussions in the Sub-Commission 15/ of the interpretation of the words "identifying" and "representatives of States" contained in Commission resolution 7 (XXXIII), and seeks the Commission's guidance on the interpretation of these words;

4. Calls upon the Secretary-General to communicate the report, after its revision, to the Governments of the countries mentioned in the provisional general list and to request their comments on the parts of the list which relate to them;

5. Invites the Special Rapporteur to present to the Sub-Commission at its thirty-second session a final version of the report, based upon further research as regards the provisional general list;

6. Calls upon the Secretary-General to continue to provide assistance to the Special Rapporteur in carrying out his task;

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14/ Adopted at the 824th meeting, on 13 September 1978. See chap.IV, para.49.

15/ See chap.IV, para.42, above and E/CN.4/Sub.2/SR.805-807.

7. Decides to consider the item "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" at its thirty-second session with high priority.

- 3 (XXXI). 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 16/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Economic and Social Council resolution 1865 (XVI), Commission on Human Rights resolution 4 (XXX) and its own resolution 3 (XXVII) by which Mr. Aureliu Cristescu was appointed Special Rapporteur entrusted with the study of 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,

Recalling General Assembly resolution 3070 (XXVIII), 3382 (XXX), 31/34 and 32/14, in which the General Assembly welcomed the decision to carry out a study of the historical and current development of the right of peoples to self-determination and declared that it keenly awaited the completion and publication of the study,

Recalling also the pertinent resolutions of the Commission on Human Rights and its own resolutions and decisions concerning the above-mentioned study,

Having received the report of the Special Rapporteur (E/CN.4/Sub.2/404),

1. Expresses its thanks to the Special Rapporteur for his excellent report;
2. Decides to transmit the report, with the conclusions contained therein, to the Commission on Human Rights for consideration at its thirty-fifth session and to request that the Special Rapporteur be enabled to follow the discussion of his report at that session;
3. Recommends that the report should be submitted to the General Assembly at the earliest possible date;
4. Decides to recommend to the Commission on Human Rights and to the Economic and Social Council that the report should be printed and given the widest possible distribution.

4 (XXXI). Implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination

A 17/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Economic and Social Council resolution 1866 (LVI), Commission on Human Rights resolution 5 (XXX) and its own resolution 4 (XXVII), in which it appointed Mr. Héctor Gros Espiell Special Rapporteur for the study on the implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination,

Recalling its resolution 7 (XXX), in which it expressed its appreciation to the Special Rapporteur for his excellent report (E/CN.4/Sub.2/390), requested him to prepare an updated report for consideration by the Sub-Commission at its thirty-first session and adopted various procedures for the transmission of the report,

Recalling also that in its resolution 7 (XXX) the Sub-Commission decided to consider at its thirty-first session measures for the publication and wide dissemination of the report,

Bearing in mind that the General Assembly, in its resolution 32/14 of 7 November 1977, stated that it was looking forward to the publication of this study,

Recalling that, at its thirty-fourth session, the Commission on Human Rights took account, in accordance with its resolution 5 (XXX), of the report of the Special Rapporteur, various representatives having requested that the report should include an analysis of new questions (E/CN.4/1292, paras.120-125),

Considering, finally, that in its resolution 3 (XXXIV) the Commission on Human Rights decided to continue giving the question "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" priority consideration at its thirty-fifth session,

Having received the updated report of the Special Rapporteur (E/CN.4/Sub.2/405),

1. Reiterates its appreciation to the Special Rapporteur for the excellent report submitted by him;

2. Decides to recommend to the Commission on Human Rights and to the Economic and Social Council that the updated report (E/CN.4/Sub.2/405) should be printed and given the widest possible distribution;

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17/ Adopted at the 824th meeting, on 15 September 1978. See chap.VII, para.178.

3. Requests the Secretary-General to transmit the updated report of the Special Rapporteur to the General Assembly at its thirty-third session, to the Commission on Human Rights at its thirty-fifth session, and to the other bodies mentioned in paragraphs 4 and 5 of its resolution 7 (XXX).

4. Requests the Commission on Human Rights to entrust Mr. Héctor Gros Espiell with the preparation of the preliminary draft of the international instrument proposed in paragraph 282 of his report, for consideration by the Sub-Commission and, if the Commission so decides, requests the Secretary-General to give him all the necessary assistance for the completion of this task.

B 18/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling General Assembly resolution 1514 (XV) and other relevant resolutions,

Taking into consideration the report of the Special Rapporteur, Mr. Héctor Gros Espiell (E/CN.4/Sub.2/405),

Affirming that the right to self-determination is a well established principle of international law and is enshrined in the Charter of the United Nations and recognized by the relevant United Nations resolutions,

Recognizing that the self-rule, home rule or self-government formulae are entirely different from the principle of self-determination of peoples,

1. Calls on all States Members of the United Nations to observe faithfully their obligations under the United Nations Charter and relevant United Nations resolutions and assist the countries and peoples under colonial or alien domination or foreign occupation to exercise the right to self-determination;

2. Urges all States and international organizations to extend their support to the countries and peoples under colonial or alien domination or foreign occupation.

5 (XXXI). Question of the human rights of persons subjected to any form of detention or imprisonment

A 19/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful of the fact that the discussion of the item entitled "Question of the human rights of persons subjected to any form of detention or imprisonment" would

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18/ Adopted at the 824th meeting, on 13 September 1978. See chap.VII, para.181.

