

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/1983/4
E/CN.4/Sub.2/1982/43
29 September 1982

Original: ENGLISH

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-FIFTH SESSION

Geneva, 16 August - 10 September 1982

Rapporteur: Mr. Ivan Toševski

GE.82-12251

CONTENTS

<u>Chapter</u>		<u>Page</u>
I	Issues referred to the Commission on Human Rights for action or consideration	1
A.	<u>Draft resolutions recommended to the Commission on Human Rights for adoption</u>	1
I.	Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	1
II.	The new international economic order and the promotion of human rights	2
III.	Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of <u>apartheid</u> and colonialism	3
IV.	The effects of gross violations of human rights on international peace and security	3
V.	Question of the human rights of persons subjected to any form of detention or imprisonment	4
VI.	Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories	5
VII.	Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories; report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	6
VIII.	Question of human rights of persons subjected to any form of detention or imprisonment	6
IX.	Human rights and scientific and technological developments - Guidelines, principles and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder	7
X.	The status of the individual and contemporary international law	8

CONTENTS (continued)

<u>Chapter</u>		<u>Page</u>
I	B. <u>Sub-Commission resolutions requiring consideration by the Commission on Human Rights</u>	9
	Sub-Commission resolution 1982/1. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	9
	Sub-Commission resolution 1982/5. Question of the human rights of persons subjected to any form of detention or imprisonment	9
	Sub-Commission resolution 1982/9. Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of <u>apartheid</u> and colonialism	10
	Sub-Commission resolution 1982/10. Question of the human rights of persons subjected to any form of detention and imprisonment	10
	Sub-Commission resolution 1982/13. Question of the human rights of persons subjected to any form of detention or imprisonment	11
	Sub-Commission resolution 1982/15. Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of <u>apartheid</u> and colonialism	11
	Sub-Commission resolution 1982/17. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	14
	Sub-Commission resolution 1982/18. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	14

CONTENTS (continued)

<u>Chapter</u>		<u>Page</u>
I	B. <u>Sub-Commission resolutions requiring consideration by the Commission on Human Rights (continued)</u>	
	Sub-Commission resolution 1982/19. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	15
	Sub-Commission resolution 1982/21. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	16
	Sub-Commission resolution 1982/22. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	16
	Sub-Commission resolution 1982/25. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	17
	Sub-Commission resolution 1982/26. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	17
	Sub-Commission resolution 1982/27. Review of further developments in fields with which the Sub-Commission has been concerned	18
	Sub-Commission resolution 1982/31. Study of the problem of discrimination against indigenous populations	19
	Sub-Commission resolution 1982/33. Exploitation of child labour	19

CONTENTS (continued)

<u>Chapter</u>		<u>Paragraphs</u>	<u>Page</u>
II	Organization of the session	1 - 22	20
III	Review of the status and activities of the Sub-Commission and its relationship with the Commission on Human Rights and other United Nations bodies	23 - 42	24
IV	Review of further developments in fields with which the Sub-Commission has been concerned	43 - 65	26
V	Measures to combat racism and racial discrimination and the role of the Sub-Commission	66 - 79	29
VI	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	80 - 96	31
VII	Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	97 - 196	33
VIII	The effects of gross violations of human rights on international peace and security	197 - 218	42
IX	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)	219 - 224	45
X	Question of the human rights of persons subjected to any form of detention or imprisonment	225 - 258	46
XI	Human rights and scientific and technological developments	259 - 268	50
XII	Study of the problem of discrimination against indigenous populations	269 - 290	52
XIII	The new international economic order and the promotion of human rights	291 - 320	55
XIV	Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of <u>apartheid</u> and colonialism	321 - 345	58
XV	Exploitation of child labour	346 - 354	61

CONTENTS (continued)

<u>Chapter</u>	<u>Paragraphs</u>	<u>Page</u>
XVI Encouragement of universal acceptance of human rights instruments	355 - 363	62
XVII Conscientious objection to military service	364 - 375	63
XVIII The status of the individual and contemporary international law	376 - 384.	64
XIX Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the thirty-sixth session of the Sub-Commission	385 - 390	65
XX Adoption of the report	391	70
XXI Resolutions and decisions adopted by the Sub-Commission at its thirty-fourth session		71
A. <u>Resolutions</u>		
1982/1 Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)		71
1982/2 Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)		72
1982/3 Encouragement of universal acceptance of human rights instruments		72
1982/4 Measures to combat racism and racial discrimination and the role of the Sub-Commission		73
1982/5 Question of the human rights of persons subjected to any form of detention or imprisonment		74
1982/6 The new international economic order and the promotion of human rights		75
1982/7 The new international economic order and the promotion of human rights		76
1982/8 The new international economic order and the promotion of human rights		77
1982/9 Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of <u>apartheid</u> and colonialism		77

CONTENTS (continued)

A.	<u>Resolutions</u> (continued)	<u>Page</u>
1982/10	Question of the human rights of persons subjected to any form of detention or imprisonment	78
1982/11	The effects of gross violations of human rights on international peace and security	82
1982/12	Question of the human rights of persons subjected to any form of detention or imprisonment	82
1982/13	Question of the human rights of persons subjected to any form of detention or imprisonment	83
1982/14	Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	84
1982/15	Questions of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of <u>apartheid</u> and colonialism	85
1982/16	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	89
1982/17	Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	90
1982/18	Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	91
1982/19	Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	93

CONTENTS (continued)

A.	<u>Resolutions</u> (continued)	<u>Page</u>
1982/20	Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	93
1982/21	Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	94
1982/22	Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	96
1982/23	Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	97
1982/24	Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	98
1982/25	Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	99
1982/26	Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	100

CONTENTS (continued)

A.	<u>Resolutions</u> (continued)	<u>Page</u>
1982/27	Review of further developments in fields with which the Sub-Commission has been concerned	101
1982/28	Review of further developments in fields with which the Sub-Commission has been concerned	103
1982/29	Study of the problem of discrimination against indigenous populations	103
1982/30	Conscientious objection to military service	104
1982/31	Study of the problem of discrimination against indigenous populations	105
1982/32	Question of the human rights of persons subjected to any form of detention or imprisonment	106
1982/33	Exploitation of child labour	107
1982/34	Human rights and scientific and technological developments: Guidelines, principles and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder	107
1982/35	The status of the individual and contemporary international law	108
B.	<u>Decisions</u>	110
1982/1	Adoption of the agenda	110
1982/2	Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	110
1982/3	Organization of work	110
1982/4	Organization of work	110
1982/5	Review of further developments in fields with which the Sub-Commission has been concerned	111
1982/6	Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	111

CONTENTS (continued)

B. <u>Decisions</u> (continued)	<u>Page</u>
1982/7 Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of <u>apartheid</u> and colonialism	111
1982/8 Question of the human rights of persons subjected to any form of detention or imprisonment	111
1982/9 Review of the status and activities of the Sub-Commission and its relationship with the Commission on Human Rights and other United Nations bodies	112
1982/10 The effects of gross violations of human rights on international peace and security	112
1982/11 Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	112
1982/12 Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of <u>apartheid</u> , in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	112
1982/13 Composition of working groups of the Sub-Commission	113

Annexes

I	Attendance
II	Administrative and programme budget implications of resolutions and decisions adopted by the Sub-Commission at its thirty-fifth session
III	List of studies under preparation drawn up in accordance with Commission resolution 1982/23
IV	List of documents issued for the thirty-fifth session of the Sub-Commission

I. ISSUES REFERRED TO THE COMMISSION ON HUMAN
RIGHTS FOR ACTION OR CONSIDERATION

A. Draft resolutions recommended to the Commission on
Human Rights for adoption

- I. 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) 1/

The Commission on Human Rights,

Mindful of resolution 1982/2 of the Sub-Commission, related to the revision and updating of the Study on the Question of the Prevention and Punishment of the Crime of Genocide, 2/

Expressing its great concern and anxiety at the fact that acts of genocide are committed in various regions of the world,

Recommends the following draft resolution to the Economic and Social Council for adoption:

Draft resolution

The Economic and Social Council,

Mindful of resolution 1982/2 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and resolution 1983/... of the Commission on Human Rights, related to the revision and updating of the Study on the Question of the Prevention and Punishment of the Crime of Genocide, 3/

1. Requests the Sub-Commission to appoint one of its members as Special Rapporteur with the mandate to revise, as a whole, and update the Study on the Question of the Prevention and Punishment of the Crime of Genocide taking into consideration the views expressed by the members of the Sub-Commission and the Commission on Human Rights, as well as replies of Governments, specialized agencies and other organizations of the United Nations system, regional organizations and non-governmental organizations to a questionnaire to be prepared by the Special Rapporteur;

2. Requests further the Sub-Commission to consider and to submit the aforementioned revised and updated study to the Commission on Human Rights at its fortieth session.

1/ See chap. XXI, sect. A, resolution 1982/2, and chap. VII.

2/ E/CN.4/Sub.2/416.

3/ Idem.

II. The New International Economic Order and the
promotion of human rights 4/

The Commission on Human Rights,

Recalling article 25 of the Universal Declaration of Human Rights and article 11 of the International Covenant on Economic, Social and Cultural Rights which proclaim inter alia the human right to adequate food;

Further recalling the provisions of the Universal Declaration on the Eradication of Hunger and Malnutrition 5/ whereby every man, woman and child has the inalienable right to be free from hunger and malnutrition in order to develop fully and maintain their physical and mental faculties,

Bearing in mind the concepts contained in General Assembly resolution 32/130 including the concept that all human rights and fundamental freedoms are indivisible and interdependent and that equal attention and urgent consideration should be given to the implementation, promotion and protection of both civil and political, and economic, social and cultural rights,

Emphasizing the link as recognized by the General Assembly in its resolutions 34/46, 35/174 and 36/133 between universal realization of the right to proper nourishment and the establishment of the new international economic order,

Deeply concerned about the precarious nature of the food situation, particularly in the least developed countries and about the implications thereof for enjoyment of the fundamental right to food,

1. Recommends to the Economic and Social Council that it authorize the Sub-Commission to entrust Mr. Eide with the preparation of a study on the right to adequate food as a human right. The Special Rapporteur, in elaborating his study, should take into account all relevant work being done within the United Nations system and should consult with organs and agencies such as the World Food Council, the Food and Agriculture Organization of the United Nations and the United Nations Conference on Trade and Development and relevant non-governmental organizations in the field. In his study the Special Rapporteur should give special attention to the normative content of the right to food and its significance in relation to the establishment of the new international economic order;

2. Requests the Secretary-General to give the Special Rapporteur all the assistance that he may require in his work;

3. Requests the Special Rapporteur to submit his preliminary report to the Sub-Commission at its thirty-sixth session and his final report to the Sub-Commission at its thirty-seventh session.

4/ See chap. XXI, sect. A, resolution 1982/7, and chap. XIII.

5/ Report of the World Food Conference, Rome, 5-16 November 1974
(United Nations publication, Sales No. 75.II.A.3) chap. I.

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

The Commission on Human Rights,

Recommends to the Economic and Social Council that the report prepared by Mr. Benjamin Whitaker, Special Rapporteur, entitled "Updating of the Report on Slavery submitted to the Sub-Commission in 1966" should be printed and given the widest possible distribution, including distribution in Arabic.

IV. The effects of gross violations of human rights on international peace and security 7/

The Commission on Human Rights,

Mindful of resolution 1982/11 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the effects of gross violations of human rights on international peace and security, and of the relevant comments made by members of the Sub-Commission, 8/

Noting with appreciation the note by the Secretary-General on the effects of gross violations of human rights on international peace and security which was submitted to the Sub-Commission at its thirty-fifth session, 9/

Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Mindful of resolution 1982/11 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and resolution 1983/... of the Commission on Human Rights on the effects of gross violations of human rights on international peace and security,

Considering that there exist current situations in many regions of the world in which gross and flagrant violations of human rights take place, in particular such odious crimes as aggression, invasion, military occupation, genocide, apartheid and other crimes against humanity, which have an effect on international peace and security,

1. Decides to draw the attention of the Security Council and the General Assembly to the fact that in many instances such mass and flagrant violations of human rights result in threats to, or breaches of, international peace and security, and requests the Security Council to consider how such violations can be dealt with as effectively as possible;

6/ See chap. XXI, sect. A, resolution 1982/9, and chap. XIV.

7/ See chap. XXI, sect. A, resolution 1982/11, and chap. VIII.

8/ See the summary records of the 11th-13th and 33rd meetings of the Sub-Commission (E/CN.4/Sub.2/1982/SR.11-13 and 33).

9/ E/CN.4/Sub.2/1982/18.

2. Requests the General Assembly to invite the International Law Commission to take mass and flagrant violations of human rights and the comments on such violations made by the members of the Sub-Commission 10/ into account when elaborating the draft code of offences against the peace and security of mankind;

3. Requests the Sub-Commission to continue its consideration of the item entitled "The effects of gross violations of human rights on international peace and security" with a view to preparing principles and, in particular, establishing criteria to govern situations which could be considered as constituting gross and flagrant violations of human rights, the effect of which have an impact on international peace and security;

4. Requests the Secretary-General to inform the Sub-Commission at its thirty-sixth session of the consideration given to this item by the Commission on Human Rights, the Economic and Social Council, the General Assembly and the Security Council.

V. Question of the human rights of persons subjected to
any form of detention or imprisonment 11/

The Commission on Human Rights,

Mindful of resolution 1982/12 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the question of the human rights of persons subjected to any form of detention or imprisonment - missing and disappeared persons, and the views expressed and comments made by the members of the Sub-Commission, 12/

Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Mindful of resolution 1982/12 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and resolution 1983/... of the Commission on Human Rights on missing and disappeared persons,

Considering the dimensions of the odious phenomenon of persons being rendered "missing and disappeared" involuntarily in several regions of the world,

Requests the General Assembly to invite the International Law Commission to take into account when elaborating the draft code of offences against the peace and security of mankind, the opinions expressed and the comments made by the members of the Sub-Commission on the question of missing and disappeared persons with a view to declaring as a crime against humanity the practice of persons being rendered "missing and disappeared" involuntarily,

10/ See the summary records of the 11th-13th and 33rd meetings of the Sub-Commission (E/CN.4/Sub.2/1982/SR.11-13 and 33).

11/ See chap. XXI, sect. A, resolution 1982/12 and chap. X.

12/ See the summary records of the 22nd-24th and 32nd meetings of the Sub-Commission (E/CN.4/Sub.2/1982/SR.22-24 and 32).

Requests the Secretary-General to inform the Sub-Commission at its thirty-sixth session of the consideration given to this item by the Commission on Human Rights, the Economic and Social Council and the General Assembly.

VI. 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 13/

The Commission on Human Rights,

Recalling its resolution 8 (XXIII) of 16 March 1967, in paragraph 2 of which it requested the Sub-Commission on the Prevention of Discrimination and Protection of Minorities to prepare, for its use, a report containing information on violations of human rights and fundamental freedoms from all available sources, and in paragraph 6 of which it invited the Sub-Commission to bring to its attention any situation which it has reasonable cause to believe reveals a consistent pattern of violations of human rights and fundamental freedoms, in any country, including policies of racial discrimination, segregation, and apartheid, with particular reference to colonial and other dependent territories,

Recognizing the importance of ascertaining the true facts of a situation wherever possible through direct observation, with the consent of the government concerned,

1. Recommends to the Economic and Social Council the adoption of the following draft resolution:

The Economic and Social Council,

Recognizing the importance of accurate information in considering reports of violations of human rights and fundamental freedoms,

Believing that direct observation by impartial international experts can contribute to the fulfilment of this need,

Recalling Sub-Commission resolution 1982/14 and Commission on Human Rights resolution 1983/...,

1. Decides to authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in consultation with the Secretary-General and with the consent of the governmental authorities concerned, to make arrangements for one or more members of the Sub-Commission, following a decision by the Commission on Human Rights to visit, with the approval of the Government concerned, any country as regards which the Commission has received reliably attested allegations of a gross and consistent pattern of violations of human rights and fundamental freedoms with a view to examining such situations at first hand and reporting thereon to the Sub-Commission at its next session;

2. Requests the Secretary-General to provide all necessary assistance to any such member or members of the Sub-Commission.

13/ See chap. XXI, sect. A, resolution 1982/14, and chap. VII.

VII. 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) 14/

Question of East Timor

The Commission on Human Rights,

1. Reaffirms the inalienable right of the people of East Timor to self-determination and independence, in accordance with General Assembly resolution 1514 (XV);
2. Declares that the people of East Timor must be enabled freely to determine their own future on the basis of the relevant General Assembly resolutions and the relevant United Nations human rights instruments;
3. Calls upon all interested parties, namely Portugal, as the administering Power, and the representatives of the East Timorese people, as well as Indonesia, to co-operate fully with the United Nations with a view to guaranteeing the free and full exercise of the right to self-determination by the people of East Timor;
4. Expresses its deepest concern at the suffering of the people of East Timor as a result of the situation now prevailing in the Territory;
5. Calls upon all parties concerned to facilitate the entry into the territory of international aid to alleviate the suffering of the people of East Timor.

VIII. Question of human rights of persons subjected to any form of detention or imprisonment 15/

The Commission on Human Rights,

Recommends that the Economic and Social Council should:

- (a) Authorize the Sub-Commission to appoint one of its members to undertake a closer study of the advisability of strengthening or extending the inalienability of the rights enumerated in article 4, paragraph 2, of the International Covenant on Civil and Political Rights;
- (b) Transmit Mrs. Questiaux's study to the specialized agencies of the United Nations, the Human Rights Committee and the Committee on the Elimination of Racial Discrimination;
- (c) Arrange for the study to be published and given the widest possible dissemination in all the official languages of the United Nations.

14/ See chap. XXI, sect. A, resolution 1982/20, and chap. VII.

15/ See chap. XXI, sect. A, resolution 1982/32 and chap. X.

IX. Human rights and scientific and technological developments

Guidelines, principles and guarantees for the protection
of persons detained on grounds of mental ill-health or
suffering from mental disorder 16/

The Commission on Human Rights,

Recalling General Assembly resolution 36/56 B. of 25 November 1981,

Recalling also its resolution 1982/6 by which it requested the Sub-Commission to consider as a matter of high priority the Rapporteur's final report, with a view to submitting its views and recommendations, including a draft body of guidelines, principles and guarantees,

Mindful of resolution 1982/34 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, on Human Rights and Scientific and Technological Developments - Guidelines, principles and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder,

Expressing its deepest appreciation and gratitude to the Special Rapporteur, Mrs. Erica-Irene A. Daes for her excellent report including the draft body of principles, guidelines and guarantees, 17/

Noting also with appreciation the report of the sessional Working Group on the question of persons detained on the grounds of mental ill-health or suffering from mental disorder,

Recommends the following resolution to the Economic and Social Council for adoption.

The Economic and Social Council.

Mindful of resolutions 1982/34 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and resolution 1983/... of the Commission on Human Rights on Human Rights and Scientific and Technological Developments - Guidelines, principles and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder,

Noting with deepest appreciation and gratitude the report 18/ prepared by the Special Rapporteur, Mrs. Erica-Irene A. Daes and the report 19/ of the sessional Working Group on the question of persons detained on the grounds of mental ill-health,

1. Requests the Special Rapporteur expeditiously to supplement her final report containing the body of principles, guidelines and guarantees as well as the summary compilation of replies received from Governments and specialized agencies, taking into account the basic views expressed in the Sub-Commission and Commission on Human Rights, and to include in the report any new reply from Governments or specialized agencies which might be transmitted in the meantime;

16/ See chap. XXI, sect. A, resolution 1982/34 and chap. XI.

17/ E/CN.4/Sub.2/1982/16.

18/ E/CN.4/Sub.2/1982/16.

19/ E/CN.4/Sub.2/1982/17.

2. Requests also the Sub-Commission to establish a sessional Working Group and to allocate to it appropriate time and facilities for a proper examination, as a matter of highest priority, of the above-mentioned body of principles, guidelines and guarantees and to submit the revised final report of the Special Rapporteur with the above-mentioned annexes to the Commission on Human Rights at its fortieth session;

3. Requests further the Secretary-General to provide the Special Rapporteur with all assistance needed for the completion of her work.

X. The status of the individual and contemporary
international law 20/

The Commission on Human Rights,

Recalling its resolution 18 (XXXVII) in which it recommends the preparation of a study on the topic entitled: "The status of the individual and contemporary international law" and Economic and Social Council decision 1981/142 of 8 May 1981, relating thereto,

Mindful of resolution 1982/35 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Expressing its deep appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes for the work she has so far accomplished in connection with the important study in progress on "The status of the individual and contemporary international law",

1. Recommends the following resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Mindful of resolution 1982/35 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and resolution 1983/... of the Commission on Human Rights,

Expressing its deep appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes for the work she has so far accomplished in connection with the important study in progress on "The status of the individual and contemporary international law",

1. Requests the Special Rapporteur to continue her work on the above-mentioned study with a view to submitting, if possible, her final report to the Sub-Commission at its thirty-sixth session;

2. Requests the Secretary-General to transmit a reminder with the relevant questionnaire to Governments, specialized agencies, regional organizations, inter-governmental organizations and non-governmental organizations which have not yet replied, to submit if they wish to do so their comments on and replies to the questionnaire of the Special Rapporteur;

3. Further requests the Secretary-General to give the Special Rapporteur all the assistance she may require in her work.

20/ See chap. XXI, sect. A, resolution 1982/35 and chap. XVIII.

B. Sub-Commission resolutions requiring consideration
by the Commission on Human Rights 21/

- 1982/1. 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)

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

...

1. Recommends that Governments give consideration to difficulties encountered by disabled persons in the enjoyment of universally-proclaimed human rights as well as to the need to strengthen procedures designed to permit disabled persons to bring allegations of violations of their human rights to a competent body vested with the authority to act on such complaints or to the attention of the Government;
2. Requests the Secretary-General to invite the views of Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council on ways and means for promoting the enjoyment of human rights by disabled persons;
3. Suggests, in this connection, that Governments could provide information on how programmes designed to assist disabled persons in the promotion and protection of their human rights have been or are being affected by reductions in real spending on social programmes and that such information might also be included in reports to be submitted under General Assembly resolution 36/77, paragraph 4;
4. Invites non-governmental organizations to maintain the momentum given by the International Year of Disabled Persons;

...

- 1982/5. Question of the human rights of persons subjected to any form of detention or imprisonment

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

...

3. Expresses its conviction to the Commission on Human Rights that, in view of the persistence of violations resulting from the many cases of disappearance of persons which are still occurring in the world, the extension of the mandate of the Working Group on Enforced or Involuntary Disappearances is indispensable;
4. Recommends again to the Commission on Human Rights that it give consideration to the courses of action listed in paragraph 6 of Sub-Commission resolution 15 (XXXIV);

21/ For the full texts of the resolutions see chap. XXI, sect. A.

5. Urges the Commission on Human Rights to give special attention to the protection of persons, including relatives, who actively seek the whereabouts of missing persons and who provide information on missing persons;

6. Recommends to the Commission on Human Rights that it give careful consideration to measures which might be used to obtain more information on the whereabouts or fate of missing persons;

...

1982/9. Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism

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

...

4. Recommends to the Commission on Human Rights that it transmit the report to the competent United Nations agencies in particular to the subsidiary organs of the Economic and Social Council and the United Nations Development Programme, drawing attention to the conclusions and recommendations, and request those bodies to submit any comments they may wish to make to the Secretary-General for transmission to the Special Rapporteur;

...

1982/10. Question of the human rights of persons subjected to any form of detention or imprisonment

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

...

3. Recommends that all Governments adopt legislation whereby every person who is arrested or detained should be tried, preferably within three months after arrest, or should be released from detention pending further proceedings;

4. Recommends further that as a minimum measure all Governments should adopt legislation whereby every person who is arrested or detained should be tried within a fixed period, established by law, after arrest, or should be released from detention pending further proceedings;

...

14. Recommends that the United Nations should communicate with Governments in an attempt to avert or postpone the carrying out of capital punishment immediately after sentencing without allowing the person sentenced proper time or opportunity for appeal;

15. Recommends that the United Nations should take strong and effective measures to prevent extra-judicial executions and, in particular, that the Commission on Human Rights and its Special Rapporteur on summary or arbitrary executions should take steps to prevent cases of summary or arbitrary executions;

...

17. Decides that the Working Group on Detention at its next sessional meeting should give special attention to hearing and receiving information, in accordance with existing rules and practices of the Sub-Commission, concerning the extent of and facts relating to torture or cruel, inhuman or degrading treatment or punishment, unless the Commission on Human Rights establishes a system for examining such information;

...

20. Proposes that a special study should be made on how best to give effect to the concepts of international habeas corpus, and also of "anticipatory bail" as it exists in India and certain other countries.

1982/13. Question of the human rights of persons subjected to any form of detention or imprisonment

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

...

3. Recommends the Commission on Human Rights to examine carefully the comprehensive report of the special rapporteur to be submitted to the Commission at its thirty-ninth session and to adopt effective measures to prevent the occurrence of summary or arbitrary executions;

4. Looks forward with anticipation to the effective and appropriate action that it hopes the Commission on Human Rights will undertake at its thirty-ninth session.

1982/15. Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism

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

...

1. Decides to request the Commission on Human Rights to appeal to those eligible Member States which have not signed or ratified the relevant Conventions to do so as soon as possible, or to explain in writing why they feel unable to do so, and also to request States to report regularly upon compliance with and enforcement of the provisions of the Conventions;

2. Suggests that, in view of the provisions of article 4 of the Universal Declaration of Human Rights, the United Nations and its agencies should actively offer Member States such co-ordinated legal, technical, administrative, educative, financial and other practical assistance as is desirable to eliminate conditions conducive to slavery and slavery-like situations; that the United Nations Development Programme should be requested to indicate how its social development programmes in certain countries could be adapted so as to make a specific contribution to the struggle against slavery; that special help should be afforded by UNDP to rehabilitate freed slaves; and that the Economic and Social Council and its subsidiary bodies should maintain an active role in monitoring and setting progressive targets for and then ensuring the success of the work on slavery;

3. Suggests further that optimum co-ordination should be ensured with the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, the United Nations High Commission for Refugees, the World Health Organization, the Food and Agriculture Organization of the United Nations and the United Nations Development Programme and that these bodies should be invited to send representatives to inform all meetings of the Working Group on Slavery about the inclusion in their technical assistance programmes of activities designed to eliminate slavery-type problems, and that the International Criminal Police Organization (INTERPOL) and national police forces should be asked to co-operate in the fight against all slavery-like practices as they do in the campaign against the traffic in narcotic drugs;

4. Considers that the persons whose names appear on the list of slavery experts, which should be continuously updated and expanded to include all those qualified to remedy all the ills caused by slavery-like practices, should be more closely involved in the work done on slavery by the Economic and Social Council, the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Working Group on Slavery and the Centre for Human Rights, that they should be encouraged to attend, and give advice at, the meetings of those bodies when the question of slavery is discussed and that they should be invited to accompany appropriate United Nations assistance missions;

...

9. Urges that the study on debt bondage called for by the Sub-Commission in its resolutions 6 B (XXXI) of 13 September 1978 and 8 (XXXIII) of 10 September 1980 should be undertaken without further delay and that the author should be requested to recommend the steps necessary for total reform within a realistic, but limited, period of time;

10. Urges also that the International Labour Office should be requested to continue its study of the adverse situation of indentured labour in the mines and elsewhere in South Africa, and that more concrete measures should be taken to combat the apartheid regime of South Africa and that economic, commercial, political and diplomatic sanctions - except of activities which contribute to ending apartheid - be taken in order to eliminate that system;

11. Recommends that a comprehensive study of the various forms of the most serious exploitation of women should be made in conjunction with the Commission on the Status of Women;

12. Recommends also that Working Groups should be established, in close consultation with the Commission on the Status of Women, to help afford better protection for the human rights of women and children;

13. Considers that the study of traffic in persons and prostitution should be updated;

14. Considers further that a report on the causes and implications of the sale of children, including commercially-motivated (and especially transnational) adoption should be prepared;

15. Is of the opinion that legal aid should be provided to the victims of slavery and to those who bring legal actions on their behalf;

16. Considers that every case of a slavery-type practice must be reported regularly to the United Nations by the Organization's representatives in the countries where the crimes occur, that the cases thus reported should be brought to the attention of embassies and press centres throughout the world for publication and information and that the United Nations Educational, Scientific and Cultural Organization and the United Nations Development Programme should be requested to help in efforts to create greater public awareness of the continued existence of slavery and slavery-like institutions and practices and in the mobilization of international action for their eradication;

17. Requests Mr. Mudawi and Mrs. H.E. Warzazi to carry out and present a study on all aspects of the problem of female sexual mutilation, including the current extent and causes of the problem and how it might best be remedied;

18. Requests the Secretary-General to transmit to the Governments concerned for information and such observations as they may wish to make, and to the intergovernmental organizations and agencies mentioned by the Working Group on Slavery in its recommendations, the statements containing specific allegations of slavery-like practices submitted to the Working Group on Slavery at its eighth session by non-governmental organizations together with the relevant parts of the Working Group's report and its recommendations;

19. Also requests the Secretary-General to endeavour to ensure that States concerned participate as fully as possible in the future work of the Working Group and that States mentioned in the Group's sessions are invited to contribute to the discussions of the Working Group.

1982/16. 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

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

...

3. Invites the Secretary-General to give the updated report of the Special Rapporteur the widest publicity and dissemination and to issue it as a United Nations publication;

...

1982/17. 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)

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

...

3. Expresses its profound concern at the deterioration in the situation in Guatemala, the persistence of violations of human rights and the sufferings resulting therefrom for the Guatemalan people;

4. Expresses alarm at reports of massive repression against and displacement of indigenous communities;

5. Urges the Government of Guatemala to take the necessary steps to guarantee full respect for human rights and fundamental freedoms in the country so that the conditions may be established for the effective exercise of civil and political rights;

...

1982/18. 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)

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

...

1. Recommends the Commission on Human Rights to:

(a) Condemn Israel for its invasion of Lebanon which constitutes a deliberate act of aggression against a sovereign State;

(b) Condemn Israel for the indiscriminate bombardment and destruction of the Lebanese cities, and Palestinian refugee camps, thereby causing mass killings of the Lebanese and Palestinian civilian populations;

(c) Declare that Israel's grave breaches of the Geneva Conventions of 1949 and the Additional Protocols, in Lebanon, in the occupied Palestinian territories and in the Syrian Golan Heights, are an affront to humanity and can be assimilated to crimes of war;

(d) Urges Israel to grant, in accordance with the Geneva Conventions of 1949 and the Additional Protocols, the status of prisoner of war to Lebanese and Palestinian combatants and to release all civilians detained by the Israeli army;

(e) Call on Israel to comply with Security Council resolutions 508 (1982) and 509 (1982) which ask for the unconditional and immediate withdrawal of Israeli invasion troops from Lebanon;

(f) Also call on Israel to withdraw from all the occupied Palestinian territories, including Jerusalem, and from the occupied Syrian Golan Heights;

(g) Call for the full exercise of Palestine of the inalienable rights of the Palestinian people to return to their homes and property, to self-determination without external interference and to establish their sovereign and independent State;

(h) Urge the implementation of all relevant United Nations resolutions concerning the Palestine question and other occupied Arab territories in order to establish a just and lasting peace in the Middle East;

...

3. Recommends that the Commission on Human Rights and the Economic and Social Council take, as a matter of urgency, the necessary measures for the implementation of this resolution.

1982/19. 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)

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

...

1. Recommends to the Commission on Human Rights that it call upon the Chilean authorities to respect and promote human rights in conformity with the obligations they have assumed by virtue of various international instruments and to co-operate with the machinery of the United Nations system, implementing fully the concrete measures requested repeatedly by the General Assembly and the Commission on Human Rights in their resolutions;

2. Further recommends to the Commission on Human Rights that it maintain vigilance in relation to the evolution of human rights and fundamental liberties in Chile.

1982/21. 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)

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

...

3. Invites the Commission on Human Rights to urge all parties concerned to co-operate with the Secretary-General;

...

5. Recommends that the Commission on Human Rights continue to give special attention and high priority to the situation in Afghanistan at its thirty-ninth session.

1982/22. 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)

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

...

