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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities

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

Geneva, 8 August - 2 September 1988

Rapporteur: Mr. Danilo Türk

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NOTES

1. The summary records of the meetings are issued in final form by meeting, subject to correction. Any corrections to the records of the meetings of the current session will be issued in a single corrigendum - E/CN.4/Sub.2/1988/SR.1-SR.37/Corrigendum.
2. The number in parenthesis following the name of a member of the Sub-Commission, country or organization indicates the meeting at which a statement was made by the member, country or organization and corresponds to the relevant summary record.
3. At its thirty-seventh session, in resolution 17 (XXXVII) of 10 March 1981, the Commission on Human Rights requested the Sub-Commission, in drawing up its annual report to the Commission, to present and indicate clearly in an introductory chapter all matters requiring the approval of the Commission; such matters include all resolutions and decisions of the Sub-Commission other than those bearing on internal procedural questions or those which follow up previously approved or specifically mandated courses of action.
4. Chapter I has been prepared in accordance with that resolution. Draft resolutions recommended to the Commission for adoption are contained in section A and resolutions and/or decisions referring to matters which require action or consideration by the Commission are indicated in section B.

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

A. Draft resolutions

I. Co-ordinating role of the Centre for Human Rights

The Commission on Human Rights,

Bearing in mind resolution 1988/2 of 25 August 1988 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Supports the efforts of the Secretary-General to enhance the role of the Centre for Human Rights as a co-ordinating unit in the system of bodies dealing with the protection and promotion of human rights;

2. Expresses the hope that the steps being taken by the Secretary-General in that direction, including the measures to promote the settlement of regional conflicts, will foster co-operation in upholding and protecting human rights and fundamental freedoms, better understanding, mutual respect, trust and tolerance in relations between States and peoples;

3. Invites the Secretary-General to request Governments and United Nations specialized agencies, intergovernmental and non-governmental organizations, to express their views on the strengthening of the activities of the Centre for Human Rights, with special emphasis on new directions and forms, and to submit a report setting out those views and opinions to the Commission at its forty-sixth session;

4. Decides to discuss the question of the co-ordinating role of the Centre for Human Rights within the United Nations bodies and machineries dealing with the protection and promotion of human rights at its forty-sixth session under the agenda item 'Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms; national institutions for the promotion and protection of human rights'.

[See chap. II, sect. A, resolution 1988/2
and chap. IV]

II. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régimes of South Africa

The Commission on Human Rights,

Noting Sub-Commission resolution 1988/3 of 25 August 1988,

Recalling General Assembly resolutions 39/15 of 23 November 1984 and 41/95 of 4 December 1986,

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

The Economic and Social Council,

Recalling General Assembly resolutions 39/15 of 23 November 1984 and 41/95 of 4 December 1986,

1. Expresses its appreciation to the Special Rapporteur, Mr. Ahmed Khalifa, for his updated report (E/CN.4/Sub.2/1988/6 and Add.1 and Corr.1):
2. Expresses also its thanks to all Governments and organizations which supplied the Special Rapporteur with information;
3. Welcomes with satisfaction resolution 1989/... of ... 1989 of the Commission on Human Rights, in which the Commission:

Invites the Special Rapporteur:

(a) To continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist régime of South Africa, giving such details regarding enterprises listed as the Special Rapporteur may consider necessary and appropriate, including explanations of 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 relevant sources in order to indicate the volume, nature and adverse human consequences of the assistance given to the racist régime of South Africa;

(c) To intensify direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid, with a view to consolidating mutual co-operation in updating his report;

4. Calls upon all Governments:

(a) To co-operate with the Special Rapporteur in making the report even more accurate and informative;

(b) To disseminate the updated report and give its contents the widest possible publicity;

5. Invites the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights, to consider the revised report at their forty-first and forty-sixth sessions respectively;

6. Requests the Secretary-General, in accordance with General Assembly resolution 41/95 of 4 December 1986 to make available to the Special Rapporteur two economists to help him develop his analysis and documentation on specific cases of special importance;

7. Requests the Secretary-General to give the Special Rapporteur all the assistance that he may require in the exercise of his mandate, with a view to intensifying direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid;

8. Invites the Secretary-General to continue to give the updated report of the Special Rapporteur the widest distribution and publicity as a United Nations publication;

9. Requests the Special Rapporteur to provide to the Sub-Commission at its forty-first session a concise note on the feasibility of consolidating the lists maintained by United Nations organs of enterprises doing business in South Africa;

10. Requests the Special Rapporteur to provide to the Sub-Commission at its forty-first session a brief analysis of partial disinvestment of foreign enterprises from South Africa enumerating various techniques employed to avoid total withdrawal from participation in the South African economy.

[See chap. II, sect. A, resolution 1988/3
and chap. VI]

III. Study on treaties, agreements and other constructive agreements
between States and indigenous populations

The Commission on Human Rights,

Recalling its resolution 1988/56 of 9 March 1988 and Economic and Social Council decision 1988/134 of 27 May 1988,

Noting Sub-Commission resolution 1988/20 of 1 September 1988,

Having examined the report of the Working Group on Indigenous Populations on its sixth session held from 1 to 5 August 1988,

Having examined also the outline on the possible purposes, scope and sources of a study to be conducted on the potential utility of treaties, agreements and other constructive arrangements between indigenous populations and Governments, prepared by the Special Rapporteur, Mr. Miguel Alfonso Martínez,

Convinced that a study on this topic would substantively contribute to the standard-setting activities of the Working Group,

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

The Economic and Social Council,

Recalling its decision 1988/134 of 27 May 1988,

Noting Commission on Human Rights resolutions 1988/56 of 9 March 1988 and 1989/... and Sub-Commission resolutions 1987/17 of 2 September 1987 and 1988/20 of 1 September 1988,

Taking account of the outline of the study prepared by the Special Rapporteur, Mr. Miguel Alfonso Martínez, and of the substantive debate on the topic by the Working Group on Indigenous Populations at its sixth session,

1. Confirms the appointment of Mr. Miguel Alfonso Martínez as Special Rapporteur of the Sub-Commission and authorizes him to carry out a study on the potential utility of treaties, agreements and other constructive arrangements between indigenous populations and Governments referred to in Commission on Human Rights resolution 1988/56;

2. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to carry out the said study;

3. Requests the Special Rapporteur to submit a progress report to the Sub-Commission at its forty-first session.

[See chap. II, sect. A, resolution 1988/20
and chap. XIII]

IV. Programme of advisory services in the field of human rights

The Commission on Human Rights,

Recalling that its resolution 1987/38 of 10 March 1987 authorized the Secretary-General to receive contributions from non-governmental organizations for the Voluntary Fund for Advisory Services, and called upon non-governmental organizations to consider making such contributions;

Recalling further its resolution 1988/54 of 8 March 1988, in which it requested the Secretary-General to co-ordinate and facilitate bilateral assistance in the field of human rights provided by intergovernmental and non-governmental organizations,

Mindful of the report of the Secretary-General on the programme of advisory services in the field of human rights (E/CN.4/1988/40 and Add.1), which recommended that regional and national non-governmental organizations should be included among the target groups of the proposed public information campaign in the field of human rights,

Convinced of the importance of strengthening the awareness and understanding of international human rights standards by particularly vulnerable groups, such as indigenous peoples,

1. Authorizes the Secretary-General to receive contributions of appropriate professional services in education, teaching and training from non-governmental organizations and universities, to supplement the financial resources available to the programme of advisory services in the field of human rights;

2. Recommends to the Secretary-General to consider the inclusion in the programme of advisory services in the field of human rights of courses and seminars for indigenous peoples and communities and other particularly vulnerable groups.

[See chap. II, sect. A, resolution 1988/21
and chap. XIII]

V. Movement and dumping of toxic and dangerous products and wastes

The Commission on Human Rights,

Taking into consideration General Assembly resolution 42/183 of 11 December 1987,

Bearing in mind the right of all peoples to life and of the future generation to enjoy its heritage,

Taking note that the movement and dumping of toxic and dangerous products endangers basic human rights such as the right to life, the right to live in a sound and healthy environment and consequently the right to health,

Convinced that States which produce toxic and dangerous products and wastes can not be exonerated from their responsibility to take proper measures to ensure that they do not imperil human health and the ecosystem,

Recognizing the extreme danger of destruction, damage and injury to human health and the ecosystem posed by transboundary movement and the dumping of toxic and dangerous products and wastes,

Concerned about the growing threat to human health and the ecosystem posed by the increased rate of transboundary movements and the dumping of toxic and dangerous products and wastes,

Concerned also about the clandestine nature of the movement and dumping of toxic and dangerous wastes especially to, and in, States which do not have the technical capability for their sound environmental disposal,

Determined to protect the rights of all human beings to life and good health,

1. Requests the Governments of those countries producing toxic and dangerous wastes to ban their exportation to those States which do not have the technical capability for their environmentally sound disposal, and to take proper measures to ensure that they do not imperil human health and the ecosystem in their countries, as well as in other countries of the world;

2. Requests that any existing agreements for the disposal of toxic and other dangerous products and wastes with States which do not have the technical capability for their environmentally sound disposal should be abrogated;

3. Requests the United Nations Environment Programme to expedite action on the elaboration of the global convention on the control of transboundary movements of hazardous wastes;

4. Requests the Secretary-General to present a report concerning the convention mentioned in paragraph 3 of the present resolution to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-first session.

[See chap. II, sect. A, resolution 1988/26
and chap. XII]

VI. Draft body of principles and guarantees for the protection of mentally-ill persons and for the improvement of mental health care

The Commission on Human Rights

1. Requests the Secretary-General to transmit the Working Group's report and its annexes to Governments, specialized agencies and non-governmental organizations, for comments and suggestions, calling their attention in particular to the draft body of principles and guarantees;
2. Requests the Secretary-General to submit a report based on the comments received to the Commission on Human Rights at its forty-sixth session;
3. Requests that the World Health Organization draw up guidelines for the implementation of the draft body of principles and guarantees to be considered by the Commission on Human Rights in conjunction with the said principles and guarantees.

[See chap. II, sect. A, resolution 1988/28
and chap. XII]

VII. Guidelines on the use of computerized personal files

The Commission on Human Rights,

Taking account of Sub-Commission resolution 1988/29 of 1 September 1988,

Having considered the final report (E/CN.4/Sub.2/1988/22) by the Special Rapporteur,

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

The Economic and Social Council,

Taking account of resolution 1988/29 of 1 September 1988 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and resolution 1989/... of ... 1989 of the Commission on Human Rights entitled "Guidelines on the use of computerized personal files",

1. Expresses its appreciation to the Special Rapporteur, Mr. Louis Joinet, for his report on the above-mentioned subject;

2. Decides that the study on "Guidelines for the regulation of computerized personal data files" should be published;

3. Recommends that the General Assembly should consider and adopt the guidelines.

[See chap. II, sect. A, resolution 1988/29
and chap. XII]

VIII. Slavery and slavery-like practices

The Commission on Human Rights,

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

Having noted the report of the Working Group on Contemporary Forms of Slavery submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its fortieth session (E/CN.4/Sub.2/1988/32),

Having considered resolution 1988/31 of 1 September 1988 of the Sub-Commission,

1. Requests the Secretary-General to invite States parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 to submit regular reports on the situation in their countries, as provided for under the Conventions;

2. Invites those eligible States which have not ratified the relevant Conventions to consider doing so as soon as possible, or to explain in writing why they feel unable to do so, and invites them to consider providing information regarding their national legislation and practices in this field;

3. Invites intergovernmental organizations, relevant agencies of the United Nations including the International Labour Organisation, World Health Organization, World Bank, International Monetary Fund, Food and Agriculture Organization, United Nations Educational, Scientific and Cultural Organization, United Nations Development Fund, United Nations Children's Fund, United Nations University and the International Criminal Police Organization and non-governmental organizations concerned to continue to supply relevant information to the Working Group;

4. Requests the Secretary-General to undertake a study of the ways and means by which an effective mechanism may be established for the implementation of the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949;

5. Recommends that the results of the symposium to be held by the International Criminal Police Organization on traffic in persons, including the sale of children, as well as other information which it may have on the sale of children, be transmitted to the Secretary-General to facilitate the completion of his final report on this issue;
6. Requests interested specialized agencies and non-governmental organizations to gather information on the sale of children, including their observations on ways and means to prevent the occurrence of this phenomenon, and to send this information to the Secretary-General to facilitate the completion of his final report on this issue;
7. Requests the Secretary-General to submit his final report on the sale of children to the Working Group at its fourteenth session;
8. Urges Member States to enact legislation, where they have not yet done so, making it a crime to produce, distribute or possess pornographic material involving children;
9. Urges all Member States to consider the possibility of establishing national agencies or institutions to protect children and promote their rights;
10. Confirms the need that the receiving countries provide protection to migrant women against exploitation in the form of prostitution and other slavery-like practices;
11. Confirms the need that the receiving and mother countries of migrant women should co-operate closely in protecting migrant women and preventing their exploitation by prostitution and other slavery-like practices;
12. Invites all Member States to consider the possibility of establishing national agencies or institutions for the protection of migrant women against exploitation by prostitution and other slavery-like practices;
13. Requests Governments to pursue a policy of information, prevention and rehabilitation of women victims of the exploitation of prostitution and to take all economic and social measures deemed necessary to that effect;
14. Recommends the following resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

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

Having considered resolution 1988/31 of 1 September 1988 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and resolution 1989/... of ... 1989 of the Commission on Human Rights,

Recalling resolution 1985/23 of 29 August 1985 of the Sub-Commission and resolution 1986/34 of 11 March 1986 of the Commission,

Recommends that the General Assembly adopt the following resolution:

The General Assembly,

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

Having considered resolution 1988/31 of 1 September 1988 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and resolution 1989/... of ... 1989 of the Economic and Social Council,

Recalling resolution 1985/23 of 29 August 1985 of the Sub-Commission and resolution 1986/34 of 11 March 1986 of the Commission,

Decides that, on the occasion of the fortieth anniversary of the adoption of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 2 December 1989, and the same date in following years, should be proclaimed the "World Day for the Abolition of Slavery in All its Forms".

[See chap. II, sect. A, resolution 1988/31
and chap. XV]

B. Draft decisions

1. Human rights and disability

The Commission on Human Rights, noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1988/8 of 25 August 1988, approves the Sub-Commission's request to the Special Rapporteur to continue his work and to submit a final report to the Sub-Commission at its forty-second session, and further approves the Sub-Commission's request to the Secretary-General to provide all possible assistance to the Special Rapporteur so as to facilitate his work and contacts with the Centre for Social Development and Humanitarian Affairs and with organizations for the disabled.

2. Question of human rights and states of emergency

The Commission on Human Rights, noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1988/24 of 1 September 1988, approves the Sub-Commission's request to the Special Rapporteur to continue to update his work and to submit to the Sub-Commission at its forty-first session an annual report and a list updated on the basis of the information received, and to update his report submitted to the Sub-Commission at its fortieth session for the forty-fifth session of the Commission on Human Rights, and further approves the Sub-Commission's request to the Secretary-General to give the Special Rapporteur all the assistance he may require in order to enable him to carry out his work.

3. Realization of economic, social and cultural rights

The Commission on Human Rights, noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1988/33 of 1 September 1988, approves the Sub-Commission's decision to entrust Mr. Danilo Türk with a study of problems, policies and progressive measures relating to the more effective realization of economic, social and cultural rights with its request to make a preliminary report to the Sub-Commission at its forty-first session, and further approves the Sub-Commission's request to the Secretary-General to provide the Special Rapporteur with all the assistance which he might require for the successful completion of these tasks.

4. Traditional practices

The Commission on Human Rights, noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1988/34 of 1 September 1988, approves the Sub-Commission's request to Mrs. Halima Embarek Warzazi to study recent developments with regard to traditional practices affecting the health of women and children and to bring the results of her study to the attention of the Sub-Commission at its forty-first session, and further approves the Sub-Commission's request to provide the Special Rapporteur with all the necessary assistance.

5. The status of the individual and contemporary international law

The Commission on Human Rights, noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1988/40 of 1 September 1988, approves the Sub-Commission's request to the Special Rapporteur to update her study and to present it to the Sub-Commission at its forty-first session, and further approves the Sub-Commission's request to the Secretary-General to give to the Special Rapporteur all the assistance she may require to update her study.

C. Sub-Commission resolutions and decisions referring to matters which are drawn to the Commission's attention and which require consideration or action by the Commission

Resolutions

| | |
|---|-------------------------------|
| Situation of human rights in Haiti | 1988/12, paras. 3, 4 and 5 |
| Situation of human rights in El Salvador | 1988/13, para. 2 |
| Situation of human rights in Guatemala | 1988/14, paras. 5, 6 and 7 |
| Situation of human rights in Albania | 1988/15, paras. 2 and 3 |
| Situation of human rights in Chile | 1988/16, paras. 2, 3, 4 and 5 |
| Draft universal declaration on indigenous rights | 1988/18, para. 7 |
| Draft second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty | 1988/22, para. 2 |
| Draft declaration on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers | 1988/25, para. 2 |
| Draft international instrument on freedom of religion or belief | 1988/32 |
| Prevention of discrimination and protection of children: human rights and youth | 1988/37, paras. 2 and 3 |
| Protection of human rights defenders | 1988/38, para. 5 |

Decisions

| | |
|--|----------|
| Elimination of racial discrimination | 1988/101 |
| Review of the work of the Sub-Commission | 1988/104 |
| Question of human rights of persons subjected to any form of detention or imprisonment; freedom of expression and opinion and administrative detention without charge or trial | 1988/110 |
| Elimination of intolerance and discrimination based on religion or belief: draft international instrument | 1988/112 |

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION
AT ITS FORTIETH SESSION

A. Resolutions

1988/1. Situation in Burundi

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

Having received alarming information on events in Burundi which reportedly have caused mass exoduses of refugees,

Having in mind the appeals of the General Assembly and the Commission on Human Rights for co-operation and assistance to address the serious problems resulting from mass exoduses of refugees and displaced persons, and the causes of such exoduses,

1. Requests the Secretary-General to contact the Government of Burundi and offer all assistance, in particular within the programme of advisory services in the field of human rights, needed for dealing with the present situation and its causes;

2. Requests the Secretary-General to inform the Sub-Commission on the results of his contacts.

24th meeting
24 August 1988

[Adopted without a vote. See chap. III]

1988/2. Co-ordinating role of the Centre for Human Rights

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

Proceeding from the understanding that the United Nations human rights bodies and the bodies established under international human rights agreements have fundamentally common objectives and tasks,

Taking into consideration, at the same time, the specific methods and character of the activities of each of these bodies, as determined by their statutory objectives, their mandates and the provisions of the relevant international instruments,

Expressing its belief that the activities of each of these bodies make a significant contribution to the functioning of the international machinery for reporting and monitoring the protection and promotion of human rights,

Taking into account the status of the Centre for Human Rights as a unit of the United Nations Secretariat called upon to ensure the proper and effective functioning of the international human rights bodies,

Noting the role and significance of the Centre for Human Rights as a co-ordinating and liaison unit called upon to render maximum possible aid and assistance to the work of the human rights bodies,

Noting with satisfaction the growing role of the United Nations and the Secretary-General in helping to settle regional conflicts, which facilitates the solution of humanitarian problems,

Appreciating at their true worth the efforts of the Secretary-General to create operational machinery for the Centre for Human Rights which would be most appropriate to the required support for the increased volume and level of tasks being accomplished by human rights bodies,

Also appreciating at their true worth the new emphasis in matters of information and the provision of expert assistance to Governments in creating the necessary legal infrastructure, the organization of consultations and meetings under the auspices of the Centre in various parts of the world on a wide range of human rights problems, the effectiveness and purpose-oriented character of the United Nations scholarship programmes in the field of human rights, and the co-ordination of the activities of the specialized agencies and several United Nations Secretariat units, in particular the Centre for Social Development and Humanitarian Affairs,

Noting at the same time that the potentialities of the Centre for Human Rights in the co-ordination of efforts aimed at guaranteeing human rights are not yet being fully used by Member States,

Noting also that not all studies and reports are submitted in due time, which adversely affects the effective functioning of United Nations human rights bodies and their machinery,

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

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

26th meeting
25 August 1988

[Adopted without a vote. See chap. IV]

1988/3. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régimes of South Africa

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

Recalling General Assembly resolutions 39/15 of 23 November 1984 and 41/95 of 4 December 1986,

1. Expresses its appreciation to the Special Rapporteur, Mr. Ahmed Khalifa, for his updated report (E/CN.4/Sub.2/1988/6 and Add.1 and Corr.1);

2. Expresses also its thanks to all Governments and organizations which supplied the Special Rapporteur with information;

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

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

26th meeting
25 August 1988

[Adopted without a vote. See chap. VI]

1988/4. Situation in South Africa

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

Recalling Commission on Human Rights resolutions 1988/8 and 1988/9 of 23 February and 29 February 1988, respectively,

Conscious of the worsening situation in South Africa as a result of the policies of repression pursued by the Government of South Africa,

Condemning the arrest, torture and killings of peaceful and defenceless demonstrators and workers on strike as well as the arbitrary arrest of leaders and activists of mass organization,

Concerned about the decision of the Pretoria régime to hold racially constituted local government elections, later this year, despite widespread black opposition to such an action,

Deeply concerned about the further curtailment of black trade union rights, which is contained in the Labour Relations bill, recently introduced in the racially constituted Parliament of South Africa, and also the Illegal Squatting bill aimed at relocating blacks tabled before the racist Parliament of South Africa and deeply concerned that similar measures should not be introduced,

Noting with deep concern the ban imposed in 1988 by the Government of South Africa on all anti-apartheid groups, including the United Democratic Front and the End Conscription Campaign,

Recalling General Assembly resolution 33/165 on the status of persons refusing service in military or police forces used to enforce apartheid,

Conscious of the great courage, perseverance and sacrifices of the people of southern Africa in the face of aggression, occupation and oppression by the Pretoria régime,

Welcoming the establishment and launching of the Action for Resisting Invasion, Colonialism and Apartheid Fund (A/41/697-S/18392) at the Eighth Conference of Heads of State or Government of Non-Aligned Countries,

1. Reaffirms that apartheid is a crime against humanity;

2. Demands the immediate lifting of the state of emergency, immediate cessation of all acts of brutality by the South African army and security forces and the immediate release of all political prisoners;
3. Urges the Government of South Africa to lift promptly the ban on anti-apartheid organizations;
4. Reaffirms the right of all persons to refuse service in military or police forces which are used to enforce apartheid;
5. Calls upon the international community to assist the front-line States to safeguard their independence and territorial integrity against the aggression and destabilization carried out by the Government of South Africa;
6. Urges all States to provide, both individually and collectively, moral and material assistance to the oppressed people of South Africa and Namibia;
7. Appeals to the international community to put pressure upon the South African Government not to proceed with the execution of the 53 opponents of apartheid, including the "Sharpsville Six" who have been on death row for more than three years;
8. Calls upon the international community to continue its efforts towards total economic, cultural and political isolation of South Africa until that country abandons its policy of apartheid;
9. Calls for immediate and complete disinvestment by foreign companies in a manner that all their links with the South African apartheid economy are cut off, including, inter alia, licensing and management contracts;
10. Urges foreign companies engaged in disinvestment from South Africa to ensure that financial and other benefits that have accrued to the black labour force are fully respected;
11. Strongly condemns South Africa for:
 - (a) The recent imposition of capital punishment on 53 opponents of apartheid, including the "Sharpsville Six";
 - (b) The continuing acts of international terrorism and destabilization carried out against the front-line and other neighbouring States;
 - (c) The decision to go ahead, despite widespread black opposition, with local government elections organized along racial lines;
12. Vigorously condemns all collaboration, particularly in the nuclear, military and economic fields, with the Government of South Africa;
13. Calls upon all countries that have not yet done so, and in particular Israel and Equatorial Guinea, to cut all military links with South Africa.

1988/5 Situation in Namibia

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

Mindful that one of the aims of the United Nations is to achieve international co-operation in the development and promotion of respect for the human rights and fundamental freedoms of all, without distinction on grounds of race, sex, language or religion,

Bearing in mind that the illegal occupation of Namibia by South Africa and the resulting inability of the Namibian people to exercise their right to self-determination and independence, and thus their human rights and fundamental freedoms, have been condemned on many occasions by various United Nations bodies,

Considering that, after many years during which the situation has remained unchanged, some progress has finally been observed, as noted in a joint statement issued simultaneously at Havana, Luanda, Pretoria and Washington on 8 August 1988, concerning a quadripartite meeting on the south-west African conflict held at Geneva, Switzerland, from 2 to 5 August 1988,

Considering that, at the meeting in question, the delegations of Angola, Cuba and South Africa agreed on a series of necessary steps to prepare the way for Namibian independence, in accordance with United Nations Security Council resolution 435 (1978), and to achieve peace in south-west Africa,

Considering that, in that resolution, the Security Council endorsed the United Nations plan for assistance to Namibia and established under its authority a United Nations Transition Assistance Group for Namibia (UNTAG),

Considering that one of the functions of the Group is to provide legal advice to the Constituent Assembly to be set up to draft a constitution for Namibia, which will undoubtedly contain provisions concerning human rights,

Mindful that the knowledge and experience of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in this regard are widely recognized,

Believing that the Sub-Commission should not confine its activities to passing judgement on countries or preparing draft documents on human rights, but should also help to enrich national legislation on human rights whenever requested to do so,

Aware that all United Nations bodies and Member States must do everything in their power to promote the full exercise by the Namibian people of their right to self-determination and independence and that, upon the achievement of that aim, they are obligated not to interfere in matters which fall within the exclusive internal jurisdiction of States,

1. Welcomes the fact that the meetings of the parties concerned appear to be duly preparing the way for the early independence of Namibia;

2. Requests the Secretary-General to make available, through the Centre for Human Rights, to the authorities of the Constituent Assembly of Namibia, when it is duly constituted, such human rights advisory services as they may request;

3. Expresses the willingness of all its members, in their capacity as individual experts, to assist the authorities of the future independent Namibia in this regard, if they should so request.

26th meeting
25 August 1988

[Adopted without a vote. See chap. VI]

1988/6. Measures to combat racism and racial discrimination and the role of the Sub-Commission

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

Recognizing that a priority task of the Sub-Commission is to submit proposals on principles and measures for the elimination of racism and racial discrimination,

Noting the Programme of Action and the plan of activities for the period 1985-1989 (A/39/167) of the Second Decade to Combat Racism and Racial Discrimination approved by the General Assembly in its resolution 39/16 of 23 November 1984 and the plan of activities to be implemented during the period 1990-1993 (A/42/493) approved by the General Assembly in its resolution 42/47 of 30 November 1987,

Noting, however, that the impact of the Second Decade to Combat Racism and Racial Discrimination needs to be strengthened,

Emphasizing that the combat against apartheid should also in the future be given the highest priority within the activities of the Second Decade,

Noting also that the long-term viability of the United Nations Programme of Action for the Second Decade against racism will depend on close contact with institutions conducting basic research into current manifestations of racism and their causes,

1. Welcomes the declared intentions of the Secretariat, as expressed by the Under-Secretary-General for Human Rights at the present session, to strengthen the efforts to implement the Programme of Action for the Second Decade;

2. Endorses decision I (XXXVI) of the Committee on the Elimination of Racial Discrimination, adopted on 9 August 1988, recommending that the General Assembly authorize the Secretary-General, on a temporary basis, to ensure the financing of the expenses of the members of the Committee on the Elimination of Racial Discrimination from the United Nations regular budget;

3. Recommends that effective mechanisms for the eradication of racism should be established in all countries and, where they already exist, further strengthened, if required with the assistance of the United Nations Advisory Services;

4. Recommends that public awareness should be strengthened on the dangers of new racist manifestations and on ways to counteract them, through a wider dissemination of international instruments against racism, and develop appropriate printed and audio-visual materials for use in this field;

5. Recommends that in order better to protect particularly vulnerable groups against discrimination, a series of seminars should be held to identify the nature of the pressures to which these groups are subjected, and ways in which to counteract these threats. Each of the seminars should deal with one category of vulnerable groups, such as indigenous populations, migrant workers, and aliens;

6. Expresses its appreciation for the oral presentation by its Special Rapporteur, Mr. Asbjorn Eide, on the progress of his study on the achievements of, and obstacles encountered during, the first Decade of Action to Combat Racism and Racial Discrimination;

7. Endorses the decision by Mr. Eide to make a renewed call for additional information required to complete the study, and calls on the Secretariat to give him all possible assistance in the collection and analysis of this material;

8. Recommends that the Secretary-General, within the framework of the Second Decade, should seek to convene a seminar on current manifestations of racism and their causes;

9. Further recommends that among the participants to be invited to the seminar there should be outstanding scholars in the field of the study of modern forms of racism from throughout the world;

10. Calls on Mr. Eide, in his final report to be presented to the Sub-Commission at its forty-first session, to include recommendations on specific steps that could be taken in the performance of its future role in the prevention of discrimination;

11. Resolves that the Sub-Commission's long-standing concern with the elimination of racism in Namibia shall continue until a satisfactory solution has been found.