19/ Adopted at the 824th meeting, on 13 September 1978. See chap.V, para.139.

be incomplete without a study of the situation of detainees and imprisoned persons in and from territories under foreign occupation,

Bearing in mind that the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 are applicable to occupied territories,

Recommends that the Commission on Human Rights request the Economic and Social Council to authorize a study of the situation of detainees and imprisoned persons in and from territories under foreign occupation

B 20/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 7 (XXVII) of 20 August 1974 by which it decided to review annually developments concerning the human rights of persons subjected to any form of detention or imprisonment and, in doing so, to take into account any reliably attested information from Governments, the specialized agencies, the regional intergovernmental organizations and the non-governmental organizations in consultative status with the Economic and Social Council concerned, provided that such non-governmental organizations acted in good faith and that their information was not politically motivated contrary to the principles of the Charter of the United Nations,

Recalling also resolution 3 A (XXIX) of 31 August 1976, recommending that the Commission on Human Rights request the Economic and Social Council to authorize the Chairman of the Sub-Commission to appoint a group of five of its members to meet for not more than five working days 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.

Requests the Commission on Human Rights to act upon Sub-Commission resolution 3 A (XXIX) in order that the Sub-Commission may proceed to the annual review required by Sub-Commission resolution 7 (XXVII).

C 21/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1975

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20/ Adopted at the 824th meeting, on 13 September 1978. See chap.V, para.128.

21/ Adopted at the 824th meeting, on 13 September 1978. See chap.V, para.111.

and Economic and Social Council resolution 1993 (LX) of 12 May 1976, calling upon all Governments fully to observe and implement the Declaration,

Recalling also Economic and Social Council resolution 1978/17 of 5 May 1978 in which the Council (1) authorized the Chairman of the Sub-Commission to appoint a working group of five members to prepare a revised draft body of principles for consideration by the Sub-Commission at its thirty-first session and (2) requested the Sub-Commission to submit to the Commission on Human Rights at its thirty-fifth session a comprehensive report with a draft body of principles for the protection of all persons under any form of detention or imprisonment,

Having considered the report of the working group on a draft body of principles for the protection of all persons under any form of detention or imprisonment (E/CN.4/Sub.2/406),

1. Expresses its gratitude to the working group and in particular to its Chairman-Rapporteur, Mr. Erik Nettel, for the work they have accomplished;

2. Submits to the Commission on Human Rights for consideration a revised draft body of principles for the protection of all persons under any form of detention or imprisonment 22/ and recommends its adoption.

D 23/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the concern expressed in Sub-Commission resolution 10 (XXX) of 31 August 1977 at the manner in which certain countries applied the provisions relating to situations known as state of siege or emergency,

Believing that situations of siege or emergency may only be held compatible with the preservation of human rights as long as they are officially declared, subject to review, temporary and limited as to their legal and practical effects,

Appreciative of the full although preliminary oral presentation given by Mrs. Nicole Questiaux of the implications for human rights of recent developments in this sphere conducive to the achievement of the aims pursued by the United Nations with respect to human rights, 24/

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22/ Chap.V, para.109, above.

23/ Adopted at the 824th meeting, on 13 September 1978. See chap.V, para.121.

24/ See E/CN.4/Sub.2/SR.810, paras.70-88.

Recommends that the Commission on Human Rights request the Economic and Social Council to authorize Mrs. Questiaux to continue the study of this subject, with assistance from the Secretariat and in the light of information from Governments applicable to such situations, soliciting the co-operation of Mr. Caicedo Perdomo, and to report to the Sub-Commission at its thirty-second session.

E 25/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling especially article 10 of the Universal Declaration of Human Rights which states that "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him",

Recalling that, in accordance with the said article 10 of the Universal Declaration of Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, with the authorization of the Commission on Human Rights and the Economic and Social Council, undertook the preparation of a study of equality in the administration of justice and that such a study was prepared by Mohammed Ahmed Abu Rannat, Special Rapporteur appointed by the Sub-Commission, 26/

Recalling that by resolution 3 (XXIII) it decided to adopt the revised principles on equality in the administration of justice as annexed to the said resolution and to transmit them to the Commission on Human Rights for examination with regard to the advisability of preparing a convention or a declaration, or both, on equality in the administration of justice, or several instruments dealing with various aspects of the problem, and for decision as to further action,

Considering the contents of the said report relative to the independence and impartiality of the judiciary, jurors and assessors and the principles enunciated in this respect, namely principles 5 and 6 and principle 7 relative to the independence of lawyers,

Bearing in mind the draft body of principles for the protection of all persons under any form of detention or imprisonment, wherein in principle 3 it was required that persons under detention or imprisonment should be under the effective control of a judicial or other authority whose status and tenure should afford the strongest possible guarantees of competence, impartiality and independence,

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25/ Adopted at the 824th meeting, on 15 September 1978. See chap.V, para.133.

26/ Study of Equality in the Administration of Justice (United Nations publication, Sales No. E.71.XIV.3).

Noting that a prerequisite for ensuring that there shall be no discrimination in the administration of justice is the existence of an independent and impartial judiciary and independent lawyers,

Decides to request the Secretary-General to prepare and submit to the Sub-Commission at its thirty-second session a preliminary study with regard to such measures as have hitherto been taken and the conditions regarded as essential to ensure and secure the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, to the end that there shall be no discrimination in the administration of justice.

6 (XXXI). Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism

A 27/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities

Recommends to the Commission on Human Rights the adoption of the following draft resolution:

"The Commission on Human Rights

"1. Recommends to the Economic and Social Council that it authorize the Sub-Commission to entrust Mr. Benjamin Whitaker with the further extension and updating of the Report on Slavery 28/ in the light of the comments made in the Sub-Commission at its thirty-first session;

"2. Requests the Secretary-General to give the Special Rapporteur all the assistance that he may require in his work, including all relevant information from reliable sources:

"3. Requests the Special Rapporteur to submit his report to the Sub-Commission at its thirty-third session."

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27/ Adopted at the 824th meeting, on 13 September 1978. See chap.VI, para.157.