4. Calls on the Commission on Human Rights to affirm the need for a political solution based on the self-determination of the people of Kampuchea and on the respect for all other human rights;

5. Invites the Commission on Human Rights to urge all concerned to take steps to ensure, following the withdrawal of foreign forces from Kampuchea:

(a) that the Kampuchean people, without foreign interference, in an atmosphere of freedom and under United Nations supervision, choose their own representatives to a constitutional assembly;

(b) that the constitutional assembly so chosen lay down the basic principles for a democratic Kampuchea, in accordance with the respect for human rights in their totality and indivisibility;

(c) that all foreign States publicly declare their intention not to interfere with the internal political process in Kampuchea;

(d) that the right of all Kampuchean refugees to return be recognized;

(e) that the United Nations offer its expert services in the field of human rights in order to facilitate the full respect of human rights and fundamental freedoms in Kampuchea;

6. Recommends that the Commission call for a pledge by all foreign States not to intervene with armed forces after the withdrawal of the foreign forces now in Kampuchea.

1982/25. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories

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

...

3. Expresses the hope that the direct contacts will produce positive improvements in the human rights situation prevailing in that country;

4. Determines that the human rights situation in Iran is sufficiently serious to merit continuing scrutiny by all concerned United Nations bodies including the Commission on Human Rights.

1982/26. 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)

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

...

1. Expresses its deep concern at the gravity of the situation in El Salvador and the continued violation of human rights;

2. Regrets that the repeated appeals made to the parties in conflict to reach a peaceful settlement and put an end to violence and alleviate the suffering of the people of El Salvador have not been heeded by one of the parties concerned;

3. Recalls that in its resolution 36/155 the General Assembly reiterated its appeal to all States to abstain from intervening in the internal situation in El Salvador and to suspend all supplies of arms and any type of military support;

4. Recommends to the Government of El Salvador to apply the rules of international law, particularly article 3 of the Geneva Conventions of 1949, which are applicable to armed conflicts not of an international character and which require the parties to a conflict to apply minimum standards of protection of human rights and of human treatment;

...

1982/27. Review of further developments in fields with
which the Sub-Commission has been concerned

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

...

Submits to the Commission on Human Rights the following proposals concerning the possible terms of reference for the mandate of a High Commissioner for Human Rights:

(1) The Office of a United Nations High Commissioner for Human Rights should have the following functions and responsibilities:

(a) To promote and protect the observance of human rights and fundamental freedoms for all, as defined in the Universal Declaration of Human Rights, without distinction as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

(b) To give special attention to the importance of ensuring the effective enjoyment by all of their civil and political rights and their economic, social and cultural rights and such other rights as are recognized by the Charter of the United Nations and by the General Assembly, bearing in mind that all human rights and fundamental freedoms are indivisible and interdependent;

(c) To initiate direct contacts with Governments, whenever such action appears necessary or desirable, to safeguard or assist in restoring respect for human rights, bearing in mind the following principles: (i) such contacts shall be prompt, confidential, and exclusively humanitarian in purpose; (ii) in undertaking such action, the Office shall pay particular attention to urgent situations appearing to involve threats to life, bodily or mental integrity, physical liberty, the right to fair and impartial administration of justice, freedom of religious belief and practice, and freedom to leave one's country of residence or sojourn; (iii) such threats may concern individuals as well as groups of persons; (iv) direct contacts shall have the specific purpose of ascertaining the facts and, when appropriate in the light of the facts, of assisting the parties concerned with a view to ensuring full respect for the human rights of individuals or groups on whose behalf the contacts were undertaken;

(v) such assistance may include, inter alia, technical advice on measures which could be taken to promote the effective observance of human rights, offers to conciliate or mediate in disputes, and provision of information on the availability of appropriate assistance from other elements of the United Nations system, including the Centre for Human Rights and the specialized agencies;

(d) To consider also as areas of special concern and attention such massive violations of human rights as apartheid, racism and racial discrimination, colonial domination, foreign occupation and alien subjugation;

(e) In response to reports of mass and flagrant violations of human rights requiring urgent action, to make direct contacts described in subparagraph (c) above and, in addition, to: (i) consult as appropriate with other elements of the United Nations system, including the Centre for Human Rights, and appropriate specialized agencies, which may have or share responsibilities for promoting or safeguarding specific

human rights for the purpose of exchanging information and of collaborating with them in developing and implementing appropriate co-ordinated action; and (ii) if appropriate, and with the agreement of the United Nations bodies concerned, establish a temporary ad hoc inter-agency task force to facilitate co-ordinated action with regard to the human rights aspects of the situation;

(f) To carry out specific mandates and tasks assigned by the General Assembly, the Economic and Social Council, and the Commission on Human Rights;

(g) To report annually to the General Assembly, the Economic and Social Council, and the Commission on Human Rights on the activities of the Office. These reports should constitute a separate item on the agenda of these bodies. These reports might, with the consent of the Government concerned, include a summary of the results of the Office's direct contacts with that Government. With the consent of the Government concerned, the Office might also announce the results of such direct contacts at other times during the year;

(2) The Bureau of the Commission on Human Rights might act as an advisory committee to the High Commissioner, advising him or her on any aspect of the responsibilities of the Office; such advice may be given on the initiative of the Bureau, or at the request of the High Commissioner;

(3) The High Commissioner should be nominated by the Secretary-General and elected by the General Assembly. The period of his or her mandate should be five years. He or she should not serve for two consecutive terms. A Deputy High Commissioner might be elected in the same manner and should in principle be from a different region of the world than the High Commissioner. The Deputy High Commissioner should perform duties assigned by the High Commissioner and should assume the responsibilities of the High Commissioner during the latter's temporary absence or disability.

1982/31. Study of the problem of discrimination
against indigenous populations

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

...

6. Decides to request the Commission on Human Rights and the Economic and Social Council to establish a fund for the purpose of allowing representatives of indigenous populations to come to Geneva to participate in the work of the Working Group.

1982/33. Exploitation of child labour

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

...

1. Decides to submit to the Commission on Human Rights for its consideration the recommendations of the Special Rapporteur, Mr. A. Bouhdiba, for a programme of action.

II. 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-fifth session at the United Nations Office at Geneva from 16 August to 10 September 1982.
2. The session was opened by Mr. Raul Ferrero, Chairman of the Sub-Commission at its thirty-fourth session, who made an introductory statement. At the 1st meeting the Director of the Centre for Human Rights also made a statement.
3. The members of the Sub-Commission observed a minute of silence in tribute to the memory of Mr. Beverly Carter Jr., a long-standing member of the Sub-Commission who had died on 9 May 1982.

Attendance

4. The session was attended by members of the Sub-Commission, by observers from Member States, by observers from non-member States, by a representative of the Office of the United Nations High Commissioner for Refugees, and by representatives of specialized agencies, regional intergovernmental organizations, 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 1st meeting, the Sub-Commission unanimously elected the following officers:

<u>Chairman:</u>	Mr. Abu Sayeed Chowdhury
<u>Vice-Chairmen:</u>	Mr. Asbjørn Eide Mr. C.L.C. Mubanga-Chipoya Mrs. Elizabeth Odio Benito
<u>Rapporteur:</u>	Mr. Ivan Toševski

Adoption of the agenda

7. The Sub-Commission decided to defer until its thirty-sixth session consideration of item 17 of the provisional agenda. The text of the decision appears in chapter XXI, section B, as decision 1982/1.

8. At its 2nd meeting, the Sub-Commission unanimously adopted the following agenda:

1. Election of officers
2. Adoption of the agenda
3. Review of the status and activities of the Sub-Commission and its relationship with the Commission on Human Rights and other United Nations bodies
4. Review of further developments in fields with which the Sub-Commission has been concerned
5. Measures to combat racism and racial discrimination and the role of the Sub-Commission
6. 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
7. 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)
8. The effects of gross violations of human rights on international peace and security
9. 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)
10. Question of the human rights of persons subjected to any form of detention or imprisonment
11. Human Rights and scientific and technological developments
12. Study of the problem of discrimination against indigenous populations
13. The New International Economic Order and the Promotion of Human Rights
14. Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism
15. Exploitation of child labour
16. Encouragement of Universal Acceptance of Human Rights Instruments
17. Conscientious objection to military service
18. The status of the individual and contemporary international law
19. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the thirty-sixth session of the Sub-Commission
20. Report of the thirty-fifth session

Organization of work

9. The Sub-Commission took up the items of its agenda in the following order: 2, 3, 5, 6, 8, 7, 14, 13, 4, 10, 12, 17, 16, 9, 15, 11, 18, 19, 20.

Meetings, resolutions and documentation

10. The Sub-Commission held 37 meetings (1st to 37th). The views expressed during the discussion on substantive items are summarized in the records of those meetings (E/CN.4/Sub.2/1982/SR.1 - E/CN.4/Sub.2/1982/SR.37).

11. Written communications transmitted by Governments for circulation to the Sub-Commission are mentioned in the chapters on the items to which the communications refer.

12. The Sub-Commission heard statements by observers for: Argentina (6th, 17th and 24th meetings); Australia (25th meeting); Bangladesh (25th meeting); Brazil (11th meeting); Canada (23rd meeting); Colombia (25th meeting); Cuba (3rd and 17th meetings); Cyprus (3rd, 12th and 15th meetings); Democratic Kampuchea (15th and 17th meetings); Denmark (25th meeting); France (6th meeting); German Democratic Republic (3rd meeting); Guatemala (23rd and 25th meetings); India (19th meeting); Iran (15th, 23rd and 24th meetings); Iraq (17th and 24th meetings); Israel (3rd, 9th and 15th meetings); Nicaragua (3rd and 15th meetings); Norway (25th meeting); Peru (21st and 25th meetings); Poland (17th meeting); Senegal (9th, 11th, 19th and 24th meetings); Sudan (19th meeting); Turkey (15th, 17th and 24th meetings); United States of America (23rd meeting); Uruguay (15th, 17th, 23rd and 24th meetings); and Viet Nam (17th meeting).

13. The Sub-Commission also heard statements by the observers for the Democratic People's Republic of Korea (15th and 17th meetings) and the Republic of Korea (3rd and 17th meetings).

14. A statement was made by the representative of the Office of the United Nations High Commissioner for Refugees (9th meeting).

15. Statements were made by the representatives of the International Labour Organisation (11th, 18th and 23rd meetings), the United Nations Educational, Scientific and Cultural Organization (9th meeting) and the World Health Organization (18th meeting).

16. A statement was made by the representative of the Organization of African Unity (13th meeting).

17. Statements were also made by the representative of the Palestine Liberation Organization (3rd, 9th, 17th and 23rd meetings).

18. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations in consultative status:

Category I: International Alliance of Women - Equal Rights, Equal Responsibilities (13th meeting); World Muslim Congress (16th meeting)

Category II: Afro-Asian People's Solidarity Organization (11th, 16th, 19th and 23rd meetings); Amnesty International (15th and 23rd meetings); Anti-Slavery Society for the Protection of Human Rights (16th, 19th, 25th and 31st meetings); Baha'i International Community (15th meeting); International Commission of Jurists (6th, 14th, 16th and 23rd meetings);

International Council of Jewish Women (9th meeting); International Federation of Human Rights (13th and 15th meetings); International Indian Treaty Council (12th, 16th, 19th, 23rd and 25th meetings); International League for Human Rights (6th and 16th meetings); International Movement for Fraternal Union Among Races and Peoples (16th and 19th meetings); Pax Christi, International Catholic Peace Movement (16th and 24th meetings); Pax Romana - International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Students (23rd meeting); World Conference on Religion and Peace (21st meeting); World Council of Indigenous Peoples (25th meeting); World Jewish Congress (9th meeting);

Roster: International Abolitionist Federation (6th and 19th meetings); International League for the Rights and Liberation of Peoples (Roster); Minority Rights Group (11th, 19th and 22nd meetings); Romani Union (13th meeting).

19. The Sub-Commission adopted resolutions 1982/1 to 1982/35 and took 13 decisions. The texts of these resolutions and decisions appear in chapter XXI.

20. Statements of the administrative and financial implications of certain resolutions and decisions appear in annex II.

21. A list of studies under preparation drawn up in accordance with Commission resolution 1982/23 appears in annex III.

22. A list of documents submitted to the Sub-Commission for consideration appears in annex IV.

III. REVIEW OF THE STATUS AND ACTIVITIES OF THE
SUB-COMMISSION AND ITS RELATIONSHIP WITH THE
COMMISSION ON HUMAN RIGHTS AND OTHER
UNITED NATIONS BODIES

23. The Sub-Commission considered agenda item 3 at its 2nd to 6th meetings on 17, 18 and 19 August 1982 and at its 33rd meeting on 7 September 1982.
24. The Sub-Commission had before it a note (E/CN.4/Sub.2/1982/3) prepared by the Secretariat.
25. In introducing the item, the Director of the Centre for Human Rights paid tribute to the work done by the members of the Sub-Commission and recalled the Sub-Commission's decision 2 (XXXIV) adopted on 4 September 1981, in which the Sub-Commission decided to include in the agenda of its thirty-fifth session a new item entitled "Review of the status and activities of the Sub-Commission and its relationships with the Commission and other United Nations bodies". Reviewing the recent deliberations of the Economic and Social Council and the Commission on Human Rights which were pertinent to the consideration of the item, he observed that the status of the Sub-Commission was, in the final analysis, a matter to be determined by the Council, on the recommendation of the Commission. The views of the Sub-Commission would obviously be of importance in the deliberations of these bodies. He also explained the current policies regarding control and limitation of documentation.
26. At the 3rd meeting, the Sub-Commission decided by 12 votes to 4 with 6 abstentions to continue its discussions on the item in closed meetings.
27. Towards the end of the 5th meeting, with a view to hearing observations and comments by observers from States and non-governmental organizations, the Sub-Commission decided to resume consideration of the item in public meetings. It also decided to give general distribution to the summary records of all meetings devoted to the item.
28. At the same meeting, the Chairman gave a summary of the main issues raised during the closed meetings. He pointed out that while differing views had been expressed on most of the issues, a broad and varied range of suggestions and ideas had been put forward regarding the problem of the role and functions of the Sub-Commission. Some members had expressed the opinion that there was no need for any substantive changes in the functions of the Sub-Commission but others had said that changes were required.
29. One issue discussed had concerned the name of the Sub-Commission. Some members had argued that the tasks presently performed by the Sub-Commission considerably surpassed those indicated in its title and that accordingly the title should be revised to reflect the wider functions now being performed by the Sub-Commission. Also, in considering the most appropriate title to be given to the Sub-Commission, the relationship of the Sub-Commission to other organs, particularly the Commission on Human Rights, should be taken into account. In the view of some members, a title such as "Expert Committee on Human Rights" might accurately reflect the functions of the Sub-Commission.
30. With regard to the character of the membership of the Sub-Commission, it had been stressed that the possibility of designating alternates to replace elected members raised the problem of the independence of the alternates. In this connection, it had been said that very often the alternates were attached to the diplomatic missions of their countries. Consideration might, therefore, be given to the possibility of electing both members and alternate experts at the same time.
31. With respect to the mode of designation of Sub-Commission members and alternates, the opinion had been expressed that they should be elected by the Economic and Social Council.

32. Also, the idea had been expressed that the Sub-Commission might report directly to the Economic and Social Council, but that contacts should be maintained with the Commission on Human Rights.

33. During the discussion various resolutions governing the Sub-Commission had been referred to. The view had been expressed that better use could be made of the procedures set out in Economic and Social Council resolution 1235 (XLII), in particular by improving the utilization of available sources. With regard to the procedure on communications set out in Council resolution 1503 (XLVIII), the suggestion had been made that the membership of the Working Group on Communications should be expanded. Opposing views, however, had been expressed regarding the length of time that should be allowed to Governments for replying to allegations made against them. According to one view, the absence of a reply should be considered as a tacit admission of the truth of the allegation. According to another view, the procedure set out in resolution 1503 (XLVIII) should cease to be applied as the International Covenant on Civil and Political Rights is in force, at least in respect of States parties to the Covenant.

34. With regard to methods of work, the view had been expressed that sessions of the Sub-Commission should be more frequent in order that the Sub-Commission be allowed to deal with urgent matters. Some members had also felt that it would be desirable to hold alternate sessions at New York and Geneva. As to whether the meetings of the Sub-Commission should be held in public or in private, divergent views had been expressed. Mention had also been made of the possibility of vote by secret ballot if necessary.

35. Finally, the view had also been expressed that the Centre for Human Rights should be strengthened in order to permit it to meet more fully the increasing requirements of the Sub-Commission. In this connection, the question had been raised as to whether the Sub-Commission could have an opportunity of reviewing the medium-term plan in the future.

36. At the 6th meeting statements were made by the observers for Argentina and France and by observers for the following non-governmental organizations in consultative status: International Commission of Jurists and International League for Human Rights (category II), International Abolitionist Federation (Roster).

37. On 27 August 1982, a draft resolution (E/CN.4/Sub.2/1982/L.1) was submitted by Mrs. Daes, Mr. Ferrero, Mr. Foli, Mr. Jimeta, Mr. Khalifa, Mr. Mubanga-Chipoya, Mrs. Odio-Benito, Mrs. de Sousa and Mrs. Warzazi. Mr. Foli introduced the draft resolution at the 33rd meeting.

38. Also on 27 August 1982, a draft resolution (E/CN.4/Sub.2/1982/L.3) was submitted by Mr. Bossuyt, Mr. Carey, Mrs. Daes, Mr. Eide and Mr. Joinet.

39. At its 33rd meeting, on 7 September 1982, on the proposal of Mr. Tosevski^v made under rule 65 of the rules of procedure, the Sub-Commission decided, by 13 votes to 2, with 1 abstention, that no decision be taken on the above-mentioned proposals.

40. On 30 August 1982, a draft resolution (E/CN.4/Sub.2/1982/L.6) was submitted by Mr. Akram and Mrs. Warzazi.

41. On 2 September 1982, an amendment (E/CN.4/Sub.2/1982/L.31) to that draft resolution was submitted by Mr. Whitaker.

42. At its 33rd meeting, on 7 September 1982, the Sub-Commission decided, without a vote, to defer until its thirty-sixth session consideration of the substance of the draft resolution and the amendment thereto. The text of the decision appears in chapter XXI, section B, as decision 1982/9.

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

43. The Sub-Commission considered item 4 of its agenda at its 21st and 22nd meetings held on 30 and 31 August and at its 36th meeting held on 10 September 1982.
44. In connection with this item the Sub-Commission had before it: (i) a note by the Secretary-General relating to developments between 16 June 1981 and 16 June 1982 in fields with which the Sub-Commission has been concerned (E/CN.4/Sub.2/1982/4); (ii) a memorandum summarizing the recent activities of the International Labour Office in combating discrimination in respect of employment and occupation (E/CN.4/Sub.2/1982/5); (iii) a report summarizing the recent activities of the United Nations Educational, Scientific and Cultural Organization (UNESCO) relating to the prevention of discrimination and protection of minorities (E/CN.4/Sub.2/1982/6); (iv) a note (E/CN.4/Sub.2/1982/26) prepared by the Secretary-General in accordance with Sub-Commission decision 3 (XXXIV) containing a summary of information regarding consideration by United Nations Organs of the question of the establishment of a post of a United Nations High Commissioner for Human Rights; and, (v) a written statement (E/CN.4/Sub.2/1982/NGO/2) submitted by the Procedural Aspects of International Law Institute, a non-governmental organization in consultative status (Roster).
45. At its 10th meeting, held on 23 August 1982, the Sub-Commission decided that an informal Working Group composed of its three vice-chairmen and of the Rapporteur would prepare a report on the question of possible terms of reference for the mandate of a High Commissioner for Human Rights with a view to facilitating the Sub-Commission's discussions on the topic, as requested by the Commission on Human Rights in its resolution 1982/22. The report (E/CN.4/Sub.2/1982/36) prepared by the informal Working Group was submitted to the Sub-Commission.
46. The item was introduced by the Deputy Director of the Centre for Human Rights at the Sub-Commission's 21st meeting. 22/
47. During the discussion, speakers referred to the status of international instruments and some members expressed regret at the fact that many countries had not yet ratified or acceded to certain international human rights instruments. Some members referred to the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, 23/ and suggested that an international covenant containing implementation measures should be elaborated.
48. Several speakers expressed their appreciation of the valuable contribution made by the ILO and UNESCO to the work of the Sub-Commission. The activities of UNESCO were said to be of vital importance to the success of the efforts undertaken to combat discrimination. Discrimination, it was said, stemmed from prejudice, which is a cultural problem whose main remedy is in education.
49. Concerning the question of human rights in Cyprus, it was said that yet another year had passed without implementation of the relevant resolutions of United Nations' bodies, including the Sub-Commission (resolutions 1 (XXVIII) and 8 (XXXI)). It was suggested that the Sub-Commission should give further consideration to the question of human rights in Cyprus at its thirty-sixth session.

22/ A summary of the statement made by the Deputy Director of the Centre for Human Rights appears in document E/CN.4/Sub.2/1982/SR.21.

23/ General Assembly resolution 36/55.

50. With regard to the question of the establishment of a post of High Commissioner for Human Rights, it was said that the number and scale of violations of human rights in many parts of the world made it essential for the United Nations to develop effective ways and means of responding to such violations. The existing United Nations machinery could be improved and the High Commissioner could give new impetus to the activities of the United Nations; he could initiate offers of advice and consultation, in a confidential and speedy manner, with a view to settling human rights problems in a humanitarian spirit.

51. On the other hand, it was said that the establishment of a High Commissioner for Human Rights could pave the way for interference in matters which are essentially within the domestic jurisdiction of States and would not be in conformity with the Charter of the United Nations. Progress in the field of human rights could be achieved only through the full co-operation of States, not through the creation of yet another international institution. The fear was expressed that the functions of the High Commissioner would conflict with, or duplicate, those of the Secretary-General or the Centre for Human Rights. The proposal would also entail heavy financial implications.

52. Some opinions were expressed on certain aspects of the possible terms of reference of the High Commissioner. In the view of some speakers, the High Commissioner could possibly take over some of the good offices, fact-finding and conciliation functions at present carried out by the Secretary-General, various working groups and Special Rapporteurs. It was also suggested that the High Commissioner's mission should be that of a negotiator or conciliator whose approach to problems should be exclusively humanitarian in character. He could be empowered to initiate direct contacts with governments in a prompt, flexible, and discreet manner. It was further suggested that the High Commissioner should be able to act speedily in urgent cases, or even in a preventive manner.

53. Concerning the relationship of the suggested new institution with other United Nations organs, several members emphasized the need for close and continuous co-ordination between the proposed office, the Secretary-General, the Centre for Human Rights, other relevant United Nations organs and specialized agencies.

54. At its 21st meeting, on 30 August 1982, the Sub-Commission heard a statement by the observer for the World Conference on Religion and Peace, a non-governmental organization in category II consultative status. At its 22nd meeting, on 3 August 1982, the Sub-Commission heard a statement by the observer for the Minority Rights Group, a non-governmental organization on the Roster.

55. On 6 September 1982, a draft resolution (E/CN.4/Sub.2/1982/L.37) was submitted by Mr. Bossuyt, Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Mubanga-Chipoya, Mr. Mudawi, Mrs. Odio-Benito, Mrs. Warzazi and Mr. Whitaker. At the 36th meeting, on 10 September 1982, Mr. Carey and Mr. Joinet also became sponsors of the draft resolution.

56. On 8 September 1982, Mr. Akram submitted amendments (E/CN.4/Sub.2/1982/L.55) to the draft resolution.

57. The Sub-Commission considered the draft resolution at its 36th meeting, on 10 September 1982, when it was introduced by Mr. Eide. Mr. Eide announced that the amendments proposed by Mr. Akram to paragraph (1) (e) and to paragraph (3) of the proposals concerning the possible terms of reference for the mandate of a High Commissioner were acceptable to the sponsors of draft resolution E/CN.4/Sub.2/1982/L.37. Mr. Akram's amendments to the introductory phrase to paragraph (1), to paragraph (1) (c) and to paragraph (2) of the proposals concerning possible terms of reference were unacceptable, as was his proposal for a new paragraph (4).

58. At the 36th meeting, on 10 September 1982, Mr. Masud referred to rule 49 of the rules of procedure of the functional commissions of the Economic and Social Council and moved the adjournment of the debate on the draft resolution. The motion was rejected by 10 votes to 9, with 1 abstention.

59. At the same meeting, those of Mr. Akram's amendments which had not been accepted by the sponsors of the draft resolution were put to the vote. The amendment to the introductory phrase to paragraph 1 was rejected by 8 votes to 7, with 4 abstentions. The amendment to paragraph 1 (c) was rejected by 9 votes to 8, with 3 abstentions. Nine members of the Sub-Commission voted in favour of and nine members voted against the amendment to paragraph 2. Accordingly, under rule 68 of the rules of procedure, the amendment was rejected. Finally, Mr. Akram's proposal for a new paragraph 4 was rejected by 9 votes to 5, with 6 abstentions.

60. At the 36th meeting, on 10 September 1982, draft resolution E/CN.4/Sub.2/1982/L.37, as amended, was adopted by 10 votes to 6, with 4 abstentions.

61. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1982/27.

62. On 6 September 1982, a draft resolution (E/CN.4/Sub.2/1982/L.39) was submitted by Mr. Bossuyt, Mr. Carey, Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Folli, Mr. Masud and Mr. Mudawi.

63. The Sub-Commission considered the draft resolution at its 36th meeting, on 10 September 1982, when it was introduced by Mr. Bossuyt.

64. At the same meeting, the Sub-Commission adopted the draft resolution without a vote.

65. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1982/28.

V. MEASURES TO COMBAT RACISM AND RACIAL DISCRIMINATION
AND THE ROLE OF THE SUB-COMMISSION

66. The Sub-Commission considered agenda item 5 together with item 6 at its 6th to 9th meetings, held on 19 and 20 August 1982 and at its 32nd meeting on 7 September 1982. Under this item, the Sub-Commission also reviews implementation of programmes envisaged in the United Nations Programme of the Decade for Action to Combat Racism.

67. The Sub-Commission had before it: (i) the final report by Mr. Justice Abu Sayeed Chowdhury, Special Rapporteur for the Study on discriminatory treatment of members of racial, ethnic, religious or linguistic groups at the various levels in the administration of criminal justice, such as police, military, administrative and judicial investigations, arrest, detention, trial and execution of sentences, including the ideologies or beliefs which contribute or lead to racism in the administration of justice, (prepared in accordance with Sub-Commission resolution 4 A (XXXIII)) (E/CN.4/Sub.2/1982/7); (ii) a note by the Secretary-General on the immigration laws of member States (E/CN.4/Sub.2/1982/8 and Add.1 prepared in accordance with paragraph 2 of Sub-Commission resolution 3 (XXXIII) of 5 September 1980); and (iii) a report by the Secretary-General on recourse procedures available to victims of racial discrimination at national and local levels (E/CN.4/Sub.2/1982/9) (prepared in accordance with Sub-Commission resolution 4 C (XXXIII) of 5 September 1980).

68. In introducing the item, the Deputy Director of the Centre for Human Rights recalled the important role played by the Sub-Commission, particularly in implementing the Programme for the Decade for Action to Combat Racism and Racial Discrimination. He recalled the most recent actions, in the context of the Decade, taken by the various organs of the United Nations, and referred to the last of a series of four regional seminars convened by the Secretary-General, in Bangkok, from 2 to 13 August 1982, on recourse procedures and other forms of protection available to victims of racial discrimination and activities to be undertaken at the national and regional levels, with special reference to Asia and the Pacific.

69. Members of the Sub-Commission congratulated Mr. Justice Abu Sayeed Chowdhury, Special Rapporteur, on his study, which was characterized as intelligent, comprehensive and clear in its analysis of the problem. It was felt that the study constituted a valuable contribution to the struggle against racism and racial discrimination. Particular mention was made of the recommendations in the report stressing the need to develop educational and instructional programmes with emphasis on human rights, and in this connection reference was made to the international congress on teaching of human rights (Vienna, September 1978) and the meeting of experts at Strasbourg (July 1981), which had resulted in the establishment of an international association for teaching human rights, with provisional headquarters at Strasbourg.

70. With respect to the report of the Secretary-General relating to recourse procedures available to victims of racial discrimination (E/CN.4/Sub.2/1982/9) speakers generally felt that the adoption of effective recourse procedures would contribute greatly to combating discrimination. It was further stressed that recourse procedures should be made available to all persons without distinction between citizens and non-citizens.

71. With regard to the note of the Secretary-General containing information on immigration laws (E/CN.4/Sub.2/1982/8 and Add.1) it was noted that although immigration laws of certain countries do not discriminate against potential immigrants on racial grounds discrimination exists on the basis of their nationality, education level and the financial status. It was stated in this connection that such laws are often directed against citizens of developing countries.

72. All speakers were of the opinion that racism and racial discrimination are persistent evils that require the concerted and sustained efforts of the international community for their eradication. The opinion was however expressed that it is unfortunate that during the closing period of the Decade, it cannot be said that significant progress has been made towards the elimination of racism and racial discrimination. Noting that many international instruments which give a sound basis for international co-operation in the struggle against racial discrimination already exist, they emphasized that what is needed now is concrete action and active steps to help victims of racism. The institutionalized system of racism reflected in the South African official policy of apartheid was unanimously condemned. Reference was also made in this connection to the situation in Palestine.

73. The view was also expressed that the current definition of racism as given in United Nations documents should be revised. It was felt that the present definition has not prevented some Governments from indulging in racial oppression and in summary executions in pursuit of racial policies.

74. Speakers emphasized the need to intensify action to eliminate all forms of discrimination, hatred and violence. They stated that research, education, legislation, political, economic and social measures and full implementation of the relevant international human rights instruments are important tools in combating racism.

75. In reply to the suggestions made during the discussions the Special Rapporteur stated that he was gratified by the expressions of appreciation for his endeavours. Because his report deals with the question of the administration of justice in several countries, it is necessarily limited. The Special Rapporteur said that he will make some minor textual changes in the report which he expects to be transmitted to the Commission on Human Rights. 24/

76. At the 9th meeting, statements were made by the observers for Israel and Senegal and the representatives of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Palestine Liberation Organization (PLO). At the same meeting, the observer for both the International Council of Jewish Women and the World Jewish Congress, non-governmental organizations in consultative status, category II, also made a statement.

77. On 1 September 1982, a draft resolution (E/CN.4/Sub.2/1982/L.23) was submitted by Mr. Hadi, Mr. Khalifa, Mr. Masud, Mr. Mubanga-Chipoya, Mrs. Odio-Benito, Mr. Saker, Mrs. Warzazi and Mr. Whitaker. At the 32nd meeting, on 7 September 1982, Mr. Bossuyt and Mrs. Daes became sponsors of the text.

78. The Sub-Commission considered the draft resolution at its 32nd meeting, on 7 September 1982, and adopted it without a vote.

79. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1982/4.

24/ For a fuller summary of the statement by the Special Rapporteur see document E/CN.4/Sub.2/1982/SR.9.

VI. 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

80. The Sub-Commission considered agenda item 6 together with item 5 at its 6th to 11th meetings held on 19, 20 and 23 August 1982, and at its 33rd meeting on 7 September 1982.

81. The Sub-Commission had before it the following documents: a revised report containing a provisional general list of banks, firms and other organizations which give assistance to South Africa, submitted to the Sub-Commission at its thirty-second session (E/CN.4/Sub.2/425 and Corr.1-3 and Add.1-7); an updated report (E/CN.4/Sub.2/469 and Corr.1 and Add.1) submitted to the Sub-Commission at its thirty-fourth session; a report (E/CN.4/Sub.2/1982/10) supplementing the information provided in previous reports by the Special Rapporteur; and, a written statement submitted by the Minority Rights Group and the Procedural Aspects of International Law Institute - International Human Rights Law Group (E/CN.4/Sub.2/1982/NGO.3).

82. In introducing his report (E/CN.4/Sub.2/1982/10) at the 9th meeting (E/CN.4/Sub.2/SR.9) the Special Rapporteur referred to the two previous reports (E/CN.4/Sub.2/425 and Corr.1-3 and Add.1-7, and E/CN.4/Sub.2/469 and Corr. and Add.1), and said that the present report should be considered together with those reports, as it supplemented the information they contained. He mentioned a report of the Secretary-General on a special review of the ongoing work programme of the United Nations (A/36/653), submitted to the General Assembly at its thirty-sixth session. Among the conclusions of that review, some activities were identified for termination in the proposed future programme budget. Among them was the annual report containing the list of banks, firms and other organizations assisting the racist regimes in southern Africa. The General Assembly, he stated, had taken note of the report of the Secretary-General, and requested the Advisory Committee on Administrative and Budgetary Questions to examine it and report thereon to the General Assembly at its thirty-seventh session. The Special Rapporteur expressed the opinion that there did not exist sufficient grounds for the inclusion of his report among the activities identified for termination.