26th meeting
25 August 1988

[Adopted without a vote. See chap. VI]

1988/7. Situation in Namibia

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

Recalling the purposes and principles of the United Nations,

Bearing in mind the importance for the effective guarantee and observance of human rights of the universal realization of the right of people to self-determination,

Recalling resolution 1514 (XV) of 14 December 1960 and resolution 2621 (XXV) of 12 October 1970 of the General Assembly which contains the programme of action for the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Noting that the year 1988 marks the fortieth anniversary of the Universal Declaration of Human Rights and the tenth anniversary of the adoption, by the Security Council, of resolution 435 (1978) of 29 September 1978 on the independence of Namibia,

Taking into account the efforts of current negotiations on the application of the decision of the Security Council for the independence of Namibia,

1. Expresses its hope that these current negotiations will be completed as soon as possible and encourages the concerned parties to make every effort to this end;

2. Appeals to the international community to assist the concerned parties in their efforts to bring about the independence of Namibia, in conformity with Security Council resolution 435 (1978).

26th meeting
25 August 1988

[Adopted without a vote. See chap. VI]

1988/8. Human rights and disability

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

Recalling its resolution 1984/20 of 29 August 1984 by which it requested Mr. Leandro Despouy to prepare a comprehensive study on human rights and disability,

Recalling further its resolution 1985/10 of 29 August 1985 by which it approved the preliminary report and the methodological and substantive approach outlined by the Special Rapporteur,

Bearing in mind Commission on Human Rights resolution 1984/31 of 12 March 1984 and Economic and Social Council resolution 1984/26 of 24 May 1984,

Noting that many valuable comments were made by members, Governments, specialized agencies, and non-governmental organizations,

Noting further the wide concern expressed for the relationship between extreme poverty, underdevelopment and social inequality to both the incidence of disability and the enjoyment of human rights by disabled persons,

Expressing its appreciation to the Special Rapporteur for his work in preparing the report and the importance and usefulness of the work so far accomplished,

Expressing its appreciation also for the valuable co-operation extended to the Special Rapporteur by the Centre for Social Development and Humanitarian Affairs and by the various organizations for the disabled,

1. Requests the Special Rapporteur to continue his work and to submit a final report to the Sub-Commission at its forty-second session;

2. Requests the Secretary-General to provide all possible assistance to the Special Rapporteur so as to facilitate his work and contacts with the Centre for Social Development and Humanitarian Affairs and with organizations for the disabled.

26th meeting
25 August 1988

[Adopted without a vote. See chap. VIII]

1988/9. Protection of staff members of the United Nations system

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

Recalling General Assembly resolution 42/219 of 21 December 1987, in which the Assembly deplored the growing number of cases where the functioning, safety and well-being of officials had been adversely affected, including cases of detention in Member States and abduction by armed groups and individuals, and the increasing number of cases in which the lives and well-being of officials had been placed in jeopardy during the exercise of their official functions,

Recalling also its resolution 1987/21 of 3 September 1987, in which it expressed its concern that some fifty staff members of the United Nations system were still detained, imprisoned, reported missing - some having even died in detention - or held in a country against their will and requested the Secretary-General to submit to it a detailed report on the situation of these staff members and their families,

Taking into consideration resolution 1988/41 of 8 March 1988 of the Commission on Human Rights in which it appealed to Member States to respect and to ensure respect for the rights of staff members of the United Nations system and their families,

Having examined the report (E/CN.4/Sub.2/1988/17) presented, at the request of the Sub-Commission, by the Secretary-General on the detention of staff members of the United Nations and specialized agencies,

Deeply appreciating the efforts undertaken by the Secretary-General and heads of specialized agencies to defend the fundamental rights of staff members of the United Nations system, ensure their security and protect their independence,

Noting with satisfaction that some cases have been successfully resolved thanks to the efforts undertaken in this respect,

Deeply concerned that violations of human rights of staff members of the United Nations system and the threats against their security and independence have increased over the past year and that about 100 cases remain unresolved,

Conscious that these violations of the fundamental rights of staff members of the United Nations system and these threats against their security and independence can only have negative effects on the implementation of the mandates of the organs and agencies of the United Nations system,

1. Appeals to Member States to respect and to ensure respect for the rights of staff members of the United Nations system and of their families as well as experts in the service of the United Nations system;
2. Requests the Secretary-General to redouble his efforts to ensure the full respect of the rights of staff members of the United Nations system, their families and experts;
3. Decides to entrust one of its members, without financial implications, with the task of undertaking an examination of the aforesaid violations of human rights of staff members of the United Nations system, their families and experts as well as of the repercussions of these violations on the functioning of United Nations organs and agencies;
4. Requests the Secretary-General, the heads of the specialized agencies, including the International Atomic Energy Agency, the General Agreement on Tariffs and Trade, and the various staff representative organs of the United Nations system to assist the designated member in his/her task;
5. Invites the designated member to submit a preliminary report to the Sub-Commission at its forty-first session.

34th meeting
31 August 1988

[Adopted by 18 votes to 1, with 3 abstentions. See chap. X]

1988/10. The situation in the Palestinian and Arab territories occupied by Israel

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 principles of equal rights and self-determination of all peoples,

Mindful of the principles and humanitarian provisions of the four Geneva Conventions of 1949, of the principles and provisions of international law, and of the obligations arising from the regulations annexed to The Hague Convention IV of 1907,

Noting that all States parties to the Geneva Conventions of 1949 have undertaken to respect and to ensure respect for the Conventions under all circumstances.

Recalling all the resolutions of the General Assembly and the Commission on Human Rights concerning the practices of the Israeli occupation authorities affecting human rights in the Palestinian and Arab territories occupied by Israel,

Recalling the relevant Security Council resolutions, specifically resolutions 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988 and 608 (1988) of 14 January 1988,

Taking note of the report of the Secretary-General (S/19443), the reports of the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, and the World Health Organization, as well as the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Palestinian and Arab territories,

Recalling with interest the press releases issued by the International Committee of the Red Cross in Geneva on 13 January 1988 and on 18 and 19 August 1988 with respect to Israel's repeated violations of the Fourth Geneva Convention of 1949,

Affirming its previous resolutions in this respect,

Deeply alarmed at Israel's persistent refusal to respect the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949 and to apply it to the Palestinians in the occupied Palestinian territories, and at Israel's systematic and established violation of human rights over the past twenty years,

1. Affirms that the Israeli occupation itself constitutes a gross violation of the human rights in the occupied Palestinian and Arab territories, and a crime prejudicial to the peace and security of humanity under international law;

2. Affirms that the acts perpetrated by the Israeli occupation authorities of deliberate killing of Palestinians, including children, breaking the limbs of young men and causing grave harm to their physical safety, subjecting cities, villages and camps to living conditions designed to destroy them by imposing curfews thereon and preventing their provision with food and medical supplies, firing gas bombs inside the houses, mosques and hospitals thus causing the death of many people by asphyxia, preventing new births by aborting pregnant women through severe beating and throwing gas bombs inside their homes, all such acts constitute grave violations of international law;

3. Reaffirms that the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 is applicable to the Palestinians and to the Palestinian and other Arab territories occupied by Israel, and that Israel's violation of the provisions of these Conventions, by torturing the Palestinian detainees and treating them in an inhuman manner, imposing collective punishment and administrative detention on thousands of them, expelling and deporting the citizens outside their homeland by force and attacking and destroying properties and homes, are crimes of war under international law;

4. Affirms the right of the Palestinian people to resist the Israeli occupation by all means in accordance with United Nations resolutions, and affirms that the uprising of the Palestinian people against occupation since 8 December 1987 is one of such means;

5. Reaffirms the inalienable rights of the Palestinian people to return to their homeland, to self-determination without foreign interference and the establishment of their independent and sovereign State on their national soil in accordance with the Charter of the United Nations and General Assembly resolutions;

6. Condemns Israel for:

(a) Its gross violations of the international conventions, rules of international law, and the Geneva Conventions of 1949 through its systematic and established practices mentioned herein, and calls upon Israel to desist therefrom forthwith and withdraw from the Palestinian and Arab territories occupied by force, in accordance with the principles of international law and the relevant United Nations resolutions;

(b) Its continued occupation of the Syrian Arab Golan and its decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan and its effective annexation of this territory, and reaffirms that the Israeli decision of 14 December 1981 is null and void and has no legal validity in the occupied territory in conformity with Security Council resolution 497 (1981) of 17 December 1981;

(c) Its inhuman treatment and terrorist practices in violation of human rights which the Israeli occupation authorities continue to apply against Syrian citizens in the occupied Syrian Arab Golan for their refusal of Israeli citizenship and in order to force them to carry Israeli identity cards; which practices constitute a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and requests all States and competent international organizations not to recognize any Israeli laws or jurisdiction in respect of the occupied Syrian territory;

7. Supports the call to convene an international peace conference on the question of Palestine and the Middle East in accordance with General Assembly resolution 38/58 C of 13 December 1983;

8. Requests the Secretary-General to provide the Sub-Commission at its forty-first session with reports, studies, statistics and other documents relating to the question of Palestine and other Arab territories as well as the texts of the relevant United Nations decisions and resolutions.

34th meeting
31 August 1988

[Adopted by a roll-call vote of 16 to 1, with 7 abstentions. See chap. VIII]

1988/11. Compensation for victims of gross violations of human rights

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

Deeply concerned over the substantial damages and acute sufferings caused to individuals, groups and communities as a result of gross violations of human rights and fundamental freedoms,

Recalling the United Nations standards on compensation so far adopted, in particular article 14, paragraph 6 of the International Covenant on Civil and Political Rights, article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination, article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and articles 8 to 21 of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, (General Assembly resolution 40/34) as well as relevant provisions of regional human rights instruments,

Considering that it is of great importance to develop existing international standards and to fill remaining gaps in order to ensure that victims of gross violations of human rights and fundamental freedoms have an enforceable right to restitution, compensation and rehabilitation, as appropriate, fully recognized at the international level,

1. Recognizes that all victims of gross violations of human rights and fundamental freedoms should be entitled to restitution, a fair and just compensation and the means for as full a rehabilitation as possible for any damage suffered by such victims, either individually or collectively, and that in the event of the death of the victims as a result of such acts, their dependants should be entitled to a fair and just compensation;

2. Decides to discuss the matter of compensation at its forty-first session with a view to considering the possibility of developing some basic principles and guidelines in this respect.

35th meeting
1 September 1988

[Adopted without a vote. See chap. VII]

1988/12. The situation of human rights in Haiti

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 Covenants on Human Rights,

Bearing in mind resolution 1988/51 of 8 March 1988 of the Commission on Human Rights which expressed concern about the situation of human rights in Haiti, and requested the Government of Haiti to ensure full respect for human rights and fundamental freedoms and to co-operate with the expert appointed by the Secretary-General to offer technical assistance,

Deploring that the presidential, legislative and municipal elections which were due to be held in Haiti on 29 November 1987 were cancelled because of violence directed against independent election officials and voters,

Concerned that extra-judicial executions and torture and ill-treatment of detainees continue to occur on a wide scale in Haiti,

Noting that the civilian Government which took office in Haiti on 7 February 1988 was overthrown on 20 June 1988,

1. Expresses its deep concern at the continuing deterioration in the situation of human rights and fundamental freedoms in Haiti;
2. Urges the Government of Haiti to observe full respect of the human rights and fundamental freedoms of its citizens;
3. Expresses its hope that the Expert appointed pursuant to Commission resolution 1988/51 will inform the Commission on the extent to which the evolution of the situation has influenced his ability to carry out his mandate;
4. Recommends to the Commission on Human Rights that, on the basis of the new situation and the Expert's report thereon, it consider at its forty-fifth session, without prejudice to the need to continue to render advisory services through the Secretary-General, the possibility of appointing a special rapporteur with a mandate to study and report on the situation of human rights and fundamental freedoms in Haiti;
5. Requests the Secretary-General to inform the Sub-Commission, at its forty-first session, of the deliberations of the Commission on Human Rights on this matter, as well as of any consideration which may be given to it by the General Assembly or the Economic and Social Council.

35th meeting
1 September 1988

[Adopted without a vote. See chap. VII]

1988/13. The situation of human rights in El Salvador

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, the International Covenant on Civil and Political Rights, article 3 common to the Geneva Conventions of 12 August 1949 and Additional Protocol II thereto,

Bearing in mind that, at their recent sessions, the General Assembly and the Commission on Human Rights regretted that in El Salvador serious and numerous violations of human rights as well as of the fundamental precepts of humanitarian law continued to be committed in spite of the fact that, according to the Special Representative of the Commission, the matter of human rights continued to be an important element of government policy,

Deeply concerned at the recent increase in the number of human rights violations committed in El Salvador with the intensification of the activities that terrify the population carried out by the death squads,

Deeply concerned also at the multiplication of government actions against the organized workers that try to exercise their labour rights,

Taking into account that, according to the opinion of the Special Representative, the amnesty law decreed by the Government can reinforce the impunity with regard to violations of human rights which at present exist in El Salvador,

Regretting that after the signing of the Esquipulas II Accords there has been no substantive advancement in the search for a comprehensive negotiated political solution in El Salvador due to the interruption again of the dialogue between the Government and the Frente Farabundo Martí para la Liberación Nacional - Frente Democrático Revolucionario,

Believing that the efforts to establish a climate for the protection of human rights and a process leading to a political solution could be frustrated unless States abstain from intervening in the internal situation in El Salvador and suspend all supplies of arms and any type of military assistance,

Concerned because the Government of El Salvador is not allowing the International Committee of the Red Cross to continue evacuating the war wounded and maimed as established by the Geneva Conventions and as has been agreed to with the Frente Farabundo Martí para la Liberación Nacional on 26 January 1987 in the city of Panama,

1. Expresses its deep concern for the recent increase in the number of human rights violations that are being committed in El Salvador and for the persistent inobservance of the fundamental norms of humanitarian law in the Geneva Conventions and its Additional Protocols;

2. Recommends that the Special Representative of the Commission should develop in his next report the conclusions he has reached to the effect that the death squads are usually made up of members of the police and armed services who, although dressed in mufti, act under the orders of superior officers and that, in addition, they continue to carry out captures for political reasons;

3. Confirms that in accordance with basic principles of humanitarian law the people, who do not participate directly in combat, although they may sympathize, accompany, supply food and live in zones under the control of the insurgents, preserve their civilian character, and therefore must not be subjected to military attacks and encirclements by government forces;

4. Requests the Special Rapporteur on Human Rights and Disability to undertake all measures that are within his reach tending towards achieving the prompt and regular evacuation of the war wounded and disabled and inform the Sub-Commission at its forty-first session as to the result of his humanitarian effort;

5. Strongly urges the Government of El Salvador to take the necessary steps to ensure that human rights are respected by all of its military, paramilitary and police forces and, if they do not do so, that they be judged by the competent authorities;

6. Expresses its hope that the Government of El Salvador and the Frente Democrático Revolucionario - Frente Farabundo Martí para la Liberación Nacional will do everything possible to renew their dialogue, especially for the purpose of facilitating the evacuation of the wounded in the framework of the Panama agreement of 26 January 1987, and will continue it until they achieve a comprehensive negotiated political solution that puts an end to the armed conflict and guarantees the full exercise of the economic, political and social rights of all Salvadorians;

7. Requests the Secretary-General to report to the Sub-Commission at its forty-first session on the results of the investigation of the Commission on Human Rights Special Representative and on the deliberations of the General Assembly and the Commission on Human Rights relating thereto.

35th meeting
1 September 1988

[Adopted without a vote. See chap. VII]

1988/14. The situation of human rights in Guatemala

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

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Taking note with satisfaction of the efforts made by the constitutional and democratically elected Government of Guatemala to restore the respect for, and protection of, human rights in that country,

Noting with serious concern, however, the lack of co-operation in this endeavour by some elements of the military and security forces in Guatemala,

Disturbed by reliable information that despite the determined efforts by the constitutional Government extensive violations continue to occur, in particular murders and disappearances affecting the lives of many persons,

1. Urges the Government of Guatemala to intensify its efforts to ensure that all its authorities and security forces fully respect the human rights and fundamental freedoms of its citizens;

2. Underlines in particular the need to secure the full enjoyment of human rights of the majority Indian populations of Guatemala, which have been subjected to extensive violations and which continue to face serious problems due to the way in which military operations in rural areas are carried out;

3. Encourages the Government of Guatemala to continue its efforts to create the conditions which would allow refugees to return to their places of origin with full guarantees for their safety and the exercise of their human rights, including their organization and expression as Indian communities;

4. Underlines the need to provide whatever assistance is possible to the Government in achieving these aims;

5. Endorses the view expressed by the Commission on Human Rights in its resolution 1988/50, paragraph 4, that the obligation to promote and protect human rights and fundamental freedoms calls not only for measures to guarantee the protection of those rights, but also for measures to prevent effectively any violation of those rights;

6. Takes note of the report of the Expert, Mr. Héctor Gross Espiell, on advisory services and other appropriate forms of assistance that can be rendered to the Government of Guatemala in pursuance of resolutions 1987/53 of 11 March 1987 and 1988/50 of 8 March 1988 of the Commission on Human Rights;

7. Recommends that the Expert in his forthcoming report give particular attention to the obstacles encountered as a consequence of non-co-operation by certain elements of the military and security forces, and that he indicate ways in which this can be remedied through advisory services and other forms of assistance.

35th meeting
1 September 1988

[Adopted without a vote. See chap. VII]

1988/15. The situation of human rights in Albania

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

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Considering that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Recalling its resolution 1985/20 of 29 August 1985,

Bearing in mind that, in its resolution 1988/17, of 2 March 1988 the Commission on Human Rights decided to discontinue consideration of the human rights situation in Albania under the confidential procedure and to take up consideration of the matter under the public procedure,

Deeply disturbed by the continuing reports of grave violations of human rights and fundamental freedoms in Albania, and in particular of violations of the right to freedom of thought, conscience and religion and the rights of ethnic and religious minorities, especially the Greek one,

Expressing grave concern about the constitutional and legal measures adopted by Albania to forbid religion in any form, including its teaching, practice, texts and symbolism,

Believing that these measures constitute an affront to human dignity, a flagrant and systematic violation of human rights, a disavowal of the principles of the Charter of the United Nations and an obstacle to friendly and peaceful relations between nations and peoples,

Bearing in mind Commission on Human Rights resolution 1988/55 of 8 March 1988 in which the Commission urged States, in accordance with their respective constitutional systems, to provide, where they have not already done so, adequate constitutional and legal guarantees for freedom of thought, conscience, religion and belief,

1. Strongly disapproves the inhuman treatment of the members of minorities living in Albania;

2. Requests the Commission on Human Rights:

(a) To urge the Government of the Socialist People's Republic of Albania to provide adequate constitutional and legal measures consistent with the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief with a view to ensuring that freedom of religion or belief is assured in a concrete manner, that discrimination on grounds of religion or belief is proscribed, and that adequate safeguards and remedies are provided against such discrimination;

(b) To call upon the Government of the Socialist People's Republic of Albania to restore and guarantee all human rights and fundamental freedoms of the members of the ethnic and religious minorities and in particular of the Greek ethnic minority, which is the largest one, and to free all the political prisoners;

3. Also requests the Secretary-General:

(a) To bring to the attention of the Commission on Human Rights and its Special Rapporteur on religious intolerance, Mr. Angelo Vidal d'Almeida Ribeiro, the allegations and information received concerning the grave violations of human rights and fundamental freedoms in Albania;

(b) To inform the Sub-Commission, at its forty-first session, of the deliberations of the Commission on Human Rights on this matter, as well as of any consideration which may be given to it by the General Assembly or the Economic and Social Council.

35th meeting

1 September 1988

[Adopted by 12 votes to 4, with 6 abstentions.

See chap. VII]

1988/16. The situation of human rights in Chile

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

Recalling its resolutions 1982/19 of 8 September 1982, 1983/19 of 5 September 1983, 1984/29 of 30 August 1984, 1985/27 of 30 August 1985 and 1987/20 of 2 September 1987,

Bearing in mind Commission on Human Rights resolution 1988/78 of 10 March 1988, the reports of the Special Rapporteur, the note submitted by the Secretary-General and the information provided by non-governmental and other organizations, which confirm the persistence of grave, systematic and repeated violations of human rights and fundamental freedoms in Chile,

Regretting the maintenance of a constitutional system, including an announced plebiscite, that prevents free expression of the will of the people, as well as the enactment of new legal, administrative and judicial provisions that place still more restrictions on civil and political rights and freedoms,

Deeply concerned at the persistence of grave, systematic and repeated violations of human rights and fundamental freedoms in Chile, and especially of the political, civil, economic, social and cultural rights of the indigenous populations,

Alarmed at the impunity with which the police and security services, especially the National Information Agency (CNI), operate in Chile,

Taking note of the lifting of the states of emergency, although still concerned about the maintenance of constitutional and legal rules which deny, restrict or limit the enjoyment and exercise of human rights and fundamental freedoms,

1. Affirms its conviction that the restoration of a legal and political system based on the participation of all Chileans and on free expression of the will of the people is a prerequisite for the full and effective enjoyment and exercise of human rights and fundamental freedoms in Chile;

2. Requests the Commission on Human Rights to urge the Chilean authorities to adopt measures for the restoration in that country of democratic institutions, the principle of legality and the effective enjoyment and exercise of human rights and fundamental freedoms, and in particular:

(a) To put an end to the constitutional and legal provisions which deny, restrict or limit universally-recognized fundamental freedoms and by virtue of which serious violations of human rights are committed;

(b) To allow an administrative and judicial investigation into all complaints of violations of human rights, making it possible to try and punish the persons responsible, whether military, police or security personnel, and to refrain from granting amnesties or other benefits leading to impunity for the guilty parties;

(c) To clarify the situation concerning disappeared persons, to suspend death sentences requested by military courts, to release all persons detained on political grounds and to respect the right to life and physical and moral integrity by discontinuing the practice of torture and other cruel, inhuman or degrading treatment or penalties;

(d) To lift the prohibitions or restrictions on Chileans living in and entering or leaving the country, by granting full freedom of residence and circulation;

(e) To ensure the independence and proper functioning of the courts, to return to the ordinary courts the jurisdiction in matters handed over to military judges, to co-operate in court proceedings by contributing to the effectiveness of legal remedies, especially habeas corpus and amparo, by respecting due process of law and by preventing the use of coercion on judges, defence lawyers and witnesses;

(f) To respect the political, economic, civil, social and cultural rights of indigenous populations, particularly the right to their lands;

(g) To restore civil, political, economic, social and cultural rights, particularly the labour and trade union rights of association, to bargain collectively and to strike;

3. Recommends to the Commission on Human Rights that it should continue to study the situation on human rights in Chile as a matter of high priority, and urges the Chilean authorities to respect and promote human rights in accordance with the international instruments to which Chile is a party;

4. Requests the specialized agencies, intergovernmental organizations and non-governmental organizations to submit to the Secretary-General, for transmittal to the Commission on Human Rights and the Special Rapporteur, any information on the situation of human rights in Chile;

5. Requests the Secretary-General to report to the Sub-Commission at its forty-first session on the findings of the further investigations by the Special Rapporteur of the Commission on Human Rights, as well as the deliberations and resolutions of the General Assembly and the Commission on Human Rights and, in general, all relevant facts concerning the situation of human rights in Chile.

35th meeting

1 September 1988

[Adopted without a vote. See chap. VII]

1988/17. Question of human rights of persons subjected to any form of detention and imprisonment: draft declaration on the protection of all persons from enforced or involuntary disappearances

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

Recalling resolution 33/173 of 20 December 1978 in which the General Assembly expressed concern about the reports from various parts of the world relating to enforced or involuntary disappearances, expressed concern about the anguish and sorrow caused by these disappearances, and called upon Governments to hold law enforcement and security forces legally responsible for unjustifiable excesses which might lead to enforced or involuntary disappearances,

Recalling further its resolution 1983/23 of 5 September 1983, by which it requested the Working Group on Detention to prepare a first draft of a declaration against unacknowledged detention of persons, as well as its resolution 1984/13 of 29 August 1984, requesting that the Working Group prepare a revised version of the draft declaration and its resolution 1985/26 of 29 August 1985 by which it recommended a revised version to the Commission on Human Rights,

Recalling also Commission on Human Rights decision 1986/106 of 13 March 1986 whereby it invited the Sub-Commission to reconsider the question of a declaration against unacknowledged detention of persons,

1. Expresses its appreciation to the Working Group on Detention for the progress made at its 1988 session in preparing the first draft of a declaration against the unacknowledged detention of persons;

2. Requests the Secretary-General:

(a) To transmit the annex to the report (E/CN.4/Sub.2/1988/28) of the Working Group on Detention, entitled "Draft declaration on the protection of all persons from enforced or involuntary disappearance" to Governments, the Centre for Social Development and Humanitarian Affairs, the Working Group on Enforced or Involuntary Disappearances, intergovernmental organizations and, non-governmental organizations in consultative status with the Economic and Social Council, as soon as possible after the present session of the Sub-Commission, for comments and suggestions;

(b) To prepare a report to be submitted to the Sub-Commission at its forty-first session summarizing the comments and suggestions received and to transmit the report to the present members of the Working Group on Detention prior to its 1989 session;

3. Requests the Working Group on Detention, taking into account the comments and suggestions received, to complete work on the draft declaration as soon as possible, with a view to submitting it to the Sub-Commission for approval preferably at its forty-first session.

35th meeting
1 September 1988

[Adopted without a vote. See chap. X]

1988/18. Draft universal declaration on indigenous rights

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

Recalling that in its resolution 1985/22 of 29 August 1985, the Sub-Commission endorsed the decision of the Working Group on Indigenous Populations to emphasize its standard-setting activities, with the aim of producing a draft declaration on indigenous rights which may be proclaimed by the General Assembly,

Mindful that the Commission on Human Rights, in its resolution 1988/44 of 8 March 1988, urged the Working Group to intensify its efforts to continue and to complete, as soon as possible, the elaboration of standards in this field,

Recalling in this regard that the Economic and Social Council, by its resolution 1988/36 of 27 May 1988, requested the Chairman-Rapporteur of the Working Group, Mrs. Erica-Irene Daes, to prepare a working paper containing a set of principles and preambular paragraphs for insertion in a draft declaration, for consideration by the Working Group at its sixth session in 1988,

Having examined with support and appreciation the working paper (E/CN.4/Sub.2/1988/25) prepared by Mrs. Erica-Irene Daes at the request of the Economic and Social Council,

Satisfied that the preliminary draft declaration is consistent with General Assembly resolution 41/120 of 4 December 1986,

Having examined, also, the report and recommendations of the Working Group on its sixth session (E/CN.4/Sub.2/1988/24 and Add.1-2),

Convinced of the urgent need to promote and protect indigenous rights by means of a continued and comprehensive review of developments in this field, as well as through the evolution of standards, particularly by means of the preparation of a draft declaration on indigenous rights,

1. Expresses its appreciation to the Working Group and especially to its Chairman-Rapporteur, Mrs. Erica-Irene Daes, for the progress made at its sixth session in carrying out its mandate, with particular reference to her thorough and useful working paper containing draft principles and preambular paragraphs for insertion in a draft declaration;
2. Expresses its deep satisfaction with the continued constructive participation of observers for Governments, indigenous peoples, specialized agencies and non-governmental organizations, and welcomes the initiative taken by indigenous non-governmental organizations in planning preparatory meetings of indigenous representatives in advance of its sessions;
3. Appreciates the fact that the United Nations Voluntary Fund for Indigenous Populations was able to facilitate the participation of a significant number of representatives of indigenous peoples in the sixth session of the Working Group, and thanks those Governments and non-governmental organizations which have made generous contributions to the Fund;
4. Endorses the decision of the Working Group to adopt the working paper prepared by its Chairman-Rapporteur as the framework for the drafting of a universal declaration on indigenous rights in accordance with the plan of action contained in its report and recommendations;
5. Requests the Secretary-General:
 - (a) To transmit the Working Group's report to Governments, indigenous peoples, intergovernmental and non-governmental organizations, as soon as possible after the present session of the Sub-Commission, for specific comments and proposals for the further elaboration of the text now contained in annex II to the report;

(b) To give all necessary assistance to the Working Group in discharging its tasks, including the wider dissemination of information about its activities to indigenous organizations to encourage their wider participation, and to consider ways and means of better publicizing the aims and procedures of the Working Group within the framework of the information activities of the Centre for Human Rights;

6. Recommends that the Chairman-Rapporteur of the Working Group, Mrs. Erica-Irene Daes, be entrusted with the task of preparing a first revised text of the draft declaration based on comments made at the sixth session of the Working Group and on written observations and suggestions received in accordance with subparagraph 5 (a) above;

7. Reiterates its recommendation that the reports of the Working Group should be made available to the Commission on Human Rights at each of its sessions;

8. Decides to include in the agenda of its forty-first and future sessions, as a matter of high priority, an item entitled "Discrimination against indigenous peoples."