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

B 29/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the goals of the Convention on Slavery of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949,

Recalling its resolution 11 (XXVIII) of 21 August 1974 establishing a group of five of its members to review developments in the field of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others, as they are defined in the above-mentioned Conventions, and its resolution 5 (XXIX) of 31 August 1976, by which it requested the Group to continue the study of these problems and decided to consider this item biennially,

Noting with concern that the reports of the Working Group on Slavery on its third and fourth sessions (E/CN.4/Sub.2/AC.2/389 and E/CN.4/Sub.2/AC.2/410) contain evidence of the continuation of slavery and slavery-like practices, including traffic in persons, the exploitation of the prostitution of others, the sale of children, the exploitation of child labour and debt bondage in many parts of the world,

Condemning apartheid and colonialism as collective forms of slavery,

Recalling its resolution 5 (XXVIII) of 10 September 1975 recommending an extension of the terms of reference of the Group,

Noting the recommendations made by the Group in its reports,

1. Expresses its appreciation to the Working Group for its continuing work and brings its reports (E/CN.4/Sub.2/389 and E/CN.4/Sub.2/410) to the attention of the Commission on Human Rights;
2. Urges States which have not yet ratified the Convention on the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others of 1949 and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 to do so without delay;
3. Requests the Secretary-General to call upon States parties to the Convention on the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others of 1949 which have not submitted information under article 21 of the Convention to do so, and to request States, whether parties or

not, to report annually on the legal, administrative and practical situation in relation to the abolition of the institutions and practices covered by the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956;

4. Requests the Working Group to follow with interest and to co-operate in the studies on the traffic in persons and on the exploitation of prostitution undertaken by the relevant United Nations organs pursuant to resolution 1 (XXVII) of the Commission on the Status of Women;

5. Invites the International Labour Organisation to bring the reports of the Working Group to the attention of the Committee of Experts on the Application of Conventions and Recommendations with a view to obtaining full implementation of the relevant instruments;

6. Requests the Secretary-General to transmit the reports of the Working Group to the Governments concerned for comment and to report to the Working Group at its fifth session, to enable the Working Group to report to the Sub-Commission at its thirty-third session;

7. Invites Governments which may need assistance in dealing with slavery-like practices which may exist in their countries, such as debt bondage, the exploitation of child labour and other grave abuses against workers, to avail themselves of the International Labour Organisation's technical assistance programme in order to solve these problems;

8. Requests the United Nations Children's Fund (UNICEF) to gather evidence concerning the sale of children; and to give information on this question to the Working Group;

9. Decides to inscribe the subject of the exploitation of child labour on the agenda of its thirty-second session in 1979, International Year of the Child;

10. Urges all States which have not yet done so to ratify and implement the Convention concerning Minimum Age for Admission to Employment, 1973 (No.138) and the Convention concerning Forced or Compulsory Labour, 1930 (No.29);

11. Appeals to the Governments concerned to press privately-owned industries to ameliorate the conditions of work of children and to seek ways and means of enforcing relevant existing legislation;

12. Requests the Secretary-General to co-operate with the United Nations agencies concerned with the question of the exploitation of child labour through the exchange of information, the preparation of joint studies and similar activities, and to report to the Working Group at its fifth session;

13. Requests the Secretary-General to undertake, together with the specialized agency concerned, an in-depth, world-wide study of debt bondage, taking into account all the relevant economic, social and legal aspects and the interconnexions with other slavery-like practices, and for this purpose to make use of any information from reliable sources made available to him;

14. Invites the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the World Food Programme and the United Nations University to look into the possibility of taking account of debt bondage in their rural development projects and to consider the desirability of specific action to combat it, as well as to inform the Working Group of any activities undertaken in this area;

15. Requests the Secretary-General to update the list of experts established under Economic and Social Council resolution 1330 (XLIV) of 31 May 1968;

16. Requests the Secretary-General to carry out, as a matter of priority, a study of apartheid and colonialism as collective forms of slavery;

17. Requests the Commission on Human Rights and the Economic and Social Council to extend the period of work of the Working Group to five working days immediately before the session of the Sub-Commission, as was recommended in Sub-Commission resolution 5 (XXVIII) of 10 September 1975;

18. Calls upon the Secretary-General to afford the Working Group all possible assistance in the performance of its tasks, including the preparation of the reports required for the Working Group's fifth session.

7 (XXXI) Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the thirty-second session of the Sub-Commission

A 30/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Considering the number, importance and complexity of the subjects discussed by the expert members of the Sub-Commission,

Considering the limited time allotted to the sessions of the Sub-Commission,

Considering also the heavy work imposed on the Division of Human Rights in the preparation of documents for the Sub-Commission,

Requests the Commission on Human Rights to recommend to the Economic and Social Council that it decide:

(a) That the Sub-Commission should meet twice a year for a period of three weeks, one of the sessions to take place one month prior to the session of the Commission on Human Rights;

(b) That one of the meetings should take place at the United Nations Headquarters in New York, if possible, and the other at the United Nations Office at Geneva;

(c) That the number of items to be included in the agenda for each session should not exceed eight;

(d) That all the documents pertaining to subjects to be discussed should be at the disposal of the members of the Sub-Commission six weeks prior to the scheduled date of each session of the Sub-Commission.

B 31/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the provisions of Economic and Social Council resolution 1503 (XLVIII), in particular its paragraph 8, which provides that "all actions envisaged in the implementation of the present resolution by the Sub-Commission on Prevention of Discrimination and Protection of Minorities or the Commission on Human Rights shall remain confidential until such time as the Commission may decide to make recommendations to the Economic and Social Council",

Bearing in mind that it would be in the interest of the proper implementation of Council resolution 1503 (XLVIII) for the Working Group of the Sub-Commission provided for in paragraph 1 thereof, as well as for the Sub-Commission itself, to adopt the method of voting by secret ballot when taking decisions on matters arising under resolution 1503 (XLVIII),

Requests the competent United Nations bodies to amend the rules of procedure so that in the future the Sub-Commission and its Working Group provided for in paragraph 1 of Council resolution 1503 (XLVIII) shall, in taking decisions on matters arising in the implementation of Council resolution 1503 (XLVIII), adopt the method of voting by secret ballot unless the Sub-Commission or its Working Group decide otherwise.