83. The Special Rapporteur stated inter alia that the persistence of vast vested interests, which profited from pumping strength into the racist regimes, was clearly illustrated by the hundreds of new entries listed in the report, which were to be added to the thousands already listed in previous reports. The often-invoked argument of free trade was only a smoke-screen used by those who continued to assist South Africa. The principle of free trade could not transcend the freedom of man himself.

84. The Special Rapporteur then expressed the hope that he would be provided with sufficient data, substantive material and relevant comments, in order to be able to improve the list in the future.

85. All speakers thanked Mr. Khalifa for his report and praised his efforts. Most stressed the importance of the list and the need to carry on the annual updating, expressing the conviction that there were no grounds for terminating this activity.

86. The fallacy of the free-trade argument, when applied to the racist regimes in southern Africa, was denounced by many speakers as a pretext used by those who profited from links with such regimes. In this connection, it was suggested that a study be undertaken to evaluate the impact that free trade can have upon the enjoyment of human rights.

87. Various suggestions for improving the impact and effectiveness of the report in the future were made. Many speakers also emphasized the importance of giving the widest publicity to the report and having it widely disseminated.

88. At the 11th meeting, statements were made by the observers from Brazil and Senegal, and by the representative of the International Labour Organisation as well as the observers for the following non-governmental organizations in consultative status: Afro-Asian People's Solidarity Organization (category II); Minority Rights Group (Roster) together with the Procedural Aspects of International Law Institute - International Human Rights Law Group (Roster).

89. Also at the 11th meeting, the Special Rapporteur, in his final observations, expressed his appreciation for the support he had received, which clearly showed that the members of the Sub-Commission shared his conviction that the report should be maintained. He endorsed the suggestion that the widest publicity be given to the report, outside as well as within the United Nations system. He was also in favour of the preparation of a study, by a new special rapporteur, on the effects of free trade on the enjoyment of human rights. He would take into account the various proposals aimed at improving the substance of the report in the future, with the help of computer techniques. He stressed the importance of devoting more resources to the report in order that it become a more effective weapon against the policy of apartheid.

90. On 27 August 1982, a draft resolution (E/CN.4/Sub.2/1982/L.2) was submitted by Mr. Ceausu, Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Jimeta, Mr. Joinet, Mr. Masud, Mr. Mubanga-Chipoya, Mr. Mudawi, Mrs. Odio-Benito, Mrs. de Sousa, Mr. Sofinsky, Mr. Toševski, Mrs. Warzazi, Mr. Whitaker and Mr. Yimer. On 6 September 1982, an amendment (E/CN.4/Sub.2/1982/L.38) to the draft resolution was submitted by Mr. Carey.

91. The Sub-Commission considered the draft resolution and Mr. Carey's amendment at its 33rd meeting on 7 September 1982.

92. At the same meeting the sponsors accepted an amendment by Mr. Akram whereby the words "and dissemination and to issue it as a United Nations publication" were added after the word "publicity" in paragraph 3.

93. By 9 votes to 3, with 6 abstentions the Sub-Commission rejected Mr. Carey's amendment.

94. A statement of the administrative and programme budget implications of the draft resolution (see annex II to the present report) was read out by the Deputy Director of the Centre for Human Rights.

95. At its 33rd meeting, on 7 September 1982, the Sub-Commission adopted draft resolution E/CN.4/Sub.2/1982/L.2, without a vote.

96. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1982/16.

VII. 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)

97. The Sub-Commission considered item 7 of its agenda at its 2nd and 3rd meetings held on 17 August 1982, at its 13th to 17th meetings held on 24, 25 and 26 August 1982 and at its 32nd-35th meetings held on 7 and 8 September 1982.

98. The Sub-Commission had before it the following documents in connection with its consideration of the item: a note by the Secretary-General submitted pursuant to Commission on Human Rights resolution 1982/3 (E/CN.4/Sub.2/1982/11); a report by the Secretary-General prepared in accordance with Commission on Human Rights resolution 1982/30 (E/CN.4/Sub.2/1982/12); a note by the Secretariat submitted pursuant to Sub-Commission resolution 7 (XXXIV) (E/CN.4/Sub.2/1982/27); a note by the Secretary-General on the situation of human rights in El Salvador (E/CN.4/Sub.2/1982/28); the final report on the situation of human rights in El Salvador submitted by Professor José Antonio Pastor Ridruejo in accordance with resolution 32 (XXXVII) of the Commission on Human Rights (E/CN.4/1502); a note by the Secretary-General on the treatment of the Baha'is in Iran (E/CN.4/1517); a letter dated 17 August 1982 from the Permanent Representative of Viet Nam to the Chairman of the Sub-Commission at its thirty-fifth session (E/CN.4/Sub.2/1982/31); a letter dated 20 August 1982 from the Permanent Representative of Democratic Kampuchea addressed to the Director of the Centre for Human Rights (E/CN.4/Sub.2/1982/32); a note verbale dated 6 September 1982 from the Permanent Mission of El Salvador to the United Nations and other international organizations at Geneva addressed to the Director of the Centre for Human Rights (E/CN.4/Sub.2/1982/37); a letter dated 31 August 1982 from the Permanent Representative of Guatemala addressed to the Chairman of the Sub-Commission at its thirty-fifth session (E/CN.4/Sub.2/1982/38); a letter dated 8 September 1982 from the Permanent Representative of Israel to the Chairman of the Sub-Commission at its thirty-fifth session (E/CN.4/Sub.2/1982/39); a letter dated 7 September 1982 from the Permanent Mission of the People's Republic of China addressed to the Chairman of the Sub-Commission at its thirty-fifth session (E/CN.4/Sub.2/1982/40); a letter dated 7 September 1982 from the Permanent Mission of the People's Republic of China addressed to the Chairman of the Sub-Commission at its thirty-fifth session (E/CN.4/Sub.2/1982/41); a letter dated 17 September 1982 from the Permanent Mission of Portugal addressed to the Chairman of the Sub-Commission at its thirty-fifth session (E/CN.4/Sub.2/1982/42); a note by the Secretariat prepared pursuant to Commission on Human Rights resolution 1982/13 (E/CN.4/Sub.2/1982/L.4); a written statement submitted by the International League for Human Rights, a non-governmental organization in category II consultative status (E/CN.4/Sub.2/1982/NGO/4); and, a written statement submitted by the Procedural Aspects of International Human Rights Law Group, a non-governmental organization on the Roster (E/CN.4/Sub.2/1982/NGO/5).

99. At its 12th meeting on 24 August 1982, the Sub-Commission appointed Mr. A. Eide to review the further material on the subject of Kampuchea.

100. At the 2nd meeting, the Deputy Director of the Centre for Human Rights provided a historical background for the consideration of item 7 and made reference to various matters before the Sub-Commission pursuant to its own resolutions (resolutions 7 (XXXIV) to 13 (XXXIV)) and those adopted by the Commission on Human Rights at its thirty-eighth session.

101. At the 2nd and 3rd meetings most speakers referred to the situation in Lebanon. At its 3rd meeting on 17 August 1982 the Sub-Commission decided, by consensus, to request the Secretary-General to forward a cable to the Chairman of the Commission on Human Rights, for transmission to the Government of Israel. The text of the decision appears in chapter XXI, section B, as decision 1982/2.

102. During the debate, members of the Sub-Commission referred to particular cases of alleged violations of the principle of self-determination, citing the human rights situation in southern Africa, the policy of apartheid of South Africa, the illegal occupation of Namibia by South Africa and the territories occupied by Israel. Reference was also made to situations in various other countries. The views expressed in relation to these situations are contained in the summary records of the 13th to 17th and the 32nd to 35th meetings of the Sub-Commission. 25/

103. At its 15th meeting, on 25 August 1982, the Sub-Commission decided to request the UNDP resident representative at Maputo, Mozambique, to transmit a cable expressing its sincerest condolences to the bereaved family of Dr. Ruth First. The text of the decision appears in chapter XXI, section B, as decision 1982/6.

104. Reference was made to the international crime of genocide and it was stated that acts of genocide are being committed all over the world. In this respect, it was suggested that the Study of the question of the prevention and punishment of the crime of genocide 26/ should be revised and updated. Reference was also made to the practices of torture, disappearances, ill-treatment of prisoners and detainees and arbitrary or summary executions in many countries.

105. Some members referred to the problems of disabled persons whose rights, it was stated, are not fully respected. It was said that programmes designed to assist those persons should be implemented by Governments with a view to the promotion and protection of human rights. Reference was also made to other minority groups.

106. Some members suggested that the Study of Discrimination in Respect of the Right of Everyone to Leave Any Country, Including His Own, and to Return to His Country 27/ which had been submitted to the Sub-Commission at its fifteenth session by the Special Rapporteur, Mr. José D. Inglès, should be updated and given further consideration. It was suggested that the question of a draft body of principles on the right and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms (E/CN.4/Sub.2/1982/12), be included as a separate item in the provisional agenda for the next session of the Sub-Commission.

25/ See documents E/CN.4/Sub.2/1982/SR.13-17 and E/CN.4/Sub.2/1982/SR.32-35.

26/ E/CN.4/Sub.2/416.

27/ United Nations publication, Sales No. 64.XIV.2.

107. With reference to the question of Kampuchea, Mr. Eide, who had been entrusted with the task of reviewing the material on Kampuchea, made an oral statement. He pointed out that foreign forces continue to occupy Kampuchea and that the problems of that country will not be solved as long as the right to self-determination is not achieved. He also presented draft conclusions and recommendations for submission to the Commission at its next session (E/CN.4/Sub.2/1982/L.4).

108. The Sub-Commission heard statements by observers for the following States: Argentina (17th meeting); Cuba (3rd and 17th meetings); Cyprus (3rd and 15th meetings); Democratic Kampuchea (15th and 17th meetings); Democratic People's Republic of Korea (15th and 17th meetings); German Democratic Republic (3rd meeting); Iran (15th meeting); Iraq (17th meeting); Israel (3rd and 15th meetings); Nicaragua (3rd and 15th meetings); Poland (17th meeting); Republic of Korea (3rd and 17th meetings); Turkey (15th and 17th meetings); Uruguay (15th and 17th meetings); and Viet Nam (17th meeting).

109. At its 17th meeting, the Sub-Commission heard a statement by the observer for the Palestine Liberation Organization.

110. At its 15th and 16th meetings, the Sub-Commission heard statements by the observers for the following non-governmental organizations in consultative status with the Economic and Social Council: World Muslim Congress (category I), Afro-Asian People's Solidarity Organization, Amnesty International, Anti-Slavery Society for the Protection of Human Rights, Baha'i International Community, International Commission of Jurists, International Federation of Human Rights, International Indian Treaty Council, International League for Human Rights, International Movement for Fraternal Union among Races and Peoples, and Pax Christi (category II).

111. On 30 August 1982, a draft resolution (E/CN.4/Sub.2/1982/L.5) was submitted by Mr. Akram, Mr. Bossuyt, Mr. Carey, Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Hadi, Mr. Jimeta, Mr. Joinet, Mr. Khalifa, Mr. Masud, Mr. Mudawi, Mrs. Odio-Benito, Mr. Saker, Mrs. de Sousa, Mrs. Warzazi, Mr. Whitaker and Mr. Yimer.

112. The Sub-Commission considered the draft resolution at its 32nd meeting on 7 September 1982, when it was introduced by Mr. Whitaker.

113. At the same meeting, the Sub-Commission adopted the draft resolution without a vote.

114. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1982/1.

115. On 31 August 1982, a draft resolution (E/CN.4/Sub.2/1982/L.17) was submitted by Mr. Akram, Mr. Carey, Mrs. Daes, Mrs. Warzazi, Mr. Whitaker and Mr. Yimer.

116. The Sub-Commission considered the draft resolution at its 32nd meeting, on 7 September 1982, when it was introduced by Mrs. Daes.

117. On the proposal of Mr. Sofinsky, the Sub-Commission decided to delete the second preambular paragraph of the draft resolution it had recommended to the Commission on Human Rights for adoption.

118. At the same meeting, a statement of the administrative and programme budget implications of the draft resolution was read out by the Deputy Director of the Centre for Human Rights.

119. At its 32nd meeting, on 7 September 1982, the draft resolution, as amended, was adopted without a vote.

120. The text of the resolution, as adopted, appears in chapter XXI, section A as resolution 1982/2.

121. On 1 September 1982, a draft resolution (E/CN.4/Sub.2/1982/L.26) was submitted by Mr. Carey, Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Foli and Mr. Whitaker.

122. The Sub-Commission considered the draft resolution at its 33rd meeting, on 7 September 1982, when it was introduced by Mrs. Daes.

123. At the same meeting, Mr. Akram proposed that the words "following a decision by the Commission on Human Rights" should be inserted between the words "Sub-Commission" and "to visit" in the fourth line of paragraph 1; that the words "with the agreement of the Government concerned" should be inserted between the words "to visit" and the words "any country" in the same line; that in the same line, the word "it" should be replaced by the words "the Commission"; and, that in the sixth line of paragraph 1, the words "gross and" should be inserted between the word "a" and the word "consistent".

124. At its 33rd meeting, the Sub-Commission adopted the draft resolution, as amended, without a vote.

125. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1982/14.

126. On 30 August 1982, a draft resolution (E/CN.4/Sub.2/1982/L.7) was submitted by Mr. Bossuyt, Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Hadi, Mr. Joinet, Mr. Masud, Mr. Mubanga-Chipoya, Mrs. Odio-Benito, Mr. Sofinsky, Mr. Toševski, Mrs. Warzazi and Mr. Whitaker.

127. The Sub-Commission considered the draft resolution at its 33rd meeting, on 7 September 1982, when it was introduced by Mr. Eide who said that the sponsors wished to revise the draft by inserting a new paragraph 4 which would read: "4. Expresses alarm at reports of massive repression against and displacement of indigenous communities;". Existing paragraphs 4, 5 and 6 would be renumbered 5, 6 and 7.

128. On the proposal of Mr. Carey, supported by Mr. Foli, Mr. Beltramino, Mr. Bossuyt and Mr. Sofinsky, the Sub-Commission decided to delete the words "aggravated by the passive and inactive attitude of the present Guatemalan authorities towards such violence" from the last preambular paragraph.

129. On the proposal of Mr. Eide and Mr. Joinet, the Sub-Commission decided to add to the draft resolution three new preambular paragraphs, which became the fifth, sixth, and seventh preambular paragraphs of the definitive text.

130. At its 33rd meeting, on 7 September 1982, the Sub-Commission adopted the draft resolution, as amended, without a vote.

131. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1982/17.

132. On 31 August 1982, a draft resolution (E/CN.4/Sub.2/1982/L.9) was submitted by Mr. Bossuyt, Mr. Carey, Mr. Eide, Mr. Ferrero, Mr. Joinet, Mrs. Odio-Benito, Mrs. de Sousa, Mrs. Warzazi and Mr. Whitaker.

133. The Sub-Commission considered the draft resolution at its 34th meeting, on 8 September 1982, when it was introduced by Mr. Carey who proposed the deletion of the second preambular paragraph.

134. At the same meeting, on the proposal of Mr. Whitaker, the Sub-Commission, by 9 votes to 3, with 6 abstentions, decided to defer until its thirty-sixth session consideration of the substance of the draft resolution. The text of the decision appears in chapter XXI, section B, as decision 1982/11.

135. On 31 August 1982, a draft resolution (E/CN.4/Sub.2/1982/L.11) was submitted by Mr. Akram, Mrs. Daes, Mr. Ferrero, Mr. Foli, Mr. Hadi, Mr. Jimeta, Mr. Joinet, Mr. Khalifa, Mr. Masud, Mr. Mubanga-Chipoya, Mr. Mudawi, Mrs. Odio-Benito, Mr. Sofinsky, Mrs. de Sousa, Mr. Toševski, Mrs. Warzazi and Mr. Yimer.

136. On 6 September 1982, amendments (E/CN.4/Sub.2/1982/L.41) to the draft resolution were submitted by Mr. Carey.

137. On 7 September 1982, amendments (E/CN.4/Sub.2/1982/L.45) were submitted by Mr. Saker.

138. On 8 September 1982, an amendment (E/CN.4/Sub.2/1982/L.51) was submitted by Mr. Eide.

139. The Sub-Commission considered the draft resolution at its 34th meeting, on 8 September 1982, when it was introduced by Mr. Akram, who revised the text along the lines proposed in document E/CN.4/Sub.2/1982/L.50. Mr. Akram said that the amendments proposed in document E/CN.4/Sub.2/1982/L.45 were acceptable to the sponsors of the draft resolution.

140. At its 34th meeting, the Sub-Commission, by 13 votes to 1, with 5 abstentions, rejected Mr. Carey's amendments.

141. At the same meeting Mr. Eide withdrew his amendment.

142. Mr. Beltramino proposed that paragraph 1 (a) be deleted and that paragraph 1 (b) be amended to read: "Declares that the indiscriminate bombardment and destruction of Lebanese cities and the Palestinian refugee camps, which have caused mass killings of the Lebanese and Palestinian civilian populations constitute a grave violation of international regulations in force, in particular those relating to complete respect of human rights". The proposal was not adopted.

143. At its 34th meeting, on 8 September 1982, the Sub-Commission adopted the draft resolution, as amended, by 18 votes to 1, with 3 abstentions.

144. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1982/18.

145. On 31 August 1982, a draft resolution (E/CN.4/Sub.2/1982/L.12) was submitted by Mr. Bossuyt, Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Folli, Mr. Joinet, Mr. Khalifa, Mr. Masud, Mr. Mudawi, Mrs. Odio-Benito, Mr. Sofinsky, Mrs. de Sousa, Mr. Toševski, Mr. Whitaker and Mr. Yimer.

146. The Sub-Commission considered the draft resolution at its 35th meeting, on 8 September 1982, when it was introduced by Mr. Eide, who revised the text by adding the words "implementing fully the concrete measures requested repeatedly by the General Assembly and the Commission on Human Rights in their resolutions."

147. At its 35th meeting, the Sub-Commission adopted the draft resolution without a vote.

148. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1982/19.

149. On 31 August 1982, a draft resolution (E/CN.4/Sub.2/1982/L.14) was submitted by Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Folli, Mr. Joinet, Mrs. Odio-Benito, Mrs. de Sousa, Mr. Whitaker and Mr. Yimer.

150. The Sub-Commission considered the draft resolution at its 35th meeting, on 8 September 1982, when it was introduced by Mr. Joinet.

151. At the same meeting, the Sub-Commission adopted the draft resolution by 10 votes to 2, with 9 abstentions.

152. The text of the resolution, as adopted appears in chapter XXI, section A, as resolution 1982/20.

153. On 31 August 1982, a draft resolution (E/CN.4/Sub.2/1982/L.15) was submitted by Mr. Carey, Mr. Eide, Mr. Ferrero, Mr. Folli, Mr. Joinet, Mrs. Odio-Benito, Mrs. de Sousa, Mrs. Warzazi and Mr. Whitaker. Mr. Bossuyt became a sponsor of the draft resolution at the 35th meeting.

154. The Sub-Commission considered the draft resolution at its 35th meeting, on 8 September 1982, when it was introduced by Mr. Eide who said that the sponsors wished to delete the words "including the International Red Cross and the Office of the High Commissioner for Refugees" from the last preambular paragraph.

155. At its 35th meeting, on 8 September 1982, the Sub-Commission adopted the draft resolution by 14 votes to 3 with 2 abstentions.

156. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1982/21.

157. On 31 August 1982, a draft resolution (E/CN.4/Sub.2/1982/L.18) was submitted by Mr. Bossuyt, Mr. Carey, Mr. Ferrero, Mrs. Odio-Benito, Mrs. de Sousa, Mrs. Warzazi and Mr. Whitaker.

158. The Sub-Commission considered the draft resolution at its 35th meeting, on 8 September 1982, when it was introduced by Mr. Bossuyt, who said that in the second line of paragraph 5 (c) the word "instauration" should be replaced by the word "respect".

159. At the same meeting, Mr. Akram proposed that the words "following the withdrawal of foreign forces from Kampuchea" should be inserted after the word "ensure" in paragraph 5. He also proposed that paragraph 5 (c) should become paragraph 5 (e) and that existing paragraphs 5 (d) and 5 (e) should become paragraphs 5 (c) and 5 (d).

160. Mr. Akram's proposals were accepted by the sponsors.

161. At its 35th meeting, on 3 September 1982, the Sub-Commission adopted the draft resolution, as amended, by 12 votes to 5, with 2 abstentions.

162. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1982/22.

163. On 1 September 1982, a draft resolution (E/CN.4/Sub.2/1982/L.19) was submitted by Mr. Bossuyt, Mr. Carey, Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Foli and Mr. Whitaker.

164. On 8 September 1982, an amendment (E/CN.4/Sub.2/1982/L.52) was submitted by Mr. Joinet.

165. On the same date, an amendment (E/CN.4/Sub.2/1982/L.53) was submitted by Mr. Akram and Mr. Carey, which incorporated the substance of Mr. Joinet's amendment.

166. The Sub-Commission considered the draft resolution at its 35th meeting, on 8 September 1982, when it was introduced by Mr. Ferrero who said that the sponsors proposed that the task of making the analysis referred to in the first operative paragraph should be entrusted to Mr. Mubanga-Chipoya. The sponsors also considered that Mr. Mubanga-Chipoya should be requested to submit his recommendations to the Sub-Commission at its thirty-seventh session rather than at its thirty-sixth session as was suggested in the draft resolution.

167. At the same meeting, a statement of the administrative and programme budget implications of the draft resolution was read out by the Deputy Director of the Centre for Human Rights.

168. At its 35th meeting, on 8 September 1982, the Sub-Commission adopted the draft resolution, as revised by the sponsors and amended by Mr. Akram, Mr. Carey and Mr. Joinet, by 11 votes to 2 with 6 abstentions.

169. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1982/23.

170. On 1 September 1982, a draft resolution (E/CN.4/Sub.2/1982/L.21) was submitted by Mr. Akram, Mr. Bossuyt, Mr. Carey, Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Joinet, Mr. Khalifa, Mr. Masud, Mr. Mubanga-Chipoya, Mr. Mudawi, Mrs. Odio-Benito, Mrs. de Sousa, Mrs. Warzazi and Mr. Whitaker.

171. The Sub-Commission considered the draft resolution at its 35th meeting, on 8 September 1982, when it was introduced by Mrs. Warzazi.

172. At the same meeting, a statement of the administrative and programme budget implications of the draft resolution was read out by the Deputy Director of the Centre for Human Rights.

173. At the same meeting, the Sub-Commission adopted the draft resolution without a vote.

174. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1982/24.

175. On 1 September 1982, a draft resolution (E/CN.4/Sub.2/1982/L.24) was submitted by Mr. Bossuyt, Mr. Carey, Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Folli, Mr. Khalifa, Mrs. de Sousa, Mrs. Warzazi, Mr. Whitaker and Mr. Yimer. At the 35th meeting, Mr. Mubanga-Chipoya became a sponsor.

176. On 8 September 1982, Mr. Akram submitted amendments (E/CN.4/Sub.2/1982/L.54) to the text.

177. The Sub-Commission considered the draft resolution at its 35th meeting, on 8 September 1982, when it was introduced by Mr. Ferrero.

178. At the same meeting, the Sub-Commission rejected Mr. Akram's amendments by 9 votes to 4, with 5 abstentions.

179. At its 35th meeting, on 8 September 1982, the Sub-Commission adopted the draft resolution by 12 votes to 4, with 3 abstentions.

180. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1982/25.

181. On 1 September 1982, a draft resolution (E/CN.4/Sub.2/1982/L.29) was submitted by Mr. Eide, Mr. Ferrero, Mr. Folli, Mr. Joinet, Mr. Mubanga-Chipoya, Mr. Mudawi, Mrs. Odio-Benito, Mr. Saker, Mrs. de Sousa, Mr. Toševski, Mr. Whitaker and Mr. Yimer. Mr. Masud became a sponsor at the 35th meeting.

182. The Sub-Commission considered the draft resolution at its 35th meeting, on 8 September 1982, when it was introduced by Mr. Eide.

183. At the same meeting, Mr. Carey proposed the deletion from the last preambular paragraph of the words "and that conditions in El Salvador for the effective exercise of civil and political rights do not exist at the present time". By 11 votes to 2, with 3 abstentions, the Sub-Commission rejected that proposal.

184. Mr. Carey proposed the deletion from paragraph 1 of the word "deteriorating". Mr. Joinet proposed that the word "deteriorating" should be replaced by the words "gravity of the". Mr. Joinet's proposal was accepted by the sponsors.

185. Mr. Carey proposed the deletion of paragraph 2. By 11 votes to 1, with 4 abstentions, the Sub-Commission rejected that proposal.

186. Mrs. Warzazi proposed that the words "by both sides" be added after the words "El Salvador" in the penultimate preambular paragraph. By 7 votes to 5, with 6 abstentions, the Sub-Commission rejected that proposal.

187. At its 35th meeting, on 8 September 1982, the Sub-Commission adopted the draft resolution, as amended by Mr. Joinet, by 13 votes to 3, with 4 abstentions.
188. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1982/26.
189. On 30 August 1982, a draft decision (E/CN.4/Sub.2/1982/L.8) was submitted by Mr. Bossuyt, Mr. Carey, Mr. Eide, Mr. Ferrero, Mr. Folli, Mr. Hadi, Mr. Masud, Mr. Mudawi, Mrs. Odio-Benito, Mrs. de Sousa, Mrs. Warzazi, Mr. Whitaker and Mr. Yimer.
190. The Sub-Commission considered the draft decision at its 34th meeting, when it was introduced by Mr. Bossuyt who revised the last line of the text to read: "Not implicate other States in a deliberately abusive manner".
191. At the same meeting, Mr. Akram proposed that the words "and non-governmental organizations" should be inserted after the word "States" in the third line of the text and that the words "and calls upon non-governmental organizations to observe strictly the rules and injunctions laid down by the Economic and Social Council concerning their participation" should be added after the words "in a deliberately abusive manner" at the end of the text.
192. Following a discussion in which Mr. Bossuyt, Mr. Ceausu, Mr. Eide, Mr. Joinet, Mr. Mubanga-Chipoya, Mrs. Warzazi, Mr. Whitaker and Mr. Sofinsky took part, Mr. Akram withdrew his proposal.
193. At the 34th meeting, the draft decision, as revised, was adopted without a vote.
194. The text of the decision, as adopted, appears in chapter XXI, section B, as decision 1982/12.
195. On 31 August 1982, a draft decision (E/CN.4/Sub.2/1982/L.13) was submitted by Mr. Carey and Mr. Whitaker.
196. The Sub-Commission considered the draft decision at its 33rd meeting, on 7 September 1982, and rejected it by 7 votes to 5, with 9 abstentions.

VIII. THE EFFECTS OF GROSS VIOLATIONS OF HUMAN RIGHTS
ON INTERNATIONAL PEACE AND SECURITY

197. The Sub-Commission considered agenda item 8 at its 11th, 12th and 13th meetings on 23 and 24 August 1982 and at its 33rd meeting on 8 September 1982.

198. The Sub-Commission had before it a note by the Secretary-General (E/CN.4/Sub.2/1982/18) containing information drawn from United Nations documents or instruments or from other authoritative United Nations pronouncements on the subject.

199. In introducing the item, the Director of the Centre for Human Rights supplemented the information contained in the note by the Secretary-General.

200. A number of speakers underlined the crucial importance of the subject as well as its various dimensions and complexity. Some members also pointed to the fact that the observance of human rights and the maintenance of peace are inextricably interwoven.

201. Many members made references to the Secretary-General's note on the item (E/CN.4/Sub.2/1982/18) and expressed appreciation for the valuable information contained therein.

202. With regard to the title of the item, the view was expressed that it might have been more topical to examine the effects of threats to international peace and security on human rights. In this regard it was said that the existing tensions in the world, the arms race and the nuclear menace are seriously limiting social and economic progress and endangering the right to life.

203. Other speakers also referred to the arms race, and the idea of an international "Marshall Plan" for development financed by funds set free by disarmament was mentioned.

204. A number of speakers stressed that the non-observance of collective rights could lead to situations affecting international peace and security. Mention was made of the denial of the right to self-determination through foreign domination, colonial rule, apartheid and racism, which were said to be among the main causes of armed struggle, conflict escalation, foreign intervention and even worldwide conflagrations. In this connection, the situations in South Africa and in the Middle East were mentioned as striking contemporary examples of the non-observance of collective rights. Questions concerning the exercise of sovereignty over natural resources were mentioned by some members as frequent sources of conflict.

205. Among civil and political rights, the suppression of the rights to free expression and association, free press and free elections were mentioned as examples of gross violations which could endanger international peace and security. Some members pointed to the need for effective control of citizens over their Governments as an essential means of avoiding abuses of power and referred in this connection to the developments leading to the Second World War. Others referred to serious forms of ethnic and religious discrimination.

206. Several members pointed to the dangers stemming from denials of economic and social rights and emphasized in particular the right to development. The link between human rights and the New International Economic Order was also referred to.

207. With regard to the consequences of gross violations of human rights it was said that oppression not only results in internal violence but frequently leads to interference or intervention by other countries. It was pointed out that large

and powerful countries are normally in a much better position to absorb the shocks of oppression whereas violations in smaller countries often result in internal or international conflicts, with disastrous consequences. In this connection, the special vulnerability of the countries of the Third World as a result of their weak social and economic infrastructure was mentioned.

208. In the course of the debate the point was made that the maintenance of peace and security in this or that region of the world sometimes serves as a pretext to justify violations of the rights of a people. Another point made during the discussion was that human rights arguments may sometimes be used as pretexts for foreign interference and intervention. Some speakers referred in this context to ideological competition which, in their view, sometimes has the consequence of maintaining and strengthening oppressive regimes for purely political or economic reasons and has many detrimental effects on the economic and social development of the Third World.

209. Several speakers stated that since the establishment of the United Nations and the adoption of a number of international instruments, the use of force has been regulated by international law and there are strict limitations on the use of force by individual Governments. The special responsibility of the Security Council in this regard was repeatedly mentioned.

210. Several speakers addressed themselves to the question of how the work of the Sub-Commission under this item should be pursued and some expressed the view that the item should remain on the agenda of the Sub-Commission. It was suggested that the Sub-Commission should elaborate specific criteria for determining gross violations, should identify concrete situations where such violations occur and give consideration to those crimes which have already been identified by the United Nations as constituting threats to peace and security, such as aggression, military invasion and military occupation by one State of another State or crimes against humanity. Other speakers suggested that a study of all aspects of the question should be made, which would analyse the overall world situation and throw light on the real causes of existing conflicts and on the reasons underlying the realization or non-realization of human rights in each country. The establishment of a working group was mentioned as a possibility for carrying out this task.

211. Various means to deal with gross violations of human rights were also discussed. Some speakers emphasized in this regard the need to strengthen the machinery provided by the United Nations and felt that the Sub-Commission should pay particular attention to this aspect of the question. It was also stressed that the efforts by the international community to bring about peaceful settlements of disputes should always be guided by the principle of respect for all human rights.

212. At the 12th meeting, statements were made by the observer for Cyprus and by the observer for the International Indian Treaty Council, a non-governmental organization in category II consultative status.

213. At the 13th meeting, statements were made by the observer for the Organization of African Unity and by the observer for the International Federation of Human Rights, a non-governmental organization in category II consultative status.

214. On 1 September 1982, a draft resolution (E/CN.4/Sub.2/1982/L.16) was submitted by Mr. Bossuyt, Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Khalifa, Mr. Masud, Mr. Mubanga-Chipoya and Mrs. Odio-Benito.

215. The Sub-Commission considered the draft resolution at its 33rd meeting on 7 September 1982, when it was introduced by Mrs. Daes.