36th meeting

1 September 1988

[Adopted without a vote. See chap. XIII]

1988/19. Proposal to proclaim an international year for the promotion of indigenous rights

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

Noting that the Economic and Social Council, by its resolution 1988/37 of 27 May 1988, recommended that the General Assembly should, when appropriate, proclaim an international year of the world's indigenous populations,

Mindful that the Economic and Social Council, by its resolution 1988/35 of 27 May 1988, encouraged States to ensure that educational and informational activities give an accurate interpretation of history, and do not perpetuate or justify theories of racial superiority or the subjugation of indigenous or other peoples,

Conscious of the recommendations of the Second World Conference to Combat Racism and Racial Discrimination, with regard to the protection of indigenous rights, and to the use of education and the mass media to combat racial discrimination,

Recalling its approval, by its resolution 1987/6 of 31 August 1987, of the progress report of Mr. Asbjørn Eide on the achievements made and obstacles encountered during the Decade for Action to Combat Racism and Racial Discrimination (E/CN.4/Sub.2/1987/6), which noted the relationship between racial discrimination and discrimination against indigenous peoples,

1. Recommends that an international year for indigenous rights should be proclaimed to coincide with the end of the Second Decade for Action to Combat Racism and Racial Discrimination in 1993;

2. Requests the Secretary-General to bring this resolution to the attention of the General Assembly in connection with its consideration of resolution 1988/37 of the Economic and Social Council.

36th meeting
1 September 1988

[Adopted without a vote. See chap. XIII]

1988/20. Study on treaties, agreements and other constructive agreements between States and indigenous populations

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

Recalling that in its resolution 1988/56 of 9 March 1988 the Commission on Human Rights recommended to the Economic and Social Council to authorize the appointment of Mr. Miguel Alfonso Martínez to prepare an outline on the possible purposes, scope and sources of a study to be conducted on the potential utility of treaties, agreements and other constructive arrangements between indigenous populations and Governments and requested the Special Rapporteur to submit the said outline to the Sub-Commission for consideration by the Working Group on Indigenous Populations at its sixth session,

Further recalling that in decision 1988/134 of 27 May 1988 the Economic and Social Council appointed Mr. Miguel Alfonso Martínez Special Rapporteur of the Sub-Commission with the mandate to prepare the aforementioned outline,

Bearing in mind the recommendation made by Mr. José R. Martínez Cobo, Special Rapporteur for the Study on the Problem of Discrimination against Indigenous Populations, to the effect that a thorough and careful study should be conducted on the treaties concluded between indigenous populations and States (E/CN.4/Sub.2/1986/7/Add.4, paras. 388-392),

Taking account of the report of the Working Group on Indigenous Populations on its sixth session (E/CN.4/Sub.2/1988/24, annex I), whereby the Working Group endorses the outline (E/CN.4/Sub.2/1988/24/Add.1, annex III) prepared by the Special Rapporteur, Mr. Miguel Alfonso Martínez, and recommends to the Sub-Commission that it recommend full authorization from the Economic and Social Council in 1989 for the Special Rapporteur to proceed with the study,

Taking note of the substantive debate on the outline at the Working Group's sixth session as duly reflected in its report (E/CN.4/Sub.2/1988/24, paras. 96-112),

Convinced that a study on the potential utility of treaties, agreements and other constructive arrangements between indigenous populations and Governments would strengthen the standard-setting role of the Working Group,

1. Endorses the outline of the study prepared by the Special Rapporteur and considers it a good basis for carrying out the study;

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

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

36th meeting
1 September 1988

[Adopted by a roll-call vote of 20 to 1, with 1 abstention. See chap. XIII]

1988/21. Programme of advisory services in the field of human rights

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

Recalling General Assembly resolution 926 (X) of 14 December 1955, by which the Assembly established the programme of advisory services in the field of human rights,

Mindful that the Assembly, in paragraph 7 of its resolution 926 (X), expressed the hope that non-governmental organizations, universities, philanthropic foundations and other private groups would supplement the United Nations programme in this field,

Bearing in mind that resolution 1988/35 of 27 May 1988 of the Economic and Social Council requested the Secretary-General to invite representatives of indigenous nations, peoples and communities to participate in the planning and implementation of activities under the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination,

Noting that, by the same resolution, the Economic and Social Council requested the Secretary-General to organize in 1988, within the programme of advisory services, a seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States,

Noting also the report and recommendations of the Working Group on Indigenous Populations on its sixth session (E/CN.4/Sub.2/1988/24 and Add.1-2),

1. Requests the Secretary-General to ensure that participation in the seminar on social and economic relations between indigenous peoples and States, and any future seminars or meetings of experts in the field of indigenous rights includes appropriate representation of organizations of indigenous peoples;

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

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

36th meeting
1 September 1988

[Adopted without a vote. See chap. XIII]

1988/22. Draft second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty

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

Mindful of its resolution 1984/7 of 28 August 1984 by which it entrusted its Special Rapporteur, Mr. Marc Bossuyt, with the preparation of a comparative analysis concerning the proposal to elaborate a second optional protocol to the International Covenant on Civil and Political Rights, taking into account the documents considered and the views expressed in the General Assembly, the Commission on Human Rights and the Sub-Commission in favour or against the idea of elaborating such a protocol,

1. Expresses its deep appreciation to its Special Rapporteur, Mr. Marc Bossuyt, for his thorough analysis concerning the proposal to elaborate a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty;

2. Transmits the comparative analysis and the comments expressed at its thirty-ninth and fortieth sessions and the draft second optional protocol to the International Covenant on Civil and Political Rights, prepared by the Special Rapporteur (E/CN.4/Sub.2/1987/20), to the Commission on Human Rights for its consideration.

36th meeting
1 September 1988

[Adopted without a vote. See chap. X]

1988/23. Question of human rights of persons subjected to any form of detention and imprisonment: detainees and hostages in Lebanon

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

Expressing its deep concern at the continuing detention of foreign and Lebanese hostages in Lebanon in violation of the basic principles of human rights, in particular article 9 of the Universal Declaration of Human Rights, article 9 of the International Covenant on Civil and Political Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief adopted by the General Assembly on 25 November 1981 in its resolution 36/55,

Taking note of the repetitive deplorations and condemnations expressed by the Government of Lebanon of all the acts of abduction which took place on the territory of Lebanon, and its intention to co-operate within its power with all the international parties concerned to release those hostages as soon as possible,

Calls upon all parties, local and regional, involved in the war in Lebanon to release immediately and unconditionally all their detainees and hostages detained for political, religious or ethnical reasons or any other reason inconsistent with the norms of human rights and to use whatever influence they have on those in direct control of detainees and hostages.

36th meeting
1 September 1988

[Adopted without a vote. See chap. X]

1988/24. Question of human rights and states of emergency

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

Recalling Economic and Social Council resolution 1985/37 of 30 May 1985, Commission on Human Rights resolution 1983/18 of 20 February 1983 and Sub-Commission resolution 1983/28 of 6 September 1983 concerning the question of human rights and states of emergency,

Recalling that, by its resolution 1985/32 of 30 August 1985, the Sub-Commission requested Mr. Leandro Despouy to draw up and update a list of countries which proclaim or terminate a state of emergency each year and to submit an annual special report containing reliably attested information on compliance with the rules, internal and international, guaranteeing the legality of the introduction of a state of emergency,

Bearing in mind General Assembly resolutions 42/103 and 42/147 of 7 December 1987 in which the Assembly stressed the importance of avoiding the erosion of human rights by derogation, and observed that the maintenance of states of emergency constitutes the source of frequent violations of human rights and gives rise to the arbitrary intervention of the authorities in the free exercise of democratic activities,

Bearing in mind also Commission on Human Rights resolution 1988/33 of 8 March 1988 in which the Commission requested the Sub-Commission to continue to give attention to the question of states of siege or emergency,

Having noted during the work of its thirty-eighth, thirty-ninth and fortieth sessions, the importance for the effective enjoyment of human rights of the principles concerning respect for the rules, national and international, guaranteeing the legality of the introduction of the state of emergency,

Having noted the need to strengthen the observance of the intangible rights referred to in article 4 of the International Covenant on Civil and Political Rights, particularly the right to life and the prohibition of torture, as well as the legal guarantees enabling a remedy to be sought from the competent authorities,

Having noted further that, in some circumstances, such as situations of war, armed conflict or internal unrest, emergency measures are taken without a state of emergency being officially proclaimed and that such measures have an impact on human rights which warrants thorough study by the Special Rapporteur,

1. Expresses its satisfaction with the Special Rapporteur's second annual report and with the list of States which have proclaimed, extended or terminated a state of emergency, since 1 January 1985 (E/CN.4/Sub.2/1988/18 and Add.1);

2. Expresses its appreciation also to Governments, competent organs of the United Nations, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status which have submitted their information and comments to the Special Rapporteur on the question of human rights and states of emergency;

3. Invites Governments, competent organs of the United Nations, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status to provide to the Special Rapporteur further information and comments;

4. Invites Governments to limit the introduction of states of emergency exclusively to situations which are sufficiently serious and exceptional to justify them, particularly with regard to internal unrest and tensions, in order to avoid making the use of states of emergency commonplace and thus possibly perpetuating them;

5. Recognizes the fundamental importance of the existence, in each country, of specific and effective national legislation enabling such situations to be dealt with in a manner conforming to international norms and invites Governments which have not yet done so to consider the adoption of internal legislation consistent with the requirements of international instruments concerning states of emergency, and requests the Special Rapporteur, in conjunction with the Special Rapporteur on detention without charge or trial, to submit to the Sub-Commission draft standard provisions on emergency situations, including situations of internal unrest or tensions;

6. Invites the Special Rapporteur to continue to carry out the work with which he has been entrusted and to present to the Sub-Commission at its forty-first session the next annual report and list updated on the basis of the information received and to update his present report so that the Commission on Human Rights, at its forty-fifth session, will have before it the most recent and accurate information available;

7. Requests the Secretary-General to give the Special Rapporteur all the assistance he may require in order to enable him to carry out his work successfully;

8. Decides to examine the updated report and list transmitted by the Special Rapporteur at its forty-first session as a matter of high priority under the agenda item "The administration of justice and the human rights of detainees: (b) Question of human rights and states of emergency".

36th meeting

1 September 1988

[Adopted without a vote. See chap. X]

1988/25. Draft declaration on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

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

Recalling its resolution 5 (XXXII) together with resolution 16 (XXXVI) of 29 February 1980 of the Commission on Human Rights and decision 1980/124 of 2 May 1980 of the Economic and Social Council entrusting Mr. L.M. Singhvi with the preparation of a report on the Independence and Impartiality of the Judiciary, Jurors and Assessors and the Independence of Lawyers,

Recalling further the Preliminary and Progress Reports and the Final Report submitted by the Special Rapporteur,

Having considered the Special Rapporteur's excellent and exceptionally erudite study of the subject, as well as his report and the revised Draft declaration on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers (E/CN.4/Sub.2/1988/20/Add.1) submitted pursuant to its resolution 1987/23 of 3 September 1987,

Conscious of the fundamental and far-reaching importance of the principles for safeguarding the independence of justice in all its aspects,

Bearing in mind the Basic Principles on the Independence of the Judiciary, adopted unanimously by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

1. Expresses its appreciation and thanks to the Special Rapporteur, Mr. L.M. Singhvi, for the enduring and valuable contribution he has made to the legal doctrine relating to the independence of justice, which is one of the primary prerequisites for the promotion and protection of human rights;

2. Decides to refer to the Commission on Human Rights, for further consideration, the Draft declaration on the independence and impartiality of the judiciary, jurors and assessors and the Independence of lawyers proposed by the Special Rapporteur and all other relevant documentation of the Sub-Commission including the summary records of the discussion thereon;

3. Decides to consider the item: "Draft Declaration on the Independence and Impartiality of the Judiciary, Jurors and Assessors and the Independence of Lawyers", at its forty-first session.

36th Meeting
1 September 1988
[Adopted without a vote. See chap. XI]

1988/26. Movement and dumping of toxic and dangerous products and wastes

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

Taking into consideration the General Assembly resolution 42/183 of 11 December 1987,

Noting that the Secretary-General in his preliminary report on illegal traffic in toxic and dangerous wastes (E/1988/72) drew attention to the increased traffic in toxic and dangerous products and wastes especially from the developed countries to the developing countries.

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

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

36th meeting
1 September 1988
[Adopted without a vote. See chap. XII]

1988/27. Respect for the right to life: elimination of chemical weapons

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, the International Covenants on Human Rights, and the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto,

Reaffirming article 3 of the Universal Declaration of Human Rights that "Everyone has the right to life, liberty and security of person",

Reaffirming article 5 of the Universal Declaration of Human Rights that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment",

Having reference to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare signed at Geneva on 17 June 1925,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Deeply concerned by the reports of the increased use of chemical weapons, especially against civilian populations,

Deeply shocked and saddened by the destruction of human life, life-long disabilities and great suffering caused by chemical weapons,

Conscious of the necessity for the international community to take urgent and effective measures to prevent the future use of chemical weapons in violation of international law in order to protect human life,

Bearing in mind the current negotiations in the Conference on Disarmament on the complete, effective and verifiable prohibition of the development, production, stockpiling and use of all chemical weapons and on their destruction,

1. Renews its call to all States to observe strictly the principles and objectives of the 1925 Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, and condemns all actions that violate this obligation;

2. Calls on all States which have not yet done so to consider on a priority basis acceding to the said Protocol;

3. Urges all States to be guided in their national policies by the need to curb the spread of chemical weapons and, wherever the use of chemical weapons is clearly established, to take effective and speedy action to cut off the supply of chemical weapons, agents or key precursors to the State proven to have used chemical weapons;

4. Requests the Secretary-General:

(a) To collect information, on the basis of relevant and reliable sources, on the use of chemical weapons, and on the danger they represent to life, physical security and other human rights;

(b) To present a report on the information received to the Sub-Commission at its forty-first session, together with any recommendations and views which he might receive on effective ways and means of eliminating chemical weapons.

36th meeting
1 September 1988

[Adopted without a vote. See chap. XII]

1988/28. Draft body of principles and guarantees for the protection of mentally-ill persons and for the improvement of mental health care

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

Having considered 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,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations and other international instruments, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Considering that these rights derive also from the inherent dignity of the human person,

Considering also the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Recalling resolutions 38/111 of 16 December 1983, 41/114 of 4 December 1986 and 42/98 of 7 December 1987, by which the General Assembly stressed the need for a body of principles, guidelines and guarantees for the protection of mentally-ill persons,

Recalling also Sub-Commission resolution 1987/22

Having regard to article 9 of the Universal Declaration of Human Rights and article 10 of the International Covenant on Civil and Political Rights, in particular, both of which provide that no one may be subjected to arbitrary detention,

Having regard further to the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, which provides that States shall take action to ensure compliance with legislation guaranteeing human rights and freedom in the conditions of scientific and technological developments,

Having regard also to the Declaration on the Rights of Disabled Persons, which provides that States shall take effective measures to protect persons against all treatment of a discriminatory, abusive or degrading nature,

1. Thanks the Working Group, the World Health Organization and non-governmental organizations for the work they have accomplished during the fortieth session of the Sub-Commission towards the adoption of a draft body of principles and guarantees for the protection of mentally-ill persons and for the improvement of mental health care;

2. Adopts the draft body of principles and guarantees for the protection of mentally-ill persons and for the improvement of mental health care;

3. Decides to submit to the Commission on Human Rights the present draft for further consideration;

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

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

36th meeting
1 September 1988

[Adopted without a vote. See chap. XII]

1988/29. Guidelines on the use of computerized personal files

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

Recalling the relevant provisions of the Proclamation of Teheran and the resolutions of the General Assembly concerning human rights and scientific and technological developments, as well as resolution 1984/27 of 12 March 1984 of the Commission on Human Rights welcoming the study on guidelines concerning the use of computerized personal files, prepared by the Special Rapporteur, Mr. L. Joinet,

Reaffirming that the use of computers, which now extends to most regions of the world, is an important factor for progress provided that it is accompanied by suitable guarantees, in particular in the case of files intended for processing data relating to individuals,

Responding to the request addressed by the Commission to the Sub-Commission to consider measures which could be taken in this field, particularly by elaborating guidelines on the use of computerized personal files,

Considering with satisfaction the draft guidelines submitted to the Sub-Commission by the Special Rapporteur, Mr. L. Joinet, with a view to encouraging Member States to adopt regulations based on those guidelines,

1. Expresses its appreciation to its Special Rapporteur, Mr. Louis Joinet, for his outstanding study on guidelines concerning the use of computerized personal files;

2. Welcomes the many recommendations contained in his final report, in particular the draft guidelines applicable to computerized personal data files;

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

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

36th meeting
1 September 1988

[Adopted without a vote. See chap. XII]

1988/30. Encouragement of universal acceptance of human rights instruments

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

Recalling its resolutions 1 B (XXXII) of 5 September 1979, 19 (XXXIV) of 10 September 1981, 1982/2 of 7 September 1982, 1983/27 of 6 September 1983, 1984/36 of 30 August 1984, 1985/5 of 27 August 1985 and its decision 2 (XXXIII) of 11 September 1980 on the encouragement of universal acceptance of human rights instruments,

Having considered the report (E/CN.4/Sub.2/1988/27) of the Secretary-General transmitting the information submitted by Governments,

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

2. Requests the Secretary-General to renew the invitation for submission of information communicated by his earlier notes verbales 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 ratified;

3. Requests the Secretary-General to examine further the idea of offering technical assistance in the form of legal training of the local staff or by providing human rights experts to assist in the drafting of the necessary legislation and regulations, with a view to enabling the Member States to ratify or accede to international human rights instruments;

4. Requests the Secretary-General to keep under review the idea of designating regional advisers on international human rights standards whose function would include advising the States concerned on acceptance and implementation of international human rights instruments;

5. Requests the Secretary-General to continue holding informal discussions concerning prospects for ratification of human rights instruments, with government delegations on the occasion, for example, of the sessions of the General Assembly and the Commission on Human Rights, priority being given to the instruments prepared by the Commission on Human Rights such as the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Optional Protocol to that Covenant; the International Convention on the Elimination of All Forms of Racial Discrimination; the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

6. Requests the Secretary-General to continue to inform the Sub-Commission as appropriate on his endeavours under the present resolution and to update the table containing a country-by-country record of developments which have taken place in connection with the ratification of, or accession to, the human rights instruments included in the terms of reference of the Sub-Commission;

7. Decides to request the Chairman of the Sub-Commission to appoint one of its members to report to it at its forty-second session on information received under the present resolution;

8. Decides to inscribe on the agenda of its forty-second session an item entitled: "Encouragement of universal acceptance of human rights instruments", and subsequently to consider the item at alternate sessions of the Sub-Commission.

36th meeting
1 September 1988

[Adopted without a vote. See chap. XIV]

1988/31. Slavery and slavery-like practices

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

Having considered the report of the Working Group on Contemporary Forms of Slavery submitted at its fortieth session (E/CN.4/Sub.2/1988/32),

Gravely concerned at the evidence of the perpetuation and even the recrudescence of various contemporary forms of slavery in many parts of the world,

1. Takes note with appreciation of the report of the Working Group on Contemporary Forms of Slavery;

2. Approves the programme of work of the Working Group for the period 1989-1991 contained in chapter VI of that report;

3. Expresses satisfaction with the greater number of intergovernmental agencies present at the thirteenth session of the Working Group and reiterates that the following bodies should be urged to attend the sessions of the group:

Centre for Social Development and Humanitarian Affairs, Commission on the Status of Women, Department of Public Information, United Nations Children's Fund, United Nations Development Fund, International Labour Organisation, Food and Agriculture Organization, United Nations Educational, Scientific and Cultural Organization, World Health Organization, World Bank, International Monetary Fund, International Criminal Police Organization and the Inter-American Child Institute;

4. Emphasizes the importance of informing and educating children on the dangers of child prostitution and child pornography and appeals to relevant international institutions to promote this sort of information and education;

5. Recommends that the United Nations agencies dedicated to child welfare, particularly the United Nations Children's Fund and the International Labour Organisation, study the problem of child labour with a view to assisting those countries in which it exists to eradicate it;

6. Recommends that all competent United Nations agencies, development banks and intergovernmental bodies involved in development projects ensure that no child be employed either directly or through local sub-contractors;

7. Recommends that all competent United Nations agencies, development banks and intergovernmental bodies involved in development projects ensure that their projects do not perpetuate or involve bonded labour, and that they contribute to its elimination;

8. Recommends that Member States, where the phenomenon of bonded labour exists, be urged to take effective means, especially at the implementation level, to curtail bonded labour, for example:

(a) By seeking and encouraging the involvement of non-governmental organizations;

(b) By effective dissemination of national legislation on labour rights and on the prohibition of bonded labour particularly directed towards victims of bonded labour;

(c) By setting up vigilance committees under the law;

(d) By invoking to the fullest extent the constraining power of the law against the violators;

9. Encourages United Nations institutions, in particular the United Nations Educational, Scientific and Cultural Organization, to examine the possibility of organizing expert meetings on the international standards regarding the prevention of traffic in persons and exploitation of the prostitution of others;

10. Requests the Secretary-General to send the report of the thirteenth session of the Working Group to the Branch for the Advancement of Women at the United Nations Office in Vienna and the Committee on the Elimination of Discrimination against Women;

11. Requests the Secretary-General to invite the Branch for the Advancement of Women at the United Nations Office in Vienna to send information, contained in the State reports submitted under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, which refers to prostitution under article 6 of that Convention, to the Working Group;

12. Requests the Secretary-General to seek means to facilitate the participation of indigenous peoples in the Working Group;

13. Requests the Secretary-General to prepare an annotated agenda of the work of the Working Group for each session;

14. Recalls that one professional post has been included in the budget of the Centre for Human Rights specifically for questions relating to slavery and practices similar to slavery, and requests the Secretary-General to assign a full-time professional staff member to serve the Working Group and other activities relating to contemporary forms of slavery;

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

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

36th meeting

1 September 1988

[Adopted without a vote. See chap. XV]

1988/32. Draft international instrument on freedom of religion or belief

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

Recalling its resolution 1987/33 of 4 September 1987, in which it welcomed the recommendations made by the Sub-Commission's Special Rapporteur, Mrs. Elizabeth Odio Benito, relating to the need for the elaboration of a new binding international instrument on freedom of religion or belief,

Further recalling resolution 1988/55 of 8 March 1988 of the Commission on Human Rights, in which it endorsed those recommendations, and also requested the Sub-Commission to examine issues relating to the drafting of such an instrument and to report on the above issues to the Commission at its forty-fifth session,

Having carefully studied the analysis of the above-mentioned issues contained in the papers by Mrs. Elizabeth Odio Benito (E/CN.4/Sub.2/1987/26) and the Commission's Special Rapporteur, Mr. Angelo Vidal d'Almeida Ribeiro (E/CN.4/1988/45 and Add.1),

Taking into account the work already accomplished in the elaboration of international legal standards and norms concerning the elimination of intolerance and discrimination based on religion or belief,

Bearing in mind that the work carried out by the pre-sessional Working Group of the Commission to draft a convention on the rights of the child may be successfully completed in 1989, thus creating favourable conditions for the establishment of a pre-sessional open-ended working group to draft a convention on freedom of religion or belief without calling for additional financial resources,

Recommends to the Commission on Human Rights that it should consider establishing a pre-sessional working group on the topic immediately after the mandate of the Working Group to draft a convention on the rights of the child has come to an end.

36th meeting

1 September 1988

[Adopted without a vote. See chap. V]

1988/33. Realization of economic, social and cultural rights

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

Recalling that the Universal Declaration of Human Rights provides that all persons are entitled to the realization of the economic, social and cultural rights which are indispensable to their dignity and the free development of their personality,

Convinced that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Concerned that the implementation and promotion of economic, social and cultural rights and the obstacles to their realization have not yet received sufficient attention within the framework of the United Nations system,

Conscious of the need to secure full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights, including the rights of the most vulnerable and disadvantaged,

Convinced of the need to consider more effective and practical measures for the fuller realization of economic, social and cultural rights, which take into account recent developments in international law and in the world economic and social situation,

Recalling its resolution 1987/29 A of 3 September 1987, which recommended the appointment of a special rapporteur to study problems, policies and progressive measures relating to a more effective realization of economic, social and cultural rights,

Welcoming resolution 1988/22 of 7 March 1988 of the Commission on Human Rights, inviting the Sub-Commission to appoint from among its members a special rapporteur for this purpose,

1. Decides to entrust Mr. Danilo Türk with a study of problems, policies and progressive measures relating to the more effective realization of economic, social and cultural rights;
2. Recommends that the Special Rapporteur take account of the guidelines and issues contained in resolution 1987/29 A of the Sub-Commission;
3. Requests the Special Rapporteur to make a preliminary report to the Sub-Commission at its forty-first session;
4. Requests the Secretary-General to provide the Special Rapporteur with all the assistance which he may require for the successful completion of these tasks;

5. Recommends to the Commission on Human Rights and to the Economic and Social Council that they request the Secretary-General to provide the Special Rapporteur with all the assistance which he may require for the successful completion of his tasks.

36th meeting
1 September 1988
[Adopted without a vote. See chap. V]

1988/34. Traditional practices

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

Concerned about the continuation of harmful traditional practices which violate the rights of women and children,

Taking into consideration the study of the special Working Group on Traditional Practices (E/CN.4/1986/42) and resolution 1986/28 of 11 March 1986 of the Commission on Human Rights,

Responding to the request of the Commission on Human Rights in its resolution 1988/57 of 9 March 1988,

1. Requests Mrs. Halima Embarek Warzazi to study on the basis of information to be gathered from Governments, specialized agencies, other intergovernmental and non-governmental organizations concerned, recent developments with regard to traditional practices affecting the health of women and children and to bring the results of her study to the attention of the Sub-Commission at its forty-first session,

2. Requests the Secretary-General to provide Mrs. Warzazi with all the necessary assistance.

36th meeting
1 September 1988
[Adopted without a vote. See chap. V]

1988/35. Creating respect for human rights: strengthening human rights teaching

Taking into consideration that article 26 of the Universal Declaration of Human Rights and article 13 of the International Covenant on Economic, Social and Cultural Rights proclaim that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen respect for human rights and fundamental freedoms,

Recalling General Assembly resolution 217 D (III) of 10 December 1948, recommending that Member States use every means within their power to publicize the text of the Universal Declaration of Human Rights, principally in schools and other educational institutions,

Recalling also General Assembly resolution 2245 (XXIII) of 19 December 1968, requesting Member States to encourage study of the principles contained in the Universal Declaration of Human Rights in primary and secondary schools, and in the training of teaching staff for such schools,

Guided by General Assembly resolution 42/118 of 7 December 1987, and by Commission on Human Rights resolution 1988/74 of 10 March 1988, reaffirming that programmes of teaching, education and information are central to the achievement of lasting respect for human rights and fundamental freedoms,

Noting that the Assembly, in its resolution 42/118 of 7 December 1987, requested the Secretary-General to prepare a report on the advisability of launching a World Public Information Campaign on Human Rights in 1989, and to include in the report an outline of planned activities,

Believing that such a campaign, if launched, should be directed especially to youth, through the medium of effective educational materials,

Recognizing the experience and continued activities of the United Nations Educational, Scientific and Cultural Organization in this field,

Convinced that an important contribution to education and teaching in human rights would be made by the preparation on the international level of human rights teaching materials for all levels of education and for those outside the school system that could be adapted to the requirements of the diverse societies,

Convinced further of the need to train teachers in the teaching of human rights and of providing suitable materials for that purpose,

Requests the Secretary-General in co-operation with the United Nations Educational, Scientific and Cultural Organization and other competent organizations and in the light of the materials and programmes now existing, to prepare a global programme for the preparation of teaching materials for all levels of education and for those outside the school system and for the training of teachers to teach human rights and the preparation of the required materials for that purpose.