8 (XXXI). Review of further developments in fields with which the Sub-Commission has been concerned 32/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Noting General Assembly resolutions 3212 (XXIX), 3395 (XXX), 3450 (XXX), 31/12, 32/13, 32/15 and 32/128,

Recalling Commission on Human Rights resolution 17 (XXXIV),

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31/ Adopted at the 825th meeting, on 13 September 1978. See chap.XV, para.289.

32/ Adopted at the 825th meeting, on 13 September 1978. See chap.II, para.23.

Recalling its resolution 1 (XXVIII),

Mindful of the need to restore human rights in Cyprus,

1. Demands the full restoration of all human rights to the whole population of Cyprus;
2. Expresses its grave concern at the continuing plight of the displaced persons in Cyprus;
3. Calls for the effective implementation of its resolution 1 (XXVIII);
4. Requests the Commission on Human Rights to review at its thirty-fifth session the implementation of the present resolution.

9 (XXXI). Problem of the applicability of existing international provisions for the protection of human rights to individuals who are not citizens of the country in which they live 33/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having considered at its thirtieth session the study (E/CN.4/Sub.2/392) prepared by the Baroness Elles, Special Rapporteur on the problem of the applicability of existing international provisions for the protection of human rights to individuals who are not citizens of the country in which they live,

Having further considered at its thirty-first session a revised draft of the declaration contained in annex I of the study, elaborated by the Special Rapporteur in document E/CN.4/Sub.2/L.682 pursuant to Sub-Commission resolution 4 (XXX),

1. Expresses its appreciation to the Special Rapporteur for the excellent work she has accomplished;
2. Requests the Special Rapporteur to present the study (E/CN.4/Sub.2/392), together with the revised draft declaration as amended in the light of suggestions made in the Sub-Commission at its thirty-first session, to the Commission on Human Rights at its thirty-fifth session;
3. Requests the Secretary-General to draw recommendations 27 and 28 contained in the study (E/CN.4/Sub.2/392) to the attention of the Economic and Social Council and the Human Rights Committee established under the International Covenant on Civil and Political Rights;

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33/ Adopted at the 325th meeting, on 13 September 1978. See chap.XIII, para.255.

4. Requests the Secretary-General to transmit recommendation 24 of the study, with regard to the approximation and simplification of the laws relating to acquisition of citizenship, to the International Institute for the Unification of Private Law;

5. Recommends to the Commission on Human Rights and to the Economic and Social Council that the study of the Special Rapporteur (E/CN.4/Sub.2/392) and the text of the revised draft declaration, as amended, should be printed and given the widest possible distribution.

10 (XXXI). Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII) 34/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind constant and systematic violations of the rule of confidentiality, provided for in paragraph 3 of Economic and Social Council resolution 1503 (XLVIII) and reiterated in Economic and Social Council resolution 1919 (LXIII), which is one of the basic requirements of the procedure under resolution 1503 (XLVIII),

Expressing its concern at the continued violations of the aforesaid rule of confidentiality, which impair and undermine the effective functioning of the Sub-Commission in respect of items on its agenda to which the rule of confidentiality applies,

1. Requests the Secretary-General to conduct a thorough investigation into the violations of the rule of confidentiality and in particular the publication of an objectionable news item in Le Monde of 13 September 1978 with regard to the confidential deliberations of the Sub-Commission;

2. Further requests the Secretary-General to devise and bring into effect appropriate measures to prevent violations of the rule of confidentiality embodied in paragraph 3 of Economic and Social Council resolution 1503 (XLVIII) and to report to the Commission on Human Rights on the results of the investigation and in respect of the measures devised and brought into effect for the aforesaid purpose.

- 11 (XXXI). Question of the violation of human rights and fundamental freedoms including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII) 35/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind decision 9 (XXXIV) of the Commission on Human Rights requesting the Secretary-General to transmit to the Commission through the Sub-Commission materials and information on the situation of human rights in Democratic Kampuchea,

Having considered the materials and information placed before it in accordance with the Commission's decision,

Requests the Chairman or such member of the Sub-Commission as the Chairman may decide to appoint to analyse these materials on its behalf, together with the comments and observations made by the Sub-Commission and other relevant materials which may be received by the Secretary-General before the thirty-fifth session of the Commission on Human Rights, and to present his analysis with the recommendation that the Commission give this matter highest priority at its thirty-fifth session.

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<sup>35/</sup> Adopted at the 326th meeting, on 15 September 1978. See chap.XIV, para.269.

## B. Decisions

1. The Sub-Commission decided to ask the Secretariat to submit to it at its thirty-second session a list of the studies prepared for the Sub-Commission in recent years, indicating whether the studies are still available and what steps are being taken to reprint those that are out of stock. 36/
2. The Sub-Commission decided, in accordance with the instructions contained in paragraph 13 of Commission on Human Rights resolution 12 (XXXIV), to transmit the report prepared by Mr. Antonio Cassese, Rapporteur (E/CN.4/Sub.2/412), together with the relevant summaries of the debate on agenda item 13, to the General Assembly at its thirty-third session. 37/
3. The Sub-Commission decided to postpone the consideration of agenda items 14 and 15 to the thirty-second session. The Secretary made a statement on the administrative and financial implications of the decision concerning item 14. 38/
4. The Sub-Commission decided to express its thanks to the Special Rapporteur, Mr. Nicodème Ruhashyankiko, for his excellent report (E/CN.4/Sub.2/416, to transmit the report to the Commission on Human Rights for consideration at its thirty-fifth session and to recommend to the Commission on Human Rights and to the Economic and Social Council that the report should be given the widest possible distribution. 39/
5. The Sub-Commission decided that the composition of its working groups should be as follows: 40/