216. At the same meeting the Sub-Commission adopted the draft resolution without a vote.

217. The text of the resolution as adopted appears in Chapter XXI, section A, as resolution 1982/11.

218. At its 33rd meeting, on 7 September 1982, the Sub-Commission decided to defer consideration of draft resolution E/CN.4/Sub.2/1982/L.22, which had been submitted by Mr. Bossuyt, Mr. Carey, Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Folli and Mr. Whitaker, and of amendments thereto, which had been submitted by Mr. Akram and Mr. Ceausu, until its thirty-sixth session, at which time the draft resolution and the proposed amendments would have the status of pending business. The text of the decision appears in Chapter XXI, section B, as decision 1982/10.

IX. 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).

219. The Sub-Commission considered agenda item 9 at its 27th 28/ to 31st closed meetings, held between 2 and 6 September 1982.

220. By resolution 1503 (XLVIII) of 27 May 1970 the Economic and Social Council 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, which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.

221. 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.

222. The Sub-Commission had before it a confidential report on the work of the eleventh session of the Working Group, held from 2 to 13 August 1982 (E/CN.4/Sub.2/R.45 and addenda). The Chairman-Rapporteur of the Working Group, Mr. Syed S.A. Masud, introduced the report. A detailed examination of the report followed.

223. At the closed part of its 37th meeting on 10 September 1982 the Sub-Commission adopted a confidential report, by which it communicates its findings to the Commission on Human Rights.

224. At its 35th and 37th meetings on 8 and 10 September 1982 the Sub-Commission decided on the composition of its Working Group on Communications to meet prior to its thirty-sixth session. For the composition of the Working Group, see Chapter XXI section B, decision 1982/13.

28/ At the end of the 27th meeting, the Sub-Commission decided that the records of the closed part of the meeting should be made public.

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

225. The Sub-Commission considered item 10 of its agenda at its 22nd to 24th meetings held on 31 August and 1 September 1982 and at its 32nd meeting held on 7 September 1982.

226. It had before it the following documents: a report by the Secretary-General containing information communicated by Governments in accordance with Sub-Commission resolution 7 (XXVII) (E/CN.4/Sub.2/1982/13 and Add.1); a synopsis of material received from non-governmental organizations in accordance with the same resolution of the Sub-Commission (E/CN.4/Sub.2/1982/14); the final report of the Special Rapporteur, Mrs. Questiaux, on the implications for human rights of recent developments concerning situations known as states of siege or emergency (E/CN.4/Sub.2/1982/15); and the report of the sessional Working Group on the item (E/CN.4/Sub.2/1982/34 and Corr.1).

Annual review of developments concerning the human rights of
persons subjected to any form of detention or imprisonment

227. The item was introduced by the Deputy Director of the Centre for Human Rights at the 22nd meeting on 31 August 1982. 29/

228. At its 6th meeting on 19 August 1982, the Sub-Commission had decided to establish a Working Group on agenda item 10. The Working Group consisted of five members: Mr. Ceausu, Mr. Masud, Mr. Mudawi, Mrs. de Sousa and Mr. Whitaker. Mr. Whitaker was elected Chairman/Rapporteur of the Group.

229. Several speakers expressed the view that the subject deserved continued attention by a Working Group of the Sub-Commission. However, the view was expressed that there was no legal basis for the establishment of such a working group.

230. The report of the Working Group and its recommendations were commended by several participants although reservations were voiced by some members. Some speakers stressed the right of detained persons to appear before an independent magistrate periodically as a form of protection against torture or disappearance.

231. Regarding the conditions of detention, several members deplored that they were far too often below elementary standards of humaneness. It was suggested that an appeal be made to States to increase their contributions to the International Committee of the Red Cross, whose work on behalf of detainees was very important.

232. Some members expressed particular concern regarding detention incommunicado. It was stressed that such situations occurred frequently under political systems where freedom of expression was repressed and where the detaining authorities tended to subject arrested persons to all sorts of pressures. It was recalled in that connection that in 1981 the Sub-Commission had adopted a resolution calling upon the Commission on Human Rights to give urgent consideration to the increasing scale of politically motivated executions and to call upon Governments to abolish capital

29/ A summary of the statement made by the Deputy-Director appears in document E/CN.4/Sub.2/1982/SR.22.

punishment for political offences. In that connection, the attention of the Sub-Commission was drawn to the tragic fate of detainees under situations characterized by a total breakdown of the rule of law, as had happened in certain countries. According to a view expressed, it was the duty of any new Government after the restoration of the rule of law to prosecute the authors of torture and ill-treatment suffered by detainees.

233. While a few members expressed some reservations concerning the continuation of the Working Group, many speakers felt that it responded to a genuine and continuing need and that it should be reconducted. The need was stressed for closer co-ordination with other sectors of the United Nations system working in related fields, particularly the Committee and Branch on Crime Prevention and Control.

234. At its 23rd meeting, on 31 August 1982, on the basis of a proposal made by the Working Group, the Sub-Commission decided to send a telegram through the Chairman of the Commission on Human Rights, to the Government of Malawi. The text of the decision appears in chapter XXI, section B, as decision 1982/8.

The implications for human rights of recent developments concerning
situations known as states of siege or emergency

235. Mrs. Questiaux, Special Rapporteur, introduced her final report on the subject (E/CN.4/Sub.2/1982/15) at the 24th meeting on 1 September 1982. In the report, she said she had attempted, first, to recall the basic rules of International Law and domestic legislation which set out limitations on State power relating to emergency situations with a view to protecting human rights. The second part of her study was devoted to an analysis of the de facto impact of states of emergency upon the rule of law and respect for human rights. She observed that, too often, evidence showed that the model of guarantees provided by law was deviated from. She further noted that states of emergency tended to become clandestine, permanent or even institutionalized. Increased powers were being granted to the Executive and to military or special courts applying retroactive laws in a summary fashion. The effects were particularly damaging for persons detained on political grounds. She therefore strongly recommended a series of measures, which she considered realistic, to strengthen international monitoring of respect for human rights in such situations.

236. All the members who spoke on the subject expressed their high appreciation for the clear, comprehensive and constructive study of Mrs. Questiaux, which went to the core of human rights problems in the contemporary world.

237. Various members expressed deep concern at the repressive trends evidenced in the study, in particular the indefinite prolongation of states of exception and the adoption, under such regimes, of oppressive laws and regulations with retroactive effect. It was also felt by some speakers that the study was most valuable in its attempt to set out clearly defined legal limitations to the repressive power of the State under situations of siege or emergency.

238. Mrs. Questiaux expressed her deep appreciation for the comments and suggestions made and said that she hoped that her study and recommendations could be taken into account in the future work of the Sub-Commission on that subject.

The question of missing and disappeared persons

239. Several speakers stressed the alarming occurrence and **extent** of suspicious disappearances in many part of the world. It was suggested that the Sub-Commission request the General Assembly, through the Commission on Human Rights and the Economic and Social Council, to ask the International Law Commission to study the phenomenon of "missing and disappeared persons" with a view to determining whether enforced disappearances could be regarded as a crime against humanity.

240. On 1 September 1982, a draft resolution (E/CN.4/Sub.2/1982/L.25) was submitted by Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Hadi, Mr. Joinet, Mr. Masud, Mr. Mubanga-Chipoya, Mr. Mudawi, Mrs. Odio-Benito, Mrs. de Sousa, Mrs. Warzazi and Mr. Whitaker.

241. The Sub-Commission considered the draft resolution at its 32nd meeting, on 7 September 1982, and adopted it without a vote.

242. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1982/5.

243. On 2 September 1982 a draft resolution (E/CN.4/Sub.2/1982/L.32) was submitted by Mr. Whitaker.

244. The Sub-Commission considered the draft resolution at its 32nd meeting on 7 September 1982, when it was adopted by 18 votes to 1, with 4 abstentions.

245. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1982/10.

246. On 2 September 1982 a draft resolution (E/CN.4/Sub.2/1982/L.35) was submitted by Mrs. Daes, Mr. Eide, Mr. Ferrero and Mr. Whitaker.

247. The Sub-Commission considered the draft resolution at its 32nd meeting on 7 September 1982, when it was introduced by Mrs. Daes.

248. At its 32nd meeting, on 7 September 1982, the Sub-Commission adopted the draft resolution without a vote.

249. The text of the resolution, as adopted, appears in chapter XXI, section A, as resolution 1982/12.

250. On 6 September 1982, a draft resolution (E/CN.4/Sub.2/1982/L.36) was submitted by Mr. Bossuyt, Mrs. Daes, Mr. Eide, Mr. Khalifa, Mr. Masud, Mr. Mubanga-Chipoya, Mr. Mudawi, Mrs. Odio-Benito, Mr. Whitaker and Mrs. Warzazi.

251. The Sub-Commission considered the draft resolution at its 33rd meeting, on 7 September 1982, when it was introduced by Mr. Eide.

252. At its 33rd meeting, on 7 September 1982, the Sub-Commission adopted the draft resolution without a vote.

253. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1982/13.

254. On 7 September 1982, a draft resolution (E/CN.4/Sub.2/1982/L.44) was submitted by Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Masud, Mrs. Odio-Benito, Mrs. Warzazi, and Mr. Whitaker. At the 36th meeting, on 10 September 1982, Mr. Carey and Mrs. de Sousa became sponsors of the text.

255. The Sub-Commission considered the draft resolution at its 36th meeting on 10 September 1982.

256. At the same meeting, Mr. Sofinsky, supported by Mr. Ceausu, proposed the deletion of subparagraph (a) of the draft resolution recommended to the Commission on Human Rights for adoption. The proposal was rejected by 6 votes to 3, with 6 abstentions.

257. At its 36th meeting, on 10 September 1982, the Sub-Commission adopted the draft resolution by 13 votes to 1, with 2 abstentions.

258. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1982/32.

XI. HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL
DEVELOPMENTS

259. The Sub-Commission considered item 11 of its agenda at its 31st meeting on 6 September 1982 and at its 36th meeting on 10 September 1982.

260. The Sub-Commission had before it: (i) the report (E/CN.4/Sub.2/16) entitled "Guidelines, principles and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder" prepared by the Special Rapporteur, Mrs. Erica Irene Daes, in accordance with resolution 1982/6 of the Commission on Human Rights; (ii) a written statement submitted by the International Association of Penal Law, a non-governmental organization in category II consultative status with the Economic and Social Council (E/CN.4/Sub.2/1982/NGO/1); and (iii) the report of the sessional Working Group on the question of persons detained on the grounds of mental ill-health (E/CN.4/Sub.2/1982/17).

261. The above-mentioned sessional Working Group was established by the Sub-Commission at its 6th meeting on 19 August 1982. It was composed of five members as follows: Mrs. Erica Irene Daes (Chairman/Rapporteur), Mr. Akram, Mrs. Odio-Benito, Mr. Sofinsky and Mrs. Warzazi.

262. In introducing her report and that of the Working Group, the Special Rapporteur stated, inter alia, that she was persuaded by the information she had so far received that psychiatric abuse was taking place in several parts of the world. She said that in many countries the legislation on the matter was either obsolete or based on the standards adopted by the World Health Organization concerning the treatment of mentally ill persons. Referring to the guidelines, principles and guarantees for the protection of the mentally ill or persons suffering from mental disorder which are contained in the annex to the report, she expressed the hope that consideration would be given to those guidelines by the States concerned. She stressed that the problem of the mentally ill was a universal one and should not be politicized. 30/

263. Members who spoke on the subject congratulated the Special Rapporteur on her excellent work. The suggestion was made that the Special Rapporteur should take into consideration other aspects of the problem raised under item 11. It was felt, for example, that all the people of the world, from developed as well as from developing countries should have access to technological progress.

264. On 8 September 1982, a draft resolution (E/CN.4/Sub.2/1982/L.48) was submitted by Mr. Akram, Mr. Bossuyt, Mr. Eide, Mr. Ferrero, Mr. Mubanga-Chipoya and Mrs. Warzazi. Mr. Carey became sponsor of the draft resolution at the 36th meeting.

265. The Sub-Commission considered the draft resolution at its 36th meeting, on 10 September 1982, when it was introduced by Mrs. Warzazi.

30/ A fuller summary of the Special Rapporteur's statement appears in document E/CN.4/Sub.2/1982/SR.36.

266. At the same meeting, a statement of the administrative and programme budget implications of the draft resolution was read out by the Director of the Centre for Human Rights.

267. At its 36th meeting the Sub-Commission adopted the draft resolution without a vote.

268. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1982/34.

XII. STUDY OF THE PROBLEM OF DISCRIMINATION AGAINST
INDIGENOUS POPULATIONS

269. The Sub-Commission considered item 12 of its agenda at its 23rd and 25th meetings on 31 August and 1 September 1982, and at its 36th meeting on 10 September 1982.

270. The Sub-Commission had before it: (a) the supplementary parts of the final report (E/CN.4/Sub.2/1982/2, and Add.1-7) on the "Study of the Problem of Discrimination against Indigenous Populations" submitted by the Special Rapporteur, Mr. José R. Martínez Cobo, in accordance with Sub-Commission resolution 3 (XXXIV); (b) the report of the Working Group on Indigenous Populations on its first session (E/CN.4/Sub.2/1982/33), which was held from 9 to 13 August 1982 at Geneva in accordance with Economic and Social Council resolution 1982/34 of 7 May 1982; (c) the documents transmitted to the Sub-Commission by the Working Group, together with its report (E/CN.4/Sub.2/AC.4/1982/R.1); and (d) a written statement submitted by the International Indian Treaty Council, a non-governmental organization in category II consultative status (E/CN.4/Sub.2/1982/NGO/6).

271. In introducing the supplementary parts of his final report, the Special Rapporteur observed that the study had aroused the interest of the United Nations in one of the most numerous population groups, one of the least privileged and one against which discrimination was most prevalent. He outlined the contents of the documents he had submitted at the current session and made special reference to a number of meetings which, in his view, contributed to a better understanding of the problem confronted by the indigenous populations. The meetings included the International NGO Conference on Indigenous Peoples and the Land (1981), the Conference of Specialists on Ethnocide and Ethnodevelopment in Latin America (Cost Rica, 6-13 December 1981), and the United Nations Seminar on recourse procedures and other forms of protection available to victims of racial discrimination, and activities to be undertaken at the national and regional levels (Managua, Nicaragua, 14-21 December 1981). He welcomed the inclusion in the agenda of the Second World Conference to Combat Racism and Racial Discrimination, to be held in August 1983, of an item concerning the situation of disadvantaged groups such as indigenous populations and suggested that the work of the Sub-Commission on that question might be facilitated, if the Sub-Commission would authorize the Working Group to study the conclusions and recommendations which would appear in the final report he would submit next year. 31/

272. In introducing the Report of the Working Group on Indigenous Populations on its first session (E/CN.4/Sub.2/1982/33), the Chairman-Rapporteur of the Group, Mr. Asbjörn Eide, expressed his deep appreciation for the work done by Mr. Martínez Cobo and by those who worked with him. He stated that the Report of the Special Rapporteur had brought the problems of indigenous populations to the forefront in the international scene and had greatly facilitated the work of the Group. He indicated that during the Group's first session there had been a wide participation and a constructive attitude on the part of observers from member States with indigenous populations, and that of the large number of indigenous organizations which attended the session. He further noted that the Working Group had decided that the first session should be exploratory. He stressed, however, that although the Working Group had not adopted any firm recommendations, it had nevertheless agreed on certain

31/ A fuller summary of the Special Rapporteur's statement appears in document E/CN.4/Sub.2/1982/SR.23.

principles to guide its work. Referring to document E/CN.4/Sub.2/AC.4/1982/R.1, Mr. Eide explained that it had been transmitted to the Sub-Commission by the Working Group together with its report but that it had not been discussed or endorsed by the Working Group.

273. The supplementary part of the Special Rapporteur's final report and the report of the Working Group were discussed together.

274. All speakers thanked the Special Rapporteur for his excellent report. It was said that the report contained a wealth of very valuable information which would be extremely useful in future action concerning indigenous populations. It would help guide the members of the Working Group in discharging their delicate task. Speakers also commended the Chairman-Rapporteur and the members of the Working Group for the constructive approach they had adopted toward their work and for the positive results attained at the first session.

275. The right to internal autonomy on indigenous populations as well as their right to maintain their own religion, language, cultural traditions, social systems and way of life was stressed. It was further observed that indigenous populations and groups should not be subjected to discrimination in respect of rights or claims to land, property or natural resources.

276. In the opinion of several speakers, the report of the Working Group fully reflected the complex and delicate discussion which took place during the session of that Working Group and that a genuine dialogue involving exchanges of views and experiences of representatives of indigenous populations and of Governments should be stimulated. In that connection, mention was made of the material provided by organizations representing indigenous groups and by NGOs in general and the crucial role of those organizations was emphasized by many speakers. It was also agreed that the Working Group should be accessible to representatives of indigenous groups.

277. Reference was made in the debate to the plight of indigenous populations in some countries. It was said that such situations required urgent action on the part of the Sub-Commission. Some speakers referred to the legislative, administrative and other measures taken in their respective countries, as regards indigenous populations. Mention was made of the intergovernmental working group set up, in 1979, by the Nordic countries with a view to promoting the rights of the indigenous populations. Reference was also made to the activities of the ILO and, in particular, to several projects of technical co-operation undertaken by that organization in some countries.

278. Some speakers suggested the establishment of a fund in order to allow representatives of indigenous populations to come to Geneva to participate in the meetings of the Working Group.

279. At the 23rd meeting, observers for Canada, Guatemala, and the United States of America made statements. The representative of the ILO also made a statement.

280. At the 25th meeting, the Sub-Commission also heard statements by the observers for Australia, Bangladesh, Colombia, Denmark, Norway and Peru as well as by observers for the following non-governmental organizations in category II consultative status with the Economic and Social Council: Anti-Slavery Society for the Protection of Human Rights; Afro-Asian People's Solidarity Organization and International Indian Treaty Council.

281. In response to statements made in connection with their respective reports both the Special Rapporteur and the Chairman-Rapporteur thanked all members and observers for their comments and suggestions. 32/

282. On 6 September 1982, a draft resolution (E/CN.4/Sub.2/1982/L.40) was submitted by Mr. Akram, Mr. Bossuyt, Mr. Carey, Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Hanafi, Mr. Joinet, Mr. Mubanga-Chipoya, Mr. Mudawi, Mrs. Odio-Benito, Mr. Saker and Mrs. de Sousa.

283. The Sub-Commission considered the draft resolution at its 36th meeting, on 10 September 1982, when the Director of the Centre for Human Rights read out a statement of the administrative and programme budget implications of the text.

284. At the same meeting the Sub-Commission adopted the draft resolution without a vote.

285. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1982/29.

286. On 7 September 1982, a draft resolution (E/CN.4/Sub.2/1982/L.43) was submitted by Mr. Akram, Mr. Bossuyt, Mr. Carey, Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Joinet, Mr. Mudawi, Mrs. Odio-Benito, Mr. Saker, Mrs. de Sousa, Mrs. Warzazi, Mr. Whitaker and Mr. Yimer.

287. The Sub-Commission considered the draft resolution at its 36th meeting on 10 September 1982, when it was introduced by Mrs. de Sousa.

288. At the same meeting the Sub-Commission adopted the draft resolution without a vote.

289. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1982/31.

290. At its 34th and 37th meetings, on 8 and 10 September 1982, the Sub-Commission decided on the composition of its Working Group on Indigenous Populations. The composition of the Group is given in chapter XXI, section B, decision 1982/13.

32/ Summaries of the Special Rapporteur's and Chairman-Rapporteur's statements appear in E/CN.4/Sub.2/1982/SR.25.

XIII. THE NEW INTERNATIONAL ECONOMIC ORDER
AND THE PROMOTION OF HUMAN RIGHTS

291. The Sub-Commission considered agenda item 13 at its 19th to 21st meetings held on 27 and 30 August 1982, and at its 32nd meeting on 7 September 1982. The Sub-Commission had before it Part One of the Final Report on the New International Economic Order and the Promotion of Human Rights (E/CN.4/Sub.2/1982/19/Rev.1 and Add.1) prepared by Mr. Raúl Ferrero, Special Rapporteur, in accordance with Sub-Commission resolution 8 (XXXII).

292. In introducing the first part of his Final Report the Special Rapporteur indicated that he had endeavoured to take account of all the comments made by members of the Sub-Commission at its thirty-fourth session with respect to his progress report (E/CN.4/Sub.2/477).

293. All speakers congratulated the Special Rapporteur on his excellent work. It was said that the Special Rapporteur had been responsive to earlier comments made by members of the Sub-Commission and that he was in the process of producing a very important study. It was also proposed that his report should be transmitted to the Working Group of Governmental Experts on the Right to Development at its next session.

294. It was suggested that, in the preparation of the final report, more account should be taken of the documents and materials of the non-aligned movement in demonstrating the need for a new international economic order. The purpose of such an order, it was said, is to facilitate the harmonious development of all countries, not just the developing countries.

295. The view was expressed by many members that the promotion of respect for human rights is the ultimate goal of both the development process and of the establishment of the new international economic order. In this connection it was suggested that an analysis should be made of the controversial view that the denial of human rights might sometimes be justified in order to achieve major economic reforms.

296. Reference was made by a number of speakers to the concepts contained in General Assembly resolution 32/130 and there was general agreement on the importance of the principle of the indivisibility and interdependence of all human rights. It was said that while the establishment of the new international economic order could have a very significant impact on respect for human rights, its non-establishment should not be used to justify human rights violations. It was proposed that the reasons for the neglect of the human rights dimension in the new international economic order programme should be analysed in greater depth. The view was also expressed that the right to own property should be discussed in the report.

297. It was said that the promotion of equity and social justice must be pursued at the national level as much as at the international level. Thus wealth must be equitably distributed within States and progressive reforms such as land reform, economic planning, and the exercise of control over transnational corporations introduced.

298. It was suggested that consideration should be given in the final report to the adverse consequences for developing countries of the continuing brain drain of trained personnel. Several speakers also stressed the need for the IMF and the

World Bank to take full account of the social consequences of their policy prescriptions, especially for developing countries. Reference was also made to the need to develop the legal aspects of the new international economic order.

299. The importance of disarmament was stressed by several speakers who pointed out that vast resources continued to be wasted on arms expenditures. Such expenditures within developing countries were also said to be excessive and prejudicial to development in many instances. A just peace was said to require not only the absence of war but also respect for human rights and equitable distribution of the benefits of development.

300. Many experts referred to the concept of the right to development. It was said by some speakers to be a collective right while others pointed out that it also has an individual dimension. The question was posed as to how development could be a right when human rights were so often violated in the name of the quest for development. The concept of a third generation of human rights, which featured in the report of the Special Rapporteur, was criticized by some experts as being imprecise and infelicitous since it implies that the first two generations - economic, social and cultural and civil and political rights respectively - have been replaced or superseded.

301. Reference was made to the important role which technical co-operation activities could play in promoting respect for human rights. It was suggested that, where appropriate, States should be encouraged to request, and development co-operation agencies should respond to requests for, technical assistance in the legal field. Such assistance could be provided through United Nations agencies such as UNDP, the World Bank and UNESCO.

302. Some experts expressed the view that Mr. Ferrero's report had the virtue of indicating certain areas for further study in the future such as the tragic proportions of hunger, which was said to be one of the gravest violations of human rights in the world. It was therefore suggested that the right to freedom from hunger and its relevance in the context of the new international economic order could be examined. Other topics which could be examined include: the relationship between trade and respect for human rights; the impact of international monetary policies on the enjoyment of human rights; the conflict between consumption patterns in developed countries and the satisfaction of basic material needs in developing countries; and, the impact of technological transfers on cultural values and lifestyles in developing countries.

303. At the 21st meeting, the observer for Peru made a statement.

304. At the close of the debate the Special Rapporteur assured the Sub-Commission that the comments of each member would be carefully taken into account in the preparation of the completed final report to be submitted in 1983.

305. On 1 September 1982, a draft resolution (E/CN.4/Sub.2/1982/L.27) was submitted by Mr. Bossuyt, Mr. Carey, Mr. Ceausu, Mr. Eide, Mr. Foli, Mr. Hadi, Mr. Masud, Mr. Mubanga-Chipoya, Mr. Mudawi, Mrs. Odio-Benito, Mr. Saker, Mrs. Warzazi, Mr. Whitaker and Mr. Yimer.

306. The Sub-Commission considered the draft resolution at its 32nd meeting, on 7 September 1982, when it was introduced by Mr. Bossuyt.

307. At the same meeting, Mr. Akram proposed that the words "promote human rights through the accelerated economic and social development of all peoples and to" be inserted between the words "need to" and the word "integrate" in the third preambular

paragraphs, that the words "and development" be added after the words "respect for human rights" in the fifth preambular paragraph, that the words "by accelerating" be inserted before the words "the development process" in paragraph 1, and that the words "together with" be inserted before the word "measures" in the same paragraph.

Mr. Akram's amendments were accepted by the sponsors of the draft resolution.

308. At the same meeting, Mrs. Warzazi proposed that the words "first part of the" be inserted between the words "excellent" and "report" in the last preambular paragraph. Mrs. Warzazi's amendment was accepted by the sponsors.

309. At its 32nd meeting, on 7 September 1982, the Sub-Commission adopted the draft resolution, as amended, without a vote.

310. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1982/6.

311. On 1 September 1982, a draft resolution (E/CN.4/Sub.2/1982/L.28) was submitted by Mr. Akram, Mr. Carey, Mrs. Daes, Mr. Eide, Mr. Foli, Mr. Joinet, Mr. Khalifa, Mr. Masud, Mr. Mubanga-Chipoya, Mr. Mudawi, Mrs. de Sousa, Mr. Whitaker and Mr. Yimer.

312. The Sub-Commission considered the draft resolution at its 32nd meeting, on 7 September 1982, when Mrs. Odio-Benito became a sponsor and introduced it.

313. At the same meeting a statement of the administrative and programme budget implications of the draft resolution was made by the Director of the Centre for Human Rights.

314. The Sub-Commission adopted the draft resolution at its 32nd meeting, on 7 September 1982, without a vote.

315. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1982/7.

316. On 1 September 1982, a draft resolution (E/CN.4/Sub.2/1982/L.30) was submitted by Mr. Bossuyt, Mr. Carey, Mr. Ceausu, Mrs. Daes, Mr. Eide, Mr. Hadi, Mr. Joinet, Mr. Khalifa, Mr. Masud, Mrs. Odio-Benito, Mr. Saker, Mrs. de Sousa, Mrs. Warzazi, Mr. Whitaker and Mr. Yimer.

317. The Sub-Commission considered the draft resolution at its 32nd meeting, on 7 September 1982, when it was introduced by Mrs. Odio-Benito.

318. At the same meeting, a statement of the administrative and programme budget implications of the draft resolution was made by the Director of the Centre for Human Rights.

319. At its 32nd meeting, on 7 September 1982, the Sub-Commission adopted the draft resolution without a vote.

320. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1982/8.

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

321. The Sub-Commission considered item 14 of its agenda at its 18th and 19th meetings held on 27 August 1982 and its 32nd and 33rd meetings on 7 September 1982.

322. In connection with this item, the Sub-Commission had before it the report of the Working Group on Slavery on its eighth session (E/CN.4/Sub.2/1982/21 and Corr.1) and a final report entitled "Updating of the Report on Slavery Submitted to the Sub-Commission in 1966", prepared by Mr. Benjamin Whitaker, Special Rapporteur (E/CN.4/Sub.2/1982/20 and Add.1).

323. At the 18th meeting, on behalf of the members of the Working Group, Mr. Benjamin Whitaker introduced the report of the Working Group on Slavery. 33/

324. Members who spoke on the item congratulated the Working Group on its work and on the quality of the report it had submitted. The constructive participation by States in the work of the Group was especially welcomed. Slavery-like practices, it was said, had their roots in inequalities between and within countries that caused a structural disequilibrium which could only be remedied by a new international economic order and the respect for democratic processes in the countries concerned. It was suggested that a United Nations conference on human rights dealing with aspects of slavery and slavery-like practices could attract more public attention to these problems.

325. There was broad agreement on the recommendations contained in the Working Group's report. The view was expressed, however, that more concrete measures could have been proposed with a view to finding practical solutions to the problems of debt bondage, exploitation of child labour, sale of children and the exploitation of prostitution.

326. Many speakers felt that although the question of female circumcision is not directly tied to slavery, it needs to be thoroughly studied. Such a task, it was suggested, could be assigned to a special working group or to a special rapporteur.

327. At the 18th meeting, Mr. Benjamin Whitaker, Special Rapporteur, introduced his report entitled "Updating of the Report on Slavery Submitted to the Sub-Commission in 1966". The Special Rapporteur said that his work had been limited by the scarcity of government replies to the questionnaire he had sent. Very few governments had been willing to admit the existence of slavery-like practices in their territories. He explained that his approach to the study had been to pinpoint the problems which exist in all parts of the world. The roots of slavery, he stressed, often lie in extreme deprivation and in the vulnerability of its victims, including women and children. Urgent action is needed to redress the situation. He emphasized that the objective of such action is not to condemn particular governments, but to assess the needs of innocent victims. A fact-finding United Nations mission, like the one to be carried out at the request of the Government of Mauritania, could serve as a model of international action.

33/ For a summary of Mr. Whitaker's statement, see document
E/CN.4/Sub.2/1982/SR.18.

328. All speakers expressed their appreciation to the Special Rapporteur for his excellent report. Some members supported, in particular, the inclusion among slavery-like practices of issues such as forced marriage and the situation of migrant workers in some countries. In the view of some members the mandate of the Working Group on Slavery should be so broadened as to enable the Group to consider these problems more thoroughly. It was suggested in this connection that a change in the title of the Working Group should be envisaged in order to encourage the collaboration of governments which are reluctant to admit that slavery exists in their countries.

329. Some members mentioned that institutional arrangements for enforcement of rights and seeking remedies against slavery-like practices are an important aspect of the Sub-Commission's study. In this connection, it was pointed out that in countries with democratic institutions like a parliament, an independent judiciary and a free press there are already mechanisms for dealing with such problems. Some members also cautioned against using a selective approach whilst listing examples from different countries.

330. Some members suggested that in view of the gravity of the issues raised in the report, the Special Rapporteur should be requested to present his report to the Commission on Human Rights at its thirty-ninth session.

331. At the 18th meeting, the Sub-Commission heard statements by the representatives of the International Labour Organisation and the World Health Organization. At the 19th meeting, statements were made by observers from India, Senegal and Sudan. At the same meeting, statements were also made by the Afro-Asian People's Solidarity Organization, the Anti-Slavery Society for the Protection of Human Rights, the International Indian Treaty Council and the International Movement for Fraternal Union among Races and Peoples, non-governmental organizations in category II consultative status, and by the International Abolitionist Federation and the Minority Rights Group, non-governmental organizations on the Roster.

332. In reply to the comments on his report made in the course of the debate, the Special Rapporteur said that he welcomed and would very carefully consider the suggestions made and the proposals advanced.

333. At its 19th meeting, on 27 August 1982, the Sub-Commission decided that its Chairman should appoint Mr. Bossuyt and Mr. Mudawi to visit Mauritania in order to study the situation and ascertain the country's needs with regard to the question of slavery and the slave trade.

334. On 2 September 1982, a draft resolution (E/CN.4/Sub.2/1982/L.33) was submitted by Mrs. Daes, Mr. Eide, Mr. Ferrero and Mr. Foli.

335. The Sub-Commission considered the draft resolution at its 32nd meeting on 7 September 1982, when it was introduced by Mrs. Daes.

336. A statement of the administrative and programme budget implications of the draft resolution was read out by the Director of the Centre for Human Rights.

337. At the same meeting the Sub-Commission adopted the draft resolution without a vote.

338. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1982/9.

339. On 2 September 1982, a draft resolution (E/CN.4/Sub.2/1982/L.34) was submitted by Mrs. Daes and Mr. Whitaker.

340. The Sub-Commission considered the draft resolution at its 33rd meeting on 7 September 1982 when it was introduced by Mr. Whitaker.

341. Following a discussion in which Mr. Sofinsky, the Chairman and Mrs. Warzazi took part, the sponsors agreed to delete paragraph 6 from the text.

342. On the the proposal of Mr. Masud, the word "the" at the end of the fifth line of paragraph 19 was replaced by the words "non-governmental organizations" and the words "Afro-Asian People's Solidarity Organization, the Anti-Slavery-Society for the Protection of Human Rights and the International Abolitionist Federation" were deleted.

343. At the 33rd meeting, the Sub-Commission adopted the draft resolution, as amended, without a vote.

344. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1982/15.