36th meeting
1 September 1988

[Adopted without a vote. See chap. V]

1988/36. Protection of minorities

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

Recalling resolution 217 C (III) of the General Assembly of 10 December 1948, expressing concern for the fate of minorities, and requesting the Sub-Commission to study effective measures for their protection,

Conscious of the continued efforts of the Commission on Human Rights to draft a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities, in accordance with its resolution 14 (XXXIV) of 6 March 1978,

Mindful that its terms of reference, as contained in the report of the Commission on Human Rights on its fifth session (Economic and Social Council, Official Records, ninth session, Supplement 10 (1949)), includes both the prevention of discrimination and the protection of racial, national, religious and linguistic minorities,

Believing that its dual mandate recognizes a distinction between equality of treatment and the protection of persons belonging to minorities from undesired assimilation (E/CN.4/Sub.2/8 (1947)),

Concerned that many of the situations brought to its attention involve questions of the assimilation, integration, autonomy of minorities or transformation of majorities into minorities through settlement policies,

Convinced of the need to explore more practical approaches to the protection of minorities, in line, inter alia, with the conclusions of its special rapporteur on the rights of persons belonging to ethnic, religious and linguistic minorities (E/CN.4/Sub.2/384/Rev.1 (1974)),

Guided by the principles contained in the International Bill of Human Rights, and especially by General Assembly resolution 2625 (XXV) of 24 October 1970, containing the Declaration of Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

Reaffirming, in accordance with the Charter, the basic importance of sovereign equality, and the inviolability of the national unity and territorial integrity of States,

1. Invites Ms. Claire Palley to prepare, without financial implications, a working paper on possible ways and means to facilitate the peaceful and constructive resolution of situations involving racial, national, religious and linguistic minorities;

2. Requests the Secretary-General to provide Ms. Palley with all the assistance necessary for the completion of this task.

36th meeting
1 September 1988

[Adopted without a vote. See chap. V]

1988/37. Prevention of discrimination and protection of children:
human rights and youth

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

Recalling its appointment in 1985 of Dumitru Mazilu, expert from Romania, to prepare a report on human rights and youth, and that his membership in the Sub-Commission expired before the completion of the study entrusted to him as Special Rapporteur of the Sub-Commission,

Considering that Mr. Mazilu in his continuing capacity of Special Rapporteur enjoys the privileges and immunities, necessary for the performance of his duties, as provided for in Section 22 of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946, to which Romania is a party,

Stressing the urgent need to have the said report presented to it by Mr. Mazilu as soon as possible,

Taking into account that, if Mr. Mazilu should be unable for whatever personal reasons to complete and present himself the said report to the Sub-Commission, he should be given any possible assistance by the United Nations enabling him to complete his report, with such assistance, in Romania,

Recalling that on 15 August 1988 it adopted to that end - by a vote of 15 in favour, 2 against, 4 abstentions and 3 not participating - the following decision:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities requests the Secretary-General to establish contact with the Government of Romania and to bring to the Government's attention the Sub-Commission's urgent need to establish personal contact with its Special Rapporteur, Mr. Dumitru Mazilu, and to convey the request that the Government assist in locating Mr. Mazilu and facilitate a visit to him by a member of the Sub-Commission and the Secretariat to help him in the completion of his study on Human Rights and Youth, if he so wishes. The Sub-Commission invites the Secretary-General to inform it on developments in this matter on Wednesday, 17 August 1988."

Having been informed, however, on 17 August 1988 by the Under-Secretary-General for Human Rights of a communication which the Government of Romania had addressed to the United Nations Secretary-General stating that the Secretariat had no juridical basis to intervene in a matter between a citizen and his Government and that the Romanian Government rejected the request to allow a visit to Mr. Mazilu,

1. Requests the Secretary-General to approach once more the Government of Romania and invoke the applicability of the Convention on the Privileges and Immunities of the United Nations, and request the Government to co-operate fully in the implementation of the present resolution by ensuring that Mr. Mazilu's report be completed and presented to the Sub-Commission at the earliest possible date, either by himself or in the manner indicated above;

2. Further requests the Secretary-General, in the event the Government of Romania does not concur in the applicability of the provisions of the said Convention in the present case, and thus with the terms of the present resolution, to bring the difference between the United Nations and Romania immediately to the attention of the Commission on Human Rights at its forthcoming forty-fifth session in 1989;

3. Requests the Commission on Human Rights, in the latter event, to urge the Economic and Social Council to request, in accordance with General Assembly resolution 89 (1) of 11 December 1946, from the International Court of Justice an advisory opinion on the applicability of the relevant provisions of the Convention on the Privileges and Immunities of the United Nations to the present case and within the scope of the present resolution.

36th meeting
1 September 1988

[Adopted by a roll-call vote of 16 to 4, with
with 3 abstentions. See chap. XVI]

1988/38. Protection of human rights defenders

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

Recalling resolution 1988/71 of 10 March 1988 of the Commission on Human Rights in which the Commission noted with satisfaction the progress made and the satisfactory drafting undertaken prior to and during its forty-fourth session by the open-ended working group of the Commission which is drafting a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Deeply disturbed at the continuing widespread violation of the rights of individuals and groups engaged in the promotion and protection of universally recognized human rights and fundamental freedoms of others,

Noting the importance and relevance to the protection of the rights of such individuals and groups of the work being undertaken on the drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect human rights,

1. Expresses its concern at the incidence of detention, torture, disappearances and extra-legal execution of individuals, in particular those within their own countries, who are working to promote and protect universally recognized human rights and fundamental freedoms in their countries, including lawyers complying with their professional ethical obligations to defend the legal rights of their clients;

2. Calls for the release of all persons detained, in violation of the rights to freedom of speech, association and assembly, for defending the human rights of others and for publicizing alleged violations of such human rights;

3. Further calls for effective measures of protection for those working to promote and protect the human rights of others, as well as complainants and witnesses, and those who are threatened with violations of their own human rights, particularly intimidation or threats to life or limb;

4. Decides that, where relevant, studies being carried out by the Sub-Commission should pay particular attention to the rights of persons promoting and protecting the human rights of others and their violation;

5. Urges the Commission on Human Rights to finalize as soon as possible its work on the drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

36th Meeting
1 September 1988

[Adopted without a vote. See chap. XVI]

1988/39. The right of everyone to leave any country, including his own, and to return to his own country

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

Noting the valuable report (E/CN.4/Sub.2/1988/35 and Add.1) on the right of everyone to leave any country, including his own, and to return to his country, prepared by Mr. C.L.C. Mubanga-Chipoya and the draft declaration on this subject contained in annex I to the report,

1. Decides to further examine as a separate item the report, the recommendations for future actions and development contained in the report, as well as the draft declaration on freedom and non-discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country, at its forty-first session and to take effective measures at that session in order to secure that substantive progress be made as regards further work on this issue, with special focus on the draft declaration;

2. Further decides to request the Secretary-General to transmit the said draft declaration to Member States, specialized agencies and other intergovernmental organizations with competence in the field of human rights, and non-governmental organizations in consultative status, for their comments and to bring these comments to the attention of the Sub-Commission at its forty-first session.

36th Meeting
1 September 1988

[Adopted without a vote. See chap. XVI]

1988/40. The status of the individual and contemporary international law

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

Recalling resolution 18 (XXXVII) of 10 March 1981 of the Commission on Human Rights by which the Commission recommended to the Economic and Social Council that it authorize the Sub-Commission 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",

Recalling also its resolution 1985/31 of 30 August 1985,

Having discussed on a preliminary basis the study elaborated by Mrs. Erica-Irene A. Daes (E/CN.4/Sub.2/1988/33 and Add.1),

Having also heard the relevant introductory statement by the Special Rapporteur,

1. Expresses its gratitude and deep appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes for the work she has accomplished and the useful and important study she has presented;
2. Requests the Special Rapporteur to update her study and to present it to the Sub-Commission at its forty-first session;
3. Requests the Secretary-General to give to the Special Rapporteur all the assistance she may require to update her study.

36th Meeting
1 September 1988

[Adopted without a vote. See chap. XVI]

B. Decisions

1988/101. Elimination of Racial Discrimination

At its 16th meeting, on 11 August 1988, the Sub-Commission decided, without a vote, to request the Secretary-General to transmit the following text to the Chairman of the Commission on Human Rights:

"The Sub-Commission requests the Chairman of the Commission on Human Rights to address on its behalf a telegram to the Government of South Africa demanding the Government of South Africa immediately to release Nelson Mandela and Zephania Motu Peng, President of the Pan Africanist Congress of Azania."

[See chap. VI]

1988/102. Organization of Work: Report by Dumitru Mazilu

At its 10th meeting, on 15 August 1988, the Sub-Commission decided by a roll-call vote of 15 to 2, with 4 abstentions to request the Secretary-General to establish contact with the Government of Romania and to bring to the Government's attention the Sub-Commission's urgent need to establish personal contact with its Special Rapporteur Mr. Dumitru Mazilu and to convey the request that the Government assist in locating Mr. Mazilu and facilitate a visit to him by a member of the Sub-Commission and the secretariat to help him in the completion of his study on human rights and youth if he so wished. The Sub-Commission invited the Secretary-General to inform it on developments in this matter on Wednesday, 17 August 1988.

[See chap. III]

1988/103. The administration of justice and the human rights of detainees: rights of persons subjected to any form of detention and imprisonment

At its 13th meeting, on 17 August 1988, the Sub-Commission decided, without a vote, to request the Secretary-General to communicate to the Committee on Crime Prevention and Control in time for consideration at its tenth session from 22 to 31 August the following suggestions relating to draft instruments to be submitted at that session:

1. Draft principles on the effective prevention and investigation of extra-legal, arbitrary and summary executions

A comparative study of texts on the subject might be useful, as illustrated by document E/CN.4/Sub.2/1988/WG.1/WP.1 entitled, "International standards for adequate investigation into suspicious deaths in detention, as well as adequate autopsy", submitted by Mr. John Carey pursuant to Sub-Commission decision 1987/108 of 3 September 1987, a copy of which is transmitted herewith.

2. Draft basic principles on the use of force and firearms by law enforcement officials

Paragraph 2 as drafted by the Interregional Preparatory Meeting for consideration by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders reads as follows:

"2. With a view to minimizing the harmful effects involved in the use of force or firearms, Governments and law enforcement agencies should develop a range of means as broad as possible and equip law enforcement officials with various types of weapons and ammunition that would allow for a differentiated use of force and firearms. These should include the development of non-lethal incapacitating weapons for use in appropriate situations, bearing in mind the desirability of eventual exclusion of means capable of causing death or injury for persons."

The Sub-Commission suggests adding at the end of draft paragraph 2 the following sentence:

"For the same purpose, law enforcement officials should also be equipped with self-defensive equipment such as shields and helmets in order to decrease the need to use weapons of any kind."

[See chap. X]

1988/104. Review of the work of the Sub-Commission

1. At its 26th meeting, on 25 August 1988, the Sub-Commission decided without a vote, to continue the discussion, at its forty-first session, of the various possibilities of implementation of paragraphs 2 and 6 of resolution 8 (XXIII) of the Commission on Human Rights without prejudice to the confidential procedure provided for in resolution 1503 (XLVIII) of the Economic and Social Council or to other procedures instituted since the adoption by the Economic and Social Council of resolution 1503 (XLVIII).
2. It further decided to consider the item of the Review of the work of the Sub-Commission after its forty-first session in 1989 on a biennial basis.

[See chap. IV]

1988/105. Discrimination against indigenous populations

At its 36th meeting, on 1 September 1988, the Sub-Commission recalled its decision 1987/110 of 4 September 1987, which had not yet been carried out, and decided without a vote to invite Ms. Erica-Irene Daes and Mr. John Carey to prepare, without financial implications, a summary of the information which may be available to them including on the basis of decision 1987/110 regarding the relocation of Hopi and Navajo families, for the use of the Sub-Commission at its forty-first session.

[See chap. XIII]

1988/106. Meeting of experts on indigenous self-government

At its 36th meeting, on 1 September 1988, the Sub-Commission took note of General Assembly resolution 42/47 of 30 November 1987, approving the plan of activities to be implemented during the second half of the Second Decade to Combat Racism and Racial Discrimination, which includes for the 1990-1991 biennium a meeting of experts to review national experience in the operation of schemes of local, internal self-government for indigenous populations; and decided without a vote: (a) to suggest that the Secretary-General organize this meeting, with appropriate indigenous representation, and in consultation with organizations of indigenous peoples, during the first half of 1991; (b) to invite the Working Group on Indigenous Populations, at its seventh session, to discuss the possible programme and agenda of such a meeting of experts in the light of resolution 1988/35 of 27 May 1988 of the Economic and Social Council and the continuing standard-setting activities of the Working Group.

[See chap. XIII]

1988/107. Question of human rights of persons subjected to
any form of detention and imprisonment

At its 36th meeting on 1 September 1988 the Sub-Commission decided, without a vote, to request the Secretary-General to bring to the attention of the General Assembly's Sixth Committee's Working Group on the Draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, in connection with the draft text annexed to its report (A/C.6/42/L.12), the questions set forth in annex II to the report of the Sub-Commission's Working Group on Detention (E/CN.4/Sub.2/1988/28).

QUESTIONS RAISED IN THE SUB-COMMISSION'S WORKING GROUP ON DETENTION
AS TO THE GENERAL ASSEMBLY'S SIXTH COMMITTEE'S WORKING GROUP ON THE
DRAFT BODY OF PRINCIPLES FOR THE PROTECTION OF ALL PERSONS UNDER
ANY FORM OF DETENTION OR IMPRISONMENT

1. Should there not be safeguards against incommunicado detention broader than what is currently provided for by Principles 15 (1), 16 (1), and 18?
2. Should there not be limitations on solitary confinement whereby it may only be used in exceptional circumstances with adequate safeguards and medical supervision and whereby prolonged solitary confinement and conditions amounting to sensory deprivation shall be prohibited?
3. While the preliminary sentence on the scope of the Body of Principles does help to make clear that such principles apply to uncharged detainees, would it not be useful also to replace the words, "before conviction" in the definition of "detained persons" with the words "without having been convicted"?
- In the definition of "arrest" should not the words "(for the alleged commission of an offence)" be deleted?
4. In the definition of "imprisonment", should the word "detained" not be replaced by "imprisoned"? Should not the Netherlands definition of "a judicial or other authority" (A/C.6/42/L.12 at p. 12) be added?
5. In Principle 3, should not the word "fundamental" be deleted in order to avoid the need for an additional definition of "fundamental human rights"?
6. In Principle 11 (3) should not the word "periodic" be inserted before "review", and the final words be "as frequently as appropriate during the continuance of detention"?
7. In Principle 12 (1) should not the following words be added after "duly recorded": "and up-dated in a readily available public register"?
8. In Principle 12 (2) should not the counsel be automatically informed rather than as alternatives to the detained person?
9. In Principle 15 (1) should not notice go to both the family and the other appropriate persons of his choice rather than in the alternative?
10. In Principle 16 (1) should not "promptly after arrest" be added at the end of the second sentence?

11. In Principle 17 (5) should not the second line be replaced by "counsel mentioned in these principles which are intended to be confidential shall be free of interception and shall be inadmissible as evidence against the"?
12. In Principle 18 should not "promptly and periodically" be inserted after "have the right"?
13. In Principle 31 (1) should not "or a member of his family" be inserted after "counsel" and the words "and necessity" be inserted after "lawfulness" and consequently the words "or unnecessary" after "unlawful" in the fourth line?
14. In Principle 31 (2) should not the words "if the latter authority so requests" be deleted?
15. In Principle 37 should not the second line read "reasonable time or to release pending trial"?
16. In Principle 39 should not the following be added at the end:

"the Universal Declaration of Human Rights or any other applicable national or international instrument"?

[See chap. X]

1988/108. Special Committee on human rights prizes

At its 36th meeting, on 1 September 1988, the Sub-Commission decided, without a vote, having in mind that human rights prizes are due to be awarded on the occasion of the fortieth anniversary of the Universal Declaration of Human Rights, to recommend to the Special Committee on human rights prizes that it considers the candidacy of Mr. Nelson Mandela, who merits consideration on the occasion of his seventieth anniversary by reason of his personal life-long struggle for human dignity and against apartheid in South Africa.

[See chap. X]

1988/109. Question of human rights of persons subjected to any form of detention and imprisonment: investigations of suspicious deaths in detention

At its 36th meeting, on 1 September 1988, the Sub-Commission decided, without a vote, to request the Secretary-General to provide the Sub-Commission with a document describing the work being done by other international fora on international standards for adequate investigations into all cases of suspicious deaths in detention, as well as adequate autopsy.

[See chap. X]

1988/110. Question of human rights of persons subjected to any form of detention and imprisonment: freedom of expression and opinion and administrative detention without charge or trial

At its 36th meeting on 1 September 1988, the Sub-Commission decided to request Mr. Türk to prepare, without financial implications, a working paper containing a proposal for carrying out a study called for by the Commission on Human Rights in its resolution 1988/37 concerning the right to freedom of expression and opinion with the aim of clarifying conceptual and methodological questions and to serve as a basis on which future decisions could be taken by the Sub-Commission on this matter. The Sub-Commission also approved the recommendation of the Working Group on Detention contained in paragraph 22 of its report (E/CN.4/Sub.2/1988/28) that the Sub-Commission in plenary consider as a matter of priority the study being prepared by Mr. Joinet on administrative detention pursuant to Commission on Human Rights resolution 1988/45 of 8 March 1988 (see also the explanatory paper, E/CN.4/Sub.2/1987/16 and the analysis, E/CN.4/Sub.2/1988/12, prepared by Mr. Joinet) and decided, without a vote, to request Mr. Joinet to present his report to the Sub-Commission at its forty-first session and further requested the Secretary-General to provide all assistance necessary to that end.

[See chap. X]

1988/111. Human rights and scientific and technological developments: discrimination against persons with the HIV virus or suffering from AIDS

At its 36th meeting, on 1 September 1988, the Sub-Commission decided, without a vote, that:

(a) The information provided to the Sub-Commission at its fortieth session by the World Health Organization, by the International Commission of Jurists, and by certain members, on the problem of discrimination against persons with the HIV virus or suffering from AIDS, together with the considerations set forth in General Assembly resolution 42/8 of 26 October 1987 and World Health Assembly resolution WHA41.24 of 13 May 1988, justified consideration of whether the Sub-Commission should study that problem;

(b) Mr. Luis Varela Quirós should be asked to prepare, for submission to the Sub-Commission at its forty-first session, without financial implications, a concise note setting forth methods by which such a study could be made.

[See chap. XII]

1988/112. Elimination of intolerance and discrimination based on religion or belief: draft international instruments

At its 36th meeting on 1 September 1988 the Sub-Commission, noting the request of the Commission on Human Rights in its resolution 1988/55 of 8 March 1988 that it undertake the following tasks:

(a) To prepare a compilation of provisions relevant to the elimination of intolerance and discrimination based on religion or belief contained in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and other international instruments;

(b) To examine, mindful of General Assembly resolution 41/120 of 4 December 1986, and taking into account the provisions of the existing international instruments in this field, the issues and factors which should be considered before any drafting of a further binding international instrument on freedom of religion and belief takes place; decided, without a vote, to request Mr. Theo van Boven to prepare, without financial implications, a working paper with a view to assisting the Sub-Commission to carry out the above-mentioned tasks at its forty-first session.

[See chap. V]

1988/113. Composition of the Working Groups of the Sub-Commission

At its 37th meeting, on 2 September 1988, the Sub-Commission approved the following composition of its working groups:

| <u>Regional Groups</u> | <u>Communications</u> | <u>Slavery</u> | <u>Indigenous Populations</u> |
|-----------------------------|---|-------------------------------------|-------------------------------|
| Africa | Mr. Yimer Mr. Agboyibor* | Mrs. Ksentini Mr. Ilkahanaf* | Miss Attah Mrs. Mbonu* |
| Asia | Mr. Hatano Mr. Sadi* | Mrs. Bautista Mr. Yokota* | Mr. Tian Jin Mr. Shao Jin* |
| Latin America | Mr. Sobarzo Mr. Alfonso Martínez* | Mr. Varela Mr. Rhenan Segura* | Mr. Alfonso Martínez |
| Eastern Europe | Mr. Ramishvili | Mr. Diaconu | Mr. Türk |
| Western Europe and other | Mr. van Boven Mr. Pellet* | Mr. Eide Mr. Treat* | Mrs. Daes Mr. Carey* |

* Alternate

[See chaps. IX, XIII and XV]

III. ORGANIZATION OF THE FORTIETH SESSION

A. Opening and duration of the session

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities held its fortieth session at the United Nations Office at Geneva from 8 August to 2 September 1988.
2. The session was opened (1st meeting) by Mr. Leandro Despouy, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-ninth session, who made a statement. The Under-Secretary-General for Human Rights also addressed the Sub-Commission.

B. Attendance

3. The session was attended by members of the Sub-Commission, by observers of States Members of the United Nations, by observers for non-member States, by the representatives of intergovernmental organizations, national liberation movements and non-governmental organizations. Details of attendance appear in annex I to the present report.

C. Election of officers

4. The Sub-Commission elected the following officers by acclamation:

| | |
|-----------------------|---|
| <u>Chairman:</u> | Mr. Murlidhar Chandrakant Bhandare |
| <u>Vice-Chairmen:</u> | Mrs. Fatma Zohra Ksentini Ms. Claire Palley Mr. Rafael Rivas Posada |
| <u>Rapporteur:</u> | Mr. Danilo Türk |

D. Adoption of the Agenda

5. At its 1st meeting, on 8 August 1988, the Sub-Commission adopted the provisional agenda (E/CN.4/Sub.2/1988/1). The agenda as adopted is reproduced below:

AGENDA

1. Election of officers.
2. Adoption of the agenda.
3. Review of the work of the Sub-Commission.
4. Review of further developments in fields with which the Sub-Commission has been concerned.
5. Elimination of racial discrimination:
 - (a) Measures to combat racism and racial discrimination and the role of the Sub-Commission.
 - (b) Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa.

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).
7. Human rights and disability.
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).
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;
 - (b) Question of human rights and states of emergency;
 - (c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families.
10. Draft declaration on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers.
11. Human rights and scientific and technological developments.
12. Discrimination against indigenous populations.
13. Encouragement of universal acceptance of human rights instruments.
14. 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;
 - (b) Exploitation of child labour.
15. Promotion, protection and restoration of human rights at national, regional and international levels:
 - (a) The status of the individual and contemporary international law;
 - (b) Prevention of discrimination and protection of minorities;
 - (c) Prevention of discrimination and protection of children: human rights and youth;
 - (d) The right of everyone to leave any country, including his own, and to return to his country.
16. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-first session of the Sub-Commission.
17. Report on the fortieth session.

E. Organization of work

6. At its 2nd and 3rd meetings, on 9 and 10 August 1988, the Sub-Commission considered the organization of its work.

7. At its 2nd meeting, on 9 August 1988, it decided to set up the following sessional Working Groups:

(a) Working Group for the elaboration of guidelines, principles and guarantees for the protection of persons detained on grounds of mental ill health: the Sub-Commission appointed Miss J.S. Attah (Africa), Mrs. M. Bautista (Asia), Mr. S.V. Chernichenko (Eastern Europe), Ms. C. Palley (Western Europe and other) and Mr. A. Sobarzo Loaiza (Latin America) as members of the group.

(b) Working Group on Detention: the Sub-Commission appointed Mr. M. Alfonso Martínez (Latin America), Mr. J. Carey (Western Europe and other), Mr. R. Hatano (Asia), Mr. A.A. Ilkahanaf (Africa) and Mr. D. Türk (Eastern Europe) as members of the group.

8. At the same time, upon the recommendation of its officers, the Sub-Commission decided to invite the following persons to participate in the meetings at which their reports were to be considered:

- (a) In connection with item 9: Mr. M. Bossuyt, Special Rapporteur on the draft second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty;
- (b) In connection with item 10: Mr. L.M. Singhvi, Special Rapporteur on the independence of the judiciary;
- (c) In connection with item 15(c): Mr. D. Mazilu, Special Rapporteur on human rights and youth;
- (d) In connection with item 15(e): Mr. C.L.C. Mubanga-Chipoya, Special Rapporteur on the right of everyone to leave any country, including his own, and to return to his country.

9. At its 3rd meeting, on 10 August 1988, bearing in mind the respective priority of the items and the availability of the relevant documentation, the Sub-Commission accepted the recommendation of its officers and agreed to consider the items on its agenda in the following order: 5, 3, 7, 6, 9, 10, 11, 14, 12, 8, 4, 13, 15, 16, 17.

10. The Sub-Commission accepted the recommendation of its officers regarding the limitation of the frequency and duration of statements. Members of the Sub-Commission were limited to statements of 10 to 15 minutes. Observers from organizations and States to one statement of 10 minutes, on composite items for a second statement of 6 minutes. It was also agreed that, with regard to statements equivalent to the right of reply, a first statement was limited to 5 minutes and a second to 3 minutes. Special rapporteurs would be asked not to exceed 20 minutes for the introduction of their reports and 20 minutes for their concluding statements.

Question of the report entrusted to Mr. D. Mazilu

11. Within the framework of the Organization of Work, the Sub-Commission considered the question of the report on human rights and youth entrusted to Mr. Dumitru Mazilu by its resolution 1985/12 and scheduled for consideration under agenda item 15(c), at its 2nd, 5th, 7th, 9th, 10th, 11th, 14th, 23rd, 25th, 30th, 32nd, and 36th meetings on 9, 11, 12, 15, 16, 17, 24, 25, 29 and 30 August and 1 September 1988.

12. The Sub-Commission heard statements by the Observer for Romania (7th and 11th).

13. At the 7th meeting, on 12 August 1988, a draft decision was submitted by Mr. Eide and Mr. Joinet which read as follows:

"The Sub-Commission decides to authorize its Chairman, in consultation with the Bureau, to nominate within the framework of the organization a member of the Sub-Commission to proceed to Romania, as quickly as possible, in order to visit with the Special Rapporteur, Mr. Mazilu, and to assist him in preparing a progress report of his study if for health reasons he is unable to come to Geneva during the present session.

"Furthermore, the Sub-Commission decides to request the Under-Secretary-General for Human Rights to appoint a staff member of the Centre for Human Rights to accompany and assist the Sub-Commission member nominated for this task."

14. At the 9th meeting, on 15 August 1988, Mr. Eide and Mr. Joinet submitted a revised draft decision.

15. At the 10th meeting, on 15 August 1988, Mr. Diaconu moved, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, that no decision be taken on the revised draft decision submitted by Mr. Eide and Mr. Joinet.

16. The motion made by Mr. Diaconu was rejected by 14 votes to 4, with 5 abstentions.

17. Mr. Alfonso Martínez requested a roll-call vote on the revised draft decision submitted by Mr. Eide and Mr. Joinet.

18. The revised draft decision was adopted by 15 votes to 2, with 4 abstentions. The voting was as follows:

In favour: Mr. Al-Khasawneh, Mr. Assouma, Mrs. Bautista, Mr. Carey, Mrs. Daes, Mr. Eide, Mr. Flinterman, Mr. Hatano, Mr. Ilkahanaf, Mr. Joinet, Ms. Palley, Mr. Sobarzo, Mr. Türk, Mr. Varela and Mrs. Warzazi.

Against: Mr. Chernichenko and Mr. Diaconu.

Abstaining: Miss Attah, Mr. Tian Jin, Mr. Rivas, Mr. Yimer.

19. For the text as adopted, see chapter II, section B, decision 1988/102.

20. At the 14th meeting on 17 August 1988, the Under-Secretary-General made a statement transmitting the reply to Sub-Commission decision 1988/102 of 15 August 1988, received by the Secretary-General from the Permanent Mission of Romania to the United Nations Headquarters.
21. At the same meeting, the Sub-Commission requested the Secretary-General to request from the Romanian authorities information as to where Mr. Mazilu was and how the Sub-Commission might contact him.
22. At the 23rd meeting, on 24 August 1988, the Sub-Commission heard a statement made by the Senior Legal Officer of the United Nations Office at Geneva in regard to the question of the applicability of the Convention on the Privileges and Immunities of the United Nations to the situation of Mr. Mazilu.
23. At the 25th meeting, on 25 August 1988, the Chairman made a statement in regard to communications received from Mr. Mazilu.
24. At the 36th meeting, on 1 September 1988, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1988/L.25/Rev.1 under items 2 and 15(c).
25. For the consideration of the matter and the resolution adopted, see chapter XVI and chapter II, section A, resolution 1988/37.

F. Meetings, resolutions and documentation

26. The Sub-Commission held 37 meetings. The views expressed during the discussion on substantive items are summarized in the records of those meetings (E/CN.4/Sub.2/1988/SR.1-SR 37).
27. Written communications transmitted by Governments and non-governmental organizations for circulation to the Sub-Commission are mentioned in the chapter on the items to which the communications refer.
28. The Sub-Commission adopted resolutions 1988/1 to 1988/40 and took 13 decisions. The texts of these resolutions and decisions appear in chapter II.
29. Draft resolutions and decisions for action or consideration by the Commission are set out in chapter I.
30. Statements of the administrative and programme budget implications of certain resolutions appear in annex II to the present report.
31. A list of studies under preparation drawn up in accordance with Commission on Human Rights resolution 1982/23 appears in annex III.
32. A list of documents submitted to the Sub-Commission for consideration appears in annex IV.