<u>Regional group</u>	<u>Working Group on Communications</u>	<u>Working Group on Slavery</u>	<u>Working Group set up under res. 1 (XXXI) (Decade)</u>	<u>Working Group set up under res. 5B (XXXI) (detention)</u>
Asia	Mr. Pirzada Mr. Sadi, alternate	Mr. Chowdhury	Mr. El Khani	Mr. El Khani
Africa	Mr. Bouhdiba Mr. Jimeta, alternate	Mrs. Warzazi	Mr. Khalifa	Mr. Khalifa

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- 36/ Adopted at the 814th meeting, on 6 September 1978. See chap. XV.
- 37/ Adopted at the 818th meeting, on 8 September 1978. See chap. X.
- 38/ Adopted at the 820th meeting, on 11 September 1978. See chap. I.
- 39/ Adopted at the 825th meeting, on 13 September 1978. See chap. XII.
- 40/ Adopted at the 826th meeting, on 15 September 1978. See chaps. III, V, VI and XI.

<u>Regional group</u>	<u>Working Group on Communications</u>	<u>Working Group on Slavery</u>	<u>Working Group set up under res. 1 (XXXI) (Decade)</u>	<u>Working Group set up under res. 5B (XXXI) (detention)</u>
Latin America	Mr. Martínez Bález Mr. Holguín Holguín alternate	Mr. Amadeo	Mr. Ferrero	Mr. Ferrero
Western Europe and other	Mr. Carter Mrs. Questiaux, alternate	Mr. Whitaker	Mrs. Daes	Mrs. Daes
Eastern Europe	Mr. Smirnov Mr. Bahnev, alternate	Mr. Ceausu	Mr. Bahnev	Mr. Bahnev

6. The Sub-Commission decided to include an item entitled "The New International Economic Order and the promotion of human rights" in the provisional agenda for the thirty-second session. 41/

7. The Sub-Commission decided to send the following telegram to the Government of South Africa:

"THE UNITED NATIONS HUMAN RIGHTS SUBCOMMISSION IN ITS CONCERN WITH VIOLATIONS OF HUMAN RIGHTS THROUGHOUT THE WORLD ASKS FOR THE IMMEDIATE RELEASE OF THE RECENTLY DETAINED MEMBERS OF THE LATE STEVE BIKO'S FAMILY AND FOR A NEW IMPARTIAL INVESTIGATION OF HIS DEATH ONE YEAR AGO". 42/

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41/ Adopted at the 826th meeting, on 15 September 1978. See chap. XV.

42/ Adopted at the 827th meeting, on 15 September 1978. See chap. XIV.

Annex I

ATTENDANCE

Members and alternates

Mr. Mario Amadeo	(Argentina)
Mr. Yuli Bahnev	(Bulgaria)
Mr. Abdelwahab Bouhdiba	(Tunisia)
Mr. Beverly Carter Jr., Mr. John Carey*	(United States of America)
Mr. Dumitru Ceausu	(Romania)
Mr. Abu Sayeed Chowdhury	(Bangladesh)
Mrs. Erica-Irene Daes	(Greece)
Mr. Abdullah El Khani	(Syrian Arab Republic)
Mr. Raúl Ferrero	(Peru)
Mr. Hicri Fisek	(Turkey)
Mr. Manouchehr Ganji, Miss Soheila Shahkar*	(Iran)
Mr. Carlos Holguín Holguín	(Colombia)
Mr. H.W. Jayawardene	(Sri Lanka)
Mr. Ibrahim Jimeta	(Nigeria)
Mr. Ahmed Khalifa	(Egypt)
Mr. Antonio Martínez Báez	(Mexico)
Mr. José Martínez Cobo	(Ecuador)
Mr. Erik Nettel	(Austria)
Mr. S. Sharifuddin Pirzada	(Pakistan)
Mrs. Nicole Questiaux	(France)
Mr. Waleed Sadi	(Jordan)
Mr. L.M. Singhvi	(India)
Mr. Sergey N. Smirnov, L. Dadiani*	(Union of Soviet Socialist Republics)
Mr. Arsène Usher	(Ivory Coast)
Mrs. Halima Warzazi	(Morocco)
Mr. Benjamin Whitaker	(United Kingdom of Great Britain and Northern Ireland)

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\* Alternate.

Rapporteurs not members of the Sub-Commission

Mr. Antonio Cassese  
Mr. Aureliu Cristescu  
Baroness Elles  
Mr. Héctor Gros Espiell  
Mr. Nicodème Ruhashyankiko

States Members of the United Nations represented by observers

Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cyprus, Czechoslovakia, Equatorial Guinea, German Democratic Republic, Germany, Federal Republic of, Greece, Guatemala, Hungary, Iraq, Iran, Israel, Italy, Mongolia, Morocco, New Zealand, Poland, Portugal, Turkey, United Kingdom of Great Britain and Northern Ireland, Uruguay, United States of America, Yugoslavia

Non-member States represented by observers

Switzerland

United Nations bodies

Commission on the Status of Women, Office of the United Nations High Commissioner for Refugees

Specialized agencies

International Labour Organisation, United Nations Educational, Scientific and Cultural Organization, World Health Organization

Regional intergovernmental organizations

Council of Europe, League of Arab States, Organization of African Unity, Organization of American States

National liberation movements

Palestine Liberation Organization

Non-governmental organizations in consultative status

Category I

International Alliance of Women, International Council of Women, International Youth and Student Movement for the United Nations, World Federation of Trade Unions, World Federation of United Nations Associations