345. At its 34th and 37th meetings, on 8 and 10 September 1982, the Sub-Commission decided on the composition of its Working Group on Slavery. The composition of the Group is shown in chapter XXI, section B, decision 1982/13.

XV. EXPLOITATION OF CHILD LABOUR

346. The Sub-Commission considered item 15 of its agenda at its 31st meeting, held on 6 September 1982 and at its 36th meeting held on 10 September 1982.

347. The Sub-Commission had before it a note by the Special Rapporteur, Mr. Abdelwahab Bouhdiba, entitled "Concrete programme of action to combat violations of human rights through the exploitation of child labour" (E/CN.4/Sub.2/1982/29).

348. In introducing the document, the Special Rapporteur expressed his gratitude for the favourable reception his report on the Exploitation of Child Labour (E/CN.4/Sub.2/479) had received. In his view, further action should be taken to create more public awareness of the problems involved in the exploitation of child labour and to define specific measures to be taken. One such measure could be the holding of an international seminar which would engage in a comparative analysis of situations of child exploitation in different parts of the world, and propose the most suitable forms of international action to be taken. 34/

349. Members of the Sub-Commission warmly congratulated the Special Rapporteur for the suggestions contained in his note. Although the total elimination of the problems of child exploitation was said to be a long-term goal, speakers generally agreed that immediate action would have to be taken at all levels on problems such as child prostitution. Members who spoke, endorsed the suggestion made by the Special Rapporteur that a seminar on the exploitation of child labour should be organized as a matter of priority with a view to initiating further national measures and co-ordinated international action.

350. The Sub-Commission heard a statement by the representative of the Anti-Slavery Society for the Protection of Human Rights, a non-governmental organization in consultative status (Category II).

351. The Special Rapporteur thanked speakers for their comments and expressed the hope that increased efforts would continue to be made to eliminate the problem of the exploitation of child labour.

352. On 8 September 1982 a draft resolution (E/CN.4/Sub.2/1982/L.46) was submitted by Mrs. Daes, Mr. Foli, Mr. Mubanga-Chipoya, Mr. Mudawi, Mr. Saker and Mr. Yimer.

353. The Sub-Commission considered the draft resolution, which was introduced by Mr. Whitaker, at its 36th meeting and adopted it without a vote.

354. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1982/33.

34/ For a fuller text of the statement by the Special Rapporteur see document E/CN.4/Sub.2/1982/SR.31.

XVI. ENCOURAGEMENT OF UNIVERSAL ACCEPTANCE OF
HUMAN RIGHTS INSTRUMENTS

355. The Sub-Commission considered agenda item 16 at its 6th meeting on 19 August 1982, at its 26th meeting on 2 September 1982 and at its 32nd meeting on 7 September 1982.

356. The Sub-Commission had before it the following documentation: (a) a note by the Secretary-General containing a summary of the information submitted by governments in accordance with paragraph 2 of Sub-Commission resolution 1 B (XXXII) (E/CN.4/Sub.2/452 and Add.1-5); (b) a note of the Secretary-General containing additional information received from the Government of the Philippines pursuant to Sub-Commission resolution 19 (XXXIV) (E/CN.4/Sub.2/1982/30); (c) the list of signatures, ratifications and accessions to international human rights instruments, as of 1 July 1982, (ST/HR/4/Rev.4); and (d) the report of the sessional Working Group on the Encouragement of Universal Acceptance of Human Rights Instruments (E/CN.4/Sub.2/1982/22).

357. At its 6th meeting, on 19 August 1982, in accordance with its resolution 1 B (XXXII) of 5 September 1979; the Sub-Commission established a sessional Working Group on the Encouragement of Universal Acceptance of Human Rights Instruments. Mr. I. Jimeta was appointed Chairman-Rapporteur of the Group. The other members appointed were: Mr. M. Bossuyt, Mr. R. Ferrero, Mr. S.S.A. Masud and Mr. I. Toševski.

358. At the 26th meeting, on 2 September 1982, Mr. Bossuyt introduced the report of the Group. In his statement, he declared that the Group had made progress in its work since the Sub-Commission's thirty-fourth session. Information received from 22 States had been examined. He added that at a later date the Group intended to study, and make recommendations on, the question of the obstacles which prevent States from adhering to human rights instruments. 35/

359. All speakers commended the Group on its work. While, in the opinion of some members, the United Nations should continue to encourage States to ratify, or accede to, all instruments dealing with human rights, other members considered that it is the sovereign right of each State to decide whether to sign, ratify or accede to international instruments, including human rights instruments. Some members stressed in particular the optional character of the Optional Protocol to the International Covenant on Civil and Political Rights and said that the Working Group should not insist on inquiring why governments had not become parties to that instrument. It was, however, noted in this connection, that the General Assembly, in its resolutions on the question, makes no distinction between the Optional Protocol and other human rights instruments.

360. At its 26th meeting, without a vote, the Sub-Commission took note of the report of the Working Group.

361. On 1 September 1982 a draft resolution (E/CN.4/Sub.2/1982/L.20) was submitted by Mr. Bossuyt, Mr. Ferrero, Mr. Jimeta, Mr. Masud and Mr. Toševski.

362. The Sub-Commission considered the draft resolution at its 32nd meeting on 7 September 1982, and adopted it without a vote.

363. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1982/3.

^{35/} A fuller summary of Mr. Bossuyt's statement appears in document E/CN.4/Sub.2/1982/SR.26.

XVII. CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

364. The Sub-Commission considered item 17 of its agenda at its 25th meeting held on 1 September 1982 and at its 36th meeting on 10 September 1982.

365. The Sub-Commission had before it a preliminary report (E/CN.4/Sub.2/1982/24) prepared by Mr. Eide and Mr. Mubanga-Chipoya, in accordance with Sub-Commission resolution 14 (XXXIV) of 10 September 1981.

366. In introducing the report, which contains an analysis of the situation in various countries with respect to conscientious objection to military service, Mr. Eide observed that States' positions on the question vary from complete rejection of the concept of conscientious objection to acceptance of a status for the objector which takes into account the interests of the State and the conscience of the objector. He further stated that he and Mr. Mubanga-Chipoya intended to submit their conclusions and recommendations to the Sub-Commission at its thirty-sixth session. 36/

367. Members who spoke on the item commended Mr. Eide and Mr. Mubanga-Chipoya for their report. It was suggested that the final report should examine the particular problem of children being used in military service. It was, however, observed that there is no easy solution to the many problems raised by conscientious objection. In this connection, mention was made of the need for States to maintain their defence capabilities and of the problem of asylum for persons fleeing their country because of their objection to military service.

368. On 7 September 1982, a draft resolution (E/CN.4/Sub.2/1982/L.42) was submitted by Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Joinet, Mr. Masud, Mr. Mubanga-Chipoya, Mrs. Odio-Benito, Mrs. de Sousa and Mr. Whitaker.

369. The Sub-Commission considered the draft resolution at its 36th meeting, on 10 September 1982, when it was introduced by Mr. Eide.

370. Mr. Ceausu proposed that in paragraph 1 a fullstop should be inserted after the words "conscientious objection" in the third line and that the words "with a view to" and subparagraphs (a) - (d) should be deleted. By 8 votes to 6, with 3 abstentions the Sub-Commission rejected the proposal.

371. Mr. Carey proposed that in paragraph 1 (b) the words "possibility of the" should be inserted before the words "right of all persons". The proposal was accepted by the sponsors of the text.

372. Mr. Carey proposed that in paragraph 1 (d) the words "the recognition of" should be replaced by the words "dealing with the question of". Following a discussion, the Sub-Commission agreed to Mr. Eide's proposal that paragraph 1 (d) should be deleted.

373. Mrs. Daes, supported by Mr. Joinet, proposed that the words "and their responsibility to offer instead of military service any other service in the social or economic field including work for the economic progress and development of their country" should be added after the word "conviction" in paragraph 1 (b). The Sub-Commission accepted that proposal.

374. At its 36th meeting, on 10 September 1982, the Sub-Commission adopted the draft resolution, as amended, by 9 votes to 4, with 3 abstentions.

375. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1982/30.

36/ A fuller summary of the statement made by Mr. Eide appears in document E/CN.4/Sub.2/1982/SR.24.

XVIII. THE STATUS OF THE INDIVIDUAL AND
CONTEMPORARY INTERNATIONAL LAW

376. The Sub-Commission considered its agenda item 18 at its 34th meeting on 8 September 1982.

377. At that meeting on 8 September 1982, the Special Rapporteur orally introduced her preliminary report. She stated that the basic purpose of her study would be to examine and compare the relevant doctrines and practices in the main legal systems, with a view to making an assessment of the status of the individual and contemporary international law. An attempt, she said, would be made to identify the basic legal, political, social and economic obstacles to the recognition of the individual in international law. She expressed her conviction that the study would strengthen the foundation upon which the effective protection of the individual at the national and international level rests.

378. The Special Rapporteur stated that part one of the study would deal with the problem of the international personality of the individual. An analysis would be made of the attitudes of the basic dualities and monistic theories and of the practice of international law as regards the international personality of the individual and the relationship between national and international law. The second part of the study would consider the individual as the concern of the United Nations and the specialized agencies and the individual as the concern of regional organizations. In particular, this part of the study would examine the question whether the individual in the contemporary international community enjoys in practice any specific international right or is subject to any international obligations. The study would include conclusions and recommendations. She pointed out that the sources to be used in the study would include the Charter and other relevant United Nations instruments as well as relevant information received from governments, competent organs of the United Nations system, specialized agencies and regional organizations.

379. Members who spoke on the item congratulated the Special Rapporteur on her work. It was stressed that in view of the evolution of the concept of human rights and in the light of the action taken by the international community in the field of humanitarian law, the time had come for the formal recognition of the individual as a subject of international law.

380. On 8 September 1982, a draft resolution (E/CN.4/Sub.2/1982/L.49) was submitted by Mr. Ferrero, Mrs. de Sousa, Mr. Whitaker and Mr. Yimer. Mr. Eide and Mr. Mubanga-Chipoya became sponsors of the text at the 36th meeting.

381. The Sub-Commission considered the draft resolution at its 36th meeting, on 10 September 1982, when it was introduced by Mr. Eide.

382. Mrs. Daes said that there was no need to provide for travel expenses in connection with the draft resolution, as she would avail herself of the visit to Geneva which had been provided for in connection with the study mentioned in resolution 1982/34 to work on the study on the status of the individual and contemporary international law as well. She would need merely secretarial assistance for the reproduction of the report.

383. At its 36th meeting, on 10 September 1982, the Sub-Commission adopted the draft resolution without a vote.

384. The text of the resolution as adopted appears in chapter XXI, section A, as resolution 1982/35.

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

385. The Sub-Commission considered agenda item 19 at its 36th meeting on 10 September 1982.

386. The Sub-Commission had before it the following documentation: (i) a note by the Secretariat (E/CN.4/Sub.2/1982/35) in which is reproduced the text of resolution 1982/50 adopted by the Economic and Social Council at its second regular session in 1982. In that resolution the Council adopted a number of measures concerning inter alia its programme and organization of work; (ii) a note by the secretariat (E/CN.4/Sub.2/1982/L.10) relating to the schedule for the thirty-sixth session of the Sub-Commission; (iii) a note by the secretariat (E/CN.4/Sub.2/1982/L.47) prepared in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII) containing a draft provisional agenda for the thirty-sixth session of the Sub-Commission and listing the documents to be submitted under each item and the legislative authority for their preparation. In this connection it will be recalled that at its 2nd meeting, the Sub-Commission decided, in accordance with resolution 26 (XXXVI) of the Commission on Human Rights, to consider at its thirty-sixth session, as a separate item the following question: "Individualization of prosecution and penalties, and repercussions of violations of human rights on families".

387. It should also be mentioned that the Sub-Commission decided to inscribe in the agenda of its thirty-sixth session two new items: (i) Draft body of principles and guidelines on the right and responsibility of individuals groups and organs of society to promote and protect human rights and fundamental freedoms, in accordance with resolution 1982/24 adopted at the 35th meeting on 8 September 1982; and (ii) Elimination of all forms of religious intolerance, in accordance with resolution 1982/28 adopted at the 36th meeting on 10 September 1982.

388. Referring to the heavy work programme of the Sub-Commission, several members expressed the view that efforts should be made to streamline the work of the Sub-Commission at its next session. To that end a number of suggestions were made with a view to combining and discussing together various items contained in the draft provisional agenda. A proposal by Mr. Whitaker to combine items 5 and 6, items 10, 17 and 20 and items 14 and 15, was adopted by 15 votes to 1.

389. With regard to the dates of the thirty-sixth session of the Sub-Commission, suggestions concerning a change of the dates already scheduled (E/CN.4/Sub.2/1982/L.10) were not retained.

390. The draft provisional agenda (E/CN.4/Sub.2/L.47) as amended by the Sub-Commission reads as follows:

1. Election of officers
2. Adoption of the agenda
3. Review of the status and activities of the Sub-Commission and its relationship with the Commission on Human Rights and other United Nations bodies
Legislative authority: Sub-Commission decision 2 (XXXIV)

4. 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)

5. Elimination of racial discrimination

- (a) Measures to combat racism and racial discrimination and the role of the Sub-Commission

Reports by the Secretary-General

Legislative authority: General Assembly resolution 3377 (XXX); Economic and Social Council resolution 1980/28; Sub-Commission resolutions 3 (XXVIII) and 4 (XXVIII)

- (b) 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

Report by Mr. Khalifa

Legislative authority: Economic and Social Council decisions 1980/131 and 1981/141; Commission resolution 1982/12; Sub-Commission resolution 1982/16

6. 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)

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

7. The effects of gross violations of human rights on international peace and security

Report by the Secretary-General

Legislative authority: Sub-Commission resolution 1982/11.

8. 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.

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

9. The administration of justice and the human rights of detainees

- (a) Question of human rights of persons subjected to any form of detention and imprisonment

Reports by the Secretary-General

Legislative authority: Commission resolution 1982/24; Sub-Commission resolutions 7 (XXVII), 18 (XXXIII) and 1982/10

- (b) Individualization of prosecution and penalties, and repercussions of violations of human rights on families
- (c) Study on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

Report by Mr. Singhvi

Legislative authority: Economic and Social Council decision 1980/124; Commission resolution 16 (XXXVI); Sub-Commission resolutions 16 (XXXIII), 21 (XXXIV) and decision 1982/1

10. Human Rights and scientific and technological developments

Report by Mrs. Daes

Report by the Secretary-General

Report by Mrs. Questiaux

Legislative authority: General Assembly resolutions 33/53 and 35/130 B; Sub-Commission resolution 12 (XXXIII)

11. Study of the problem of discrimination against indigenous populations

Report by the Special Rapporteur, Mr. Martínez Cobo

Report of the Working Group

Legislative authority: Economic and Social Council resolutions 1589 (L) and 1982/34; Sub-Commission resolutions 8 (XXIV) and 1982/29

12. The New International Economic Order and the Promotion of Human Rights

Report by Mr. Ferrero

Report by the Secretary-General

Legislative authority: Economic and Social Council decision 1980/126; Commission resolution 18 (XXXVI); Sub-Commission resolutions 8 (XXXII), 22 (XXXIV), 1982/6 and 1982/8

13. Slavery and slavery-like practices

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

Report to be prepared in accordance with Economic and Social decision 1982/129

Report by the Working Group on Slavery on its ninth session

Reports by the Secretary-General

Legislative authority: Economic and Social Council decision 16 (LVI) and 1982/129; Commission resolution 13 (XXIII) and 1982/20; and Sub-Commission resolutions 11 (XXVII), 5 (XXIX), 8 (XXXIII) and 1982/15

- (b) Exploitation of child labour

Report by the Working Group on Slavery on its ninth session

Legislative authority: Sub-Commission resolution 7 B (XXXII)

14. Encouragement of Universal Acceptance of Human Rights Instruments

Reports by the Secretary-General

Report of the Sessional Working Group on the encouragement of universal acceptance of human rights instruments

Legislative authority: Sub-Commission resolutions 1 B (XXXII) and 19 (XXXIV) and 1982/2; Sub-Commission decision 2 (XXXIII)

15. Elimination of all forms of religious intolerance

Report by the Secretary-General

Legislative authority: Sub-Commission resolution 1982/28

16. Conscientious objection to military service

Report by Mr. Mubanga-Chipoya and Mr. Eide

Reports by the Secretary-General

Legislative authority: Commission resolution 40 (XXXVII); Sub-Commission resolution 14 (XXXIV) and 1982/30

17. The status of the individual and contemporary international law

Report by Mrs. Daes

Legislative authority: Economic and Social Council decision 1981/142; Commission resolution 18 (XXXVII); Sub-Commission resolution 6 (XXXIII) and 1982/35

18. Draft body of principles and guidelines on the right and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms
19. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the thirty-sixth session of the Sub-Commission

A note by the Secretary-General

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

20. Report on the thirty-sixth session

Report of the Sub-Commission on its thirty-sixth session

...XX... ADOPTION OF THE REPORT:

391. At its 37th meeting, on 10 September 1982, the Sub-Commission considered the draft report on the work of its thirty-fourth session. The draft report, as amended during the course of the discussion, was adopted without a vote at the 37th meeting on 10 September 1982...

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

A. Resolutions

- 1982/1. 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) 37/

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

Noting in particular that article 2 of the Universal Declaration of Human Rights, which provides that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, applies also to disabled persons,

Recalling that the General Assembly of the United Nations, having proclaimed 1981 as the International Year of Disabled Persons, expressed, in its resolution 36/77 on 8 December 1981, its deep concern that "no less than five hundred million persons are estimated to suffer from a disability of one form or another, of whom four hundred million are estimated to be in the developing countries", and its conviction that "the timely and significant impetus generated by the activities of the International Year of Disabled Persons should be maintained and reinforced with appropriate follow-up action at all levels", 38/

Noting further that information available to the Sub-Commission indicates that in some countries, including developed countries, persistent non-fulfilment, and on occasion violations, of the human rights of disabled persons continue to be tolerated,

Concerned that the prevailing economic recession is in some cases used, especially in developed countries, as a justification for the reduction or negation of efforts to ensure promotion of the human rights of disabled persons,

1. Recommends that Governments give consideration to difficulties encountered by disabled persons in the enjoyment of universally-proclaimed human rights as well as to the need to strengthen procedures designed to permit disabled persons to bring allegations of violations of their human rights to a competent body vested with the authority to act on such complaints or to the attention of the Government;

2. Requests the Secretary-General to invite the views of Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council on ways and means for promoting the enjoyment of human rights by disabled persons;

37/ Adopted at the 32nd meeting on 7 September 1982, without a vote. See chap. VII.

38/ Emphasis added.

3. Suggests, in this connection, that Governments could provide information on how programmes designed to assist disabled persons in the promotion and protection of their human rights have been or are being affected by reductions in real spending on social programmes and that such information might also be included in reports to be submitted under General Assembly resolution 36/77, paragraph 4;

4. Invites non-governmental organizations to maintain the momentum given by the International Year of Disabled Persons;

5. Further requests the Secretary-General to transmit to the Sub-Commission at its thirty-sixth session information received pursuant to paragraph 2 above and to include in his report information drawn from the relevant reports of the Advisory Committee for the International Year of Disabled Persons as well as, if possible, comments received from the Advisory Committee itself.

1982/2. 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) 39/

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

Considering that certain acts of genocide are committed in various parts of the contemporary world,

Considering also the need to revise as a whole and to update the Study on the Question of the Prevention and Punishment of the Crime of Genocide, 40/

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

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

1982/3. Encouragement of universal acceptance of human rights instruments 41/

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

Recalling its resolutions 1 B (XXXII) and 19 (XXXIV) and its decision 2 (XXXIII) on the encouragement of universal acceptance of human rights instruments,

Having considered the report of the Secretary-General transmitting the information submitted by Governments, 42/

39/ Adopted at the 32nd meeting, on 7 September 1982, without a vote. See chap. VII.

40/ E/CN.4/Sub.2/416.

41/ Adopted at the 32nd meeting, on 7 September 1982, without a vote. See chap. XVI.

42/ E/CN.4/Sub.2/452 and Add.1-5 and E/CN.4/Sub.2/1982/30.

1. Expresses its appreciation to those Governments which have conveyed information to the Sub-Commission;

2. Takes note of the report of the sessional Working Group on the Encouragement of Universal Acceptance of Human Rights Instruments, 43/

3. Requests the Secretary-General to renew the invitation communicated by his notes verbales, dated 12 December 1979, 29 December 1980 and 30 November 1981, to the Governments of Member States which have not yet replied to those communications, making particular reference to the human rights instruments to which those Governments have not yet become party and drawing the attention of each Government to the instruments which it has already signed but not yet ratified;

4. Requests the Secretary-General to invite the Governments mentioned in paragraph 37 of the report of the sessional Working Group on the Acceptance of Human Rights Instruments to submit any information which they may wish to furnish regarding the circumstances which have so far not enabled them to become parties to the human rights instruments referred to by the Working Group during the examination of their replies;

5. Requests the Secretary-General to renew the invitation communicated by his note verbale dated 14 October 1981 to the Governments mentioned in paragraph 38 of the report of the sessional Working Group on the Encouragement of Universal Acceptance of Human Rights Instruments to submit any information which they may wish to furnish regarding the circumstances which have so far not enabled them to become parties to the human rights instruments referred to by the Working Group during the examination of their replies at its second (1981) session, 44/

6. Requests the Secretary-General to prepare a concise analysis of the replies received from Governments, identifying the types of issues raised as preventing Governments from becoming parties to the human rights instruments mentioned in paragraph 1 of Sub-Commission resolution 1 B (XXXII);

7. Decides to include the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others in the list of instruments in paragraph 1 of Sub-Commission resolution 1 B (XXXII).

1982/4. Measures to combat racism and racial discrimination and the role of the Sub-Commission 45/

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

Recalling its resolution 4 A (XXXIII) on measures to combat racism and racial discrimination and the role of the Sub-Commission,

43/ E/CN.4/Sub.2/1982/22.

44/ E/CN.4/Sub.2/L.785.

45/ Adopted at the 32nd meeting, on 7 September 1982, without a vote. See chap. V.

Having discussed the final report of the study on discriminatory treatment against members of racial, ethnic, religious or linguistic groups at various levels in the administration of criminal justice proceedings, such as police, military, administrative and judicial investigations, arrest, detention, trial and execution of sentences, and on the ideologies or beliefs which contribute or lead to all forms of racism in the administration of criminal justice,

Expressing its thanks and gratitude to the Special Rapporteur, Mr. Justice Abu Sayeed Chowdhury for his excellent work in preparing the final report,

Decides to transmit the above-mentioned report to the Commission on Human Rights.

1982/5. Question of the human rights of persons subjected to any form of detention or imprisonment 46/

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

Recalling General Assembly resolution 35/193 of 15 December 1980 concerning disappeared persons,

Bearing in mind its resolution 5 B (XXXII), 18 (XXXIII) and 15 (XXXIV) on the question of enforced or involuntary disappearances of persons,

Taking into account resolutions 20 (XXXVI), 10 (XXXVII) and 1982/24 of the Commission on Human Rights concerning the Working Group on Enforced or Involuntary Disappearances,

Noting with concern that enforced or involuntary disappearances are still occurring, in varying degrees, in many countries,

Expressing its deep concern at reports of threats against, attacks on or the arrest of relatives of missing persons actively seeking the whereabouts of their missing family members,

Having taken note with appreciation of the work of the Working Group on Enforced or Involuntary Disappearances reflected in its first two reports 47/ and of the spirit of co-operation displayed by certain countries,

Expressing in addition its hope that Governments will respond adequately and promptly to requests of the Working Group for information and that, in a humanitarian spirit, Member States will enable members of the Working Group to visit the countries concerned in pursuance of its mandate,

Noting that in certain situations the active efforts of the Working Group may have made it possible, particularly through the use of urgent measures, to elucidate the fate of persons reported missing, and to prevent or reduce the occurrence of new cases,

46/ Adopted at the 32nd meeting, on 7 September 1982, without a vote. See chap. X.

47/ E/CN.4/1435 and E/CN.4/1492 and Add.1.

Noting further, however, that the great majority of disappearances reported to the Working Group remain unclarified by the Governments even though in many cases detailed information is provided on the circumstances of the arrest,

1. Reiterates the right of families to know the fate of their relatives;
2. Strongly appeals for the reappearance of all detainees currently held in secret detention;
3. Expresses its conviction to the Commission on Human Rights that, in view of the persistence of violations resulting from the many cases of disappearance of persons which are still occurring in the world, the extension of the mandate of the Working Group on Enforced or Involuntary Disappearances is indispensable;
4. Recommends again to the Commission on Human Rights that it give consideration to the courses of action listed in paragraph 6 of Sub-Commission resolution 15 (XXXIV);
5. Urges the Commission on Human Rights to give special attention to the protection of persons, including relatives, who actively seek the whereabouts of missing persons and who provide information on missing persons;
6. Recommends to the Commission on Human Rights that it give careful consideration to measures which might be used to obtain more information on the whereabouts or fate of missing persons;
7. Decides to consider the question of missing and disappeared persons as a matter of the highest priority at its thirty-sixth session under the agenda item on the question of the human rights of persons subjected to any form of detention or imprisonment.

1982/6. The new international economic order and the promotion of human rights 48/

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

Recalling the Universal Declaration of Human Rights 49/ according to which it is essential that human rights should be protected by the rule of law,

Bearing in mind that the International Development Strategy for the Third United Nations Development Decade 50/ stated that "the development process must promote human dignity",

48/ Adopted at the 32nd meeting, on 7 September 1982, without a vote. See chap. XIII.

49/ General Assembly resolution 217 A (III),

50/ General Assembly resolution 35/56, annex, para. f.

Mindful of the fact that the need to promote human rights through the accelerated economic and social development of all peoples and to integrate human rights standards and objectives more effectively into development plans has been a consistent theme of recent reflections in United Nations human rights fora,

Welcoming the Commission on Human Rights, request to the Secretary-General, in its resolution 1982/42 to consider establishing small reference libraries of human rights materials in United Nations offices, particularly in developing countries,

Further welcoming Commission on Human Rights resolutions 15 (XXXVII), 30 (XXXVII), 31 (XXXVII) and 1982/37 which recognizes the potentially important role of technical assistance in promoting respect for human rights and development,

Expressing the strong conviction that United Nations efforts in the human rights field should focus not only on curative but also on preventive measures,

Having considered the excellent first part of the report of the Special Rapporteur, Mr. R. Ferrero, on the new international economic order and the promotion of human rights, 51/

1. Emphasizes the importance of promoting full respect for human rights by accelerating the development process together with measures designed to strengthen respect for the rule of law and to improve knowledge and understanding of the legal system;

2. Urges bilateral and multilateral development co-operation agencies to make available to States the necessary material resources and expertise required to contribute to the strengthening of the rule of law in the development process;

3. Requests the Secretary-General, after consultation with relevant United Nations organs and specialized agencies, including the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization, and the World Bank to submit a report to the Sub-Commission on the extent to which technical assistance is currently available to States to enable them to strengthen their legal institutions, including relevant educational facilities, in order to enhance respect for the rule of law in the development process.

1982/7. The new international economic order and the promotion of human rights 52/

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

Having noted with appreciation Part One of the excellent report of the Special Rapporteur, Mr. R. Ferrero, on the new international economic order and the promotion of human rights,

51/ E/CN.4/Sub.2/1982/19/Rev.1 and Add.1.

52/ Adopted at the 32nd meeting, on 7 September 1982, without a vote. See chap. XIII.

Mindful of the central importance, in the context of establishing a new international economic order, of eliminating hunger and malnutrition throughout the world and thereby ensuring respect for the human right to adequate food,

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

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

1982/8. The new international economic order and the promotion of human rights 53/

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

Recalling its resolutions 8 (XXXII) and 22 (XXXIV) and Commission on Human Rights resolution 18 (XXXVI) on the new international economic order and the promotion of human rights,

Further recalling decision 1980/126 of the Economic and Social Council authorizing the Sub-Commission to entrust Mr. R. Ferrero with the preparation of a report on the new international economic order and the promotion of human rights,

Having considered Part One of the final report of the Special Rapporteur, 54/

1. Expresses its strong appreciation to the Special Rapporteur, Mr. R. Ferrero, for the excellent and comprehensive first part of his final report;
2. Requests the Special Rapporteur to continue his work with a view to submitting the second and last part of his final report to the Sub-Commission at its thirty-sixth session;
3. Requests the Secretary-General to provide the Special Rapporteur with whatever assistance is required for the completion of his final report;
4. Further requests the Secretary-General to transmit the report of the Special Rapporteur to the Working Group of governmental experts on the right to development in order that the Working Group may take account of the report in its deliberations.

1982/9. Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism 55/

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

Recalling its resolutions 6A (XXXI) of 13 September 1978 and 17 (XXXIV) of 10 September 1981 which entrusted Mr. Benjamin Whitaker with the further extension and updating of the Report on Slavery, 56/

53/ Adopted at the 32nd meeting, on 7 September 1982, without a vote. See chap. XIII.

54/ E/CN.4/Sub.2/1982/19/Rev.1 and Add.1.

55/ Adopted at the 32nd meeting, on 7 September 1982, without a vote. See chap. XIV.

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

Further recalling decision 1980/123 of the Economic and Social Council authorizing the Sub-Commission to entrust Mr. Whitaker with the preparation of the report,

Having examined the preliminary report 57/ submitted by the Special Rapporteur to the Sub-Commission at its thirty-fourth session,

Having examined the final report, submitted by the Special Rapporteur, entitled "Updating of the Report on Slavery submitted to the Sub-Commission in 1966", 58/

Convinced that the various phenomena of slavery manifest some of the gravest violations of human rights, that the existence of vestiges today is a disgrace to professed international standards, and that respect for human rights cannot be expected to develop if the international community countenances the continuation of any slavery-like practice,

1. Expresses its deepest appreciation to the Special Rapporteur for his thorough and timely study;
2. Decides to transmit the study to the Commission on Human Rights at its thirty-ninth session and to draw the attention of the Commission to the conclusions and recommendations of the Special Rapporteur;
3. Requests the Special Rapporteur to present his report to the Commission on Human Rights at its thirty-ninth session;
4. Recommends to the Commission on Human Rights that it transmit the report to the competent United Nations agencies in particular to the subsidiary organs of the Economic and Social Council and the United Nations Development Programme, drawing attention to the conclusions and recommendations, and request those bodies to submit any comments they may wish to make to the Secretary-General for transmission to the Special Rapporteur;
5. Recommends the following draft resolution to the Commission on Human Rights for adoption:

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

1982/10. Question of the human rights of persons subjected to any form of detention or imprisonment 59/

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

Recalling its resolution 7 (XXVII) on the question of the human rights of persons subjected to any form of detention or imprisonment,

57/ E/CN.4/Sub.2/478.

58/ E/CN.4/Sub.2/1982/20 and Add.1.

59/ Adopted at the 32nd meeting, on 7 September 1982, by 8 votes to 1, with 4 abstentions. See chap. X.

Bearing in mind the provisions of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly of the United Nations on 9 December 1975, 60/ and also the provisions of General Assembly resolution 3453 (XXX) of 9 December 1975 on torture and other cruel, inhuman or degrading treatment or punishment in relation to detention and imprisonment,

Recalling its resolution 5 C (XXXI), of 13 September 1978, by which it recommended to the Commission on Human Rights the adoption of a revised draft body of principles for the protection of all persons under any form of detention or imprisonment,

Mindful of the provisions of General Assembly resolutions 2857 (XXVI) of 20 December 1971 and 32/61 of 8 December 1977, which deal with the question of capital punishment,

Recalling General Assembly resolution 35/172 of 15 December 1980, in which the Assembly expressed its concern at the occurrence of executions which are widely regarded as being politically motivated, and also General Assembly resolution 36/22, of 9 November 1981, in which the Assembly condemned the practice of summary executions or arbitrary executions,

Having regard to Commission on Human Rights resolution 1982/29 by which the Commission recommended to the Economic and Social Council for adoption a draft resolution by which the Council would decide to appoint for one year a special rapporteur to examine the questions related to summary or arbitrary executions,

Having regard further to Economic and Social Council resolution 1982/35 by which the Council strongly deplored the increasing number of summary or arbitrary executions taking place in various parts of the world, requested the Chairman of the Commission on Human Rights, after consultations with the Bureau, to appoint an individual of recognized international standing as special rapporteur and requested the special rapporteur to submit a comprehensive report to the Commission on Human Rights at its thirty-ninth session on the occurrence and extent of the practice of such executions together with his conclusions and recommendations,

1. Considers it desirable that the law should set out clearly the grounds for detention - whether on suspicion of criminal activities or on preventive grounds for security reasons - and require that the grounds be made known to the persons concerned in terms as specific as possible at the time of arrest;

2. Deems it important that the names of detainees should be publicly announced and that every person who is arrested or detained should be entitled to be visited by members of his family and a lawyer of his choice, preferably within 24 hours after arrest and regularly thereafter;

60/ General Assembly resolution 3452 (XXX) of 9 December 1975.