G. Other matters

33. At its first meeting, on 8 August 1988, the Sub-Commission, in accordance with its decision 1985/109, observed a minute of silence in honour of the victims of the evil and inhuman system of apartheid in South Africa, and, according to a decision taken at the same meeting, of the victims of the riots in the occupied Arab territories.

34. At its 2nd meeting, on 9 August 1988, the attention of the Sub-Commission was drawn to the cable from the Arab Lawyers Union on the occasion of the 70th birthday of Nelson Mandela, which requested the Sub-Commission to consider the case of Nelson Mandela at its fortieth session.

35. The Sub-Commission accepted the recommendation of the bureau to the effect that this matter should be considered under item 5.

36. At the 15th meeting, on 18 August 1988, the Chairman of the Sub-Commission made a statement in regard to the death of President Zia ul-Haq of the Islamic Republic of Pakistan on 17 August 1988. The Sub-Commission, at the request of the Chairman, observed one minute of silence in tribute to the memory of the late President.

37. At the 24th meeting on 24 August 1988, the Chairman proposed a draft resolution concerning the situation in Burundi. The draft resolution was adopted without a vote.

38. For the text of the resolution, see chapter II, section A, resolution 1988/1.

39. At the 26th meeting, on 25 August 1988, the Chairman informed the Sub-Commission of a message sent to the President of Burundi.

40. At the 30th meeting, on 29 August 1988, the Sub-Commission heard a statement made by the Senior Legal Officer of the United Nations Office at Geneva, in regard to the question of the status of members of the International Law Commission.

IV. REVIEW OF THE WORK OF THE SUB-COMMISSION

41. The Sub-Commission considered agenda item 3 at its 3rd, 4th, 8th, 9th and 26th meetings held on 10, 12, 15 and 25 August 1988.
42. The Sub-Commission had before it the following document in connection with its consideration of the item:
- Working paper presented by Mr. Theo van Boven and Mr. Asbjorn Eide (E/CN.4/Sub.2/1988/43)
43. At the 3rd meeting, on 10 August 1988, the Under-Secretary-General introduced the item.
44. In the general debate on this item statements were made by the following members of the Sub-Commission: Mr. Al-Knasawneh (9th), Mr. Alfonso Martínez (9th), Mr. Carey (8th and 9th), Mr. Chernichenko (8th and 9th), Mrs. Daes (8th), Mr. Despouy (8th), Mr. Diaconu (8th), Mr. Eide (4th, 8th and 9th), Mr. Flinterman (9th), Mr. Tian Jin (9th), Mr. Joinet (4th, 8th and 9th), Mr. Khalifa (3rd), Mrs. Ksentini (8th), Mr. Rivas Posada (8th), Mr. Türk (9th), Mr. Varela (9th), Mrs. Warzazi (8th and 9th).
45. A statement was also made by Mr. Alioune Sene, Chairman of the forty-fourth session of the Commission on Human Rights (4th).
46. The Sub-Commission also heard statements by the following non-governmental organizations: Four Directions Council (8th), International Federation of Human Rights (8th).
47. At its 26th meeting, on 25 August 1988, the Sub-Commission took up consideration of the draft resolution and draft decision submitted under agenda item 3.

Implementation of Commission on Human Rights resolution 8 (XXIII)

48. Mr. van Boven introduced draft decision E/CN.4/Sub.2/1988/L.6, sponsored by Mr. van Boven, Mr. Carey, Mr. Chernichenko, Mrs. Daes, Mr. Eide, Mr. Flinterman, Mrs. Ksentini, Mr. Varela, Mrs. Warzazi and Mr. Yimer.
49. Mr. Al-Khasawneh proposed amending paragraph 1 of the draft decision as follows:
- "Add at the end of paragraph 1, 'or to other developments instituted since the adoption by the Economic and Social Council of resolution 1503 (XLVIIII).'"
50. Mr. Türk proposed amending the amendment proposed by Mr. Al-Khasawneh as follows:
- "Replace the word 'developments' by the word 'procedures'."
51. The amendments were accepted by the sponsors.
52. Mr. Ilkhanaf proposed amending paragraph 2 of the draft decision by replacing the word "biennial" by the word "yearly".

53. The amendment was rejected by 14 votes to 8, with 1 abstention.
54. The draft decision, as amended, was adopted without a vote.
55. For the text as adopted, see chapter II, section B, decision 1988/104.

Co-ordinating role of the Centre for Human Rights

56. Mr. Chernichenko introduced draft resolution E/CN.4/Sub.2/1988/L.9, sponsored by Mrs. Bautista, Mr. Chernichenko, Mr. Joinet and Mr. Varela.

57. The seventh preambular paragraph of the draft resolution which read:

"Noting with satisfaction the growing role of the United Nations and its Secretariat in helping to solve humanitarian problems in the process of settling regional conflicts,"

was orally revised by the sponsors as follows:

after "humanitarian problems", the word "in" was replaced by the words ", which also facilitates".

58. Mr. Diaconu proposed amending the title of the draft resolution which read:

"Co-ordinating role of the Centre for Human Rights within the system of international bodies dealing with the protection and promotion of human rights and fundamental freedoms"

59. The sponsors accepted the proposed amendment of the title.

60. Mr. Treat proposed amending the fifth preambular paragraph of the draft resolution which read as follows:

"Noting the unique role of the Centre for Human Rights as a unit in which all the world's schools of legal thought, without exception, are represented in a balanced manner,"

61. The proposed amendment was as follows:

"Replace the word 'all' by the words 'a wide range of' and delete the words ', without exception,'".

62. Mr. Al-Khasawneh proposed deleting the fifth preambular paragraph.

63. Mrs. Ksentini proposed amending the fifth preambular paragraph to read as follows:

"Noting the unique role of the Centre for Human Rights as a unit in which it is important for all the world's schools of legal thought, without exception, to be represented in a balanced manner,".

64. The proposal to delete the fifth preambular paragraph was adopted by 14 votes to 5, with 2 abstentions.

65. Mrs. Warzazi proposed amending the seventh preambular paragraph as follows:

"Replace the words 'its secretariat' by the words 'the Secretary-General'".

66. Mrs. Ksentini proposed further amending the seventh preambular paragraph to read as follows:

"Noting with satisfaction the growing role of the United Nations and the Secretary-General in helping to settle regional conflicts, which facilitates the solution of humanitarian problems,".

67. The proposed amendments to the seventh preambular paragraph were accepted by the sponsors.

68. Mrs. Warzazi proposed amending the draft resolution as follows:

"(a) In the last preambular paragraph, insert the words 'bodies and their' before the word 'machinery' and delete the words 'in the field of human rights at a time when the Organization is facing serious financial problems.'",

"(b) In operative paragraph 4, replace the words 'in the system of bodies' by the words 'within the United Nations bodies and machineries'".

69. The proposed amendments were accepted by the sponsors.

70. The draft resolution, as amended, was adopted without a vote.

71. Statements in explanation of vote after the vote were made by Mrs. Daes and Mr. Pellet.

72. For the text as adopted, see chapter II, section A, resolution 1988/2.

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

73. The Sub-Commission considered agenda item 4 at its 30th, 31st and 32nd meetings held on 29 and 30 August 1988.

74. The Sub-Commission had before it the following documents:

Report of the Secretary-General on the interrelationship between human rights and international peace prepared in accordance with Sub-Commission resolution 1985/2 (E/CN.4/Sub.2/1988/2);

Report submitted by the International Labour Office relating to the International Labour Organisation's recent action to combat discrimination (E/CN.4/Sub.2/1988/3);

Report submitted by the United Nations Educational, Scientific and Cultural Organization concerning its recent activities in combating discrimination, intolerance and racism (E/CN.4/Sub.2/1988/4);

Report of the Secretary-General on technical assistance for the strengthening of legal institutions prepared in accordance with Sub-Commission resolution 1987/28 (E/CN.4/Sub.2/1988/36 and Add.1);

Written statement submitted by the International Movement A.T.D. Fourth World, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1988/NGO/2);

Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1988/NGO/7);

Written statement by Habitat International Coalition, a non-governmental organization on the Roster (E/CN.4/Sub.2/1988/NGO/11);

Written statement by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1988/NGO/14).

75. At its 30th meeting, on 29 August 1988, the Under-Secretary-General for Human Rights made a statement introducing the item.

76. In the general debate on this item, statements were made by the following members: Mrs. Daes (31st), Ms. Palley (31st).

77. Statements were also made by the Observers for Cyprus (32nd), the German Democratic Republic (31st), and Turkey (32nd).

78. Statements were made by the representatives of the following non-governmental organizations: Amnesty International (30th), Four Directions Council (31st), International Federation of Human Rights (31st), International Movement for Fraternal Union among Races and Peoples (31st), Minority Rights Group (31st), Pax Christi (31st), Rädä Barnen International (31st), World Union for Progressive Judaism (30th).

79. A statement equivalent to right of reply was made by the Observer for Turkey (32nd).

80. At the 36th meeting, on 1 September 1988, the Sub-Commission took up consideration of the draft resolutions and decision submitted under item 4.

Draft international instrument on freedom of religion or belief

81. Mr. Chernichenko introduced draft resolution E/CN.4/Sub.2/1988/L.30 of which he was the sponsor. Mr. van Boven, Mrs. Daes, and Mr. Sobarzo subsequently joined the sponsor.

82. Mr. Chernichenko orally revised the draft as follows:

"Replace in the operative paragraph, the word 'establish' by the words 'consider establishing'".

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

84. For the text of the resolution, see chapter II, section A, resolution 1988/32.

Elimination of intolerance or discrimination based on religion or belief

85. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1988/L.50 sponsored by Mr. Alfonso Martínez, Mr. Chernichenko, Mrs. Daes, Mr. Sobarzo, Mr. Treat, Mr. Varela and Mr. Yimer. Mr. Al-Khasawneh and Mr. van Boven subsequently joined the sponsors.

86. The draft decision was adopted without a vote.

87. For the text of the decision, see chapter II, section B, decision 1988/112.

Realization of economic, social and cultural rights

88. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1988/L.51 sponsored by Mr. Alfonso Martínez, Mr. Al-Khasawneh, Mr. van Boven, Mr. Chernichenko, Mrs. Daes, Mr. Eide, Mr. Ilkahanaf, Mr. Joinet, Mrs. Ksentini, Mr. Sobarzo, Mr. Tian Jin, Mr. Varela, Mrs. Warzazi, Mr. Yimer and Mr. Yokota.

89. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/Sub.2/1988/L.48) of draft resolution E/CN.4/Sub.2/1988/L.51.

90. The draft resolution was adopted without a vote.

91. For the text of the resolution, see chapter II, section A, resolution 1988/33.

Traditional practices

92. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1988/L.58 sponsored by Mr. Alfonso Martínez, Mrs. Bautista, Mr. van Boven, Mrs. Daes, Mr. Diaconu, Mr. Eide, Mr. Hatano, Mr. Ilkahanaf, Mr. Rivas, Mr. Sobarzo and Mr. Yimer. Mrs. Flores and Mr. Valera subsequently joined the sponsors.

93. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/Sub.2/1988/L.65) of draft resolution E/CN.4/Sub.2/1988/L.58.

94. The draft resolution was adopted without a vote.

95. For the text of the resolution, see chapter II, section A, resolution 1988/34.

Strengthening human rights teaching

96. At the same meeting, the Sub-Commission took up consideration of draft resolution E/CN.4/Sub.2/1988/L.61 sponsored by Mr. Eide, Mrs. Ksentini, Mr. Rivas, Mr. Sobarzo, Mr. Türk, Mrs. Warzazi and Mr. Yimer. Mrs. Bautista and Mrs. Daes subsequently joined the sponsors.

97. Statements relating to the draft resolution were made by Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Joinet and Ms. Palley.

98. The draft resolution was adopted without a vote.

99. For the text as adopted, see chapter II, section A, resolution 1988/35.

Protection of minorities

100. At the same meeting, Mrs. Bautista introduced draft resolution E/CN.4/Sub.2/1988/L.62 sponsored by Mr. Al-Khasawneh, Mrs. Bautista, Mr. van Boven, Mrs. Daes, Mr. Eide, Mr. Joinet, Mrs. Ksentini, Mr. Rivas, Mr. Sobarzo, Mr. Treat, Mr. Türk and Mrs. Warzarzi.

101. Mr. Joinet proposed amending the fifth preambular paragraph, by adding the words "or transformation of majorities into minorities through settlement policies".

102. Mr. Diaconu proposed amending operative paragraph 1 as follows:

"Replace the words 'mechanism and procedures which the Sub-Commission might establish,' by the words 'ways and means'."

103. Mr. Chernichenko proposed amending operative paragraph 1 by adding "without financial implications".

104. Mr. Yimer proposed deleting operative paragraph 3.

105. The amendments proposed by Mr. Joinet, Mr. Diaconu, Mr. Chernichenko and Yimer were accepted by the sponsors.

106. Statements relating to the draft resolution were made by Mr. Alfonso Martínez, Mr. Chernichenko and Mr. Türk.

107. The draft resolution, as amended, was adopted without a vote.

108. For the text of the resolution, see chapter II, section A, resolution 1988/36.

VI. ELIMINATION OF RACIAL DISCRIMINATION

- A. MEASURES TO COMBAT RACISM AND RACIAL DISCRIMINATION AND THE ROLE OF THE SUB-COMMISSION
- B. ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST AND COLONIALIST REGIME OF SOUTH AFRICA

109. The Sub-Commission considered agenda item 5, sub-items (a) and (b) from its 3rd to 7th and 26th meetings, held from 10 to 12 and on 25 August 1988.

110. The Sub-Commission had before it the following documents:

Study on the achievements made and obstacles encountered during the first Decade to Combat Racism and Racial Discrimination (E/CN.4/Sub.2/1988/5)

Updated report by the Special Rapporteur, Mr. Ahmed M. Khalifa, on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa (E/CN.4/Sub.2/1988/6);

Letter dated 2 September 1988 from the Permanent Representative of South Africa addressed to the Chairman of the Sub-Commission containing comments on the report by the Special Rapporteur, Mr. A. Khalifa, (E/CN.4/Sub.2/1988/44);

Written statement submitted by the International Movement A.T.D. Fourth World, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1988/NGO/2);

Written statement submitted by Baha'i International Community, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1988/NGO/5);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1988/NGO/13).

111. At the 3rd meeting, on 10 August 1988, the Under-Secretary-General for Human Rights introduced the item.

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

112. At the 3rd meeting, on 10 August 1988, the Special Rapporteur, Mr. A. Eide, orally presented the progress report on the study on the achievements made and obstacles encountered during the Decade to Combat Racism and Racial Discrimination.

113. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Agboyibor (6th), Mr. Al-Khasawneh (7th), Mr. Alfonso Martínez (3rd and 7th), Miss Attah (4th), Mrs. Bautista (6th), Mr. Carey (3rd and 7th), Mr. Chernichenko (6th), Mrs. Daes (6th), Mr. Diaconu (4th), Mr. Flinterman (4th), Mr. Hatano (6th), Mr. Ilkahanaf (7th), Mr. Tian Jin (3rd), Mr. Joinet (4th), Mrs. Ksentini (4th), Mr. Sobarzo (5th), Mr. Türk (7th), Mr. Varela (5th) and Mrs. Warzazi (3rd).

114. The Sub-Commission also heard statements by the Observers for the Libyan Arab Jamahiriya (4th) and the Syrian Arab Republic (7th).

115. Statements were made by the Observers for the following national liberation movements: African National Congress (4th), Pan Africanist Congress of Azania (3rd).

116. Statements were also made by the following non-governmental organizations: Anti-Slavery Society (3rd), Baha'i International Community (4th), Four Directions Council (3rd), Indigenous World Association (3rd), International Federation of Human Rights (4th), International Indian Treaty Council (3rd), International Movement for Fraternal Union among Races and Peoples (7th), International Organization for the Elimination of All Forms of Racial Discrimination (3rd), National Aboriginal and Islander Legal Service Secretariat (5th), World Federation of Trade Unions (7th), World Union for Progressive Judaism (5th).

117. Statements equivalent to right of reply were made by the Observers for Israel (7th) and the Syrian Arab Republic (7th).

118. At its 26th meeting, on 25 August 1988, the Sub-Commission took up consideration of the draft resolutions submitted under agenda item 5 and sub-item 5(a).

Elimination of racial discrimination

119. At its 16th meeting, on 11 August 1988, the Sub-Commission decided to request the Secretary-General to transmit to the Chairman of the Commission on Human Rights its request concerning Nelson Mandela and Zephania Motu Peng.

120. For the text as adopted, see chapter II, section B, decision 1988/101.

The situation in South Africa

121. At the same meeting, Mr. Eide introduced draft resolution E/CN.4/Sub.2/1988/L.7 sponsored by Mr. Assouma, Miss Attah, Mrs. Bautista, Mr. Chernichenko, Mrs. Daes, Mr. Eide, Mrs. Flores, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalifa, Mrs. Ksentini, Mr. Rivas, Mr. Tian Jin, Mr. Türk, Mrs. Warzazi and Mr. Yimer.

122. Mrs. Mbonu proposed amending the fifth preambular paragraph of the draft resolution as follows:

"Add at the end of the fifth preambular paragraph, 'and also the Illegal Squatting Bill aimed at relocating blacks tabled before the racist parliament of South Africa'".

123. Ms. Palley proposed further amending the fifth preambular paragraph of the draft resolution as follows:

"Add at the end of the fifth preambular paragraph as amended by Mrs. Mbonu, 'and deeply concerned that similar measures should not be introduced'".

124. The proposed amendments to the fifth preambular paragraph of the draft resolution were accepted by the sponsors.

125. Mr. van Boven proposed amending the draft resolution as follows:

"Insert the following two preambular paragraphs between the fifth and sixth preambular paragraphs:

'Noting with deep concern the ban imposed in 1988 by the Government of South Africa on all anti-apartheid groups, including the United Democratic Front and the End Conscription Campaign,

'Recalling General Assembly resolution 33/165 on the status of persons refusing service in military or police forces used to enforce apartheid';

"Insert the following two operative paragraphs between operative paragraphs 2 and 3, and renumber the following paragraphs accordingly:

'3. Urges the Government of South Africa to lift promptly the ban on anti-apartheid organizations;

'4. Reaffirms the right of all persons to refuse service in military or police forces which are used to enforce apartheid.'"

126. The proposed amendments were accepted by the sponsors.

127. Mr. Alfonso Martínez proposed amending operative paragraph 2 of the draft resolution, as follows:

"After the words 'South African' insert the words 'army and'".

128. The proposed amendment was accepted by the sponsors.

129. Mr. Alfonso Martínez proposed also amending operative paragraph 5, as re-numbered, as follows:

"Insert the words 'acts of state terrorism' between the word 'aggression' and the words 'and destabilization'".

130. The proposed amendment was withdrawn.

131. A statement in explanation of vote before the vote was made by Mr. Treat.

132. The draft resolution, as amended, was adopted without a vote.

133. A statement in explanation of vote after the vote was made by Mr. Al-Khasawneh.

134. For the text as adopted, see chapter II, section A, resolution 1988/4.

The situation in Namibia

135. At the same meeting, Mrs. Flores introduced draft resolution E/CN.4/Sub.2/1988/L.8/Rev.1 sponsored by Mr. Alfonso Martínez, Mrs. Bautista, Mrs. Flores, Mr. Rivas, Mr. Sobarzo, Mr. Varela, Mrs. Warzazi and Mr. Yimer.

136. The draft resolution was adopted without a vote.

137. For the text as adopted, see chapter II, section A, resolution 1988/5.

138. At the same meeting, Mr. Eide introduced draft resolution E/CN.4/Sub.2/1988/L.11 sponsored by Mr. Al-Khasawneh, Mr. Assouma, Miss Attah, Mrs. Bautista, Mr. van Boven, Mr. Chernichenko, Mrs. Daes, Mr. Diaconu, Mr. Eide, Mr. Ilkahanaf, Mr. Tian Jin, Mr. Joinet, Mr. Khalifa, Mrs. Ksentini, Mr. Rivas, Mr. Türk, Mr. Varela, Mrs. Warzazi and Mr. Yimer.

139. The draft resolution was adopted without a vote.

140. For the text as adopted, see chapter II, section A, resolution 1988/7.

Measures to combat racism

141. At the same meeting, Mr. Yimer introduced draft resolution E/CN.4/Sub.2/1988/L.10 sponsored by Mr. van Boven, Mrs. Daes, Mr. Varela, Mrs. Warzazi and Mr. Yimer.

142. The draft resolution was adopted without a vote.

143. For the text as adopted, see chapter II, section A, resolution 1988/6.

B. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa

144. At the 5th meeting on 11 August 1988, the Special Rapporteur, Mr. A. Khalifa, introduced his report (E/CN.4/Sub.2/1988/6).

145. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Agboyibor (6th), Mr. Al-Khasawneh (7th), Mr. Alfonso Martínez (7th), Miss Attah (5th), Mrs. Bautista (6th), Mr. Carey (6th), Mr. Chernichenko (6th), Mrs. Daes (6th), Mr. Despouy (7th), Mr. Diaconu (5th), Mr. Flinterman (6th), Mr. Ilkahanaf (7th), Mr. Joinet (5th), Mrs. Ksentini (6th), Mr. Türk (7th), Mr. Varela (5th), Mrs. Warzazi (6th) and Mr. Yimer (5th).

146. A statement was made by the Observer for the Pan Africanist Congress of Azania (7th).

147. Statements were also made by the following non-governmental organizations: International Movement for Fraternal Union among Races and Peoples (7th), World Federation of Democratic Youth (7th).

148. A statement was also made by the Special Rapporteur, Mr. A. Khalifa (7th).

149. At the 26th meeting, on 25 August 1988, Mrs. Warzazi introduced draft resolution E/CN.4/Sub.2/1988/L.5 sponsored by Mr. Al-Khasawneh, Mr. Alfonso Martínez, Mr. Assouma, Mrs. Bautista, Mr. Chernichenko, Mrs. Daes, Mr. Despouy, Mr. Diaconu, Mr. Eide, Mr. Flinterman, Mr. Joinet, Mrs. Ksentini, Mrs. Mbonu, Ms. Palley, Mr. Rivas, Mr. Sobarzo, Mr. Tian Jin, Mr. Türk, Mr. Varela, Mrs. Warzazi and Mr. Yimer. Mr. Ilkahanaf subsequently joined the sponsors.

150. Mr. Carey introduced amendments to the draft resolution contained in document E/CN.4/Sub.2/1988/L.16, which read as follows:

"1. Add the following separate operative paragraph:

'Requests the Secretary-General to provide to the Sub-Commission at its forty-first session a concise note on the feasibility of consolidating the lists maintained by United Nations organs of enterprises doing business in South Africa.'

"2. Add the following separate operative paragraph:

'Requests the Secretary-General to provide to the Sub-Commission at its forty-first session a brief analysis of partial disinvestment of foreign enterprises from South Africa enumerating various techniques employed to avoid total withdrawal from participation in the South African economy.'"

151. Mrs. Warzazi proposed amending the amendments contained in document E/CN.4/Sub.2/1988/L.16 as follows:

"Replace the word 'Secretary-General' by the words 'Special Rapporteur' in both operative paragraphs proposed in the amendments".

152. The revised amendments were accepted by the sponsors.

153. The attention of the Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/Sub.2/1988/L.13) of draft resolution E/CN.4/Sub.2/1988/L.5.

154. The draft resolution, as amended, was adopted without a vote.

155. For the text as adopted, see chapter II, section A, resolution 1988/3.

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)

156. The Sub-Commission considered item 6 of its agenda at its 12th to 18th, 34th and 35th meetings, held from 16 to 19 and on 31 August, and on 1 September 1988.

157. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Note by the Secretary-General pursuant to Sub-Commission resolution 1987/11 concerning the situation in the Palestinian and Arab territories occupied by Israel (E/CN.4/Sub.2/1988/8);

Note by the Secretary-General pursuant to Sub-Commission resolution 1987/18 concerning the situation of human rights in El Salvador (E/CN.4/Sub.2/1988/9);

Note by the Secretary-General pursuant to Sub-Commission resolution 1987/20 concerning the situation of human rights in Chile (E/CN.4/Sub.2/1988/10);

Note by the Secretary-General pursuant to Sub-Commission resolution 1987/12 concerning the situation of human rights in the Islamic Republic of Iran (E/CN.4/Sub.2/1988/37);

Letter dated 27 April 1988 from the League of Arab States addressed to the Under-Secretary-General for Human Rights for the attention of the Special Committee (E/CN.4/Sub.2/1988/38);

Note verbale dated 9 August 1988 from the Permanent Mission of Algeria to the United Nations Office at Geneva addressed to the Sub-Commission transmitting a memorandum (and attachments) dated 8 August 1988 from the Palestine Liberation Organization addressed to the Chairman of the Sub-Commission (E/CN.4/Sub.2/1988/40);

Letter dated 10 August 1988 from the Permanent Representative of Israel addressed to the Chairman of the Sub-Commission (E/CN.4/Sub.2/1988/41);

Note verbale dated 29 August 1988 from the Permanent Mission of Chile addressed to the Sub-Commission (E/CN.4/Sub.2/1988/42);

Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization on the Roster (E/CN.4/Sub.2/1988/NGO/9);

Written statement submitted by the International Confederation of Free Trade Unions, the International Youth and Student Movement for the United Nations and Zonta International, non-governmental organizations in consultative status (category I); the Arab Lawyers Union, the Indigenous World Association, the International Association of Democratic Lawyers, the International Federation of Human Rights, the International Federation of Women in Legal Careers, the International Federation Terre

des Hommes, the International Fellowship of Reconciliation, the International Indian Treaty Council, the International Organization for the Elimination of All Forms of Racial Discrimination, Pax Christi, the Union of Arab Jurists, the Women's International League for Peace and Freedom, the World Student Christian Federation and the World University Service, non-governmental organizations in consultative status (category II); the Indian Council of South America, the International Federation of Rural Adult Catholic Movements, the International League for the Rights and Liberation of Peoples and the Parliamentary Association for Euro-Arab Co-operation, non-governmental organizations on the Roster (E/CN.4/1988/NGO/51).

158. At the 12th meeting on 16 August 1988, the Under-Secretary-General introduced the item.

159. In the general debate on item 6 statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (17th), Mr. Assouma (16th), Miss Attah (14th), Mrs. Bautista (17th), Mr. van Boven (16th), Mr. Carey (17th), Mr. Chernichenko (17th), Mrs. Daes (16th), Mr. Diaconu (14th and 17th), Mr. Eide (17th), Mrs. Flores (15th), Mr. Ilkahanaf (15th), Mr. Khalifa (15th), Mrs. Ksentini (14th), Ms. Palley (15th and 17th), Mr. Sobarzo (15th), Mr. Tian Jin (16th), Mr. Türk (16th), Mr. Varela (16th), Mrs. Warzazi (15th), Mr. Yokota (17th).

160. The Sub-Commission heard statements by Observers for the following States: Angola (18th), Bangladesh (17th), Egypt (17th), El Salvador (17th), Ethiopia (18th), India (17th), Iran (Islamic Republic of) (17th), Israel (17th), Lebanon (15th), Libyan Arab Jamahiriya (14th), Nicaragua (17th), Portugal (18th), Sri Lanka (16th), Sudan (15th), Syrian Arab Republic (16th), Turkey (18th).

161. The Sub-Commission also heard statements by the representatives of the Palestine Liberation Organization (16th) and the Pan African Congress of Azania (16th).

162. The Sub-Commission heard statements by the following non-governmental organizations in consultative status: Amnesty International (14th), Arab Lawyers Union (13th), Baha'i International Community (13th), Defence for Children International (14th), Disabled Peoples International (16th), Four Directions Council (13th), Human Rights Advocates, Inc. (16th), Indian Council of South America (16th), Indigenous World Association (13th), International Association for the Defence of Religious Liberty (13th), International Centre of Sociological, Penal and Penitentiary Research and Studies (15th), International Commission of Health Professionals for Health and Human Rights (15th), International Commission of Jurists (13th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (14th), International Federation of Human Rights (13th), International Fellowship of Reconciliation (15th), the International Indian Treaty Council (15th), International League for the Rights and Liberation of Peoples (14th), International Movement A.T.D. Fourth World (13th), International Movement for Fraternal Union Among Races and Peoples (16th), International Organization for the Elimination of All Forms of Racial Discrimination (15th), International Union of Students (16th), Liberation (16th), Minority Rights Group (13th), National Aboriginal and Islander Legal Services Secretariat (16th), Pax Christi (15th), Pax Romana (16th), Union of Arab Jurists (15th), World Union of Progressive Judaism (13th), World University Service (15th).