Category II

All-India Women's Conference, Amnesty International, Anti-Slavery Society for the Protection of Human Rights, Baha'i International Community, Friends World Committee for Consultation, International Association for Religious Freedom, International Commission of Jurists, International Committee of the Red Cross, International Council of Jewish Women, International Federation for Human Rights, International Federation of University Women, International Federation of Women Lawyers, International League for Human Rights, International Movement for Fraternal Union among Races and Peoples, International Union for Child Welfare, Pan-Pacific and South-East Asia Women's Association, Pax Romana, Women's International League for Peace and Freedom, World Jewish Congress, World Young Women's Christian Association

Roster

International Association for the Defence of Religious Liberty, International Humanist and Ethical Union, Minority Rights Group, World Peace Council

Annex II

FINANCIAL IMPLICATIONS OF RESOLUTIONS AND DECISIONS ADOPTED  
BY THE SUB-COMMISSION AT ITS THIRTY-FIRST SESSION

1. In the course of its thirty-first session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted six resolutions and one decision having financial implications. Prior to the adoption of these resolutions, statements of their administrative and financial implications were submitted on behalf of the Secretary-General, in compliance with financial regulation 13.1 and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council. These statements are summarized below.

2. Should the action taken by the Commission on Human Rights and the Economic and Social Council in respect of the above-mentioned decision and resolutions of the Sub-Commission require the Secretary-General to enter into commitments during 1979, additional credits, as appropriate, would be required for the biennium 1978-1979.

Resolution 1 (XXXI). Role of the Sub-Commission in the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination: study and suggestions on effective ways and means and concrete measures for securing the full and universal implementation of the United Nations resolutions and decisions on racism, racial discrimination, apartheid, decolonization and self-determination and related matters

3. Under the terms of resolution 1 (XXXI), the Sub-Commission recommends that the Commission on Human Rights request the Economic and Social Council to authorize the Chairman of the Sub-Commission to appoint a working group of five of its members to meet for not more than three working days in advance of the thirty-second session of the Sub-Commission to make specific proposals for a work programme which may be undertaken by the Sub-Commission for the effective implementation of the Programme of Action against Racism and Racial Discrimination adopted by the World Conference to Combat Racism and Racial Discrimination.

4. On the basis of the foregoing, the financial implications of the resolution are as follows:

	<u>1979</u>
	US\$
Subsistence of five members of the Sub-Commission during three days prior to the thirty-second session of the Sub-Commission .....	2,080
Conference servicing costs ( <u>interpretation into English, French, Russian and Spanish</u> ) .....	16,700
	<u>18,780</u>

Resolution 2 (XXXI). 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

5. Under the terms of resolution 2 (XXXI), the Sub-Commission invites the Special Rapporteur (Mr. A. Khalifa) to present to the Sub-Commission at its thirty-second session a final version of the report, based upon further research as regards the provisional general list, and calls upon the Secretary-General to continue to provide assistance to the Special Rapporteur in carrying out his task.

6. On the basis of the foregoing, the financial implications are as follows:

	<u>1979</u>
	US\$
Travel (economy) and subsistence of Special Rapporteur to consult with the Division of Human Rights (Cairo/Geneva/Cairo: total time 10 working days) .....	1,800

Resolution 4 (XXXI). Implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination

7. Under the terms of resolution 4 A (XXXI), the Sub-Commission decides to recommend to the Commission on Human Rights and to the Economic and Social Council that the updated report should be printed and given the widest possible distribution. The Sub-Commission further requests the Commission on Human Rights to entrust the Special Rapporteur (Mr. Héctor Gros Espiell) with the preparation of the preliminary drafts of the international instrument proposed in paragraph 282 of his study, for consideration by the Sub-Commission and, if the Commission so decides, requests the Secretary-General to give him all the necessary assistance for the completion of this task.

8. On the basis of the foregoing the financial implications are as follows:

	<u>1979</u>
	US\$
Editing and preparation of report for printing (275 pages)	27,400
Printing of report in English, French, Russian and Spanish .....	34,900
Travel (first class) and subsistence of Special Rapporteur to consult with Division of Human Rights (Mexico/Geneva/Mexico: total time five working days) .....	2,300
	<hr/> 64,600

Resolution 5 (XXXI). Question of the human rights of persons subjected to any form of detention or imprisonment

9. Under the terms of resolution 5 A (XXXI), the Sub-Commission recommends that the Commission on Human Rights request the Economic and Social Council to authorize a study of the situation of detainees and imprisoned persons in and from territories under foreign occupation.

10. On the basis of the foregoing, the financial implications of the resolution are as follows:

	<u>1979</u> US\$
Four man-months of outside expertise at the P.3 level .....	10,000

11. Under the terms of resolution 5 B (XXXI), the Sub-Commission recommends that the Commission on Human Rights request the Economic and Social Council to authorize the Chairman of the Sub-Commission to appoint a group of five of its members to meet for not more than five working days 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.

12. On the basis of the foregoing, the financial implications of the resolution are as follows:

	<u>1979</u> US\$
Subsistence of five members of the Sub-Commission during five days prior to the thirty-second session of the Sub-Commission .....	3,100
Conference servicing costs (interpretation into English, French, Russian and Spanish) .....	24,000
	<hr/> 27,100

13. Under the terms of resolution 5 D (XXXI), the Sub-Commission recommends that the Commission on Human Rights request the Economic and Social Council to authorize Mrs. Questiaux to continue the study of this subject, with assistance from the Secretariat, and to report to the Sub-Commission at its thirty-second session.