3. Recommends that all Governments adopt legislation whereby every person who is arrested or detained should be tried, preferably within three months after arrest, or should be released from detention pending further proceedings;

4. Recommends further that as a minimum measure all Governments should adopt legislation whereby every person who is arrested or detained should be tried within a fixed period, established by law, after arrest, or should be released from detention pending further proceedings;

5. Considers that the practice of holding persons incommunicado should be discouraged and should be forbidden for periods exceeding 24 hours from the moment of arrest;

6. Considers also that detained persons should always have access to their defence lawyers and that defence lawyers should be free from fear of arrest for defending their clients;

7. Recommends that every detainee should be examined, preferably by a doctor of his own choice, within 48 hours after arrest and regularly thereafter;

8. Recommends also that the option of education should be made available to prisoners wherever feasible;

9. Considers it important that detained persons should have the right regularly to be produced before an independent magistrate at brief intervals and asked if they have any complaints;

10. Is of the opinion that confessions by detainees, in order to be authentically admissible, should be made only before an independent legal person such as a magistrate;

11. Considers it desirable that there should be independent inspections without prior notice, of places of detention, and interrogation centres;

12. Urges that, in principle, trials should not be in camera, except in the limited instances when State secrets are involved or when witnesses are frightened to testify in public;

13. Urges further that the principle that military jurisdiction should be limited to military offences and personnel should not be waived even in states of emergency, that accused persons brought before military tribunals should have independent legal defenders and that there should be a right of appeal to a civilian court against severe sentences;

14. Recommends that the United Nations should communicate with Governments in an attempt to avert or postpone the carrying out of capital punishment immediately after sentencing without allowing the person sentenced proper time or opportunity for appeal;

15. Recommends that the United Nations should take strong and effective measures to prevent extra-judicial executions and, in particular, that the Commission on Human Rights and its Special Rapporteur on summary or arbitrary executions should take steps to prevent cases of summary or arbitrary executions;

16. Requests the Secretary-General:-

(a) To submit to the Sub-Commission at its thirty-sixth session a preliminary survey of maximum detention periods under existing national laws and decisions of international organs of investigation and settlement;

(b) To invite Governments, United Nations bodies, regional intergovernmental organizations and non-governmental organizations, when providing information on the question of the human rights of persons subject to any form of detention, or imprisonment, as requested by the Sub-Commission in its resolution 7 (XXVII), to submit, for review by the Sub-Commission, at its thirty-sixth session, reliably attested information concerning:

The problem of arrest and detention on vague grounds or no grounds at all;

The problem of duration of pre-trial detention;

The question of procedural guarantees for preventive (administrative) detention, especially under states of emergency;

Existing practices of incommunicado detention, including the circumstances under which such detention is tolerated and the protection available to those so detained;

The question of extra-territorial abduction; and

The question of "suicides" in detention under suspicious circumstances;

17. Decides that the Working Group on Detention at its next sessional meeting should give special attention to hearing and receiving information, in accordance with existing rules and practices of the Sub-Commission, concerning the extent of and facts relating to torture or cruel, inhuman or degrading treatment or punishment, unless the Commission on Human Rights establishes a system for examining such information;

18. Decides further that the hearings and receipt of information referred to in paragraph 17 above should be conducted on an annual basis, except in respect of those States that become parties to a convention against torture and other cruel, inhuman or degrading treatment or punishment containing effective measures of implementation;

19. Recommends that in view of the importance and number of the issues with which the sessional Working Group on Detention is concerned, a greater number of meetings should be allocated to it at the thirty-sixth session of the Sub-Commission;

20. Proposes that a special study should be made on how best to give effect to the concepts of international habeas corpus and also of "anticipatory bail" as it exists in India and certain other countries.

1982/11. The effects of gross violations of human rights
on international peace and security 61/

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

Recalling its decision 4 (XXXIV) of 10 September 1981 to include in the agenda of its thirty-fifth session an item entitled "The effects of gross violations of human rights on international peace and security",

Expressing its appreciation for the note submitted by the Secretary-General under this item, 62/

Having discussed the importance and the urgency of this item taking into consideration situations in many regions of the world in which gross and flagrant violations of human rights are currently taking place,

Considering that serious infringements of the principles of the Charter of the United Nations and of other relevant international instruments, in particular such odious crimes as aggression, invasion, military occupation, genocide, apartheid and other crimes against humanity, constitute gross violations of human rights which have an effect on international peace and security,

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

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

1982/12. Question of the human rights of persons subjected to
any form of detention or imprisonment 63/

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

Recalling its resolution 15 (XXXIV) of 10 September 1981, by which it decided to consider the question of missing and disappeared persons as a matter of high priority at its thirty-fifth session,

Recalling also Commission on Human Rights resolution 1982/24 of 10 March 1982, by which the Sub-Commission was requested to continue studying the most effective means for eliminating the phenomenon of missing and of enforced or involuntary disappearances of persons, with a view to making general recommendations to the Commission at its thirty-ninth session,

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

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

61/ Adopted at the 32nd meeting on 7 September 1982, without a vote. See chap. VIII.

62/ E/CN.4/Sub.2/1982/18.

63/ Adopted at the 32nd meeting, on 7 September 1982, without a vote. See chap. X.

1982/13. Question of the human rights of persons subjected to
any form of detention or imprisonment 64/

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

Guided by the provisions of the International Covenant on Civil and Political Rights in which it is stated that every human being has the inherent right to life, that this right shall be protected by law and that no one shall be arbitrarily deprived of his life,

Recalling General Assembly resolution 34/175 of 17 December 1979 in which the Assembly reaffirmed that mass and flagrant violations of human rights are of special concern to the United Nations and urged the Commission on Human Rights to take timely and effective action in existing and future cases of mass and flagrant violations of human rights,

Further recalling General Assembly resolution 36/22 of 9 November 1981, by which the Assembly condemned the practice of summary and arbitrary executions,

Deeply concerned about the occurrence of summary or arbitrary executions, including extra-legal executions, that are widely regarded as being politically motivated,

Noting with satisfaction Economic and Social Council resolution 1982/35 by which the Council decided to appoint for one year a special rapporteur to examine the questions related to summary or arbitrary executions,

1. Expresses its deep concern at the increasing number of summary or arbitrary executions which often take place on a massive scale;
2. Endorses the request of the Economic and Social Council to all Governments to co-operate with and assist the special rapporteur in the preparation of his report;
3. Recommends the Commission on Human Rights to examine carefully the comprehensive report of the special rapporteur to be submitted to the Commission at its thirty-ninth session and to adopt effective measures to prevent the occurrence of summary or arbitrary executions;
4. Looks forward with anticipation to the effective and appropriate action that it hopes the Commission on Human Rights will undertake at its thirty-ninth session.

64/ Adopted at the 33rd meeting, on 7 September 1982, without a vote. See chap. X.

1982/14. 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) 65/

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

Recalling resolution 8 (XXIII) of the Commission on Human Rights of 16 March 1967, in paragraph 2 of which the Commission requested the Sub-Commission to prepare, for its use, a report containing information on violations of human rights and fundamental freedoms from all available sources, and in paragraph 6 of which it invited the Sub-Commission to bring to its attention any situation which it has reasonable cause to believe reveals a consistent pattern of violations of human rights and fundamental freedoms, in any country, including policies of racial discrimination, segregation and apartheid with particular reference to colonial and other dependent territories,

Recalling also Sub-Commission resolution 22 (XXXIII) of 12 September 1980, in which the Sub-Commission requested the Commission on Human Rights, at its thirty-seventh session, to authorize the Chairman elected by the Sub-Commission at its thirty-third session, in consultation with the Vice-Chairmen and Rapporteur then elected, and the Secretary-General, and with the consent of the governmental authorities concerned, to make arrangements for one or more of the members of the Sub-Commission elected by the Commission on Human Rights at its thirty-seventh session to visit any countries which were the subject of discussion at the Sub-Commission's thirty-third session with a view to examining first hand and reporting to the Sub-Commission at its thirty-fourth session upon human rights problems in those countries, together with any other human rights problems of comparable magnitude which might come to the attention of such member or members during their examination,

Having designated at its thirty-fifth session two of its members, Mr. Mohamed Yousif Mudawi and Mr. Marc Bossuyt, to visit Mauritania pursuant to the invitation of the Government of Mauritania and the authorization of the Commission on Human Rights, approved by the Economic and Social Council,

Having considered at its thirty-fifth session numerous allegations which may reveal such patterns of violations but which the Sub-Commission wishes to verify by independent fact-finding before bringing them to the attention of the Commission,

1. Requests the Commission on Human Rights, at its thirty-ninth session, to adopt the following draft resolution:

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

65/ Adopted at the 33rd meeting, on 7 September 1982, without a vote. See chap. VII.

1982/15. Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism. 66/

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

Recalling the goals of the Slavery Convention of 1926, 67/ the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery of 1956, 68/ and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, 69/

Gravely concerned at the evidence of the continuation, and even increase, of several slavery-like practices in many parts of the world, and of the emergence of new forms of such practices,

Recalling its resolutions 6 A (XXXI) of 13 September 1978 and 17 (XXXIV) of 10 September 1981 by which it entrusted Mr. Benjamin Whitaker with the further extension and updating of the Report on Slavery, 70/ and decision 1980/123 of the Economic and Social Council authorizing the Sub-Commission to entrust Mr. Whitaker with the preparation of the report,

Having examined the preliminary report 71/ submitted by the Special Rapporteur to the Sub-Commission at its thirty-fourth session and his final report entitled "Updating of the Report on Slavery submitted to the Sub-Commission in 1966 72/ and also the report of the Working Group on Slavery submitted to the Sub-Commission at its thirty-fifth session, 73/

Convinced that the various phenomena of slavery manifest some of the gravest violations of human rights, that the existence of vestiges of slavery-like practices today is a disgrace to professed international standards, and that respect for human rights cannot be expected to develop if the international community countenances the continuation of any slavery-like practice,

66/ Adopted at the 33rd meeting, on 7 September 1982, without a vote. See chap. XIV.

67/ Human Rights: A compilation of International Instruments (United Nations publication, Sales No. E.78.XIV.2), p. 29.

68/ Ibid., p. 52.

69/ Ibid., p. 60.

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

71/ E/CN.4/Sub.2/478.

72/ E/CN.4/Sub.2/1982/20 and Add.1.

73/ E/CN.4/Sub.2/1982/21 and Corr.1.

Noting that several issues involving the indefensible abuse and exploitation of women and children have not until very recently received sufficient attention, and that this may partly be attributable to women's under-representation in virtually every international forum, including in the higher executive posts at the United Nations,

1. Decides to request the Commission on Human Rights to appeal to those eligible Member States which have not signed or ratified the relevant Conventions to do so as soon as possible, or to explain in writing why they feel unable to do so, and also to request States to report regularly upon compliance with and enforcement of the provisions of the Conventions;

2. Suggests that, in view of the provisions of article 4 of the Universal Declaration of Human Rights, the United Nations and its agencies should actively offer Member States such co-ordinated legal, technical, administrative, educative, financial and other practical assistance as is desirable to eliminate conditions conducive to slavery and slavery-like situations; that the United Nations Development Programme should be requested to indicate how its social development programmes in certain countries could be adapted so as to make a specific contribution to the struggle against slavery; that special help should be afforded by UNDP to rehabilitate freed slaves; and that the Economic and Social Council and its subsidiary bodies should maintain an active role in monitoring and setting progressive targets for and then ensuring the success of the work on slavery;

3. Suggests further that optimum co-ordination should be ensured with the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, the United Nations High Commissioner for Refugees, the World Health Organization, the Food and Agriculture Organization of the United Nations and the United Nations Development Programme and that these bodies should be invited to send representatives to inform all meetings of the Working Group on Slavery about the inclusion in their technical assistance programmes of activities designed to eliminate slavery-type problems, and that the International Criminal Police Organization (INTERPOL) and national police forces should be asked to co-operate in the fight against all slavery-like practices as they do in the campaign against the traffic in narcotic drugs;

4. Considers that the persons whose names appear on the list of slavery experts, which should be continuously updated and expanded to include all those qualified to remedy all the ills caused by slavery-like practices, should be more closely involved in the work done on slavery by the Economic and Social Council, the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Working Group on Slavery and the Centre for Human Rights, that they should be encouraged to attend, and give advice at, the meetings of those bodies when the question of slavery is discussed and that they should be invited to accompany appropriate United Nations assistance missions;

5. Recommends that the Centre for Human Rights should be given all the necessary resources to assist in the attainment of the goals set by the Organization in the field of slavery;

6. Considers that regional seminars with a practical orientation should be organized forthwith in order to speed effective reforms and that experts drawn from the list should be invited to attend such seminars;

7. Considers further that appropriate non-governmental organizations in consultative status with the Economic and Social Council should be encouraged and helped in the contribution they can make to assist the United Nations in its work on slavery;

8. Is convinced that a vital prerequisite for the success of the Organization's work on slavery is to improve the sources of accurate information, that the number of reliable sources of information must be expanded and strengthened and that a résumé of relevant international press items should be collected between sessions of the Working Group and provided to the Group;

9. Urges that the study on debt bondage called for by the Sub-Commission in its resolution 6 B (XXXI) of 13 September 1978 and 8 (XXXIII) of 10 September 1980 should be undertaken without further delay and that the author should be requested to recommend the steps necessary for total reform within a realistic, but limited, period of time;

10. Urges also that the International Labour Office should be requested to continue its study of the adverse situation of indentured labour in the mines and elsewhere in South Africa, and that more concrete measures should be taken to combat the apartheid regime of South Africa and that economic, commercial, political and diplomatic sanctions - except of activities which contribute to ending apartheid - be taken in order to eliminate that system;

11. Recommends that a comprehensive study of the various forms of the most serious exploitation of women should be made in conjunction with the Commission on the Status of Women;

12. Recommends also that Working Groups should be established in close consultation with the Commission on the Status of Women, to help afford better protection for the human rights of women and children.

13. Considers that the Study of traffic in persons and prostitution 74/ should be updated;

74/ ST/SOA/SD/8.

14. Considers further that a report on the causes and implications of the sale of children, including commercially-motivated (and especially transnational) adoptions, should be prepared;

15. Is of the opinion that legal aid should be provided to the victims of slavery and to those who bring legal actions on their behalf;

16. Considers that every case of a slavery-type practice must be reported regularly to the United Nations by the Organization's representatives in the countries where the crimes occur, that the cases thus reported should be brought to the attention of embassies and press centres throughout the world for publication and information and that the United Nations Educational, Scientific and Cultural Organization and the United Nations Development Programme should be requested to help in efforts to create greater public awareness of the continued existence of slavery and slavery-like institutions and practices and in the mobilization of international action for their eradication;

17. Requests Mr. Mudawi and Mrs. H.E. Warzazi to carry out and present a study on all aspects of the problem of female sexual mutilation, including the current extent and causes of the problem and how it might best be remedied;

18. Requests the Secretary-General to transmit to the Governments concerned for information and such observations as they may wish to make, and to the intergovernmental organizations and agencies mentioned by the Working Group on Slavery in its recommendations, the statements containing specific allegations of slavery-like practices submitted to the Working Group on Slavery at its eighth session by non-governmental organizations together with the relevant parts of the Working Group's report and its recommendations, 75/

19. Also requests the Secretary-General to endeavour to ensure that States concerned participate as fully as possible in the future work of the Working Group and that States mentioned in the Group's sessions are invited to contribute to the discussions of the Working Group.

1982/16. 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 76/

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

Having noted with satisfaction the updated report submitted by Special Rapporteur, Mr. Ahmed Khalifa,

1. Invites, in accordance with resolution 8 (XXXVII) of the Commission on Human Rights and decision 1981/141 of the Economic and Social Council of 8 May 1981, the Special Rapporteur, Mr. Ahmed Khalifa;

(a) To continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the colonial and racist regime in South Africa, giving such details regarding enterprises listed as the Rapporteur may consider necessary and appropriate, and including explanations or responses, if any, and to submit the updated report through the Sub-Commission to the Commission on Human Rights;

(b) To use all available material from other United Nations organs, Member States, specialized agencies and other intergovernmental organizations, non-governmental organizations, and other relevant sources in order to demonstrate clearly the volume and nature of the assistance given to the racist regime in South Africa;

2. Requests the Secretary-General to give the Special Rapporteur all the assistance, including adequate funds, that he may require in the exercise of his mandate, with a view in particular to making possible a more detailed and comprehensive list, and the use of computerized assistance in the preparation of future updated reports;

3. Invites the Secretary-General to give the updated report of the Special Rapporteur the widest publicity and dissemination and to issue it as a United Nations publication;

4. Emphasizes the need for and importance of an annual updating of the report in order to accommodate new cases and reflect the replies of those listed;

5. Decides further to consider the item entitled "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist regimes in southern Africa" as a matter of high priority at its thirty-sixth session.

76/ Adopted at the 33rd meeting, on 7 September 1982, without a vote.
See chap. VI.

1982/17. 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) 77/

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

Guided by the principles embodied in the Charter of the United Nations and, in particular, in the Preamble to the Universal Declaration of Human Rights which considers it essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Recalling decision 12 (XXXV) of 14 March 1979 of the Commission on Human Rights, as well as Commission resolutions 32 (XXXVI) of 17 March 1980, 33 (XXXVII) of 11 March 1981 and, in particular, resolution 1982/31 of 11 March 1982, in which the Commission expressed its profound concern at the continuing deterioration in the situation of human rights and fundamental freedoms in Guatemala and decided to appoint a Special Rapporteur,

Taking into account General Assembly decision 36/435 of 16 December 1981,

Noting that the information on the human rights situation in Guatemala contained in the Secretary-General's note of 31 December 1981 to the Commission on Human Rights and the information which has come to the attention of the Sub-Commission in the course of its work reveal a pattern of gross and persistent violations of human rights in that country,

Expressing the hope that the Government of Guatemala will take steps to put an end to such violations,

Noting in this regard that the Government of Guatemala in its letter to the Sub-Commission 78/ has indicated its willingness to guarantee and ensure in the future the legitimate rights of all citizens of Guatemala,

Expressing the hope that this will be done,

1. Emphasizes that the persistence and systematic nature of these violations render impossible the effective exercise of civil and political rights in Guatemala;

2. Declares, in that connection, that only respect for the principles set forth in article 25 of the International Covenant on Civil and Political Rights will enable the people of Guatemala, through the participation of all its political forces, to determine for itself its future and make it possible to put an end to the loss of life and the sufferings of the Guatemalan people;

77/ Adopted at the 33rd meeting on 7 September 1982, without a vote. See chap. VII.

78/ E/CN.4/Sub.2/1982/38.

3. Expresses its profound concern at the deterioration in the situation in Guatemala, the persistence of violations of human rights and the sufferings resulting therefrom for the Guatemalan people;

4. Expresses alarm at reports of massive repression against and displacement of indigenous communities;

5. Urges the Government of Guatemala to take the necessary steps to guarantee full respect for human rights and fundamental freedoms in the country so that the conditions may be established for the effective exercise of civil and political rights;

6. Welcomes with satisfaction the appointment of a Special Rapporteur and the assurance given to the Commission by the Government of Guatemala that it will co-operate in that area;

7. Requests the Secretary-General to inform the Sub-Commission, at its thirty-sixth session, of the results of the mission of the Commission's Special Rapporteur and of the work of the Commission on the topic, as well as of any consideration that might be given thereto by the General Assembly and the Economic and Social Council.

1982/18. 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) 79/

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

Guided by the purposes and principles of the United Nations, and in particular respect for the principle of equal rights and self-determination of all peoples,

Mindful of the humanitarian principles and provisions of the Geneva Conventions of 1949 and the Additional Protocols, and of the obligations arising from the regulations annexed to the Fourth Hague Convention of 1907,

Recalling its resolution 9 (XXXIV) of 9 September 1981,

Recalling General Assembly resolutions ES-7/2 of 29 July 1980, ES-7/5 of 26 June 1982 and ES-7/6 of 19 August 1982,

Recalling Security Council resolutions 508 (1982) and 509 (1982),

Recalling Economic and Social Council resolution 1982/48 of 27 June 1982,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force,

Alarmed that the situation in the Middle East has further worsened as a result of Israel's acts of aggression against Lebanon,

Deeply concerned at the sufferings of the Lebanese and Palestinian civilian population,

79/ Adopted at the 34th meeting on 8 September 1982, by 18 votes to 1, with 3 abstentions. See chap. VII.

Deeply concerned at the persistence of Israel in pursuing its colonization and violations of human rights in the occupied Palestinian territories, including Jerusalem, and in the occupied Syrian Golan Heights,

Reaffirming its conviction that the question of Palestine is the core of the Arab-Israeli conflict and that no comprehensive and lasting peace in the region will be achieved without the full exercise by the Palestinian people of its inalienable rights,

1. Recommends the Commission on Human Rights to:

(a) Condemn Israel for its invasion of Lebanon which constitutes a deliberate act of aggression against a sovereign State;

(b) Condemn Israel for the indiscriminate bombardment and destruction of the Lebanese cities, and Palestinian refugee camps, thereby causing mass killings of the Lebanese and Palestinian civilian populations;

(c) Declare that Israel's grave breaches of the Geneva Conventions of 1949 and the Additional Protocols, in Lebanon, in the occupied Palestinian territories and in the Syrian Golan Heights, are an affront to humanity and can be assimilated to crimes of war;

(d) Urges Israel to grant, in accordance with the Geneva Conventions of 1949 and the Additional Protocols, the status of prisoner of war to Lebanese and Palestinian combatants and to release all civilians detained by the Israeli army;

(e) Call on Israel to comply with Security Council resolutions 508 (1982) and 509 (1982) which ask for the unconditional and immediate withdrawal of Israeli invasion troops from Lebanon;

(f) Also call on Israel to withdraw from all the occupied Palestinian territories, including Jerusalem, and from the occupied Syrian Golan Heights;

(g) Call for the full exercise in Palestine of the inalienable rights of the Palestinian people to return to their homes and property, to self-determination without external interference and to establish their sovereign and independent State;

(h) Urge the implementation of all relevant United Nations resolutions concerning the Palestine question and other occupied Arab territories in order to establish a just and lasting peace in the Middle East;

2. Requests the Secretary-General of the United Nations to supply the Sub-Commission, at its thirty-sixth session with a list of the latest reports, studies, documents, statistics and with the texts of relevant decisions and resolutions adopted by the United Nations concerning Palestine and other Arab occupied territories including Lebanon;

3. Recommends the Commission on Human Rights and the Economic and Social Council to take, as a matter of urgency, the necessary measures for the implementation of this resolution.

1982/19. 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) 80/

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

Taking into account the report by the Special Rapporteur, Mr. Abdoulaye Dieye, on the situation of human rights in Chile submitted to the Commission on Human Rights at its thirty-eighth session 81/ and Commission on Human Rights resolution 1982/25 on the question of human rights in Chile, in which the Commission reiterated its serious concern at the persistence and, in certain respects, the deterioration of the situation of human rights in Chile,

Considering recent information that confirms the persistence of the systematic violation of human rights in Chile,

Deploping the recurring expulsions of Chilean citizens from the country and deportations of Chileans from the interior of the country, especially persons who are linked to humanitarian organizations and to the Catholic Church,

Concerned about the general situation of human rights in Chile and particularly about the rights of ethnic minorities,

1. Recommends to the Commission on Human Rights that it call upon the Chilean authorities to respect and promote human rights in conformity with the obligations they have assumed by virtue of various international instruments and to co-operate with the machinery of the United Nations system, implementing fully the concrete measures requested repeatedly by the General Assembly and the Commission on Human Rights in their resolutions,

2. Further recommends to the Commission on Human Rights that it maintain vigilance in relation to the evolution of human rights and fundamental liberties in Chile.

1982/20. 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) 82/

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

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

80/ Adopted at the 35th meeting on 8 September 1982, without a vote. See chap. VII.

81/ E/CN.4/1484.

82/ Adopted at the 35th meeting, on 8 September 1982, by 10 votes to 2, with 9 abstentions. See chap. VII.

Recalling resolutions 3485 (XXX) of 12 December 1975, 31/53 of 1 December 1966, 32/34 of 28 November 1977, 33/39 of 13 December 1978, 34/40 of 21 November 1979, 35/27 of 11 November 1980 and 36/50 of 24 November 1981 of the General Assembly concerning the question of East Timor,

Further recalling resolutions 384 (1975) of 22 December 1975 and 389 (1976) of 22 April 1976 of the Security Council,

Gravely concerned at the suffering of all kinds inflicted on the people of East Timor by the failure to respect their right to self-determination,

Noting with appreciation the recent diplomatic efforts of the Government of Portugal and, in particular, the communiqué of the Council of Ministers, issued on 12 September 1980, in which Portugal pledged itself, as the administering Power, to undertake broad initiatives with a view to ensuring the full and speedy decolonization of East Timor,

1. Deplores the fact that the gravity of the situation of the people of East Timor is not being given sufficient attention by a large part of the international community;

2. Recommends to the Commission on Human Rights the following resolution for adoption:

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

1982/21. 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) 83/

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

Determined that prolonged suppression of basic human rights, including the right to self-determination, shall not be forgotten or ignored,

Reaffirming its grave concern at the continued, prolonged and arbitrary violation of basic human rights of the courageous, free and Islamic people of Afghanistan in defiance of the urgent appeals of the United Nations, its Commission on Human Rights, the Islamic States, the Non-Aligned States and this Sub-Commission,

Recalling its resolution 11 (XXXIV) of 9 September 1981 which, inter alia, called for a political settlement on the basis of the withdrawal of foreign troops and full respect for the independence, sovereignty and territorial integrity and non-aligned status of Afghanistan,

Also recalling resolution 1982/14 of the Commission on Human Rights, and previous resolutions of the Commission, calling for the immediate withdrawal of foreign troops from Afghanistan,

83/ Adopted at the 35th meeting, on 8 September 1982, by 14 votes to 3, with 2 abstentions. See chap. VII.

Further recalling resolution 36/34, and previous resolutions of the General Assembly of the United Nations which called for the immediate withdrawal of the foreign troops from Afghanistan,

Reaffirming solemnly and forcefully the right of the Afghan people, and all peoples, to determine their own form of government and to choose their own economic, political and social system free from outside interference, subversion, coercion or constraint of any kind whatsoever,

Expressing its appreciation to the Secretary-General for his strenuous efforts to try to put an end to the military occupation of Afghanistan and to permit, thereby, the return of the Afghan people to their own country, and the enjoyment by all Afghans of basic human rights,

Deeply concerned, nevertheless, at the continuing flight of the Afghan people to neighbouring countries, whereby a fourth of the Afghan people must now seek refuge and refugee status elsewhere in order to enjoy freedom,

Gravely concerned also about persistent reports from reliable and impartial sources of other serious violations of the human rights of the Afghan people, including reports of the use of weapons outlawed by the international community,

Encouraged nevertheless, by the persistent efforts of the international community,

1. Expresses its solemn view that withdrawal of foreign forces from Afghanistan is essential for restoring human rights;
2. Urges the Secretary-General, in the continuation of his efforts to seek a political settlement acceptable to the people of Afghan, to ~~widen~~ his consultations to include representatives of all parties concerned;
3. Invites the Commission on Human Rights to urge all parties concerned to co-operate with the Secretary-General;
4. Invites the Secretary-General to bring to the attention of the Sub-Commission, at its thirty-sixth session, any reports that may be submitted to the General Assembly, or to any of its Committees, pertaining to the use of illegal weapons in Afghanistan or against the Afghan people;
5. Recommends that the Commission on Human Rights continue to give special attention and high priority to the situation in Afghanistan at its thirty-ninth session.

1982/22. 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) 84/

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

Recalling Commission on Human Rights decision 9 (XXXIV), Commission on Human Rights resolution 29 (XXXVI), 11 (XXXVII) and 1982/13, as well as Sub-Commission resolutions 4 B (XXXII), 24 (XXXIII) and 13 (XXXIV) on the human rights situation in Kampuchea,

Having considered, in accordance with the fifth preambular paragraph of resolution 1982/13 of the Commission on Human Rights, the careful and objective review carried out by Mr. A. Eide of material concerning the practices of the foreign forces which affect the human rights of the people of Kampuchea,

1. Expresses its appreciation to Mr. A. Eide for his conscientious work in analysing the material relating to the situation in Kampuchea;
2. Requests the Secretary-General to transmit to the Commission on Human Rights at its thirty-ninth session the material reviewed by Mr. Eide together with the summary records of the Sub-Commission's consideration of the matter at its thirty-fifth session;
3. Endorses the call made by other United Nations bodies for an immediate withdrawal of all foreign forces from Kampuchea;
4. Calls on the Commission on Human Rights to affirm the need for a political solution based on the self-determination of the people of Kampuchea and on the respect for all other human rights;
5. Invites the Commission on Human Rights to urge all concerned to take steps to ensure, following the withdrawal of foreign forces from Kampuchea:
 - (a) That the Kampuchean people, without foreign interference, in an atmosphere of freedom and under United Nations supervision, choose their own representatives to a constitutional assembly;
 - (b) That the constitutional assembly so chosen lay down the basic principles for a democratic Kampuchea, in accordance with the respect for human rights in their totality and indivisibility;
 - (c) That all foreign States publicly declare their intention not to interfere with the internal political process in Kampuchea;
 - (d) That the right of all Kampuchea refugees to return be recognized;
 - (e) That the United Nations offer its expert services in the field of human rights and fundamental freedoms in Kampuchea;
6. Recommends that the Commission call for a pledge by all foreign States not to intervene with armed forces after the withdrawal of the foreign forces now in Kampuchea.

1982/23. 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) 85/

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

Recalling the Study of Discrimination in Respect of the Right of Everyone to Leave Any Country, Including His Own, and the Return to His Country, 86/ submitted to the Sub-Commission at its fifteenth session in 1963 by the Special Rapporteur, Mr. José D. Ingles (Philippines), and the draft principles respecting this right adopted by the Sub-Commission at the same session.

Also recalling Sub-Commission resolution 7 (XXXIV) of 9 September 1982, by which the Sub-Commission requested the Secretary-General to submit to it at its thirty-fifth session a concise note informing it of the consideration given by the Commission on Human Rights and the Economic and Social Council to the report of the aforementioned study,

Noting the report of the Secretary-General 87/ submitted pursuant to the above-mentioned resolution.

1. Requests Mr. Mubanga-Chipoya to prepare an analysis of current trends and developments in respect of the right of everyone to leave any country, including his own, and to return to his country, and to have the possibility to enter other countries, without discrimination or hindrance, especially of the right to employment, taking into account the need to avoid the phenomenon of the brain drain from developing countries and the question of recompensing those countries for the loss incurred, and to study in particular the extent of restrictions permissible under Article 12, paragraph 3, of the International Covenant on Civil and Political Rights,

2. Requests the Rapporteur to present to the Sub-Commission at its thirty-seventh session for its consideration recommendations for promoting and encouraging respect for and observance of this right,

3. Requests the Secretary-General to provide all necessary assistance to Mr. Mubanga-Chipoya for the completion of this task.

85/ Adopted at the 35th meeting, on 8 September 1982, by 11 votes to 2, with 6 abstentions. See chap. VII.

86/ United Nations publication, Sales No. 64. XIV.2.

87/ E/CN.4/Sub.2/1982/27.