163. Statements equivalent to right of reply were made by Observers for the following States: China (18th), Guatemala (18th), Indonesia (18th), Iran (Islamic Republic of) (18th), Iraq (18th), Israel (18th), Lebanon (18th), Philippines (18th), Portugal (18th), Romania (18th), Sri Lanka (18th).

The situation in the Palestinian and Arab Territories occupied by Israel.

164. At the 34th meeting, on 31 August 1988, Mr. Alfonso Martínez introduced draft resolution E/CN.4/Sub.2/1988/L.15, sponsored by Mr. Al-Khasawneh, Mr. Alfonso Martínez, Mrs. Bautista, Mr. Chernichenko, Mr. Ilkahanaf, Mr. Khalifa, Mrs. Ksentini, Mrs. Mbonu, Ms. Palley, Mr. Tian Jin, Mr. Türk and Mr. Yimer. Ms. Palley subsequently withdrew her sponsorship.

165. At the same meeting, Mr. van Boven introduced amendments to draft resolution E/CN.4/Sub.2/1988/L.15, contained in document E/CN.4/Sub.2/1988/L.36, which read as follows:

"1. Add a new paragraph between the second and third preambular paragraph to read as follows:

'Noting that all States parties to the Geneva Conventions of 1949 have undertaken to respect and to ensure respect for the Conventions under all circumstances.'

Operative paragraph 1

"2. Replace in the third line, the words 'a crime' by 'is', and delete the words 'under international law' in the third and fourth lines.

Operative paragraph 2

"3. Replace in the penultimate and last lines the words 'crimes against humanity under international law' by 'grave violations of international law',

Operative paragraph 3

"4. Delete in the first line 'the Third and' and in the first and second lines the words 'to the Treatment of the Prisoners of War, and',

"5. Operative paragraph 4 should read as follows:

'Affirms the right of the Palestinian people to resist the Israeli occupation and acknowledges in that respect the uprising of the Palestinian people against the Israeli occupation since 8 December 1987.'

Operative paragraph 6

"6. Replace the text of the first line by 'Strongly urges the Government of Israel to bring promptly to an end:'"

166. Statements relating to the draft resolution and the amendments thereto were made by the following members of the Sub-Commission:

Mr. Alfonso Martínez, Mr. Al-Khasawneh, Mrs. Bautista, Mr. van Boven
Mr. Chernichenko, Mr. Eide, Mr. Joinet, Mrs. Ksentini, Ms. Palley, Mr. Rivas
and Mr. Treat.

167. At the same meeting, Mr. van Boven withdrew amendment 5.

168. Separate votes were taken on each of the remaining amendments.

Amendment 1 was adopted by 22 votes to none, with 1 abstention.

Amendment 2 was rejected by 11 votes to 10, with 3 abstentions.

Amendment 3 was adopted by 13 votes to 9, with 2 abstentions.

Amendment 4 was adopted by 10 votes to 8, with 6 abstentions.

Amendment 6 was rejected by 12 votes to 11, with 1 abstention.

169. At the request of Mrs. Ksentini, a roll-call vote was taken on the draft resolution, as amended. The draft resolution was adopted by 16 votes to 1, with 7 abstentions. The voting was as follows:

In favour: Mr. Al-Khasawneh, Mr. Alfonso Martínez, Mrs. Bautista,
Mr. Chernichenko, Mrs. Daes, Mr. Diaconu, Mrs. Flores,
Mr. Ilkahanaf, Mr. Tian Jin, Mr. Joinet, Mrs. Ksentini,
Mrs. Mbonu, Ms. Palley, Mr. Türk, Mrs. Warzazi and Mr.
Yimer.

Against : Mr. Treat.

Abstaining: Mr. Assouma, Mr. van Boven, Mr. Eide, Mr. Hatano, Mr.
Rivas, Mr. Sobarzo and Mr. Varela.

170. Statements in explanation of vote after the vote were made by Mr. Eide, Mrs. Flores, Mr. Joinet and Mr. Varela.

171. For the text as adopted, see chapter II, section A, resolution 1988/10.

The situation in East Timor

172. At the 35th meeting, on 1 September 1988, Mrs. Daes introduced draft resolution E/CN.4/Sub.2/1988/L.26, sponsored by Mrs. Bautista, Mrs. Daes, Mr. Eide, Mr. Joinet, Mrs. Mbonu, Ms. Palley and Mr. Rivas. Mrs. Bautista and Mrs. Mbonu subsequently withdrew their sponsorship. The draft resolution read as follows:

"The situation in East Timor

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

"Guided by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the universally accepted rules on international humanitarian law,

"Recalling its resolutions 1982/20 of 8 September 1982, 1983/26 of 6 September 1983, 1984/24 of 29 August 1984, and 1987/13 of 2 September 1987 concerning the situation in East Timor,

"Considering the repeated allegations put forward regarding the gross violations of human rights to which the peoples of East Timor continue to be subjected because of the situation which persists in the territory,

"1. Welcomes the action taken by the Secretary-General regarding the question of East Timor;

"2. Requests the Secretary-General to continue his efforts to encourage all parties concerned, that is the administering Power, the Indonesian Government and the East Timor representatives, to co-operate fully in order to achieve a durable solution taking into full consideration the rights and wishes of the people of East Timor;

"3. Requests the Indonesian authorities to observe the human rights of the people of East Timor and, in particular, to facilitate without restrictions the freedom of movement into, out of, and within the territory of East Timor, including especially the activities of humanitarian organizations;

"4. Recommends therefore to the Commission on Human Rights to consider at its forty-fifth session the evolution of the situation of human rights and fundamental freedoms in East Timor."

173. At the same meeting Mr. Ilkahanaf moved, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, that the Sub-Commission take no decision on draft resolution E/CN.4/Sub.2/1988/L.26.

174. Statements relating to the draft resolution and to the motion were made by Mr. Alfonso Martínez, Mr. Al-Khasawneh, Mr. Assouma, Mr. van Boven, Mrs. Daes, Mr. Diaconu, Mr. Eide, Mr. Ilkahanaf, Mr. Joinet, Ms. Palley, Mr. Treat, Mrs. Warzazi and Mr. Yimer.

175. Ms. Palley requested a roll-call vote on the motion, which was adopted by 10 votes to 9, with 5 abstentions. The voting was as follows:

In favour: Mr. Al-Khasawneh, Mr. Assouma, Mrs. Bautista, Mr. Diaconu, Mrs. Flores, Mr. Ilkahanaf, Mrs. Mbonu, Mr. Türk, Mrs. Warzazi and Mr. Yimer.

Against: Mr. Alfonso Martínez, Mr. van Boven, Mrs. Daes, Mr. Eide, Mr. Joinet, Ms. Palley, Mr. Sobarzo, Mr. Treat and Mr. Varela.

Abstaining: Mr. Chernichenko, Mr. Hatano, Mrs. Ksentini, Mr. Rivas and Mr. Tian Jin.

Compensation for victims of gross violations of human rights

176. At the 35th meeting, on 1 September 1988, Mrs. Daes introduced draft resolution E/CN.4/Sub.2/1988/L.27, sponsored by Mrs. Bautista, Mr. van Boven, Mrs. Daes, Mr. Eide, Mr. Khalifa, Mrs. Ksentini, Mr. Treat and Mr. Varela.

177. A statement relating to the draft resolution was made by Mr. Alfonso Martínez.

178. At the same meeting, the draft resolution was adopted without a vote.

179. For the text as adopted, see chapter II, section A, resolution 1988/11.

The situation in Haiti

180. At the 35th meeting, on 1 September 1988, Mr. Joinet introduced draft resolution E/CN.4/Sub.2/1988/L.28, sponsored by Mr. van Boven, Mrs. Daes, Mr. Eide, Mrs. Flores, Mr. Ilkahanaf, Mr. Joinet, Mrs. Mbonu, Ms. Palley, Mr. Rivas, Mr. Sobarzo, Mr. Treat, Mr. Varela and Mr. Yimer. Mrs. Mbonu subsequently withdrew her sponsorship.

181. Mr. Chernichenko moved, under rule 39 of the rules of procedure of the functional commissions of the Economic and Social Council, that the Sub-Commission continue discussing the question in a closed meeting. The Sub-Commission then met in a closed meeting.

182. After a closed meeting, the Sub-Commission continued in a public meeting consideration of draft resolution E/CN.4/Sub.2/1988/L.28.

183. Statements relating to the draft resolution and to the motion were made by Mr. Alfonso Martínez, Mr. Al-Khasawneh, Mr. van Boven, Mr. Eide, Mr. Ilkahanaf, Mr. Joinet, and Mrs. Warzazi.

184. The draft resolution was adopted without a vote.

185. For the text as adopted, see chapter II, section A, resolution 1988/12.

The situation in Iraq

186. At the 35th meeting, on 1 September 1988, Mr. van Boven introduced draft resolution E/CN.4/Sub.2/1988/L.35, sponsored by Mr. van Boven, Mr. Eide, Ms. Palley, Mr. Rivas and Mr. Sobarzo.

187. The draft resolution read as follows:

"The situation in Iraq

"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 covenants on human rights,

"Having reference to the 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare,

"Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

"Concerned by reliable reports of mass extrajudicial executions, enforced or involuntary disappearances and arbitrary detention in Iraq, as reflected in the report of the Special Rapporteur on Summary or Arbitrary Executions (E/CN.4/1988/22), the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1988/19 and Add.1), and specific and detailed reports on non-governmental organizations,

"Deeply concerned by United Nations reports documenting the use of prohibited chemical weapons in the conflict between the Islamic Republic of Iran and Iraq, most recently the Report of the Mission Dispatched by the Secretary-General to Investigate Allegations of the Use of Chemical Weapons in the Conflict Between the Islamic Republic of Iran and Iraq (S/2006), which concluded that 'chemical weapons continue to be used on an intensive scale against Iranian forces' and that 'the use of such weapons in the present conflict has been intensifying and has also become more frequent',

"Deeply concerned also by persistent and reliable reports of the use of prohibited chemical weapons by the Government of Iraq against civilian populations, including their use against the population of the Iraqi town of Halabja on 16 and 17 March 1988,

"Noting with satisfaction the conclusion of a cease-fire agreement between the Islamic Republic of Iran and Iraq and expressing its hope that this agreement will lead to an end to the hostilities between the two countries,

"1. Expresses its concern over the situation of human rights and fundamental freedoms in Iraq;

"2. Expresses its grave concern over the use by Iraq of prohibited chemical weapons;

"3. Urges the Government of Iraq to ensure full respect for human rights and fundamental freedoms and to immediately halt the use of prohibited chemical weapons;

"4. Recommends therefore to the Commission on Human Rights that it study carefully at its forty-fifth session the evolution of the situation of human rights and fundamental freedoms in Iraq, and consider the appointment of an individual of recognized international standing as special rapporteur with the mandate to examine the human rights situation in Iraq."

188. The sponsors orally revised draft resolution E/CN.4/Sub.2/1988/L.35 by deleting the fifth preambular paragraph.

189. Statements relating to the draft resolution were made by Mr. Al-Khasawneh, Mr. Eide, Mr. Joinet, Mrs. Ksentini and Ms. Palley.

190. At the same meeting Mrs. Warzazi moved, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, that the Sub-Commission take no decision on draft resolution E/CN.4/Sub.2/1988/L.35.

191. Mr. Al-Khasawneh, requested a roll-call vote on the motion made by Mrs. Warzazi, which was adopted by 11 votes to 8, with 5 abstentions.

192. The voting was as follows:

- In favour: Mr. Al-Khasawneh, Mr. Alfonso Martínez, Mr. Assouma, Mr. Chernichenko, Mr. Diaconu, Mr. Hatano, Mr. Ilkahanaf, Mrs. Ksentini, Mr. Tian Jin, Mr. Türk and Mrs. Warzazi.
- Against: Mrs. Bautista, Mr. van Boven, Mrs. Daes, Mr. Eide, Mr. Joinet, Ms. Palley, Mr. Rivas and Mr. Treat.
- Abstaining: Mrs. Flores, Mrs. Mbonu, Mr. Sobarzo, Mr. Varela and Mr. Yimer.

193. Statements in explanation of vote after the vote were made by Mr. Al-Khasawneh, Mr. Alfonso Martínez, Mrs. Bautista, Mr. Chernichenko, Mrs. Daes, Mr. Eide, Mr. Ilkahanaf, Mr. Joinet, Ms. Palley and Mr. Tian Jin.

The situation of human rights in El Salvador

194. At the 35th meeting, on 1 September 1988, Mr. Sobarzo introduced draft resolution E/CN.4/Sub.2/1988/L.29, sponsored by Mr. Alfonso Martínez, Mr. van Boven, Mr. Eide, Mr. Joinet, Mr. Sobarzo, Mr. Türk and Mr. Yimer.

195. At the same meeting, the sponsors orally revised draft resolution E/CN.4/Sub.2/1988/L.29 as follows:

(a) in the second preambular paragraph, the words "the humanitarian norms of war" were replaced by the words "the fundamental precepts of humanitarian law";

(b) In the third preambular paragraph, the words "and the multiplication against the organized workers that try to exercise their labour rights" were deleted;

(c) A preambular paragraph was inserted between the third and fourth preambular paragraphs as follows:

"Deeply concerned also at the multiplication of government actions against the organized workers that try to exercise their labour rights";

(d) In the original fourth preambular paragraph, the words "which government forces violate human rights" were replaced by "regard to violations of human rights which at present exist in El Salvador";

(e) In the last preambular paragraph, the words "no longer" were replaced by the word "not";

(f) Operative paragraph 2 which read:

"2. Recommends that the Special Representative of the Commission includes in his next report the conclusions presented by humanitarian organizations on the fact that the death squads act under the orders of high level officials of the government forces and that in addition these continue to carry out captures for political reasons without recognizing the prisoners' status as political prisoners;"

was replaced by a new paragraph;

(g) Operative paragraph 6 which read:

"6. Expresses its hope that the Government of El Salvador and the Frente Democrático Revolucionario - Frente Farabundo Martí para la Liberación Nacional do everything possible in order to renew their dialogue, and continue it until achieving a comprehensive negotiated political solution that puts an end to the armed conflict and guarantees the full exercise of the economic, political and social rights of all Salvadorians"

was replaced by a new paragraph.

196. A statement relating to the draft resolution was made by Mr. Varela.

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

198. For the text as adopted, see chapter II, section A, resolution 1988/13.

The situation of human rights in Guatemala

199. At the 35th meeting, on 1 September 1988, Mr. Eide introduced draft resolution E/CN.4/Sub.2/1988/L.33, sponsored by Mr. van Boven, Mrs. Daes, Mr. Eide and Mr. Joinet.

200. At the same meeting, the sponsors orally revised draft resolution E/CN.4/Sub.2/1988/L.33 as follows:

(a) the second preambular paragraph which read:

"Recalling its resolutions 1982/17, of 7 September 1982, 1983/12, of 5 September 1983, 1984/23 of 29 August 1984 and 1985/28 of 30 August 1985 which expressed deep concern for the massive and grave violations which were then taking place in Guatemala, and the restrictive measures which limited the freedom of the rural population,"

was deleted.

(b) In the third preambular paragraph and in operative paragraph 7, the word "sectors" was replaced by the word "elements".

201. A statement relating to the draft resolution was made by Mr. Varela.

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

203. For the text as adopted, see chapter II, section A, resolution 1988/14.

The situation of human rights in Albania

204. At the 35th meeting, on 1 September 1988, Mrs. Daes introduced draft resolution E.CN.4/Sub.2/1988/L.34*, sponsored by Mr. van Boven, Mrs. Daes, Mr. Eide, Ms. Palley, Mr. Sobarzo, Mr. Treat, and Mrs. Warzazi. Mrs. Bautista subsequently joined the sponsors.

205. Mr. Alfonso Martínez requested a vote on the draft resolution, which was adopted by 12 votes to 4, with 6 abstentions.

206. Mr. Joinet subsequently announced that, had he been present, he would have voted in favour.

207. Statements in explanation of vote after the vote were made by Mr. Al-Khasawneh, Mr. Alfonso Martínez and Mr. Ilkahanaf.

208. For the text as adopted, see chapter II, section A, resolution 1988/15.

The situation of human rights in Chile

209. At the 35th meeting, on 1 September 1988, Mr. Sobarzo introduced draft resolution E/CN.4/Sub.2/1988/L.44, which he had sponsored. Mr. Alfonso Martínez, Mr. van Boven, Mr. Eide, Mr. Joinet, Mrs. Ksentini, Mr. Türk, and Mr. Yimer subsequently joined the sponsor.

210. At the same meeting, the sponsors orally revised draft resolution E/CN.4/Sub.2/1988/L.44 as follows:

In operative paragraph 2, the words "to put an end to such situations and" were deleted.

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

212. For the text as adopted, see chapter II, section A, resolution 1988/16.

VIII. HUMAN RIGHTS AND DISABILITY

213. The Sub-Commission considered agenda item 7 from its 10th to 12th and 26th meetings, held on 15, 16 and 25 August 1988.

214. The Sub-Commission had before it the following documents:

Progress report prepared by the Special Rapporteur,
Mr. Leandro Despouy (E/CN.4/Sub.2/1988/11);

Written statement submitted by Baha'i International Community, a
non-governmental organization in consultative status (category II)
(E/CN.4/Sub.2/1988/NGO/4).

215. At the 10th meeting, on 15 August 1988, the Special Rapporteur, Mr. L. Despouy, introduced his progress report (E/CN.4/Sub.2/1988/11).

216. In the general debate on the item, statements were made by the following members of the Sub-Commission: Miss Attan (11th), Mrs. Bautista (12th), Mr. Carey (11th), Mr. Diaconu (12th), Mr. Eide (11th), Mr. Flinterman (11th), Mr. Hatano (11th), Mr. Joinet (12th), Mr. Khalifa (11th), Mrs. Ksentini (11th) Mr. Tian Jin (11th) and Mrs. Warzazi (11th).

217. The Sub-Commission also heard a statement by the Observer for the Libyan Arab Jamahiriya (12th).

218. Statements were also made by the following non-governmental organizations: Baha'i International Community (12th), Disabled People's International (11th), Four Directions Council (12th), Human Rights Advocates (12th), Indigenous World Association (12th), International Movement for Fraternal Union among Races and Peoples (12th).

219. A statement equivalent to right of reply was made by the Observer for El Salvador (12th).

220. A statement was also made by the Special Rapporteur, Mr. L. Despouy (12th).

221. At the 26th meeting, on 25 August 1988, Mr. Sobarzo introduced draft resolution E/CN.4/Sub.2/1988/L.14, which he had sponsored.

222. Mr. Carey introduced an amendment to draft resolution E/CN.4/Sub.2/1988/L.14 contained in document E/CN.4/Sub.2/1988/L.24 sponsored by Mr. Carey, Mr. Flinterman, Ms. Palley, Mr. Rivas, Mr. Sobarzo and Mr. Treat, which read as follows:

"1. Add the following operative paragraph:

'Requests Mr. Varela to prepare, without financial implications, a brief analysis of the feasibility of a study on AIDS and human rights, and to present the analysis to the Sub-Commission at its forty-first session.'"

223. The amendment contained in document E/CN.4/Sub.2/1988/L.24 was withdrawn by the sponsors.

224. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/Sub.2/1988/L.17) of draft resolution E/CN.4/Sub.2/1988/L.14 .

225. The draft resolution was adopted without a vote.

226. For the text as adopted, see chapter II, section A, resolution 1988/8.

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)

227. The Sub-Commission considered item 8 of its agenda at its 27th, 28th, 29th, and 30th closed meetings, and at its 37th meeting (closed part), held on 26 and 29 August and on 2 September 1988.

228. 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.

229. The procedure to be followed by the Working Group on Communications 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.

230. The Sub-Commission had before it a confidential report on the work of the sixteenth session of the Working Group on Communications, held from 25 July to 5 August 1988 (E/CN.4/Sub.2/1988/R.1 and Addenda), as well as certain communications which had been kept pending before it since its thirty-ninth session in 1987. All relevant government replies were also before the Sub-Commission. The Chairman-Rapporteur of the Working Group on Communications, Mr. Fisseha Yimer, introduced its report and drew attention, as appropriate, to the material which was pending before the Sub-Commission since its thirty-ninth session.

231. Following a discussion which ensued, the Sub-Commission decided, pursuant to paragraph 5 of Economic and Social Council resolution 1503 (XLVIII), to refer to the Commission on Human Rights for consideration certain particular situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights. The Sub-Commission decided to defer action on certain communications to its forty-first session in 1989 and to take no action with regard to certain other communications which it had before it.

232. At its 37th meeting (closed part) held on 2 September 1988, the Sub-Commission adopted a report, by which it communicates its decisions to the Commission on Human Rights, confidentially, in accordance with paragraph 8 of Council resolution 1503 (XLVIII).

233. The Sub-Commission noted with satisfaction that there is a growing readiness on the part of Governments to reply to communications forwarded to them under Council resolution 728 F (XXVIII). The Sub-Commission welcomes this positive development in international co-operation which is essential for the work of the bodies entrusted with the implementation of the procedure governed by Council resolution 1503 (XLVIII).

234. At its 37th meeting, on 2 September 1988, the Sub-Commission decided on the composition of its Working Group on Communications to meet prior to its forty-first session.

235. For the composition of the Working Group, see chapter II, section B, decision 1988/113.

X. 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
- B. QUESTION OF HUMAN RIGHTS AND STATES OF EMERGENCY
- C. INDIVIDUALIZATION OF PROSECUTION AND PENALTIES, AND REPERCUSSIONS OF VIOLATIONS OF HUMAN RIGHTS ON FAMILIES

236. The Sub-Commission considered agenda item 9, sub-items 9(a), 9(b) and 9(c) at its 13th, 16th, 18th to 24th, 26th, 34th and 35th meetings, held from 17 to 25 and on 31 August, and on 1 September 1988.

237. At the 16th meeting, on 18 August 1988, the Deputy Director of the Centre for Human Rights introduced the item.

238. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Sub-item 9(a)

Analysis of questions dealt with in the explanatory paper on the practice of administrative detention without charge or trial (E/CN.4/Sub.2/1987/16) submitted by Mr. Louis Joinet (E/CN.4/Sub.2/1988/12);

Report of the Secretary-General containing information received from Governments, Sub-Commission resolution 7 (XXVII) (E/CN.4/Sub.2/1988/13);

Report of the Secretary-General containing information received from specialized agencies and intergovernmental organizations, Sub-Commission resolution 7 (XXVII) (E/CN.4/Sub.2/1988/14);

Synopsis of material submitted by non-governmental organizations, Sub-Commission resolutions 7 (XXVII) and 4 (XXVIII) (E/CN.4/Sub.2/1988/15);

Report of the Secretary-General containing succinct information on the work of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, the developments elsewhere in the human rights programme and the activities within the United Nations programme on crime prevention and control as they relate to the question of the human rights of persons subjected to any form of detention or imprisonment, Commission on Human Rights resolution 1988/33 (E/CN.4/Sub.2/1988/16);

Report of the Secretary-General of staff members of the United Nations and the specialized agencies, Sub-Commission resolution 1987/21 (E/CN.4/Sub.2/1988/17);

Analysis concerning the proposition to elaborate a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty by the Special Rapporteur, Mr. Marc J. Bossuyt, pursuant to Economic and Social Council resolution 1985/41 (E/CN.4/Sub.2/1987/20);

Report of the sessional Working Group on Detention (E/CN.4/Sub.2/1988/28);

Selected United Nations draft instruments relating to the administration of justice and the human rights of detainees which will be submitted to the Committee on Crime Prevention and Control at its tenth session, 22-31 August 1988 (E/CN.4/Sub.2/1988/CRP.1);

Written statement submitted by the International Movement for Fraternal Union among Races and Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1988/NGO/10);

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1988/NGO/15);

Sub-item 9(b)

Second annual report and list of countries which proclaimed, extended or terminated a state of emergency, by the Special Rapporteur, Mr. Leandro Despouy, in accordance with Economic and Social Council resolution 1985/37 (E/CN.4/Sub.2/1988/18 and Add.1);

First annual report and list of countries which proclaimed, extended or terminated a state of emergency, by the Special Rapporteur, Mr. Leandro Despouy, in accordance with Economic and Social Council resolution 1985/37, updated for consideration by the Commission on Human Rights at its 44th session (E/CN.4/Sub.2/1987/19/Rev.1 and Add.1 and 2);

Written statement submitted by the Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1988/NGO/23);

Sub-item 9(c)

Report on the prevention of the disappearance of children prepared by Mr. Theo van Boven pursuant to Sub-Commission decision 1987/107 (E/CN.4/Sub.2/1988/19).

239. In the general debate on item 9, statements were made by the following members of the Sub-Commission: Mr. Al-Khasawneh (19th), Mr. Alfonso Martínez (23rd), Mrs. Bautista (21st), Mr. van Boven (18th, 19th, and 22nd), Mr. Chernichenko (20th), Mrs. Daes (20th), Mr. Diaconu (20th), Mr. Eide (19th and 22nd), Mrs. Flores (19th), Mr. Ilkahanaf (22nd), Mr. Joinet (16th and 20th), Mr. Khalifa (19th), Mrs. Ksentini (20th), Mrs. Mbonu (19th), Mr. Segura (19th), Mr. Türk (19th), Mr. Varela (22nd), Mrs. Warzazi (21st), Mr. Yokota (22nd).

240. The Sub-Commission heard statements by the Observers for: Argentina (22nd), Bangladesh (22nd), Egypt (22nd), Republic of Korea (22nd), Paraguay (22nd), Sri Lanka (22nd).

241. The Sub-Commission also heard statements by the following non-governmental organizations: Amnesty International (18th and 21st), Arab Lawyers Union (21st), Disabled Peoples International (20th), Friends World Committee for Consultation (Quakers) (18th), Human Rights Advocates (22nd), Indigenous World Association (20th), International Association of Democratic Lawyers (20th and 22nd), International Centre of Sociological, Penal and Penitentiary Research and Studies (19th), International Commission for Health Professionals (19th), International Commission of Jurists (19th), International Federation of Human Rights (20th), International Indian Treaty Council (22nd), International League for the Rights and Liberation of Peoples (18th), International Movement for Fraternal Union Among Races and Peoples (18th), International Organization for the Elimination of All Forms of Racial Discrimination (21st), Latin American Federation of Associations of Relatives of Disappeared Detainees (21st), Liberation (18th), National Aboriginal and Islander Legal Services (21st), Pax Christi (21st), Pax Romana (19th), Women's International League for Peace and Freedom (21st), World Federation of Democratic Youth (22nd), World Union for Progressive Judaism (21st).

242. Statements equivalent to a right of reply were made by the Observers for: China (23rd), El Salvador (24th), Ethiopia (23rd), France (23rd), Greece (24th), Guatemala (24th), India (23rd), Indonesia (23rd), Iraq (23rd), Japan (23rd), Malaysia (22nd), Peru (24th), Philippines (24th), Singapore (23rd), Syrian Arab Republic (23rd), Turkey (24th).

A. Question of the human rights of persons subjected to any form of detention and imprisonment

243. At the 16th meeting, on 18 August 1988, Mr. L. Joinet presented orally an analysis of questions relating to administrative detention without charge or trial on the basis of the replies to the questionnaire drafted pursuant to Sub-Commission resolution 1987/24.

244. At the 19th meeting, on 22 August 1988, the Special Rapporteur, Mr. M. Bossuyt, introduced his analysis concerning the proposition to elaborate a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, pursuant to Economic and Social Council resolution 1985/41 (E/CN.4/Sub.2/1987/20). At the 23rd meeting, on 24 August 1988, Mr. M. Bossuyt also made a statement.

245. At the 34th meeting, on 31 August 1988, the Rapporteur of the sessional Working Group on Detention, Mr. M. Alfonso Martínez, introduced the report of the Group (E/CN.4/Sub.2/1988/28).

246. At the same meeting, the Sub-Commission also heard a statement by the Chairman of the Working Group, Mr. J. Carey.

Human rights of persons subjected to any form of detention and imprisonment: draft principles

247. At its 13th meeting, on 17 August 1988, the Sub-Commission took up consideration of the draft decision E/CN.4/Sub.2/1988/L.2 submitted under agenda item 9(a).

248. Mr. Carey introduced the draft decision and revised it as follows:

(a) in the first paragraph, the words "on the subject" were inserted between the words "texts" and "might be useful";

(b) in the second paragraph, the words "at the end of" were inserted between the words "adding" and "draft paragraph".

249. Mrs. Daes proposed amending the first paragraph, sub-paragraph 1 as follows:

"Insert the words 'entitled, "International standards for adequate investigation into suspicious deaths in detention, as well as adequate autopsy", submitted by Mr. John Carey pursuant to Sub-Commission decision 1987/108 of 3 September 1987', between the words 'document E/CN.4/Sub.2/1988/WG.1/WP.1' and 'a copy'".