14. On the basis of the foregoing, the financial implications of the resolution are as follows:

	<u>1979</u> US\$
Travel (economy) and subsistence to consult with the Division of Human Rights (two round trips Paris/Geneva/Paris: total time four working days) .....	1,000

Resolution 6 (XXXI). Question of slavery and the slave trade in all their practices and manifestations, including the slavery like practices of apartheid and colonialism

15. Under the terms of resolution 6 (XXXI), the Sub-Commission recommends to the Economic and Social Council that it authorize the Sub-Commission to entrust Mr. Benjamin Whitaker with the further extension and updating of the Report on Slavery in the light of comments made in the Sub-Commission at its thirty-first session and to submit his report to the Sub-Commission at its thirty-third session.

16. On the basis of the foregoing, the financial implications of the resolution are as follows:

	<u>1979</u> US\$	<u>1980</u> US\$
Travel (economy) and subsistence to consult with the Division of Human Rights (London/Geneva/London: total time five working days) .....	1,000	
Travel (economy) and subsistence to consult with the Division of Human Rights (London/Geneva/London: total time five working days) .....		1,000
	<u>1,000</u>	<u>1,000</u>

Resolution 9 (XXXI). Problem of the applicability of existing international provisions for the protection of human rights to individuals who are not citizens of the country in which they live

17. Under the terms of resolution 9 (XXXI), the Sub-Commission recommends to the Commission on Human Rights and to the Economic and Social Council that the study of the Special Rapporteur and the text of the revised draft declaration, as amended, should be printed and given the widest possible distribution.

18. On the basis of the foregoing, the financial implications of the resolution are as follows:

	<u>1979</u> US\$
Editing and preparation of report for printing (200 pages) .....	20,800
Printing of report in English, French, Russian and Spanish .....	25,800
	<u>46,600</u>

Decision 2

19. The Sub-Commission decided to postpone the consideration of agenda item 14 to the thirty-second session. The financial implications of this decision are as follows:

1979  
US\$

Travel (economy) and subsistence of Special Rapporteur  
to consult with the Division of Human Rights  
(Athens/Geneva/Athens: total time five working days) .... 1,300

ANNEX III

LIST OF DOCUMENTS ISSUED FOR THE THIRTY-FIRST SESSION  
OF THE SUB-COMMISSION

<u>Documents issued in the general series</u>		<u>Agenda item</u>
E/CN.4/Sub.2/393/Add.2	Note by the Secretary-General	11
E/CN.4/Sub.2/400 and Corr.1	Provisional agenda and annotations thereto: note by the Secretary-General	
E/CN.4/Sub.2/401	Note by the Secretary-General	3
E/CN.4/Sub.2/402	Memorandum submitted by the International Labour Office	3
E/CN.4/Sub.2/403	Memorandum submitted by the United Nations Educational, Scientific and Cultural Organization	3
E/CN.4/Sub.2/404 (vols. I-IV) and Add.1	Study prepared by Mr. Aureliu Cristescu, Special Rapporteur	7
E/CN.4/Sub.2/405 (vol.I) (vols. I and II)	Study prepared by Mr. Héctor Gros Espiell, Special Rapporteur	8
E/CN.4/Sub.2/406	Report of the working group on a draft body of principles for the protection of all persons under any form of detention or imprisonment	11
E/CN.4/Sub.2/407 and Add.1 and 2	Note by the Secretary-General	11
E/CN.4/Sub.2/408	Synopsis of materials received from non-governmental organizations in consultative status with the Economic and Social Council, prepared by the Secretariat	11
E/CN.4/Sub.2/409	Detailed analysis prepared by the Secretary-General in accordance with Sub-Commission resolution 8 (XXX)	11
E/CN.4/Sub.2/410	Report of the Working Group on Slavery on its fourth session	12
E/CN.4/Sub.2/411 and Add.1	Note by the Secretary-General	12

Agenda  
item

E/CN.4/Sub.2/412 (vols. I-IV) and Corr.1	Study of the impact of foreign economic aid and assistance on respect for human rights in Chile: report prepared by Mr. Antonio Cassese, Rapporteur	13
E/CN.4/Sub.2/413 <sup>a/</sup>	Final report by Mrs. Erica-Irene A. Daes, Special Rapporteur	14
E/CN.4/Sub.2/414 and Add.1-9	Note by the Secretary-General	9
E/CN.4/Sub.2/415	Working paper prepared by Mr. Ahmed M. Khalifa, Special Rapporteur, in pursuance of Sub-Commission resolution 1 (XXX) and Commission on Human Rights resolution 7 (XXXIII)	5
E/CN.4/Sub.2/416	Study prepared by Mr. Nicodème Ruhashyankiko Special Rapporteur	17
E/CN.4/Sub.2/418	Note by the Secretary-General	9
E/CN.4/Sub.2/NGO/77	Written statement submitted by the International Commission of Jurists	11
E/CN.4/Sub.2/NGO/78	Written statement submitted by the International Commission of Jurists	15
E/CN.4/Sub.2/SR.800- 824, 825 and Add.1 <sup>b/</sup> 826, 827 and Add.1 <sup>b/</sup>	Summary records of meetings of the thirty-first session of the Sub-Commission	

Documents issued in the limited series

E/CN.4/Sub.2/L.679	Preliminary document submitted by the Secretary-General under paragraph 2 of Sub-Commission resolution 3 (XXX)	4
E/CN.4/Sub.2/L.680	Preliminary document submitted by the Secretary-General under paragraph 3 of Sub-Commission resolution 3 (XXX)	4

<sup>a/</sup> To be issued.

<sup>b/</sup> The 819th, 820th and 921st meetings and part of the 825th and 827th meetings were closed.