1982/24. 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) 88/

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

Noting various international human rights instruments which affirm that each individual has responsibility to strive for the promotion and protection of basic rights and freedoms,

Recalling the study prepared by Mrs. Erica-Irene A. Daes, Special Rapporteur, entitled Study of 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 - A contribution to the freedom of the individual under law, 89/ especially the recommendation in that study to the effect that the Sub-Commission should prepare a draft declaration on the principles governing the responsibilities of the individual in connection with, in particular, the promotion and observance of human rights and fundamental freedoms in a contemporary community,

Noting Commission on Human Rights resolution 23 (XXXVI) of 29 February 1980, by which the Commission appealed to all Governments to encourage and support individuals and organs of society exercising their rights and responsibilities to promote the effective observance of human rights,

Noting also Commission on Human Rights resolution 1982/30 of 11 March 1982, by which the Commission requested the Secretary-General to present to the Sub-Commission elements for a draft body of principles on the right and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms,

Recalling that the Commission requested the Sub-Commission, on the basis of these elements, to prepare for submission to the Commission at its fortieth session, a report containing principles on the right and responsibility of individuals, groups and organs of society to promote and protect universally-recognized human rights and fundamental freedoms taking into account the particular responsibility of States in protecting these rights,

Noting with appreciation the report by the Secretary-General prepared in accordance with the Commission resolution 1982/30, 90/

1. Reiterates the right and responsibility of individuals, groups and organs of society to promote and protect the rights recognized in the Universal Declaration of Human Rights and other relevant international instruments;

88/ Adopted at the 35th meeting, on 8 September 1982, without a vote.
See chap. VII.

89/ United Nations publication, Sales No. E.82.XIV.1.

90/ E/CN.4/Sub.2/1982/12.

2. Deplores all attempts to prevent or punish individuals, groups or organs of society from promoting and protecting the enjoyment of universally-recognized human rights and fundamental freedoms;

3. Emphasizes that in the exercise of these rights and freedoms, the individual shall be subjected only to such limitations as are determined in article 29 of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant instruments;

4. Requests Mrs. Erica-Irene A. Daes to prepare draft principles on the right and responsibility of individuals, groups and organs of society to promote and protect universally-recognized human rights and fundamental freedoms, taking into account information solicited from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status and to submit them to the Sub-Commission at its thirty-sixth session;

5. Decides to include an item in the agenda of its thirty-sixth session entitled: Draft body of principles and guidelines on the right and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms.

1982/25. 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) 91/

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

Recalling its resolution 8 (XXXIV) dealing with the situation of the Baha'is in Iran,

Recalling also resolution 1982/27 of the Commission on Human Rights on the human rights situation in Iran,

1. Expresses its concern at the reports of continued violations of human rights in Iran, including summary and arbitrary executions, and religious intolerance;

2. Notes with appreciation resolution 1982/27 of the Commission on Human Rights by which the Commission requested the Secretary-General to establish direct contacts with the Government of Iran;

3. Expresses the hope that the direct contacts will produce positive improvements in the human rights situation prevailing in that country;

4. Determines that the human rights situation in Iran is sufficiently serious to merit continuing scrutiny by all concerned United Nations bodies including the Commission on Human Rights.

91/ Adopted at the 35th meeting, on 8 September 1982, by 12 votes to 4, with 3 abstentions. See chap. VII.

1982/26. 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) 92/

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

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, particularly Article 1 which concerns the right of a people freely to determine their political status and pursue their economic, social and cultural development,

Recalling that in its resolutions 35/192 of 15 December 1980 and 36/155 of 16 December 1981, the General Assembly expressed its deep concern for the situation of human rights in El Salvador, especially in view of the death of thousands of people and the climate of repression and insecurity prevailing in that country,

Recalling also the resolution 32 (XXXVII) in which the Commission on Human Rights decided to appoint a special representative on the situation of human rights in El Salvador,

Having carefully examined the report 93/ of the special representative which confirms the persistence of grave violations of human rights and fundamental freedoms in El Salvador,

Bearing in mind that the situation in El Salvador, as clearly shown in the report of the special representative, has root causes in internal political, economic and social factors, and that conditions in El Salvador for the effective exercise of civil and political rights do not exist at the present time,

1. Expresses its deep concern at the gravity of the situation in El Salvador and the continued violation of human rights;

2. Regrets that the repeated appeals made to the parties in conflict to reach a peaceful settlement and put an end to violence and alleviate the suffering of the people of El Salvador have not been heeded by one of the parties concerned;

3. Recalls that in its resolution 36/155 the General Assembly reiterated its appeal to all States to abstain from intervening in the internal situation in El Salvador and to suspend all supplies of arms and any type of military support;

4. Recommends to the Government of El Salvador to apply the rules of international law, particularly Article 3 of the Geneva Conventions of 1949, which are applicable to armed conflicts not of an international character and which require the parties to a conflict to apply minimum standards of protection of human rights and of human treatment;

92/ Adopted at the 35th meeting on 8 September 1982, by 13 votes to 3, with 4 abstentions. See chap. VII.

93/ E/CN.4/1502.

5. Requests the Secretary-General to inform the Sub-Commission at its thirty-sixth session of the action of the special representative of the Commission and of the deliberations of the Commission on the matter as well as of any consideration which may be given to it by the General Assembly, the Economic and Social Council or the Security Council.

1982/27. Review of further developments in fields with which the Sub-Commission has been concerned 94/

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

Taking into account General Assembly resolution 36/135 of 14 December 1981 and Commission on Human Rights resolution 1982/22 of 10 March 1982, by which this Sub-Commission was asked to formulate a first study on possible terms of reference for the mandate of a High Commissioner for Human Rights,

Taking into account also Sub-Commission decision 3 (XXXIV) by which the Sub-Commission decided to consider at its thirty-fifth session the positive role of a High Commissioner for Human Rights as a United Nations official should play in the full enjoyment of human rights,

Having held, at its thirty-fifth session, a discussion on these questions,

Submits to the Commission on Human Rights the following proposals concerning the possible terms of reference for the mandate of a High Commissioner for Human Rights:

(1) The Office of a United Nations High Commissioner for Human Rights should have the following functions and responsibilities:

(a) To promote and protect the observance of human rights and fundamental freedoms for all, as defined in the Universal Declaration of Human Rights, without distinction as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

(b) To give special attention to the importance of ensuring the effective enjoyment by all of their civil and political rights and their economic, social and cultural rights and such other rights as are recognized by the Charter of the United Nations and by the General Assembly, bearing in mind that all human rights and fundamental freedoms are indivisible and interdependent;

(c) To initiate direct contacts with Governments, whenever such action appears necessary or desirable, to safeguard or assist in restoring respect for human rights, bearing in mind the following principles: (i) such contacts shall be prompt, confidential, and exclusively humanitarian in purpose; (ii) in undertaking such action, the Office shall pay particular attention to urgent situations appearing to involve threats to life, bodily or mental integrity, physical liberty, the right to fair and impartial administration of justice, freedom of religious belief and practice, and freedom to leave one's country of residence or sojourn; (iii) such threats

94/ Adopted at the 36th meeting on 10 September 1982, by 10 votes to 6 with 4 abstentions. See chap. IV.

may concern individuals as well as groups of persons; (iv) direct contacts shall have the specific purpose of ascertaining the facts and, when appropriate in the light of the facts, of assisting the parties concerned with a view to ensuring full respect for the human rights of individuals or groups on whose behalf the contacts were undertaken; (v) such assistance may include, inter alia, technical advice on measures which could be taken to promote the effective observance of human rights, offers to conciliate or mediate in disputes, and provision of information on the availability of appropriate assistance from other elements of the United Nations system, including the Centre for Human Rights and the specialized agencies;

(d) To consider also as areas of special concern and attention such massive violations of human rights as apartheid, racism and racial discrimination, colonial domination, foreign occupation and alien subjugation;

(e) In response to reports of mass and flagrant violations of human rights requiring urgent action, to make direct contacts described in subparagraph (c) above and, in addition, to: (i) consult as appropriate with other elements of the United Nations system, including the Centre for Human Rights, and appropriate specialized agencies, which may have or share responsibilities for promoting or safeguarding specific human rights for the purpose of exchanging information and of collaborating with them in developing and implementing appropriate co-ordinated action; and (ii) if appropriate, and with the agreement of the United Nations bodies concerned, establish a temporary ad hoc inter-agency task force to facilitate co-ordinated action with regard to the human rights aspects of the situation;

(f) To carry out specific mandates and tasks assigned by the General Assembly, the Economic and Social Council, and the Commission on Human Rights;

(g) To report annually to the General Assembly, the Economic and Social Council, and the Commission on Human Rights on the activities of the Office. These reports should constitute a separate item on the agenda of these bodies. These reports might, with the consent of the Government concerned, include a summary of the results of the Office's direct contacts with that Government. With the consent of the Government concerned, the Office might also announce the results of such direct contacts at other times during the year;

(2) The Bureau of the Commission on Human Rights might act as an advisory committee to the High Commissioner, advising him or her on any aspect of the responsibilities of the Office; such advice may be given on the initiative of the Bureau, or at the request of the High Commissioner;

(3) The High Commissioner should be nominated by the Secretary-General and elected by the General Assembly. The period of his or her mandate should be five years. He or she should not serve for two consecutive terms. A Deputy High Commissioner might be elected in the same manner and should in principle be from a different region of the world than the High Commissioner. The Deputy High Commissioner should perform duties assigned by the High Commissioner and should assume the responsibilities of the High Commissioner during the latter's temporary absence or disability.

1982/28. Review of further developments in fields with
which the Sub-Commission has been concerned 95/

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

Recalling the study on Discrimination in the Matter of Religious Rights and Practices prepared by its Special Rapporteur, Mr. Arcot Krishnaswami, 96/

Noting with deep satisfaction the adoption by the General Assembly at its thirty-sixth session of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, 97/

Mindful of the decision of the General Assembly to give continuing consideration to the question of the elimination of all forms of intolerance based on religion or belief,

Believing deeply that continuing attention should be given to the elimination of discrimination on grounds of religion or belief, and to the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

1. Requests the Secretary-General to submit all relevant and available information regarding the current dimensions of the problems of discrimination on grounds of religion or belief to the Sub-Commission at its thirty-sixth session;

2. Decides to consider at its thirty-sixth session the question of the updating of the study on Discrimination in the Matter of Religious Rights and Practices on the basis of the information submitted by the Secretary-General pursuant to the preceding paragraph;

3. Decides to inscribe on the agenda of its thirty-sixth session an item entitled "Elimination of all forms of religious intolerance".

1982/29. Study of the problem of discrimination
against indigenous populations 98/

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

Having examined the report 99/ submitted by the Special Rapporteur, Mr. José R. Martínez Cobo, containing the Supplementary Part of the Final Report relating to the Study of the Problem of Discrimination against Indigenous Populations,

1. Expresses its grateful appreciation to the Special Rapporteur for his excellent and valuable report, which will be an indispensable work of reference in future activities in this field and has already generated activities in favour of indigenous populations and has been of great usefulness to the Working Group on Indigenous Populations at its first session;

95/ Adopted at the 36th meeting, on 10 September 1982, without a vote.
See chap. IV.

96/ E/CN.4/Sub.2/200/Rev.1.

97/ General Assembly resolution 36/55.

98/ Adopted at the 36th meeting, on 10 September 1982, without a vote.
See chap. XII.

99/ E/CN.4/Sub.2/1982/2 and Add.1-7.⁴

2. Requests the Special Rapporteur to continue his work and to submit to the Sub-Commission, at its thirty-sixth session, the last part of the final report relating to the study;

3. Invites the Special Rapporteur to submit to the Sub-Commission for consideration at its thirty-sixth session, the conclusions, proposals and recommendations of the study, and also to place at the disposal of the Working Group on Indigenous Populations all parts of the final report, and particularly the conclusions, proposals and recommendations;

4. Requests the Secretary-General of the United Nations to provide the Special Rapporteur with all assistance needed for him to continue his work and complete it as soon as possible.

1982/30. Conscientious objection to military service 100/

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

Recalling resolution 38 (XXXVI) of the Commission on Human Rights and especially its resolution 40 (XXXVII) which requested the Sub-Commission to study the question of conscientious objection to military service,

Bearing in mind General Assembly resolution 33/165 of 20 December 1978 which recognized the right of all persons to refuse service in military or police forces used to enforce apartheid,

Recalling Sub-Commission resolution 14 (XXXIV) in which it recognized the importance of the question of conscientious objection as a human right and the interrelationship of this question with the promotion and protection of other human rights,

Recalling that resolution 14 (XXXIV) also expressed the desire that two members of the Sub-Commission, Mr. Asbjørn Eide and Mr. Chama Mubanga-Chipoya, study the matter and prepare a concise report to be presented at the thirty-fifth session of the Sub-Commission,

Having received an excellent preliminary report 101/ by the two experts which was prepared in accordance with the request of the Commission and the Sub-Commission,

Recognizing the great importance of the subject and the need to promote and protect the human rights of conscientious objectors,

Believing that special attention should be given to appropriate avenues of recourse at the national, regional, and international levels in order to advance the promotion and protection of the human rights of conscientious objectors,

Recalling articles 3 and 18 of the Universal Declaration of Human Rights, which proclaims the right of everyone to life, liberty and the security of persons and the right to freedom of thought, conscience and religion,

Noting the great potential of destruction and oppression attendant on modern military conflict,

100/ Adopted at the 36th meeting, on 10 September 1982, by 9 votes to 4, with 3 abstentions. See chap. XVII.

101/ E/CN.4/Sub.2/1982/24.

1. Requests Mr. Eide and Mr. Mubanga-Chipoya to prepare a final report based on the comments received on their preliminary report and to develop principles related to the question of conscientious objection, with a view to:

(a) Recognizing the right of all persons to refuse service in military or police forces which are used to enforce apartheid, to pursue wars of aggression, or to engage in any other illegal warfare;

(b) Recognizing the possibility of the right of all persons to refuse service in military or police forces on grounds of conscience or deeply held personal conviction, and their responsibility to offer instead of military service any other service in the social or economic field including work for the economic progress and development of their country;

(c) Urging Member States to grant asylum or safe transit to another State to persons compelled to leave their country of nationality solely because of conscientious refusal to serve in the military forces;

2. Decides to maintain on the agenda of its thirty-sixth session an item on the question of conscientious objection to military service.

1982/31. Study of the problem of discrimination
against indigenous populations 102/

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

Having examined the report 103/ submitted by the Working Group on Indigenous Populations on its first session, introduced by its Chairman-Rapporteur Mr. Asbjørn Eide,

Noting with satisfaction the positive results obtained in the Working Group's first session,

Taking note of the broad approach taken by the Working Group on the information sources from which it will accept contributions and of its determination to be open and accessible to representatives of indigenous populations, non-governmental organizations, inter-governmental organizations and Governments,

Taking due account of the study prepared under the responsibility of Mr. José R. Martínez Cobo, as Special Rapporteur of the Sub-Commission, which provides a solid basis for the Group's work,

Also taking note of the exploratory and preliminary character of the Working Group's first session and of the recommendations transmitted to the Sub-Commission, which were presented during its session and which dealt with the principles to guide the Working Group, the necessary collection of information including all data contained in the study of the Special Rapporteur, the application of existing standards giving special attention to gross and consistent violations of human rights and the evolution of standards including the eventual drafting of texts of principles, declarations and conventions on this matter,

102/ Adopted at the 36th meeting, on 10 September 1982, without a vote.
See chap. XII.

103/ E/CN.4/Sub.2/1982/33 and E/CN.4/Sub.2/AC.4/1982/R.1

Taking further note of the expressed desirability of maintaining a certain degree of continuity in the Working Group's membership in view of the complex and delicate nature of the subject attributed to it and with a view to facilitating the gradual evolution of standards and a continuing dialogue between members and observers,

1. Commends the Working Group on the constructive approach taken and the positive results attained at its first session and the provisional recommendations made by it, which have laid the basis for progress in future sessions in one of its primary tasks, namely the identification and development of standards concerning the rights of indigenous populations;

2. Agrees that there should be a degree of continuity in the Working Group's membership;

3. Requests that for future sessions such continuity be borne in mind when the members of the Group are appointed;

4. Also agrees with the Working Group in its preliminary identification of the main areas of concern and its decision to emphasize the importance of the question of defining indigenous populations from an international viewpoint and the special and urgent attention that has to be paid to the cases of physical destruction of indigenous communities (genocide) or destruction of indigenous cultures (ethnocide);

5. Requests the Working Group to take due account of the final report in connection with the study of the problem of discrimination against indigenous populations in all its parts and, in particular, the third part containing conclusions, proposals and recommendations which the Special Rapporteur is requested to make available to the Working Group and which will provide a solid basis for it to construct its own contributions in this complex and delicate field;

6. Decides to request the Commission on Human Rights and the Economic and Social Council to establish a fund for the purpose of allowing representatives of indigenous populations to come to Geneva to participate in the work of the Working Group.

1982/32. Question of the human rights of persons subjected to any form of detention or imprisonment 104/

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

Recalling its resolutions 10 (XXX) of 31 August 1977 and 5 D (XXXI), together with resolution 17 (XXXV) of the Commission on Human Rights,

Further recalling resolution 1979/34 of the Economic and Social Council authorizing the Sub-Commission to entrust Mrs. Nicole Questiaux with the preparation of a report on the implications for human rights of recent developments concerning situations known as states of siege or emergency,

Having examined the Special Rapporteur's excellent study, 105/

Aware what lessons may be drawn therefrom for the promotion and protection of human rights, especially in exceptional situations,

104/ Adopted at the 36th meeting, on 10 September 1982, by 13 votes to 1, with 2 abstentions. See chap. X.

105/ E/CN.4/Sub.2/1982/15.

1. Expresses its warmest appreciation to the Special Rapporteur, Mrs. Nicole Questiaux, for her excellent study;

2. Decides to transmit the study to the Commission on Human Rights at that body's thirty-ninth session and to draw the Commission's attention to the Special Rapporteur's conclusions and recommendations, which the Sub-Commission wholeheartedly endorses;

3. Recommends to the Commission on Human Rights the following draft resolution for adoption:

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

1982/33. Exploitation of child labour 106/

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

Recalling its resolution 18 (XXXIV) and Commission on Human Rights resolution 1982/21 on the exploitation of child labour,

Further recalling decision 1982/130 of the Economic and Social Council authorizing the widest possible distribution of the study prepared by the Special Rapporteur Mr. A. Bouhdiba,

Having considered the note 107/ prepared by the Special Rapporteur relating to a concrete programme of action,

1. Decides to submit to the Commission on Human Rights for its consideration the recommendations of the Special Rapporteur, Mr. A. Bouhdiba, for a programme of action.

1982/34. Human rights and scientific and technological developments: Guidelines, principles and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder 108/

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

Recalling General Assembly resolution 33/53 of 14 December 1978, by which the Commission on Human Rights was requested to urge the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake, as a matter of priority, a study of the question of the protection of those detained on the grounds of mental ill-health with a view to formulating guidelines,

Recalling also General Assembly resolution 36/56 B of 25 November 1981, by which it noted with satisfaction the work undertaken by the Sub-Commission on the question of the protection of those detained on grounds of mental ill-health and requested the Commission on Human Rights to continue its consideration of this question in the light of the action taken by the Sub-Commission, with a view to submitting a report to the General Assembly, at its thirty-eighth session, through the Economic and Social Council,

106/ Adopted at the 36th meeting, on 10 September 1982, without a vote. See chap. XV.

107/ E/CN.4/Sub.2/1982/29.

108/ Adopted at the 36th meeting, on 10 September 1982, without a vote. See ch See chap. XI.

Bearing in mind resolution 1982/6 of the Commission on Human Rights by which the Sub-Commission was requested to consider as a matter of high priority the Rapporteur's final report, including a draft body of guidelines, principles and guarantees,

Recalling further its resolution 20 (XXXIV) of 10 September 1981 in which the Sub-Commission expressed its deepest appreciation and thanks to its Rapporteur, Mrs. Erica-Irene Daes, for her preliminary report 109/ and requested her to submit her final report, including a draft body of guidelines, principles and guarantees, to the Sub-Commission at its thirty-fifth session,

Having considered the report 110/ submitted by the Special Rapporteur, Mrs. Erica-Irene A. Daes, as well as the draft body of guidelines, principles and guarantees for the protection of the mentally ill or persons suffering from mental disorder.

Expresses its deepest appreciation and gratitude to the Special Rapporteur for her excellent report and the great work she has accomplished, including the above-mentioned draft body of principles, guidelines and guarantees;

Having also examined the report 111/ submitted by the Working Group on the question of persons detained on the grounds of mental ill health, introduced by the Chairman-Rapporteur of the Group, Mrs. Erica-Irene A. Daes,

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

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

1982/35. The status of the individual and
contemporary international law 112/

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

Recalling its resolution 6 (XXXIII) on "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 - A contribution to the freedom of the individual under law",

Recalling also resolution 18 (XXXVII) of the Commission on Human Rights by which the Commission recommended to the Economic and Social Council that it authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint Mrs. Erica-Irene A. Daes as Special Rapporteur with the mandate of undertaking a study on the topic entitled "The status of the individual and contemporary international law",

109/ E/CN.4/Sub.2/474.

110/ E/CN.4/Sub.2/1982/16.

111/ E/CN.4/Sub.2/1982/17.

112/ Adopted at the 36th meeting, on 10 September 1982, without a vote. See chap. XVIII.

Having heard the introductory statement of the Special Rapporteur outlining the study and analysing its purpose and usefulness,

1. Expresses its deep appreciation to the Special Rapporteur of the work she has so far accomplished in connection with the important study on "The status of the individual and contemporary international law";

2. Recommends to the Commission on Human Rights the following draft resolution for adoption:

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

B. Decisions

1982/1. Adoption of the agenda 113/

The Sub-Commission decided to defer consideration of item 17 of the provisional agenda until its thirty-sixth session at which time Mr. Singhvi would submit the final text of his "Study on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers".

1982/2. 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) 114/

The Sub-Commission decided, without a vote, to request the Secretary-General to forward the following text without delay to the Chairman of the Commission on Human Rights for transmission to the Government of Israel: "The Sub-Commission on Prevention of Discrimination and Protection of Minorities is gravely concerned by the vast human suffering resulting from the invasion of Lebanon and the blockade and massive bombardment of Beirut. It is shocking and inconceivable that so many thousands of Lebanese and Palestinian civilians, including helpless children, women and men, should suffer as a consequence of any military conflict. This contravenes all the efforts made by the international community to ameliorate the suffering caused by armed conflicts, especially to civilian populations. It is the urgent wish of the Sub-Commission that all military operations in Lebanon, in particular the blockade and massive bombardment of Beirut, should stop immediately and that international humanitarian norms, especially the 1949 Geneva Conventions and their additional protocols relating, in particular, to the protection of civilian populations and of prisoners of war, be respected. The Sub-Commission urgently calls for the full co-operation of Israel, and all other States and parties concerned, in the efforts of the United Nations, the ICRC and other humanitarian organizations seeking to ameliorate the tragic human suffering that has been caused and is being caused by the Israeli invasion".

1982/3. Organization of work 115/

The Sub-Commission decided to set up sessional working groups for the consideration of agenda items 11 and 16.

1982/4. Organization of work 116/

The Sub-Commission decided to set up a sessional working group for the consideration of agenda item 10.

113/ Adopted at the 2nd meeting, on 17 August 1982, without a vote. See chap. II.

114/ Adopted at the 3rd meeting, on 17 August 1982, without a vote. See chap. VII.

115/ Adopted at the 6th meeting, on 19 August 1982, without a vote. See chaps. XI and XVI.

116/ Adopted at the 6th meeting, on 19 August 1982, by 14 votes to 2, with 5 abstentions. See chap. X.

1982/5. Review of further developments in fields with
which the Sub-Commission has been concerned 117/

The Sub-Commission decided to set up an informal working group to prepare a report on the question of possible terms of reference for the mandate of a High Commissioner for Human Rights.

1982/6. 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) 118/

The Sub-Commission decided to request Mr. Hein-Caceres, United Nations Development Programme resident representative at Maputo, Mozambique, to transmit the following text to the family of Mrs. Ruth First: "The Sub-Commission on Prevention of Discrimination and Protection of Minorities of the United Nations, meeting at its thirty-fifth session in Geneva in August 1982, has learned with shock, dismay and profound sorrow that Dr. Ruth First has been assassinated by the use of a letter bomb. The life-long devotion and competent work of Dr. Ruth First in exposing the factors underlying the apartheid policy and its external links is well known. The Sub-Commission expresses its sincerest condolences to the bereaved family of Dr. Ruth First and will also express its conviction that her work will go on, and that contemptible means of assassination and intimidation will not prevent the ultimate elimination of apartheid in South Africa."

1982/7. Question of slavery and the slave trade in all their
practices and manifestations, including the slavery-
like practices of apartheid and colonialism 119/

The Sub-Commission decided, in accordance with Economic and Social Council decision 1982/129, to authorize its Chairman to appoint Mr. Bossuyt and Mr. Mudawi to visit Mauritania in order to study the situation and ascertain the country's needs with regard to the question of slavery and the slave trade.

1982/8. Question of the human rights of persons subjected
to any form of detention or imprisonment 120/

The Sub-Commission decided to request the Secretary-General to forward the following text without delay to the Chairman of the Commission on Human Rights for transmission to the Government of Malawi: "The Sub-Commission on Prevention of Discrimination and Protection of Minorities has been concerned to learn of allegations that Orton Chirwa and his wife are being charged on a capital charge of treason before a court not composed of legally-trained judges and without a right of representation. The Sub-Commission is also concerned about substantial indications that the accused were arrested by Malawi police in Zambia. The Sub-Commission respectfully urges a public enquiry into the circumstances of the arrest and that any trial of accused be before the high court".

117/ Adopted at the 10th meeting, on 23 August 1982, by 9 votes to 5. See chap. IV.

118/ Adopted at the 15th meeting, on 25 August 1982, without a vote. See chap. VII.

119/ Adopted at the 19th meeting, on 27 August 1982, without a vote. See chap. XIV.

120/ Adopted at the 23rd meeting, on 31 August 1982, without a vote. See chap. X.

1982/9. Review of the status and activities of the Sub-Commission and its relationship with the Commission on Human Rights and other United Nations bodies 121/

The Sub-Commission decided to defer until its thirty-sixth session consideration of the draft resolution contained in document E/CN.4/Sub.2/1982/L.6 and the amendments thereto contained in document E/CN.3/Sub.2/1982/L.31.

1982/10. The effects of gross violations of human rights on international peace and security 122/

The Sub-Commission decided to defer further consideration of the draft resolution contained in document E/CN.4/Sub.2/1982/L.22 and the amendments thereto contained in document E/CN.4/1982/L.56 until its thirty-sixth session at which time the draft resolution and the amendments thereto will have the status of pending business.

1982/11. 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) 123/

The Sub-Commission decided to defer until its thirty-sixth session consideration of the draft resolution contained in document E/CN.4/Sub.2/1982/L.9.

1982/12. 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) 124/

The Sub-Commission decided to express the view that, in order to avoid inter-State recriminations which are detrimental to its work as an expert body, observers for States should in future, when invited to participate on the agenda item "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)", not implicate other States in a deliberately abusive manner.

121/ Adopted at the 33rd meeting, on 7 September 1982, without a vote. See chap. III.

122/ Adopted at the 33rd meeting, on 7 September 1982, without a vote. See chap. VIII.

123/ Adopted at the 34th meeting, on 8 September 1982, by 9 votes to 3, with 6 abstentions. See chap. VII.

124/ Adopted at the 34th meeting, on 8 September 1982, without a vote. See chap. VII.

1982/13. Composition of working groups of the Sub-Commission 125/

The Sub-Commission decided that the composition of its Working Groups should be as follows:

<u>Regional Group</u>	<u>Communications</u>	<u>Slavery</u>	<u>Indigenous populations</u>
Africa	Mr. Yimer (Alternate: Mr. Khalifa)	Mr. Mubanga-Chipoya (Alternate: Mr. Yimer)	Mr. Mudawi (Alternate: Mr. Mubanga-Chipoya)
Asia	Mr. Masud (Alternate: Mr. Hadi)	Mr. Chowdhury (Alternate: Mr. Hadi)	Mr. Kaddour
Eastern Europe	Mr. Sofinsky (Alternate: Mr. Toševski)	Mr. Ceausu (Alternate: Mr. Sofinsky)	Mr. Toševski (Alternate: Mr. Ceausu)
Latin America	Mr. Ferrero (Alternate: Mrs. Odio-Benito)	Mrs. Odio-Benito (Alternate: Mr. Oyhanarte)	Mr. Ritter (de Sousa) (Alternate: Mr. Oyhanarte)
Western Europe and other	Mr. Bossuyt (Alternate: Mr. Eide)	Mr. Whitaker (Alternate: Mr. Bossuyt)	Mr. Eide (Alternate: Mr. Whitaker)

Annex I

ATTENDANCE

Members and Alternates

Mr. Marc Bossuyt	(Belgium)
Mr. John Carey ^{*/}	(United States of America)
Mr. Dumitru Ceausu	(Romania)
Mr. Justice Abu Sayeed Chowdhury	(Bangladesh)
Mrs. Erica-Irene Daes	(Greece)
Mr. Asbjørn Eide	(Norway)
Mr. Raúl Ferrero	(Peru)
Mr. Jonas K.D. Foli	(Ghana)
Mr. Riyadh Aziz Hadi	(Iraq)
Mr. Ibrahim S. Jimeta	(Nigeria)
Mr. Louis Joinet	(France)
Mr. Nasser Kaddour ^{a/}	(Syrian Arab Republic)
Mr. Ahmad Saker ^{*/}	
Mr. Ahmed Khalifa	(Egypt)
Mr. Waguih Hanafi ^{*/}	
Mr. Antonio Martínez Baez ^{a/}	(Mexico)
Mr. Syed S.A. Masud	(India)
Mr. C.L.C. Mubanga-Chipoya	(Zambia)
Mr. Mohamed Yousif Mudawi	(Sudan)
Mrs. Elizabeth Odio Benito	(Costa Rica)
Mr. Julio Oyhanarte ^{a/}	(Argentina)
Mr. Mario Pena ^{*/}	
Mr. Juan C. Beltramino ^{*/}	
Mr. Sharifuddin Pirzada ^{a/}	(Pakistan)
Mr. M. Akram ^{*/}	
Mr. Jorge Eduardo Ritter ^{a/}	(Panama)
Mrs. de Sousa ^{*/}	
Mr. Vsevolod N. Sofinsky	(Union of Soviet Socialist Republics)
Mr. Ivan Toševski ^V	(Yugoslavia)
Mrs. Halima Warzazi	(Morocco)
Mr. Benjamin Whitaker	(United Kingdom of Great Britain and Northern Ireland)
Mr. Fisseha Yimer	(Ethiopia)

^{*/} Alternate.

^{a/} Not present.

States Members of the United Nations represented by observers

Argentina, Australia, Bangladesh, Belgium, Brazil, Canada, China, Colombia, Cyprus, Cuba, Czechoslovakia, Democratic Kampuchea, Denmark, Ethiopia, France, German Democratic Republic, Germany, Federal Republic of, Greece, Guatemala, India, Iran, Iraq, Ireland, Israel, Italy, Japan, Malaysia, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Peru, Poland, Portugal, Senegal, Sudan, Syrian Arab Republic, Turkey, Ukrainian SSR, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Viet Nam, Yugoslavia.

Non-member States represented by observers

Democratic People's Republic of Korea, Republic of Korea.

United Nations bodies

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, Organization of African Unity.

National liberation movements

Palestine Liberation Organization.

Non-governmental organizations in consultative status

Category I

International Alliance of Women, International Confederation of Free Trade Unions, International Council of Women, International Council on Social Welfare, International Youth and Student Movement for the United Nations, World Confederation of Labour, World Muslim Congress.

Category II

Afro-Asian Peoples Solidarity Organization, All India Women's Conference, Amnesty International, Anti-Slavery Society for the Protection of Human Rights, Arab Lawyers Union, Baha'i International Community, Friends World Committee for Consultation, International Association of Democratic Lawyers, International Association of Penal Law, International Association for Religious Freedom, International Catholic Child Bureau, International Commission of Jurists, International Committee of the Red Cross, International Council of Jewish Women, International Federation of Human Rights, International Federation of University Women, International Federation of Women Lawyers, International Indian Treaty Council, International League for Human Rights, International Movement for Fraternal Union Among Races and Peoples, International Organization for the Elimination of All Forms of Racial Discrimination, International Treaty Council, Pan-Pacific and South-East Asia Women's Association,

Pax Christi, Pax Romana, War Resisters International, Women's International League for Peace and Freedom, World Conference on Religion and Peace, World Council of Indigenous Peoples, World Jewish Congress, World Movement of Mothers, World Young Women's Christian Association.