250. The amendment was accepted by the sponsor of the draft decision.

251. The draft decision, as revised and amended, was adopted without a vote.

252. For the text as adopted, see chapter II, section B, decision 1988/103.

Protection of staff members of the United Nations system

253. At the 34th meeting, on 31 August 1988, Mr. Carey introduced draft resolution E/CN.4/Sub.2/1988/L.18, sponsored by Mr. van Boven, Mr. Carey, Mrs. Daes, Mr. Ilkahanaf and Mr. Yokota. Mrs. Bautista and Mr. Joinet subsequently joined the sponsors.

254. Mr. Diaconu proposed that a vote be taken on draft resolution E/CN.4/Sub.2/1988/L.18.

255. Mr. Chernichenko proposed deleting operative paragraphs 3, 4 and 5 of the draft resolution.

256. At the request of Mr. Alfonso Martínez, a separate vote was taken on operative paragraph 1, which was retained by 19 votes to 2, with 3 abstentions.

257. The draft resolution was adopted by 18 votes to 1, with 3 abstentions. Statements in explanations of vote after the vote were made by Mr. Alfonso Martínez, Mr. Chernichenko and Mr. Diaconu.

258. At the 35th meeting, on 1 September 1988, the Chairman announced that, in accordance with paragraph 3 of the resolution, Mrs. Mary Concepción Bautista was entrusted with the task of undertaking an examination of the violation of human rights of staff members of the United Nations system.

259. For the text as adopted, see chapter II, section A, resolution 1988/9.

Draft declaration on the protection of all persons from enforced or involuntary disappearances

260. At the 35th meeting, on 1 September 1988, Mr. Carey introduced draft resolution E/CN.4/Sub.2/1988/L.19 sponsored by Mr. Alfonso Martínez, Mr. Carey, Mr. Ilkahanaf, Mr. Türk and Mr. Yokota. Mr. Varela subsequently joined the sponsors.

261. The draft resolution was adopted without a vote.

262. For the text of the resolution, see chapter II, section A, resolution 1988/17.

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

263. At the 36th meeting, on 1 September 1988, Mr. Carey introduced draft decision E/CN.4/Sub.2/1988/L.22 sponsored by Mr. Carey, Mr. Ilkahanaf, Mr. Türk and Mr. Yokota. Mr. Alfonso Martínez subsequently joined the sponsors.

264. The draft decision was orally revised by the sponsors as follows:

"In paragraph 8, the word 'himself' was replaced by the words 'the detained person', and in paragraph 9, the word 'appropriate' was inserted between the words 'other' and 'persons'."

265. Statements were also made in relation to the draft decision by Mr. Diaconu and Mr. Chernichenko.

266. The draft decision, as orally revised, was adopted without a vote.

267. For the text of the decision, see chapter II, section B, decision 1988/107.

Draft second optional protocol to the International Covenant
on Civil and Political Rights

268. At the same meeting, Mr. van Boven introduced draft resolution E/CN.4/Sub.2/1988/L.23 sponsored by Mr. van Boven, Mr. Chernichenko, Mrs. Daes, Mr. Eide, Mrs. Flores, Mr. Joinet, Mr. Sobarzo and Mr. Varela. Mr. Alfonso Martínez and Mr. Rivas subsequently joined the sponsors.

269. Mrs. Ksentini proposed amending operative paragraph 2 by deleting the words "and further action".

270. The draft resolution, as amended by Mrs. Ksentini, was adopted without a vote.

271. For the text of the resolution, see chapter II, section A, resolution 1988/22.

Detention of foreign and Lebanese hostages in Lebanon

272. At the same meeting, Mr. Al-Khasawneh introduced draft resolution E/CN.4/Sub.2/1988/L.31, sponsored by Mr. Al-Khasawneh, Mr. van Boven, Mr. Eide, Mr. Khalifa, Mrs. Ksentini, Ms. Palley and Mr. Pellet.

273. The draft resolution was adopted without a vote.

274. For the text of the resolution, see chapter II, section A, resolution 1988/23.

Special committee on human rights prizes

275. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1988/L.38 sponsored by Mr. Alfonso Martínez, Mr. Assouma, Mr. Chernichenko, Mrs. Daes, Mr. Diaconu, Mr. Eide, Mrs. Flores, Mrs. Ksentini, Mrs. Mbonu, Ms. Palley, Mrs. Warzazi and Mr. Yimer. Mrs. Baustista, Mr. Ilkhanaf, Mr. Joinet, Mr. Rivas and Mr. Sobarzo subsequently joined the sponsors.

276. The draft decision was adopted without a vote.

277. For the text of the decision, see chapter II, section B, decision 1988/108.

International standards for adequate investigations into all cases of suspicious deaths in detention

278. At the same meeting, Mr. Carey introduced draft decision E/CN.4/Sub.2/1988/L.41 sponsored by Mr. Alfonso Martínez, Mr. Carey, Mr. Ilkhanaf, Mr. Türk and Mr. Yokota.

279. The draft decision was adopted without a vote.

280. For the text of the decision, see chapter II, section B, decision 1988/109.

The right to freedom of expression and the question of administrative detention

281. At the same meeting, Mr. Carey introduced draft decision E/CN.4/Sub.2/1988/L.42, sponsored by Mr. Alfonso Martínez, Mr. Carey, Mr. Ilkhanaf and Mr. Yokota.

282. The sponsors orally revised the draft decision by adding a sentence.

283. The draft decision, as revised, was adopted without a vote.

284. For the text of the decision, see chapter II, section B, decision 1988/110.

B. Question of human rights and states of emergency

285. At the 16th meeting, on 18 August 1988, the Special Rapporteur, Mr. L. Despouy, introduced his second annual report and the list of countries which proclaimed, extended or terminated a state of emergency, pursuant to Economic and Social Council resolution 1985/37 (E/CN.4/Sub.2/1988/18 and Add.1).

286. At the 36th meeting, on 1 September 1988, Mrs. Flores introduced draft resolution E/CN.4/Sub.2/1988/L.37 sponsored by Mr. van Boven, Mrs. Daes, Mr. Eide, Mrs. Flores, Mr. Pellet, Mr. Rivas, Mr. Sobarzo, Mr. Treat and Mr. Varela. Mr. Alfonso Martínez subsequently joined the sponsors.

287. Mr. Joinet proposed amending operative paragraph 5 by inserting the words "in conjunction with the Special Rapporteur on administrative detention without charge or trial" after the words "and requests the Special Rapporteur".

288. The attention of the Sub-Commission was drawn to the administrative and programme budget implications (E/CN.4/Sub.2/1988/L.47) of the draft resolution E/CN.4/Sub.2/1988/L.37.

289. The draft resolution, as amended by Mr. Joinet, was adopted without a vote.

290. For the text of the resolution, see chapter II, section A, resolution 1988/24.

C. Individualization of prosecution and penalties, and repercussions of violations of human rights on families

291. At the 18th meeting, on 19 August 1988, the Special Rapporteur, Mr. T. van Boven introduced his report on the prevention of the disappearance of children, prepared pursuant to Sub-Commission decision 1987/107 (E/CN.4/Sub.2/1988/19).

XI. DRAFT DECLARATION IN THE INDEPENDENCE AND IMPARTIALITY OF THE JUDICIARY, JURORS AND ASSESSORS AND THE INDEPENDENCE OF LAWYERS

292. The Sub-Commission considered agenda item 10 at its 21st, 24th and 36th meetings on 23 and 24 August and 1 September 1988.

293. The Sub-Commission had before it the following documents:

Report and a revised text on the Draft declaration on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers submitted by the Special Rapporteur, Mr. L. M. Singhvi, pursuant to Sub-Commission resolution 1987/23 (E/CN.4/Sub.2/1988/20 and Add.1);

Note verbale dated 20 July 1988 from the Permanent Mission of the Kingdom of the Netherlands addressed to the Secretary-General (E/CN.4/Sub.2/1988/39).

294. At the 21st meeting, on 23 August 1988, the Special Rapporteur, Mr. L.M. Singhvi, introduced his report. (E/CN.4/Sub.2/1988/20 and Add.1)

295. In the general discussion on item 10, the Sub-Commission heard statements by the following members: Mr. Al-Khasawneh (24th), Mr. Assouma (24th), Mr. Chernichenko (24th), Mrs. Daes (24th), Mr. Diaconu (24th), Mr. Eide (24th), Mr. Flinterman (24th), Mr. Ilkahanaf (24th), Mr. Khalifa (24th), Mrs. Ksentini (24th), Mr. Shao Jin (24th), Ms. Palley (24th), Mr. Treat (24th), Mr. Türk (24th), Mrs. Warzazi (24th), Mr. Yimer (24th), Mr. Yokota (24th).

296. The Sub-Commission heard statements by the following non-governmental organizations: Human Rights Advocates (24th), Indigenous World Association (24th), International Commission of Jurists (24th), International Federation of Human Rights (24th), International Centre of Sociological, Penal and Penitentiary and Research Studies (24th).

297. At the 24th meeting, on 24 August 1988, the Special Rapporteur, Mr. L.M. Singhvi, made a statement.

298. Statements equivalent to right of reply were made by the Observers for Malaysia (31st) and the Philippines (31st).

299. At the 36th meeting, on 1 September 1988, Mrs. Daes introduced draft resolution E/CN.4/Sub.2/1988/L.40 sponsored by Mr. van Boven, Mrs. Daes and Mr. Eide. Mr. Ilkahanaf subsequently joined the sponsors.

300. Statements relating to the draft resolution were made by Mr. Alfonso Martínez, Mr. van Boven, Mrs. Daes, Mr. Joinet and Mr. Sobarzo.

301. Mr. van Boven proposed amending the title of the draft resolution which read: "Draft Universal Declaration on the Independence of Justice" by deleting the word "Universal", and replacing the word "Justice" by the words "the Judiciary".

302. Mr. van Boven, modifying his proposed amendment, proposed to amend the title of the draft resolution to be the same as that of the agenda item.

303. Mr. Alfonso Martínez proposed amending operative paragraph 3 as follows:

"Add, after 'the Judiciary', the words 'Jurors and Assessors and the Independence of Lawyers'."

304. The draft resolution, as amended by Mr. Alfonso Martínez and Mr. van Boven, was adopted without a vote.

305. For the text of the resolution, see chapter II, section A, resolution 1988/25.

XII. HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

306. The Sub-Commission considered agenda item 11 at its 23rd, 25th, 32nd, 33rd and 36th meetings held on 24, 25, 30 and 31 August and 1 September 1988.

307. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Note by the Secretary-General regarding hazards to human lives of existing practices followed by transnational corporations and enterprises (E/CN.4/Sub.2/1988/21 and Add.1-2);

Final report by the Special Rapporteur, Mr. Louis Joinet (E/CN.4/Sub.2/1988/22);

Report of the Sessional Working Group on the question of persons detained on the grounds of mental ill-health or suffering from mental disorder (E/CN.4/Sub.2/1988/23);

Written statement submitted by the International Movement for Fraternal Union among Races and Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1988/NGO/1);

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1988/NGO/17);

Written statement submitted by Disabled People's International, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1988/NGO/27).

308. At the 23rd meeting, on 24 August 1988, the Under-Secretary-General for Human Rights introduced the item.

309. At the same meeting, the Special Rapporteur, Mr. L. Joinet, introduced his final report on the guidelines for the regulation of computerized personal data files.

310. At the 32nd meeting, on 30 August 1988, the Chairman-Rapporteur, Ms. Claire Palley, introduced the report of the sessional Working Group on the agenda item to the Sub-Commission (E/CN.4/Sub.2/1988/23).

311. Statements were made by the following members of the Sub-Commission: Mr. Assouma (25th), Mrs. Bautista (33rd), Mr. van Boven (32nd), Mr. Carey (32nd), Mr. Diaconu (25th), Mr. Eide (25th), Mrs. Ksentini (25th), Mrs. Mbonu (25th), Mr. Treat (25th), Mrs. Warzazi (25th), Mr. Yokota (25th).

312. The Sub-Commission also heard statements by the representatives of the United Nations High Commissioner for Refugees (23rd) and the World Health Organization (25th and 32nd).

313. Statements were also made by the following non-governmental organizations: Amnesty International (23rd), International Center of Sociological, Penal and Penitentiary Research and Studies (25th), International Commission of Jurists (25th and 32nd), International Movement for Fraternal Union among Races and Peoples (23rd), Pax Romana (25th).

Movement and dumping of toxic and dangerous products and wastes

314. At the 36th meeting, on 1 September 1988, Mrs. Mbonu introduced draft resolution E/CN.4/Sub.2/1988/L.4 sponsored by Mr. Alfonso Martínez, Mr. Assouma, Miss Attah, Mrs. Bautista, Mrs. Daes, Mr. Diaconu, Mr. Ilkahanaf, Mr. Joinet, Mrs. Ksentini, Mrs. Warzazi and Mr. Yimer.

315. Mr. Al-Khasawneh proposed amending operative paragraph 3 of the draft resolution by inserting the words "the elaboration of" after the words "action on".

316. The amendment was accepted by the sponsors.

317. At the same meeting, the draft resolution, as amended, was adopted without a vote.

318. For the text of the resolution, see chapter II, section A, resolution 1988/26.

Elimination of chemical weapons

319. At the same meeting, Ms. Palley introduced draft resolution E/CN.4/Sub.2/1988/L.39 sponsored by Mrs. Bautista, Mr. van Boven, Mrs. Daes, Mr. Eide, Mrs. Flores, Mr. Ilkahanaf, Mr. Khalifa, Ms. Palley, Mr. Pellet, Mr. Rivas, Mr. Sobarzo, Mr. Treat, Mr. Türk, Mr. Varela, Mrs. Warzazi, Mr. Yimer and Mr. Yokota.

320. Statements relating to the draft resolution were made by Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Diaconu and Mr. Eide.

321. Mr. Al-Khasawneh proposed amending operative paragraph 2 of the draft resolution by inserting the words "consider on a priority basis" after the words "done so to" and replacing the word "accede" by the word "acceding".

322. Mr. van Boven proposed amending subparagraph 4(a) by inserting the words "on the basis of relevant and reliable sources" between the words "information" and "on the use".

323. Mr. Chernichenko proposed amending subparagraph 4(a) by deleting the words "and stocks".

324. The proposals made by Mr. Al-Khasawneh, Mr. van Boven and Mr. Chernichenko were accepted by the sponsors.

325. At the same meeting, the draft resolution, as amended, was adopted without a vote.

326. For the text of the resolution, see chapter II, section A, resolution 1988/27.

Study on the question of discrimination against persons with the HIV virus or suffering from AIDS

327. At the same meeting, Mr. Carey introduced draft decision E/CN.4/Sub.2/1988/L.43 sponsored by Mr. van Boven, Mrs. Daes, Mr. Eide, Ms. Palley, Mr. Rivas, Mr. Sobarzo, Mr. Treat and Mr. Yimer.

328. Statements relating to the draft decision were made by Mr. Alfonso Martínez, Mr. Carey, Mr. Eide and Mr. Joinet.

329. The draft decision was adopted without a vote.

330. For the text of the decision, see chapter II, section B, decision 1988/111.

Draft body of principles and guarantees for the protection of mentally-ill persons

331. At the 36th meeting, Ms. Palley introduced draft resolution E/CN.4/Sub.2/1988/L.46 sponsored by Mrs. Daes and Ms. Palley.

332. At the same meeting, a statement was made by Mrs. Daes relating to the draft resolution.

333. Mr. Diaconu proposed amending the operative paragraph 2, by inserting the words "in principle", between the words "adopts" and "the draft body". Mr. Diaconu subsequently withdrew his proposed amendment.

334. Mr. Chernichenko proposed inserting between operative paragraphs 2 and 3, a new paragraph which read as follows:

"3. Decides to submit to the Commission on Human Rights the present draft for further consideration;"

335. The amendment was accepted by the sponsors.

336. The draft resolution, as amended, was adopted without a vote.

337. For the text of the resolution, see chapter II, section A, resolution 1988/28.

Guidelines on the use of computerized personal files

338. At the same meeting, Mrs. Daes introduced draft resolution E/CN.4/Sub.2/1988/L.53, sponsored by Mrs. Daes and Mr. Yimer.

339. At the same meeting, the attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/Sub.2/1988/L.66) of draft resolution E/CN.4/Sub.2/1988/L.53.

340. The draft resolution was adopted without a vote.

341. For the text of the resolution, see chapter II, section A, resolution 1988/29.

XIII. DISCRIMINATION AGAINST INDIGENOUS POPULATIONS

342. The Sub-Commission considered agenda item 12 at its 32nd, 33rd, 34th and 36th meetings on 30 and 31 August and 1 September 1988.

343. The Sub-Commission had before it the following documents:

Report of the Working Group on Indigenous Populations on its sixth session (E/CN.4/Sub.2/1988/24 and Add.1-2);

Working paper by Mrs. Erica-Irene A. Daes containing a set of draft preambular paragraphs and principles for insertion into a universal declaration on indigenous rights (E/CN.4/Sub.2/1988/25);

Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1988/NGO/12);

Written statement submitted by the Grand Council of the Crees (of Quebec), a non-governmental organization on the Roster (E/CN.4/Sub.2/1988/NGO/20);

Written statement submitted by Elimination of All Forms of Racial Discrimination (EAFORD), a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1988/NGO/24);

Written statement submitted by the following non-governmental organizations in consultative status: International Confederation of Free Trade Unions, Women's International Democratic Federation, World Federation of Democratic Youth, World Federation of Trade Unions (category I); Afro-Asian Peoples Solidarity Organization, Anti-Slavery Society, Arab Lawyers Union, Commission of the Churches on International Affairs, Disabled Peoples International, Human Rights Advocates, International Association of Democratic Lawyers, International Commission of Jurists, International Federation of Human Rights, International Federation Terre des Hommes, International Fellowship of Reconciliation, International Movement for Fraternal Union among Races and Peoples, International Organization for Elimination of all Forms of Racial Discrimination, International Union of Students, Pax Christi International, Pax Romana, Union of Arab Jurists, Women's International League for Peace and Freedom, (category II); International League for the Rights and Liberation of Peoples, Minority Rights Group, World Peace Council (Roster) (E/CN.4/Sub.2/1988/NGO/26).

344. At its 32nd meeting, on 30 August 1988, the Chairman-Rapporteur of the Working Group on Indigenous Populations, Mrs. Erica-Irene Daes, introduced the report of the Working Group on its sixth session (E/CN.4/Sub.2/1988/24 and Add.1-2).

345. In the general debate on item 12, statements were made by the following members of the Sub-Commission: Mr. Al-Khasawneh (34th), Mr. Alfonso Martínez (33rd and 34th), Mr. van Boven (32nd), Mr. Carey (32nd and 33rd), Mr. Joinet (32nd), Mr. Varela (34th).

346. Statements were made by the Observers for Burma (33rd) and Guatemala (33rd).

347. The Observer for the Pan Africanist Congress of Azania made a statement (33rd).

348. Statements were also made by the Observers for the following non-governmental organizations. Four Directions Council (32nd), Grand Council of the Crees (of Quebec) (33rd), Indian Council of South America (33rd), Indigenous World Association (33rd), International Commission of Jurists (32nd), International Federation of Human Rights (32nd), International Federation Terre des Hommes (32nd), International Indian Treaty Council (33rd), International League for the Rights and Liberation of Peoples (33rd), National Aboriginal and Islander Legal Services Secretariat (33rd).

349. A statement equivalent to right of reply was made by the Observer for Guatemala (33rd).

350. At its 36th meeting on 1 September 1988, the Sub-Commission took up consideration of the draft resolutions submitted under agenda item 12.

Discrimination against indigenous populations

351. At the same meeting, Mrs. Daes introduced draft decision E/CN.4/Sub.2/1988/L.49, sponsored by Mr. Carey and Mrs. Daes, which replaced draft decision E/CN.4/Sub.2/1988/L.3.

352. At the same meeting, the attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/Sub.2/1988/L.12) of draft decision E/CN.4/Sub.2/1988/L.49.

353. The draft decision was adopted without a vote.

354. For the text of the decision, see chapter II, section B, decision 1988/105.

Draft Universal Declaration on Indigenous Rights

355. At the same meeting, Mrs. Daes introduced draft resolution E/CN.4/Sub.2/1988/L.32, sponsored by Mr. Alfonso Martínez, Mrs. Daes, Mrs. Mbonu, Mr. Tian Jin and Mr. Türk. Mr. Carey and Mr. Joinet subsequently joined the sponsors.

356. A statement relating to the draft resolution was made by Mr. Carey.

357. The draft resolution was adopted without a vote.

358. For the text of the resolution, see chapter II, section A, resolution 1988/18.

Proposal to proclaim an international year for the promotion of indigenous rights

359. At the same meeting, Mrs. Daes introduced draft resolution E/CN.4/Sub.2/1988/L.45, sponsored by Mr. Alfonso Martínez, Mrs. Daes, Mrs. Mbonu, Mr. Tian Jin and Mr. Türk. Mr. Joinet subsequently joined the sponsors.

360. The draft resolution was adopted without a vote.

361. For the text of the resolution, see chapter II, section A, resolution 1988/19.

Study on treaties

362. At the same meeting, Mrs. Daes introduced draft resolution E/CN.4/Sub.2/1988/L.52, sponsored by Mr. Al-Khasawneh, Mr. Alfonso Martínez, Mrs. Bautista, Mr. Chernichenko, Mrs. Daes, Mr. Diaconu, Mr. Eide, Mr. Hatano, Mr. Joinet, Mrs. Ksentini, Mrs. Mbonu, Mr. Rivas, Mr. Sobarzo, Mr. Tian Jin, Mr. Türk, Mr. Varela, Mrs. Warzazi and Mr. Yimer. Mr. van Boven subsequently joined the sponsors.

363. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/Sub.2/1988/L.64) of the draft resolution.

364. Statements relating to the estimate of the administrative and programme budget implications were made by Mr. Alfonso Martínez, Mrs. Daes, Mr. Diaconu, Mr. Eide, Mr. Ilkahanaf, Mr. Joinet, Mrs. Ksentini, Mr. Carey, Ms. Palley and Mr. van Boven. In this connection, the Deputy Director of the Centre for Human Rights also made a statement.

365. At the request of Mr. Carey, a roll-call vote was taken. The draft resolution was adopted by 20 votes to 1, with 1 abstention. The voting was as follows:

| | |
|-------------|--|
| In favor: | Mr. Assouma, Mr. Al-Khasawneh, Mr. Alfonso Martínez, Mrs. Bautista, Mr. van Boven, Mr. Chernichenko, Mrs. Daes, Mr. Diaconu, Mr. Eide, Mrs. Flores, Mr. Hatano, Mr. Ilkahanaf, Mrs. Ksentini, Mr. Laghmati, Mrs. Mbonu, Mr. Rivas, Mr. Sobarzo, Mr. Tian Jin, Mr. Türk, and Mr. Yimer. |
| Against: | Ms. Palley |
| Abstaining: | Mr. Carey |

366. For the text of the resolution, see chapter II, section A, resolution 1988/20.

Advisory services

367. At the same meeting, Mrs. Daes introduced draft resolution E/CN.4/Sub.2/1988/L.55, sponsored by Mr. Alfonso Martínez, Mrs. Daes, Mrs. Mbonu, Mr. Tian Jin and Mr. Türk.

368. The draft resolution was adopted without a vote.

369. An explanation of the vote after the vote was made by Mr. Eide.

370. For the text of the resolution, see chapter II, section A, resolution 1988/21.

Meeting of experts on indigenous self-government

371. At the same meeting, Mrs. Daes introduced draft decision E/CN.4/Sub.2/1988/L.63, which she had sponsored.

372. The draft decision was adopted without a vote.

373. For the text of the decision, see chapter II, section B, decision 1988/106.

374. At its 37th meeting, on 2 September 1988, the Sub-Commission decided on the composition of its Working Group on Indigenous Populations.

375. For the composition of the Working Group, see chapter II, section B, decision 1988/113.

XIV. ENCOURAGEMENT OF UNIVERSAL ACCEPTANCE OF HUMAN RIGHTS INSTRUMENTS

376. The Sub-Commission considered agenda item 13 at its 32nd, 33rd and 36th meetings held on 30 and 31 August and 1 September 1988.

377. The Sub-Commission had before it a note by the Secretary-General containing information received pursuant to Sub-Commission resolution 1985/5 (E/CN.4/Sub.2/1988/27).

378. At the 28th meeting, on 26 August 1988, the Chairman, in accordance with Sub-Commission resolution 1985/5 of 27 August 1985, appointed Mrs. Ksentini to report to the Sub-Commission on the information received under resolution 1985/5.

379. At the 32nd meeting, on 30 August 1988, Mrs. Ksentini presented an analysis of the information submitted by Governments.

380. At the 33rd meeting, on 31 August 1988, Mr. Alfonso Martínez made a statement.

381. At the same meeting, statements were also made by the following non-governmental organizations: Amnesty International, International Council of Jewish Women, International Federation of Human Rights and International League for the Rights and Liberation of Peoples.

382. At the 36th meeting, on 1 September 1988, Mrs. Ksentini introduced draft resolution E/CN.4/Sub.2/1988/L.56, sponsored by Mr. Alfonso Martínez, Mr. Assouma, Mr. van Boven, Mr. Joinet, Mrs. Ksentini, Mrs. Warzazi and Mr. Yimer.

383. The draft resolution was adopted without a vote.

384. For the text of the resolution, see chapter II, section A, resolution 1988/30.

XV. 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
- B. EXPLOITATION OF CHILD LABOUR

385. The Sub-Commission considered agenda item 14 at its 32nd, 33rd and 36th meetings held on 30 and 31 August, and 1 September 1988.

386. The Sub-Commission had before it the following documents:

Reports of the Secretary-General prepared pursuant to Sub-Commission resolution 1987/32 (E/CN.4/Sub.2/1988/29, E/CN.4/Sub.2/1988/30);

Note by the Secretary-General transmitting the study on the legal and social problems of sexual minorities called for by Economic and Social Council resolution 1983/30 and prepared by Mr. Jean Fernand-Laurent (E/CN.4/Sub.2/1988/31);

Report of the Working Group on Contemporary Forms of Slavery on its thirteenth session (E/CN.4/Sub.2/1988/32);

Written statement submitted by Defence for Children International Movement, a non-governmental organization on the Roster (E/CN.4/Sub.2/1988/NGO/8).

387. At the 32nd meeting, on 30 August 1988, the Chairman-Rapporteur of the Working Group on Contemporary Forms of Slavery, Mr. A. Eide, introduced the report of the Working Group (E/CN.4/Sub.2/1988/32).

388. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. van Boven (32nd), Mrs. Daes (33rd), Mr. Eide (33rd), Mrs. Mbonu (33rd) and Mr. Segura (32nd).

389. The Sub-Commission also heard a statement by the Observer for Morocco (33rd).

390. Statements were also made by the following non-governmental organizations: Anti-Slavery Society (33rd), Friends World Committee for Consultation (33rd), International Catholic Child Bureau (33rd).

391. At its 36th meeting, on 1 September 1988, Mr. Eide introduced draft resolution E/CN.4/Sub.2/1988/L.59 sponsored by Mrs. Bautista, Mr. Diaconu, Mr. Eide, and Mrs. Ksentini. Mrs. Daes subsequently joined the sponsors.

392. The draft resolution was adopted without a vote.

393. For the text of the resolution, see chapter II, section A, resolution 1988/31.

394. At its 37th meeting, on 2 September 1988, the Sub-Commission decided on the composition of its Working Group on Contemporary Forms of Slavery.

395. For the composition of the Working Group, see chapter II, section B, decision 1988/113.

XVI. PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS

- A. THE STATUS OF THE INDIVIDUAL AND CONTEMPORARY INTERNATIONAL LAW
- B. PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES
- C. PREVENTION OF DISCRIMINATION AND PROTECTION OF CHILDREN: HUMAN RIGHTS AND YOUTH
- D. PREVENTION OF DISCRIMINATION AND PROTECTION OF WOMEN
- E. THE RIGHT OF EVERYONE TO LEAVE ANY COUNTRY, INCLUDING HIS OWN, AND TO RETURN TO HIS COUNTRY.

396. The Sub-Commission considered agenda item 15 and its sub-items 15(a), 15(b), 15(c), 15(d) and 15(e) from its 31st to 34th and 36th meetings held on 30 and 31 August and on 1 September 1988.