		<u>Agenda item</u>
E/CN.4/Sub.2/L.681	Preliminary report of the existence of partial lists concerning violations of fundamental human rights in southern Africa drawn up by other United Nations bodies: note by the Secretary-General.	5
E/CN.4/Sub.2/L.682 and Add.1	Revised draft declaration prepared by Baroness Elles, Special Rapporteur, pursuant to Sub-Commission resolution 4 (XXX)	6
E/CN.4/Sub.2/L.683	[Number not used]	
E/CN.4/Sub.2/L.684	Note by the Special Rapporteur, Mr. José R. Martínez Cobo	16
E/CN.4/Sub.2/L.685	Mr. Amadeo, Mr. Bahnev, Mr. Ceausu, Mrs. Daes, Mr. Jayawardene, Mr. Singhvi, Mrs. Warzazi and Mr. Whitaker: draft resolution	4
E/CN.4/Sub.2/L.686	Mr. Amadeo, Mr. Ceausu, Mrs. Daes, Mr. Ferrero, Mr. Holguín Holguín, Mr. Khalifa, Mr. Martínez Cobo and Mr. Martínez Baez: draft resolution	8
E/CN.4/Sub.2/L.687	Mr. Amadeo, Mr. Bouhdiba, Mr. Ceausu, Mr. Chowdhury, Mrs. Daes, Mr. El Khani, Mr. Ferrero, Mr. Fisek, Mr. Ganji, Mr. Jayawardene, Mr. Jimeta, Mr. Khalifa, Mr. Martínez Baez, Mr. Nettel, Mr. Sadi, Mr. Singhvi, Mr. Usher, Mrs. Warzazi and Mr. Whitaker: draft resolution	11
E/CN.4/Sub.2/L.688	Draft body of principles for the protection of all persons under any form of detention or imprisonment, as adopted by the Sub-Commission at its 807th to 810th meetings.	11
E/CN.4/Sub.2/L.689	Mr. Amadeo, Mr. Carter, Mr. Chowdhury, Mrs. Daes, Mr. El Khani, Mr. Ferrero, Mr. Khalifa, Mr. Martínez Baez, Mrs. Questiaux, Mr. Singhvi, Mrs. Warzazi and Mr. Whitaker: draft resolution	11
E/CN.4/Sub.2/L.690	Mr. Amadeo, Mr. Carter, Mrs. Daes, Mr. El Khani, Mr. Khalifa, Mrs. Questiaux and Mr. Whitaker: draft resolution	11

		<u>Agenda</u> <u>item</u>
E/CN.4/Sub.2/L.691	Mr. Ceausu, Mr. Chowdhury, Mrs. Daes, Mr. El Khani, Mr. Jimeta, Mr. Khalifa, Mr. Martínez Cobo, Mr. Sadi and Mrs. Warzazi: draft resolution	7
E/CN.4/Sub.2/L.692	Mr. Carter, Mr. Chowdhury, Mrs. Daes, Mr. Khalifa, Mr. Martínez Báez, Mr. Martínez Cobo, Mrs. Warzazi and Mr. Whitaker: draft resolution	11
E/CN.4/Sub.2/L.693	Mr. Carter, Mrs. Daes, Mr. El Khani, Mr. Ferrero, Mr. Fisek, Mr. Nettel, Mrs. Questiaux and Mrs. Warzazi: draft resolution	12
E/CN.4/Sub.2/L.694	Mrs. Questiaux and Mrs. Warzazi: amendment to draft resolution E/CN.4/Sub.2/L.686	8
E/CN.4/Sub.2/L.695	Mr. Carter, Mr. Chowdhury, Mr. Fisek, Mr. Sadi and Mr. Usher: draft resolution	12
E/CN.4/Sub.2/L.696	Mr. Bahnev, Mr. Ceausu, Mrs. Daes, Mr. El Khani, Mr. Jimeta, Mr. Martínez Báez, Mr. Sadi, Mr. Smirnov and Mrs. Warzazi: draft resolution	5
E/CN.4/Sub.2/L.697	Mr. Carter, Mr. Chowdhury, Mr. Ferrero, Mr. Holguín Holguín, Mr. Jayawardene, Mr. Jimeta, Mrs. Questiaux and Mr. Whitaker: draft resolution	11
E/CN.4/Sub.2/L.698	Mr. Amadeo, Mr. Ferrero and Mr. Jayawardene: draft resolution	3
E/CN.4/Sub.2/L.699	Mr. Carter, Mr. Chowdhury and Mr. Sadi: draft resolution	8
E/CN.4/Sub.2/L.700	Note by the Secretary-General	18
E/CN.4/Sub.2/L.701	Mr. Amadeo, Mr. Chowdhury, Mr. El Khani, Mr. Martínez Báez, Mrs. Questiaux, Mr. Sadi, Mrs. Warzazi and Mr. Whitaker: draft resolution	18
E/CN.4/Sub.2/L.702	Mrs. Daes, Mr. Fisek, Mr. Holguín Holguín, Mr. Jayawardene, Mr. Nettel, Mr. Sadi, Mrs. Questiaux, Mrs. Warzazi and Mr. Whitaker: draft resolution	18

		<u>Agenda item</u>
E/CN.4/Sub.2/L.703	Mr. Chowdhury, Mrs. Daes, Mr. El Khani, Mrs. Warzazi and Mr. Whitaker: draft resolution	6
E/CN.4/Sub.2/L.704	Mrs. Questiaux: draft resolution	9
E/CN.4/Sub.2/L.705	Mr. Amadeo, Mr. Bahnev, Mr. Carter, Mr. Holguín Holguín, Mr. Singhvi, Mr. Smirnov and Mrs. Warzazi: draft resolution	10
E/CN.4/Sub.2/L.706	Mr. Carter, Mrs. Daes, Mr. El Khani, Mr. Sadi and Mr. Whitaker: draft resolution	9
E/CN.4/Sub.2/L.706/Rev.1	Mr. Carter, Mrs. Daes, Mr. El Khani and Mr. Whitaker: revised draft resolution	9