Roster

Indian Law Resource Center, International Abolitionist Federation, International Humanist and Ethical Union, International League for the Rights and Liberation of Peoples, International Progress Organization, Minority Rights Group, Movement Against Racism and for Friendship among Peoples, Procedural Aspects of International Law Institute-International Human Rights Law Group, Romani Union, World Association for the School as an Instrument of Peace.

Annex II

ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF RESOLUTIONS
AND DECISIONS ADOPTED BY THE SUB-COMMISSION
AT ITS THIRTY-FIFTH SESSION

1. In the course of its thirty-fifth session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted 9 resolutions having financial implications. Prior to the adoption of these resolutions, statements of their administrative and programme 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 resolutions of the Sub-Commission require the Secretary-General to enter into commitments during 1983, additional credits, as appropriate, would be required for the biennium 1982-1983.

Resolution 1982/2. The effects of gross violations of human rights on international peace and security

3. In paragraph 1 of its resolution 1982/2, the Sub-Commission recommends a draft resolution to the Commission on Human Rights by which the Commission would recommend to the Economic and Social Council the adoption of a resolution requesting the Sub-Commission to appoint one of its members as Special Rapporteur with the mandate to revise as a whole and update the Study on the Question of the Prevention and Punishment of the Crime of Genocide and, in addition, to consider and to submit the revised and updated study to the Commission on Human Rights at its fortieth session, in 1984.

4. The relevant costs are estimated as follows:

	<u>1983</u> (US dollars)	<u>1984</u> (US dollars)
One round-trip of Special Rapporteur for consultations with the Centre for Human Rights and subsistence for 3 working days	2,800	-
Travel to Geneva for thirty-sixth Session of the Sub-Commission (if the Special Rapporteur is no longer a member	2,800	-
Travel to Geneva for fortieth session of the Commission on Human Rights	-	2,800
Six months of temporary assistance at the P.3 level	30,000	-

Resolution 1982/7. The new international economic order and the promotion of human rights

5. In paragraph 1 of its resolution 1982/7, the Sub-Commission recommends a draft resolution to the Commission on Human Rights by which the Commission would recommend the Economic and Social Council to authorize the Sub-Commission to entrust Mr. Eide with the preparation of a study on the right to adequate food as a human right and to request the Secretary-General to give the Special Rapporteur all the assistance that he may require in his work. The Special Rapporteur would be requested to submit his preliminary report to the Sub-Commission at its thirty-sixth session and his final report to the Sub-Commission at its thirty-seventh session.

6. The relevant costs are estimated as follows:

	<u>1983</u> (US dollars)	<u>1984</u> (US dollars)
One round-trip to Geneva in 1983 for consultations with the Centre for Human Rights	2,800	-
One round-trip to Geneva in 1984 for consultations with the Centre for Human Rights	-	2,800
Six months of temporary assistance at the P.3 level (three months in 1983 and three months in 1984)	15,000	15,000

Resolution 1982/8. The new international economic order and the promotion of human rights

7. In paragraph 2 of its resolution 1982/8, the Sub-Commission requests the Special Rapporteur, Mr. R. Ferrero, to continue his work with a view to submitting the second and last part of his final report to the Sub-Commission at its thirty-sixth session. In paragraph 3 it requests the Secretary-General to provide the Special Rapporteur with whatever assistance is required for the completion of his final report.

8. The relevant costs are estimated as follows:

	<u>1983</u> (US dollars)
Travel (Lima/Geneva/Lima) of Special Rapporteur for consultations with the Centre for Human Rights and subsistence of 8 working days	5,300

Resolution 1982/9. Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism

9. In paragraph 5 of its resolution 1982/9, the Sub-Commission recommends the following draft resolution to the Commission on Human Rights for adoption:

The Commission on Human Rights

Recommends to the Economic and Social Council that the report prepared By Mr. Benjamin Whitaker, Special Rapporteur, entitled "Updating of the Report on Slavery submitted to the Sub-Commission in 1966" should be printed and given the widest possible distribution, including distribution in Arabic.

10. The relevant costs are estimated as follows:

	<u>1983</u> (US dollars)
(a) Translation into and typing in Arabic	13,000
(b) Printing in Arabic, English, French, Russian and Spanish	15,800 ^{a/}
	<u>28,800</u>

Resolution 1982/16. 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

11. In paragraph 1 of its resolution 1982/16, the Sub-Commission invites the Special Rapporteur, Mr. Ahmed Khalifa, to continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the colonial and racist régime in South Africa. The updated report is to be submitted through the Sub-Commission to the Commission on Human Rights.

12. Paragraph 2 requests the Secretary-General to give the Special Rapporteur all the assistance that he may require in the exercise of his mandate, including the use of computerized assistance in the preparation of future updated reports.

13. Bearing in mind that initial computer service estimates have been presented and included in 1982 in the amount of \$15,500 on the basis of resolution 6 (XXXIV) of the Sub-Commission and Commission resolution 1982/12, the relevant costs are estimated as follows.

	<u>1983</u> (US dollars)
Travel (Cairo/Geneva/Cairo, by economy class) of Special Rapporteur for consultations with the Centre for Human Rights and subsistence for 5 working days	1,900
Computer services	6,800 ^{b/}

^{a/} Estimates based on internal printing and do not include Chinese.

^{b/} Representing continuation of computer services included in previous estimate of \$15,500 under Section 28 G of 1982-1983 programme budget.

Resolution 1982/23. 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 dependant countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)

14. In paragraph 1 of its resolution 1982/23, the Sub-Commission requests Mr. Mubango-Chipoya to prepare an analysis of current trends and developments in respect of the right of everyone to leave any country, including his own, and to return to his country, and to present recommendations to the Sub-Commission at its thirty-seventh session. Paragraph 3 requests the Secretary-General to provide all necessary assistance to Mr. Mubango-Chipoya for the completion of this text.

15. The relevant costs are estimated as follows:

	<u>1983</u> (US dollars)	<u>1984</u> (US dollars)
One round-trip to Geneva in 1983 for consultations with the Centre for Human Rights	2,800	
Three months of temporary assistance at the P.3 level	15,000	
One round-trip to Geneva in 1984 to present recommendations to the Sub-Commission at its thirty-seventh session		2,800

Resolution 1982/24. 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 dependant countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)

16. In paragraph 4 of its resolution 1982/24, the Sub-Commission requests Mrs. Erica-Irene A. Daes to prepare draft principles on the right and responsibility of individuals, groups and organs of society to promote and protect universally-recognized human rights and fundamental freedoms, and to submit them to the Sub-Commission at its thirty-sixth session.

17. The relevant costs are estimated as follows:

	<u>1983</u> (US dollars)
Travel (Athens/Geneva/Athens) economy class of Mrs. Daes for consultations with the Centre for Human Rights, and subsistence for 8 working days	1,500

Resolution 1982/29. Study of the problem of discrimination against indigenous populations

18. In paragraph 3 of its resolution 1982/29, the Sub-Commission requests the Special Rapporteur, Mr. José R. Martínez-Cobo, to present to the Sub-Commission, for consideration, at its thirty-sixth session, the conclusions, proposals and

recommendations of the study, also placing at the disposal of the Working Group on Indigenous Populations the final report in all its parts and, particularly, said conclusions, proposals and recommendations. Paragraph 4 requests the Secretary-General to provide the Special Rapporteur with all necessary assistance for the continuation of his work and its completion as soon as possible.

19. The relevant costs are estimated as follows:

	<u>1983</u> (US dollars)
Travel (Mexico City/Geneva/Mexico City) of Special Rapporteur for consultations with the Centre for Human Rights and subsistence for 5 working days	3,800
Travel (Mexico City/Geneva/Mexico City) of Special Rapporteur to present his final report to thirty-sixth session of Sub-Commission and subsistence for 5 working days	3,800
	<u>7,600</u>

Resolution 1982/34. Human Rights and scientific and technological developments

Guidelines, principles and guarantees for the protection of persons detained
on grounds of mental ill-health or suffering from mental disorder

20. In paragraph 1 of its resolution 1982/34, the Sub-Commission recommends a draft resolution to the Commission on Human Rights by which the Commission would recommend for adoption by the Economic and Social Council a draft resolution requesting the Special Rapporteur, Mrs. Erica-Irene Daes, expeditiously to supplement her final report containing the body of principles, guidelines and guarantees as well as the summary compilation of replies received from Governments and specialized agencies, taking into account the basic views expressed in the Sub-Commission and the Commission on Human Rights, and to include in the report any new reply from Governments or specialized agencies which might be transmitted in the meantime. The Economic and Social Council would also request the Sub-Commission to establish a sessional Working Group to examine the above-mentioned body of principles, guidelines and guarantees and to submit the revised final report of the Special Rapporteur with the above-mentioned annexes to the Commission on Human Rights at its fortieth session.

21. The relevant costs are estimated as follows:

	<u>1983</u> (US dollars)	<u>1984</u> (US dollars)
Travel and subsistence (8 working days) (Athens/Geneva/Athens) economy class of Mrs. Daes for consultations with the Centre for Human Rights in 1983 and for submission of the revised final report in 1984.....	1,500	1,500

ANNEX III

LIST OF STUDIES UNDER PREPARATION DRAWN UP IN ACCORDANCE WITH COMMISSION RESOLUTION 1982/23

Title of study	Entrusted to	Legislative authority	Timetable for completion
Annual up-date of the list of banks, transnational corporations and other organizations assisting the colonial and racist regime in South Africa	Mr. Ahmed Khalifa	Sub-Commission resolution 1982/16	Thirty-sixth session of Sub-Commission (annual review)
Analysis of current trends and developments in respect of the right of everyone to leave any country, including his own, and to return to his country, and to have the possibility to enter other countries	Mr. C.L.C. Mubanga-Chipoya	Sub-Commission resolution 1982/23	Final report to be submitted to the Sub-Commission at its thirty-seventh session
Draft principles on the right and responsibility of individuals, groups and organs of society to promote and protect universally-recognized human rights and fundamental freedoms	Mrs. Erica Irene A. Daes	Sub-Commission resolution 1982/24	Final report to be submitted to the Sub-Commission at its thirty-sixth session
Final report on guidelines, principles and guarantees for the protection of persons suffering from mental disorder	Mrs. Erica Irene A. Daes	Sub-Commission resolution 1982/34 (subject to Economic and Social Council approval)	Final report to be submitted to the Sub-Commission at its thirty-sixth session
Study on relevant guidelines in the field of computerized personal files, particularly as they affect the privacy of the individual	Mrs. Nicole Questiaux	Sub-Commission resolution 12 (XXXIII) */	

*/ No decision was taken at the thirty-fourth and thirty-fifth sessions on this study.

Title of study	Entrusted to	Legislative authority	Timetable for completion
Study of the problems of discrimination against indigenous populations	Mr. José R. Martínez-Cobo	Sub-Commission resolution 1982/29	Final report to be submitted to the Sub-Commission at its thirty-sixth session
Report on the New International Economic Order and the promotion of human rights	Mr. Raúl Ferrero	Sub-Commission resolution 1982/8	Final report to be submitted to the Sub-Commission at its thirty-sixth session
Study on all aspects of the problems of female sexual mutilation	Mr. Mohamed Yousif Mudawi Mrs. Halima Warzazi	Sub-Commission resolution 1982/15	Final report to be submitted to the Sub-Commission at its thirty-seventh session
Study on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers	Mr. I.M. Singhvi	Economic and Social Council decision 1980/124 and Sub-Commission decision 1982/1	Final report to be submitted to the Sub-Commission at its thirty-sixth session
Study of the question of conscientious objection to military service	Mr. Asbjørn Eide Mr. C.L.C. Mubanga-Chipoya	Sub-Commission resolution 1982/30	Final report to be submitted to the Sub-Commission at its thirty-sixth session
Study on the status of the individuals and contemporary international law	Mrs. Erica Irene A. Daes	Sub-Commission resolution 1982/35 (subject to Economic and Social Council approval)	Final report to be submitted to the Sub-Commission at its thirty-sixth session

ANNEX IV

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

<u>Documents issued in the general series</u>		<u>Agenda item</u>
E/CN.4/Sub.2/452/Add.5	Note by the Secretary-General	
E/CN.4/Sub.2/1982/1/Rev.1	Agenda: Note by the Secretary-General	2
E/CN.4/Sub.2/1982/1/Add.1	Annotations to the provisional agenda	2
E/CN.4/Sub.2/1982/2 and Add.1-7	Study of the problem of discrimination against indigenous populations: Final Report by Mr. J. Martínez-Cobo, Special Rapporteur	12
E/CN.4/Sub.2/1982/3	Note by the Secretariat	3
E/CN.4/Sub.2/1982/4	Note by the Secretary-General	4
E/CN.4/Sub.2/1982/5	Memorandum submitted by the International Labour Office	4
E/CN.4/Sub.2/1982/6	Report on UNESCO's recent activities relating to the prevention of discrimination and the protection of minorities	4
E/CN.4/Sub.2/1982/7	Study on discriminatory treatment of members of racial, ethnic, religious or linguistic groups at the various levels in the administration of criminal justice, such as police, military, administrative and judicial investigations, arrest, detention, trial and execution of sentences, including the ideologies or beliefs which contribute or lead to racism in the administration of criminal justice (in accordance with Sub-Commission resolution 4 A (XXXIII)): Final report by Mr. Justice Abu Sayeed Chowdhury, Special Rapporteur	5
E/CN.4/Sub.2/1982/8 and Add.1	Note by the Secretary-General	5
E/CN.4/Sub.2/1982/9	Report by the Secretary-General	5
E/CN.4/Sub.2/1982/10	Report prepared by Mr. Ahmed Khalifa, Special Rapporteur	6
E/CN.4/1982/2 E/CN.4/Sub.2/1982/11	Note by the Secretary-General	7

		<u>Agenda item</u>
E/CN.4/Sub.2/1982/12	Elements for a draft body of principles on the right and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms: Report by the Secretary-General prepared in accordance with Commission on Human Rights resolution 1982/30	7
E/CN.4/Sub.2/1982/13 and Add.1	Report of the Secretary-General	10
E/CN.4/Sub.2/1982/14	Synopsis of material received from non-governmental organizations in consultative status with the Economic and Social Council prepared by the Secretariat	10
E/CN.4/Sub.2/1982/15	Question of the human rights of persons subjected to any form of detention or imprisonment: Report by Mrs. N. Questiaux, Special Rapporteur	10
E/CN.4/Sub.2/1982/16	Human rights and scientific and technological developments: Report by Mrs. Erica-Irene A. Daes, Special Rapporteur	11
E/CN.4/Sub.2/1982/17	Report of the Working Group on persons detained on the grounds of mental ill-health, by Mrs. Erica-Irene A. Daes, Special Rapporteur	11
E/CN.4/Sub.2/1982/18	Note by the Secretary-General	8
E/CN.4/Sub.2/1982/19/Rev.1.	Final report by Mr. Raúl Ferrero, Special Rapporteur	13
E/CN.4/Sub.2/1982/20 and Add.1	Updating of the Report on Slavery submitted to the Sub-Commission in 1966: Report by Mr. Benjamin Whitaker, Special Rapporteur	14
E/CN.4/Sub.2/1982/21 and Corr.1	Report of the Working Group on Slavery at its eighth session	14
E/CN.4/Sub.2/1982/22	Report of the Working Group on Universal Acceptance of Human Rights Instruments, by Mr. I. Jimeta, Rapporteur	16

		<u>Agenda item</u>
E/CN.4/Sub.2/1982/23	Study on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, by Dr. L.M. Singhvi, Special Rapporteur	17 */
E/CN.4/Sub.2/1982/24	Preliminary report by Mr. Eide and Mr. Mubanga-Chipoya	17
E/CN.4/Sub.2/1982/26	Summary of information regarding consideration by United Nations organs of the question of the establishment of a post of United Nations High Commissioner for Human Rights: Note by the Secretary-General	4
E/CN.4/Sub.2/1982/27	Note by the Secretariat	7
E/CN.4/Sub.2/1982/28	Note by the Secretary-General	7
E/CN.4/Sub.2/1982/29	Concrete programme of action to combat violations of human rights through the exploitation of child labour: Note by Mr. Abdelwahab Bouhdiba, Special Rapporteur	15
E/CN.4/Sub.2/1982/30	Note by the Secretary-General	16
E/CN.4/Sub.2/1982/31	Letter of 17 August 1982 addressed to the Chairman of the Sub-Commission at its thirty-fifth session from the Permanent Mission of Viet Nam	7
E/CN.4/Sub.2/1982/32 (E/CN.4/1983/3)	Letter of 20 August 1982 addressed to the Director of the Centre for Human Rights from the Permanent Representative of Democratic Kampuchea	7
E/CN.4/Sub.2/1982/33	Report of the Working Group on Indigenous Populations on its first session by Mr. A. Eide, Chairman/Rapporteur	12
E/CN.4/Sub.2/1982/34 and Corr.1	Report of the Working Group on Detention or Imprisonment, by Mr. Benjamin Whitaker, Chairman/Rapporteur	10

*/ Before adoption of the agenda.

		<u>Agenda item</u>
E/CN.4/Sub.2/1982/35	Note by the Secretariat	19
E/CN.4/Sub.2/1982/36	Report of the Informal Working Group on the question of the establishment of the post of United Nations High Commissioner for Human Rights	4
E/CN.4/Sub.2/1982/37	Note verbale of 6 September 1982 from the Permanent Mission of El Salvador addressed to the Director of the Centre for Human Rights	7
E/CN.4/Sub.2/1982/38	Letter of 31 August 1982 from the Permanent Mission of Guatemala addressed to the Chairman of the Sub-Commission at its thirty-fifth session	7
E/CN.4/Sub.2/1982/39	Letter of 8 September 1982 from the Permanent Mission of Israel addressed to the Chairman of the Sub-Commission at its thirty-fifth session	7
E/CN.4/Sub.2/1982/40	Letter of 7 September 1982 from the Permanent Mission of China addressed to the Chairman of the Sub-Commission at its thirty-fifth session	7
E/CN.4/Sub.2/1982/41	Letter of 7 September 1982 from the Permanent Mission of China to the Chairman of the Sub-Commission at its thirty-fifth session	7
E/CN.4/Sub.2/1982/42	Letter of 17 September 1982 from the Permanent Mission of Portugal addressed to the Chairman of the Sub-Commission at its thirty-fifth session	7
<u>Documents issued in the limited series b/</u>		
E/CN.4/Sub.2/1982/L.1	Mrs. Daes, Mr. Ferrero, Mr. Foli, Mr. Jimeta, Mr. Khalifa, Mr. Mubanga-Chipoya, Mrs. Odio-Benito, Mrs. de Sousa and Mrs. Warzazi: draft resolution	3

b/ The sponsors listed here include those who became sponsors of the
draft resolution on devision subsequent to the issue of the document.

Agenda
item

E/CN.4/Sub.2/1982/L.2	Mr. Ceausu, Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Jimeta, Mr. Joinet, Mr. Masud, Mr. Mubanga-Chipoya, Mr. Mudawi, Mrs. Odio-Benito, Mr. Sofinsky, Mrs. de Sousa, Mr. Toševski, Mrs. Warzazi, Mr. Whitaker and Mr. Yimer: draft resolution	6
E/CN.4/Sub.2/1982/L.3	Mr. Bossuyt, Mr. Carey, Mrs. Daes, Mr. Eide, and Mr. Joinet: draft resolution	3
E/CN.4/Sub.2/1982/L.4	Report on the Human Rights Situation in Kampuchea, by Mr. A. Eide, Special Rapporteur	7
E/CN.4/Sub.2/1982/L.5	Mr. Akram, Mr. Bossuyt, Mr. Carey, Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Hadi, Mr. Jimeta, Mr. Joinet, Mr. Khalifa, Mr. Masud, Mr. Mudawi, Mrs. Odio-Benito, Mr. Saker, Mrs. de Sousa, Mrs. Warzazi, Mr. Whitaker and Mr. Yimer: draft resolution	7
E/CN.4/Sub.2/1982/L.6	Mr. Akram and Mrs. Warzazi: draft resolution	3
E/CN.4/Sub.2/1982/L.7	Mr. Bossuyt, Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Hadi, Mr. Joinet, Mr. Masud, Mr. Mubanga-Chipoya, Mrs. Odio-Benito, Mr. Sofinsky, Mr. Toševski, Mrs. Warzazi and Mr. Whitaker: draft resolution	7
E/CN.4/Sub.2/1982/L.8	Mr. Bossuyt, Mr. Carey, Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Hadi, Mr. Masud, Mr. Mudawi, Mrs. Odio-Benito, Mrs. de Sousa, Mrs. Warzazi, Mr. Whitaker and Mr. Yimer: draft resolution	7
E/CN.4/Sub.2/1982/L.9	Mr. Bossuyt, Mr. Carey, Mr. Eide, Mr. Ferrero, Mr. Joinet, Mrs. Odio-Benito, Mrs. de Sousa, Mrs. Warzazi and Mr. Whitaker: draft resolution	7
E/CN.4/Sub.2/1982/L.10	Note by the Secretariat	19
E/CN.4/Sub.2/1982/L.11	Mr. Akram, Mrs. Daes, Mr. Ferrero, Mr. Foli, Mr. Hadi, Mr. Jimeta, Mr. Joinet, Mr. Khalifa, Mr. Masud, Mr. Mubanga-Chipoya, Mr. Mudawi, Mrs. Odio-Benito, Mr. Sofinsky, Mrs. de Sousa, Mr. Toševski, Mrs. Warzazi and Mr. Yimer: draft resolution	7

		<u>Agenda item</u>
E/CN.4/Sub.2/1982/L.12	Mr. Bossuyt, Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Joinet, Mr. Khalifa, Mr. Masud, Mr. Mubanga-Chipoya, Mr. Mudawi, Mrs. Odio-Benito, Mr. Sofinsky, Mrs. de Sousa, Mr. Toševski, Mr. Whitaker, and Mr. Yimer: draft resolution	7
E/CN.4/Sub.2/1982/L.13	Mr. Carey and Mr. Whitaker: draft resolution	7
E/CN.4/Sub.2/1982/L.14	Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Joinet, Mrs. Odio-Benito, Mrs. de Sousa, Mr. Whitaker and Mr. Yimer: draft resolution	7
E/CN.4/Sub.2/1982/L.15	Mr. Bossuyt, Mr. Carey, Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Joinet, Mrs. Odio-Benito, Mrs. de Sousa, Mrs. Warzazi and Mr. Whitaker: draft resolution	7
E/CN.4/Sub.2/1982/L.16	Mr. Bossuyt, Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Khalifa, Mr. Masud, Mr. Mubanga-Chipoya, and Mrs. Odio-Benito: draft resolution	8
E/CN.4/Sub.2/1982/L.17	Mr. Akram, Mr. Carey, Mrs. Daes, Mrs. Warzazi, Mr. Whitaker and Mr. Yimer: draft resolution	7
E/CN.4/Sub.2/1982/L.18	Mr. Bossuyt, Mr. Carey, Mr. Ferrero, Mrs. Odio-Benito, Mrs. de Sousa, Mrs. Warzazi and Mr. Whitaker: draft resolution	7
E/CN.4/Sub.2/1982/L.19	Mr. Bossuyt, Mr. Carey, Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Foli and Mr. Whitaker: draft resolution	7
E/CN.4/Sub.2/1982/L.20	Mr. Bossuyt, Mr. Ferrero, Mr. Jimeta, Mr. Masud and Mr. Toševski: draft resolution	16
E/CN.4/Sub.2/1982/L.21	Mr. Akram, Mr. Bossuyt, Mr. Carey, Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Joinet, Mr. Khalifa, Mr. Masud, Mr. Mubanga-Chipoya, Mr. Mudawi, Mrs. Odio-Benito, Mrs. de Sousa, Mrs. Warzazi and Mr. Whitaker: draft resolution	7
E/CN.4/Sub.2/1982/L.22	Mr. Bossuyt, Mr. Carey, Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Foli, and Mr. Whitaker: draft resolution	8
E/CN.4/Sub.2/1982/L.23	Mr. Bossuyt, Mrs. Daes, Mr. Hadi, Mr. Khalifa, Mr. Masud, Mr. Mubanga-Chipoya, Mr. Mudawi, Mrs. Odio-Benito, Mr. Saker, Mrs. Warzazi and Mr. Whitaker: draft resolution	5

		<u>Agenda item</u>
E/CN.4/Sub.2/1982/L.24	Mr. Bossuyt, Mr. Carey, Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Khalifa, Mr. Mubanga-Chipoya, Mrs. de Sousa, Mr. Warzazi, Mr. Whitaker and Mr. Yimer: draft resolution	7
E/CN.4/Sub.2/1982/L.25	Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Hadi, Mr. Joinet, Mr. Masud, Mr. Mubanga-Chipoya, Mr. Mudawi, Mrs. Odio-Benito, Mrs. de Sousa, Mrs. Warzazi and Mr. Whitaker: draft resolution	7
E/CN.4/Sub.2/1982/L.26	Mr. Carey, Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Foli and Mr. Whitaker: draft resolution	7
E/CN.4/Sub.2/1982/L.27	Mr. Bossuyt, Mr. Carey, Mr. Ceausu, Mr. Eide, Mr. Foli, Mr. Hadi, Mr. Masud, Mr. Mubanga-Chipoya, Mr. Mudawi, Mrs. Odio-Benito, Mr. Saker, Mrs. Warzazi, Mr. Whitaker and Mr. Yimer: draft resolution	13
E/CN.4/Sub.2/1982/L.28	Mr. Akram, Mr. Carey, Mrs. Daes, Mr. Eide, Mr. Foli, Mr. Joinet, Mr. Khalifa, Mr. Masud, Mr. Mubanga-Chipoya, Mr. Mudawi, Mrs. Odio-Benito, Mrs. de Sousa, Mr. Whitaker and Mr. Yimer: draft resolution	13
E/CN.4/Sub.2/1982/L.29	Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Joinet, Mr. Masud, Mr. Mubanga-Chipoya, Mr. Mudawi, Mrs. Odio-Benito, Mr. Saker, Mrs. de Sousa, Mr. Toševski, Mr. Whitaker and Mr. Yimer: draft resolution	7
E/CN.4/Sub.2/1982/L.30	Mr. Bossuyt, Mr. Carey, Mr. Ceausu, Mrs. Daes, Mr. Eide, Mr. Hadi, Mr. Joinet, Mr. Khalifa, Mr. Masud, Mrs. Odio-Benito, Mr. Saker, Mrs. de Sousa, Mrs. Warzazi, Mr. Whitaker and Mr. Yimer: draft resolution	13
E/CN.4/Sub.2/1982/L.31	Mr. Whitaker: amendment to draft resolution E/CN.4/Sub.2/1982/L.6	3
E/CN.4/Sub.2/1982/L.32	Mr. Whitaker: draft resolution	10
E/CN.4/Sub.2/1982/L.33	Mrs. Daes, Mr. Eide, Mr. Ferrero and Mr. Foli: draft resolution	14
E/CN.4/Sub.2/1982/L.34	Mrs. Daes and Mr. Whitaker: draft resolution	14
E/CN.4/Sub.2/1982/L.35	Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Whitaker: draft resolution	10

		<u>Agenda item</u>
E/CN.4/Sub.2/1982/L.36	Mr. Bossuyt, Mrs. Daes, Mr. Eide, Mr. Khalifa, Mr. Masud, Mr. Mubanga-Chipoya, Mr. Mudawi, Mrs. Odio-Benito, Mrs. Warzazi and Mr. Whitaker: draft resolution	10
E/CN.4/Sub.2/1982/L.37	Mr. Bossuyt, Mr. Carey, Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Joinet, Mr. Mubanga-Chipoya, Mr. Mudawi, Mrs. Odio-Benito, Mrs. Warzazi and Mr. Whitaker: draft resolution	4
E/CN.4/Sub.2/1982/L.38	Mr. Carey: amendment to draft resolution E/CN.4/Sub.2/1982/L.2	6
E/CN.4/Sub.2/1982/L.39	Mr. Bossuyt, Mr. Carey, Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Masud, Mr. Mubanga-Chipoya and Mr. Mudawi: draft resolution	4
E/CN.4/Sub.2/1982/L.40	Mr. Akram, Mr. Bossuyt, Mr. Carey, Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Hanafi, Mr. Joinet, Mr. Mubanga-Chipoya, Mr. Mudawi, Mrs. Odio-Benito, Mr. Saker and Mrs. de Sousa: draft resolution	12
E/CN.4/Sub.2/1982/L.41	Mr. Carey: amendment to draft resolution E/CN.4/Sub.2/1982/L.11	7
E/CN.4/Sub.2/1982/L.42	Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Joinet, Mr. Masud, Mr. Mubanga-Chipoya, Mrs. Odio-Benito, Mrs. de Sousa and Mr. Whitaker: draft resolution	17
E/CN.4/Sub.2/1982/L.43	Mr. Akram, Mr. Bossuyt, Mr. Carey, Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Foli, Mr. Joinet, Mr. Mudawi, Mrs. Odio-Benito, Mr. Saker, Mrs. de Sousa, Mrs. Warzazi, Mr. Whitaker and Mr. Yimer: draft resolution	12
E/CN.4/Sub.2/1982/L.44	Mr. Carey, Mrs. Daes, Mr. Eide, Mr. Ferrero, Mr. Masud, Mrs. Odio-Benito, Mrs. de Sousa, Mrs. Warzazi and Mr. Whitaker: draft resolution	10
E/CN.4/Sub.2/1982/L.45	Mr. Saker: amendment to draft resolution E/CN.4/Sub.2/1982/L.11	7
E/CN.4/Sub.2/1982/L.46	Mrs. Daes, Mr. Foli, Mr. Mubanga-Chipoya, Mr. Mudawi, Mr. Saker and Mr. Yimer: draft resolution	15

		<u>Agenda item</u>
E/CN.4/Sub.2/1982/L.47	Note by the Secretary-General	19
E/CN.4/Sub.2/1982/L.48	Mr. Akram, Mr. Bossuyt, Mr. Carey, Mr. Eide, Mr. Ferrero, Mr. Mubanga-Chipoya, and Mrs. Warzazi: draft resolution	11
E/CN.4/Sub.2/1982/L.49	Mr. Ferrero, Mr. Mubanga-Chipoya, Mrs. de Sousa, Mr. Whitaker and Mr. Yimer: draft resolution	18
E/CN.4/Sub.2/1982/L.50	Mr. Akram and Mr. Saker: amendment to draft resolution E/CN.4/Sub.2/1982/L.11	7
E/CN.4/Sub.2/1982/L.51	Mr. Eide: amendment to draft resolution E/CN.4/Sub.2/1982/L.11	7
E/CN.4/Sub.2/1982/L.52	Mr. Joinet: amendment to draft resolution E/CN.4/Sub.2/1982/L.19	7
E/CN.4/Sub.2/1982/L.53	Mr. Akram and Mr. Carey: amendment to draft resolution E/CN.4/Sub.2/1982/L.19	7
E/CN.4/Sub.2/1982/L.54	Mr. Akram: amendment to draft resolution E/CN.4/Sub.2/1982/L.24	7
E/CN.4/Sub.2/1982/L.55	Mr. Akram: amendment to draft resolution E/CN.4/Sub.2/1982/L.37	4
E/CN.4/Sub.2/1982/L.56	Mr. Akram and Mr. Ceausu: amendment to draft resolution E/CN.4/Sub.2/1982/L.22	8
<u>Documents submitted by non-governmental organizations</u>		
E/CN.4/Sub.2/1982/NGO/1 (E/CN.4/1983/NGO/1)	Writtent statement by the International Association of Penal Law	11
E/CN.4/Sub.2/1982/NGO/2	Written statement by Procedural Aspects of International Law Institute	4
E/CN.4/Sub.2/1982/NGO/3	Written statement by the Minority Rights Group and Procedural Aspects of International Law Institute	6

		<u>Agenda item</u>
E/CN.4/Sub.2/1982/NGO/4	Written statement by the International League for Human Rights	7
E/CN.4/Sub.2/1982/NGO/5	Written statement by Procedural Aspects of International Law Institute and International Human Rights Law Group	7
E/CN.4/Sub.2/1982/NGO/6	Written statement by International Indian Treaty Council	12
E/CN.4/Sub.2/1982/NGO/7	Written statement by World Association for the School as an Instrument of Peace	10