397. The Sub-Commission had before it the following documents:

Sub-item 15(a)

Study by Mrs. Erica-Irene A. Daes, Special Rapporteur, on "The Status of the Individual and Contemporary International Law" (E/CN.4/Sub.2/1988/33 and Add.1);

Progress report by Mrs. Erica-Irene A. Daes, Special Rapporteur, on "Status of the Individual and Contemporary International Law" (E/CN.4/Sub.2/1984/29);

Report of the Working Group on a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (E/CN.4/1988/26);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1988/NGO/6);

Sub-item 15(c)

Report of the Secretary-General prepared pursuant to Sub-Commission resolution 1985/19 (E/CN.4/Sub.2/1987/30 and Add.1);

Written statement submitted by the International Federation of Human Rights (F.I.D.H.), a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1988/NGO/3);

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1988/NGO/16);

Written statement submitted by the Greek Orthodox Archdiocesan Council, a non-governmental organization in consultative status (category I) (E/CN.4/Sub.2/1988/NGO/18);

Written statement submitted by Pax Christi, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1988/NGO/19).

Sub-item 15(d)

Written statement submitted by the following non-governmental organizations in consultative status: International Alliance of Women - Equal Rights, Zonta International (category I); All-India Women's Conference, Arab Lawyers Union, Baha'i International Community, Commission of the Churches on International Affairs of the World Council of Churches, Co-ordinating Board of Jewish Organizations, Four Directions Council, Indigenous World Association, International Association for the Defence of Religious Liberty, International Association of Democratic Lawyers, International Commission of Jurists, International Council of Jewish Women, International Federation of Human Rights, International Federation of University Women, International Federation of Women Lawyers, International Fellowship of Reconciliation, International League for Human Rights, International Movement A.T.D. Fourth World, International Movement for Fraternal Union among Races and Peoples, International Union of Students, International Zionist Organization, Pan-Pacific South-East Asia Women's Organization, World Jewish Congress (category II); World Union for Progressive Judaism on the Roster (E/CN.4/Sub.2/1988/NGO/22).

Sub-item 15(e)

Final report prepared by the Special Rapporteur, Mr. C.L.C. Mubanga-Chipoya, entitled "Analysis of the current trends and developments regarding the right to leave any country, including one's own, and to return to one's country, and some other rights or considerations arising therefrom" (E/CN.4/Sub.2/1988/35 and Add.1 and Add.1/Corr.1).

Written statement submitted by International League for Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1988/NGO/25).

398. At the 31st meeting, on 30 August 1988, the Under-Secretary-General for Human Rights introduced the item.

399. At the 32nd meeting, on 30 August 1988, the Special Rapporteur, Mrs. Erica-Irene Daes, introduced her study (E/CN.4/Sub.2/1988/33 and Add.1) to the Sub-Commission.

400. At the 34th meeting, on 31 August 1988, the Special Rapporteur, Mr. C.L.C. Mubanga-Chipoya, introduced his report (E/CN.4/Sub.2/1988/35 and Add.1 and Add.1/Corr.1).

401. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Al-Khasawneh (32nd), Mrs. Bautista (31st), Mr. van Boven (32nd), Mr. Carey (32nd), Mr. Chernichenko (32nd), Mrs. Daes (32nd), Mr. Diaconu (32nd and 34th), Mr. Eide (31st and 32nd), Mrs. Flores (32nd), Mr. Joinet (32nd and 33rd), Mr. Segura (32nd), Mr. Varela (34th), Mrs. Warzazi (31st).

402. The Sub-Commission heard a statement by the Observer for Israel (32nd).

403. A statement was made by the representative for the United Nations Centre for Social Development and Humanitarian Affairs, Branch for the Advancement of Women (31st).

404. Statements were also made by the Observers for the following non-governmental organizations: Co-ordinating Board of Jewish Organizations and World Jewish Congress (31st), Defence for Children International (32nd), Indigenous World Association (31st), International Bar Association (31st), International Commission of Jurists (31st), International Council of Jewish Women (31st), International Federation of Human Rights (32nd), International League for Human Rights (32nd), International League for the Rights and Liberation of Peoples (32nd), International Organization for the Elimination of All Forms of Racial Discrimination (32nd), Minority Rights Group (32nd), World Association for the School as an Instrument of Peace (33rd), World Union for Progressive Judaism (31st).

405. Statements equivalent to right of reply were made by the Observers for the following States: Ethiopia (32nd), Guatemala (33rd), Lebanon (32nd), Pakistan (32nd), Romania (33rd), Somalia (33rd), the Union of Soviet Socialist Republics (32nd).

406. At its 36th meeting on 1 September 1988, the Sub-Commission took up consideration of the draft resolutions submitted under agenda item 15.

Protection of human rights defenders

407. Mr. Eide introduced draft resolution E/CN.4/Sub.2/1988/L.54, sponsored by Mr. van Boven, Mrs. Daes, Mr. Eide, Mr. Treat and Mr. Varela. Mr. Joinet subsequently joined the sponsors.

408. A statement relating to the draft resolution was made by Mr. Alfonso Martínez.

409. The resolution was adopted without a vote.

410. A statement in explanation of the vote after the vote was made by Mr. Alfonso Martínez.

411. For the text of the resolution, see chapter II, section A, resolution 1988/38.

The status of the individual and contemporary international law

412. At the same meeting, Mr. Varela introduced draft resolution E/CN.4/Sub.2/1988/L.60, sponsored by Mr. Al-Khasawneh, Ms. Palley, Mr. Türk, Mrs. Warzazi and Mr. Yimer.

413. The attention of the Sub-Commission was drawn to an estimate of administrative and programme budget implications (E/CN.4/Sub.2/1988/L.67) of the draft resolution.

414. The draft resolution was adopted without a vote.

415. For the text of the resolution, see chapter II, section A, resolution 1988/40.

Prevention of discrimination and protection of children: human rights and youth

416. At the same meeting, Mr. Eide introduced draft resolution E/CN.4/Sub.2/1988/L.25/Rev.1, sponsored by Mr. van Boven, Mrs. Daes, Mr. Eide, Mr. Ilkahanaf, Mr. Joinet, Ms. Palley, Mr. Treat and Mr. Yokota. Mr. Varela subsequently joined the sponsors.

417. Statements relating to the draft resolution were made by Mr. Alfonso Martínez, Mr. Diaconu and Mr. Joinet.

418. At the request of Mr. Eide, a roll-call vote was taken. The draft resolution was adopted by 16 votes to 4, with 3 abstentions. The voting was as follows:

In favor: Mr. Assouma, Mr. Al-Khasawneh, Mr. van Boven, Mrs. Bautista, Mrs. Daes, Mr. Eide, Mrs. Flores, Mr. Hatano, Mr. Ilkahanaf, Mr. Joinet, Ms. Palley, Mr. Rivas, Mr. Sobarzo, Mr. Treat, Mr. Türk, Mr. Varela.

Against: Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Diaconu, Mr. Tian Jin.

Abstaining: Mr. Laghmari, Mrs. Mbonu, Mr. Yimer

419. Statements in explanation of vote after the vote were made by Mr. Al-Khasawneh, Mrs. Ksentini and Mr. Türk.

420. For the text of the resolution, see chapter II, section A, resolution 1988/37.

The right of everyone to leave any country, including his own, and to return to his own country

421. At the same meeting, Mr. van Boven introduced draft resolution E/CN.4/Sub.2/1988/L.57, which he had sponsored.

422. Statements relating to the draft resolution were made by Mr. Alfonso Martínez, Mr. van Boven, Mr. Chernichenko, Mr. Diaconu and Mr. Yimer.

423. Mr. Diaconu proposed amending operative paragraph 1 by deleting the words "as a separate item."

424. At the request of Mr. Diaconu, a vote was taken on the proposed amendment. The amendment was rejected by 9 votes to 9 with 4 abstentions.

425. The draft resolution was adopted without a vote.

426. Statements relating to the draft resolution were made by Mr. Alfonso Martínez.

427. For the text of the resolution, see chapter II, section A, resolution 1988/39.

XVII. CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION AND
OF THE DRAFT PROVISIONAL AGENDA FOR THE FORTY-FIRST
SESSION OF THE SUB-COMMISSION

428. The Sub-Commission considered its agenda item 16 at its 37th meeting, on 2 September 1988.

429. The Sub-Commission had before it the following document in connection with its consideration of the item.

A note prepared by the Secretary-General (E/CN.4/Sub.2/1988/L.1) in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII) of 1 August 1974, containing a draft provisional agenda for the forty-first session of the Sub-Commission and a list of the documents to be submitted under each item and the legislative authority for their preparation.

430. At the 37th meeting, on 2 September 1988, the draft provisional agenda as revised was adopted without a vote.

431. The text, as revised, of the draft provisional agenda for the forty-first session of the Sub-Commission reads as follows:

1. Election of officers
2. Adoption of the agenda
3. Review of the work of the Sub-Commission

Legislative authority: Sub-Commission decisions 2 (XXXIV) and 1988/104.

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

Legislative authority: Sub-Commission resolutions 5 (XIV), 1988/1, 1988/26, 1988/27 and 1988/35 and decision 1988/111.

Reports by the Secretary-General (1988/26 para.4, 1988/27 para.4(b)), ILO and UNESCO

Note by Mr. Varela (1988/111)

5. Elimination of racial discrimination

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

Legislative authority: General Assembly resolution 3377 (XXX), Economic and Social Council resolution 1988/32, and Sub-Commission resolution 1988/6

Report by Mr. Eide (1988/6 para.10)

- (b) Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa

Legislative authority: Commission resolution 1988/12 and Sub-Commission resolution 1988/3

Report by Mr. Khalifa (1988/3 paras.9 and 10)

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: Sub-Commission resolutions 1988/10, 1988/12, 1988/13, 1988/15, 1988/16.

Reports by the Secretary-General (1988/10, para.8; 1988/12, para.5; 1988/13, para.7; 1988/15, para 3(b); 1988/16, para.5)

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

Legislative authority: Commission resolutions 1988/22 and 1988/23, and Sub-Commission resolutions 1987/27, 1987/28, 1987/29 and 1988/33.

Report by Mr. Türk (1988/33, para.3)

- (a) The role and equal participation of women in development

Legislative authority: Sub-Commission resolution 1987/26

Reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women (para.2)

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)

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

Confidential report of the Working Group and supporting papers

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
- Legislative authority: Sub-Commission resolutions 1984/7, 1988/9, 1988/17, and decisions 1988/109, 1988/110.
- Reports by the Secretary-General (1988/17, para.2(b))
Note by the Secretary-General (1988/109)
Report by Mr. Joinet (1988/110)
Report by Mr. Türk (1988/110)
Report by Mrs. Bautista (1988/9, para.5)
Report of the Working Group (1988/17, para.3)
- (b) Question of human rights and states of emergency
- Legislative authority: Sub-Commission resolutions 1985/32 and 1988/24.
- Report by Mr. Despouy (1988/24, para.6)
- (c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families
- Legislative authority: Commission on Human Rights resolution 26 (XXXVI).
10. Draft Declaration on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers.
- Legislative authority: Sub-Commission resolution 1988/25.
11. Elimination of all forms of intolerance and of discrimination based on religion or belief
- Legislative authority: Commission resolution 1988/55, and Sub-Commission decision 1988/112
- Report by Mr. van Boven (1988/112)
12. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life
- Legislative authority: Sub-Commission resolution 1985/34

13. Discrimination against indigenous populations

Legislative authority: Economic and Social Council resolution 1982/34 and Sub-Commission resolutions 1988/18, 1988/20 and decision 1988/105.

Report of the Working Group on its seventh session
Report by Mrs. Daes (1988/18, para.6)
Report by Mr. Alfonso Martínez (1988/20, para.3)
Report by Mrs. Daes and Mr. Carey (1988/105)

14. 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

(b) Exploitation of child labour

Legislative authority: Economic and Social Council decisions 16 and 17 (LVI), ECOSOC resolution 1988/34, Sub-Commission resolutions 11 (XXVII) and 1988/31

Report by the Working Group on Slavery on its fourteenth session
Report by the Secretary-General (1988/31, para.15)

15. Promotion, protection and restoration of human rights at national, regional and international levels

(a) The status of the individual and contemporary international law.

Legislative authority: Sub-Commission resolution 1988/40.

Report by Mrs. Daes (para.2)

(b) Prevention of discrimination and protection of children: human rights and youth

Legislative authority: Sub-Commission resolutions 1985/12 and 1988/37.

Report by Mr. Mazilu (1988/37, para.1)

(c) Prevention of discrimination and protection of women

Legislative authority: Sub-Commission resolution 1988/34.

Report by Mrs. Warzazi (para.1)

(d) Protection of Minorities

Legislative authority: Sub-Commission resolution 1988/36.

Report by Ms. Palley. (para.1)

16. The right of everyone to leave any country, including his own, and to return to his country.

Legislative authority: Sub-Commission resolution 1988/39.

Report by the Secretary-General (para. 2)

17. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-second session of the Sub-Commission

Draft provisional agenda for the forty-second session.

18. Report on the forty-first session

Report of the Sub-Commission on its forty-first session.

XVIII. ADOPTION OF THE REPORT ON THE FORTIETH SESSION

432. At its 37th meeting, on 2 September 1988 the Sub-Commission considered the draft report on the work of its fortieth session.

433. The draft report, as amended, was adopted, as a whole, without a vote.

ANNEXES

Annex I

Members and Alternates

| | |
|--|---------------------------------------|
| Mr. Yawo Agboyibor *Mr. Abdou Assouma | (Togo) |
| Mr. Awn Shawkat Al-Khasawneh *Mr. Waleed M. Sadi | (Jordan) |
| Mr. Miguel Alfonso Martínez *Mr. Julio Heredia Pérez | (Cuba) |
| Miss Judith Sefi Attah *Mrs. Christy Ezim Mbonu | (Nigeria) |
| Mr. Murlidhar Chandrakant Bhandare | (India) |
| Mrs. Mary Concepción Bautista *Ms. Haydee B. Yorac | (Philippines) |
| Mr. Theodoor Cornelis van Boven *Mr. Cornelis Flinterman | (Netherlands) |
| Mr. Stanislav Valentinovich Chernichenko *Mr. Teimuraz Otarovich Ramishvili | (Union of Soviet Socialist Republics) |
| Mrs. Erica-Irene A. Daes | (Greece) |
| Mr. Leandro Despouy *Mrs. María Teresa Flores | (Argentina) |
| Mr. Ion Diaconu *Mr. Ioan Maxim | (Romania) |
| Mr. Asbjorn Eide *Mr. Jan Helgessen | (Norway) |
| Mr. Ribot Hatano *Mr. Yozo Yokota | (Japan) |
| Mr. Aidid Abdillahi Ilkahanaf *Mr. Mohamed Isa Turunji | (Somalia) |
| Mr. Tian Jin *Mr. Shao Jin | (China) |
| Mr. Louis Joinet *Mr. Alain Pellet | (France) |
| Mr. Ahmed Khalifa | (Egypt) |

* Alternate

| | |
|---|---|
| Mrs. Fatma Zonra Ksentini *Mr. Boudjemâa Delmi | (Algeria) |
| Ms. Claire Palley | (United Kingdom of Great Britain and Northern Ireland) |
| Mr. Rafael Rivas Posada *Mr. Eduardo Suescon Monroy | (Colombia) |
| Mr. Alejandro Sobarzo Loaiza *Mr. Héctor Fix Zamudio | (Mexico) |
| Mr. William W. Treat *Mr. John Carey | (United States of America) |
| Mr. Danilo Türk *Ms. Lidiya R. Basta | (Yugoslavia) |
| Mr. Luis Varela Quirós *Mr. Jorge Rhenan Segura | (Costa Rica) |
| Mrs. Halima Embarek Warzazi *Mr. Mohamed Laghmari | (Morocco) |
| Mr. Fisseha Yimer | (Ethiopia) |

* Alternate

State Members of the United Nations represented by Observers

Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bangladesh, Belgium, Bolivia, Brazil, Bulgaria, Burma, Burundi, Canada, China, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Egypt, El Salvador, Ethiopia, Finland, France, Germany, Democratic Republic of, Germany, Federal Republic of, Ghana, Greece, Guatemala, Honduras, Italy, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Japan, Jordan, Kenya, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Singapore, Somalia, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Turkey, Ukrainian SSR, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yemen, Yugoslavia.

Non-Member States represented by observers

Democratic People's Republic of Korea, Holy See, Republic of Korea, Switzerland.

United Nations bodies

United Nations Centre for Social Development and Humanitarian Affairs, Office of the United Nations High Commissioner for Refugees.

Specialized agencies

International Labour Organisation, World Health Organization.

Other intergovernmental organizations

Commission of the European Communities, League of Arab States.

National liberation movements

African National Congress of South Africa, Palestine Liberation Organization, Pan Africanist Congress of Azania.

Non-governmental organizations in consultative status

Category I

International Confederation of Free Trade Unions, International Council of Women, International Council of Voluntary Agencies, International Council on Social Welfare, Inter-Parliamentary Union, World Federation of Democratic Youth, World Federation of Trade Unions, Zonta International.

Category II

All India Women's Conference, Amnesty International, Anti-Slavery Society for the Protection of Human Rights, Arab Lawyers Union, Baha'i International Community, Caritas Internationalis, Commission of the Churches on International Affairs, Coordinating Board of Jewish Organizations, Consultative Council of Jewish Organizations, Defence for Children International Movement, Disabled Peoples' International, Four Directions Council, Friends World Committee for Consultation, Human Rights Advocates, Indigenous World Association, International Abolitionist Federation, International Association against Torture, International Association for the Defence of Religious Liberty, International Association of Democratic Lawyers, International Association of Penal Law, International Bar Association, International Catholic Child Bureau, International Centre of Sociological, Penal and Penitentiary Research and Studies, International Commission of Health Professionals for Health and Human Rights, 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 in Legal Careers, International Federation of Women Lawyers, International Federation Terre des Hommes, International Fellowship of Reconciliation, International Indian Treaty Council, International League for Human Rights, International Movement A.T.D. Fourth World, International Movement for Fraternal Union among Races and Peoples, International Organization for the Elimination of All Forms of Racial Discrimination, International Union of Students, Latin American

Federation of Associations of Relatives of Disappeared Detainees, National Aboriginal and Islander Legal Services Secretariat, Pan Pacific and South East Asia Women's Association, Pax Romana, Rädda Barnen International, Salvation Army, Union of Arab Jurists, Women's International League for Peace and Freedom, Women's International Zionist Organization, World Association of World Federalists, World Conference on Religion and Peace, World Council of Indigenous Peoples, World Federation for Mental Health, World Jewish Congress, World University Service.

Roster

Centre Europe - Tiers Monde, Defence for Children International, Grand Council of the Crees, Indian Council of South America, International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities, International Human Rights Internship Programme, International Humanist and Ethical Union, International League for the Rights and Liberation of Peoples, International Right to Life Federation, Liberation, Minority Rights Group, Movement Against Racism and for Friendship among Peoples, World Association for the School as an Instrument of Peace, World Council of Indigenous Peoples, World Peace Council, World Union for Progressive Judaism.

Annex II

ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF RESOLUTIONS AND
DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS FORTIETH SESSION

1. In the course of its fortieth session the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted eight 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 reproduced below and relate to the following resolutions:

Resolution 1988/3
Resolution 1988/8
Resolution 1988/20
Resolution 1988/24
Resolution 1988/29
Resolution 1988/33
Resolution 1988/34
Resolution 1988/40

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 1989, 1990 and 1991, additional credits, as appropriate may be required for the biennia 1988-1989 and 1990-1991.

Resolution 1988/3 Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa

A. Requests contained in draft resolution II

1. By paragraph 3 of the draft resolution to be adopted by the Economic and Social Council the Special Rapporteur would be invited:

(a) To continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist régime of South Africa, giving such details regarding enterprises listed as the Rapporteur may consider necessary and appropriate, including explanations of 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 relevant sources in order to indicate the volume, nature and adverse human consequences of the assistance given to the racist régime of South Africa;

(c) To intensify direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid, with a view to consolidating mutual co-operation in updating his report.

B. Relationship of proposed request to the programme of work

2. The activities proposed in the draft resolution would fall under Chapter 6, programme: Centre for Human Rights, subprogramme 2 "Elimination and prevention of discrimination and protection of minorities and vulnerable groups", the strategy for which is described in paragraph 6.27 of the medium-term plan for the period 1984-1989.

3. The activities relevant to section 23, Human Rights, of the proposed programme budget for the biennium 1988-1989, subprogramme 2 "Elimination and prevention of discrimination and protection of minorities and vulnerable groups", programme element 2.1, output (viii), which calls for the preparation of annual reports containing lists of organizations giving support to racist régimes in southern Africa (third quarter, 1988 and 1989).

C. Activities by which the proposed request would be implemented

4. It is envisaged that the Special Rapporteur would travel from Cairo to New York for a period of five working days in the early part of 1989 in order to establish direct contacts with the Centre on Transnational Corporations and the Centre against Apartheid. Later in the year he would travel from Cairo to Geneva for five working days for consultations with the Centre for Human Rights. As requested in paragraph 6 of the draft resolution, two economists would be retained on a consultancy basis for a period of three months. Computer services would also be provided to the Special Rapporteur in order to facilitate the updating of his report. The updated report would be translated and published in Arabic, Chinese, English, French, Russian and Spanish and made available to all interested parties.

D. Modifications required in the approved programme of work

5. No modification in the programme of work for 1988-1989 would be required.

E. Additional requirements at full cost

6. The estimated cost of the above programme of work is itemized as follows:

| | <u>1988</u> (US dollars) | <u>1989</u> (US dollars) |
|--|-----------------------------|-----------------------------|
| Travel and subsistence costs for the Special Rapporteur | | 5 200 |
| Consultant economists to assist the Special Rapporteur with analytical work | <u>15 000</u> | <u>15 000</u> |
| | <u>15 000</u> | <u>20 200</u> |

7. The relevant costs to be financed under section 23 (Human Rights) are estimated at \$15,000 for 1988 and at \$20,200 for 1989.

Resolution 1988/8 Human rights and disability

A. Requests contained in the resolution

1. By paragraph 1 of the resolution the Special Rapporteur, Mr. Leandro Despouy, would be requested to continue his work and to submit a final report to the Sub-Commission at its forty-second session. By paragraph 2, the Secretary-General would be requested to provide all possible assistance to the Special Rapporteur so as to facilitate his work and contacts with the Centre for Social Development and Humanitarian Affairs and with organizations for the disabled.

B. Relationship of proposed request to the programme of work

2. The activities proposed in the resolution would fall under Chapter 6, II Centre for Human Rights, subprogramme 4, "Standard setting, research and studies" the objectives of which are described in paragraph 6.38 of the medium-term plan for the period 1984-1989.

3. The activities are relevant to Section 23, Human rights of the programme budget for the biennium 1988-1989, subprogramme 4, programme element 4.2 output (vii) which calls for assistance to special rapporteurs for an estimated 10 additional reports or studies mandated by policy-making organs.

C. Activities by which the proposed request would be implemented

4. It is envisaged that the Special Rapporteur would travel to Vienna for a period of five working days in 1989 for consultations with the Centre for Social Development and Humanitarian Affairs and, in 1990, if no longer a member of the Sub-Commission, to Geneva for a period of five working days to submit his final report.

D. Modifications required in the approved programme of work

5. No modification in the programme of work would be required.

E. Additional requirements at full cost

| | 1989 | 1990 |
|--|--------------|-------|
| | (US dollars) | |
| * / One round trip to Vienna of the Special Rapporteur (five working days) | 4,800 | |
| If no longer a member of the Sub-Commission: One round-trip to Geneva of the Special Rapporteur (five working days) | | 4,500 |
| | ----- | ----- |
| | 4,800 | 4,500 |

6. The relevant costs under Section 23 are estimated at \$4,800 for 1989 and at \$4,500 for 1990.

* / Alternatively, a substantive officer from the Centre for Human Rights may undertake this travel in which case costs would be reduced to \$1,600.

Resolution 1988/20 Study on treaties, agreements and other constructive agreements between States and indigenous populations

A. Requests contained in the draft resolution III

1. By operative paragraph 1 of the draft resolution, to be recommended to the Economic and Social Council for adoption, the Council would confirm the appointment of Mr. Miguel Alfonso Martínez as Special Rapporteur and would authorize him to carry out a study on the potential utility of treaties, agreements and other constructive arrangements between indigenous populations and Governments referred to in Commission on Human Rights resolution 1988/56. By operative paragraph 2, the Secretary-General would be requested to provide all necessary assistance to the Special Rapporteur to carry out the study and in operative paragraph 3 would further request the Special Rapporteur to submit a progress report to the Sub-Commission at its forty-first session.

B. Relationship of proposed request to the programme of work

2. The activities proposed in the resolution would fall under chapter 6, II Centre for Human Rights, subprogramme 4, "Standard setting, research and studies", the objectives of which are described in paragraph 6.38 of the medium-term plan for the period 1984-1989.

3. The activities are relevant to Section 23 (Human Rights) of the programme budget for the biennium 1988-1989, subprogramme 4, programme element 4.2 output (vii) which calls for assistance to special rapporteurs for an estimated 10 additional reports or studies mandated by policy-making organs.

C. Activities by which the proposed request would be implemented

4. It is envisaged that, in connection with the preparation of his study, the Special Rapporteur would travel to Washington D.C. and to Seville during 1989, with five working days foreseen at each destination. In order to assist the Special Rapporteur in his task 12 work-months of consultancy services at the P-4 level would be required.

D. Modifications required in the approved programme of work

5. No modifications in the programme of work would be required.

E. Additional requirements at full cost

| | <u>1989</u> | <u>1990</u> | <u>1991</u> |
|--|--------------|-------------|-------------|
| | (US dollars) | | |
| Travel and subsistence costs for the Special Rapporteur (one round-trip Havana to Washington D.C. and Seville - 10 working days) | 4 200 | | |
| Consultant to assist the Special Rapporteur (12 months at the P-4 level - six months in 1990 and six months in 1991) | | 52 000 | 52 000 |
| | 4 200 | 52 000 | 52 000 |

6. The relevant costs under Section 23 (Human Rights) are estimated at \$4,200 for 1989, \$52,000 for 1990 and \$52,000 for 1991.

Resolution 1988/24 Question of human rights and states of emergency

A. Requests contained in the resolution

1. By paragraph 6 of the resolution the Special Rapporteur, Mr. Leandro Despouy, is requested to continue to update his work and to submit to the Sub-Commission at its forty-first session an annual report together with updated lists as well as to provide reporting and information, that would be as recent as possible, to the Commission at its forty-fifth session. By paragraph 7, the Secretary-General would be requested to provide all the assistance which he may require for the successful completion of his tasks.

B. Relationship of proposed request to the programme of work

2. The activities proposed in the resolution would fall under chapter 6, II Centre for Human Rights, subprogramme 4, "Standard setting, research and studies", the objectives of which are described in paragraph 6.38 of the medium-term plan for the period 1984-1989.

3. The activities are relevant to Section 23, Human Rights of the programme budget for the biennium 1988-1989, subprogramme 4, programme element 4.2 output (vii) which calls for assistance to special rapporteurs for an estimated 10 additional reports or studies mandated by policy-making organs.

C. Activities by which the proposed request would be implemented

4. It is envisaged that the Special Rapporteur would travel twice to Geneva, initially to prepare his report for submission to the Commission on Human Rights at its forty-fifth session and a second time for the preparation and submission of a further report to the Sub-Commission at its forty-first session. In order to assist the Special Rapporteur in the preparation of his report, six work-months of consultancy services at the P-4 level would be required.

D. Modifications required in the approved programme of work

5. No modifications in the programme of work would be required.

E. Additional requirements at full cost

| | <u>1989</u> (US dollars) |
|---|-----------------------------|
| Two round-trips to Geneva of the Special Rapporteur (five working days each time) | 9 000 |
| <u>Consultancy services:</u> | |
| Six work-months at the P-4 level | <u>52 000</u> |
| | <u>61 000</u> |

6. The relevant costs under section 23 (Human Rights) are estimated at \$61,000 for 1989.

Resolution 1988/29 Guidelines on the use of computerized files

A. Requests contained in draft resolution VII

1. In operative paragraph 2 of the draft resolution recommended for adoption by the Economic and Social Council, the Sub-Commission would decide that the study of the Special Rapporteur, Mr. Louis Joinet, on Guidelines for the Regulation of Computerized Personal Data Files should be published in all official languages of the United Nations and be widely disseminated.

B. Relationship of proposed request to the programme of work

2. The activities proposed in the resolution would fall under chapter 6, II, Centre for Human Rights, subprogramme 4, "Standard setting, research and studies", the objectives of which are described in paragraph 6.38 of the medium-term plan for the period 1984-1989.

3. The activities are relevant to Section 23 (Human Rights) of the programme budget for the biennium 1988-1989, subprogramme 4, programme element 4.2 output (vii) which calls for assistance to special rapporteurs for an estimated 10 additional reports or studies mandated by policy-making organs.

C. Activities by which the proposed request would be implemented

4. The Study of the Special Rapporteur would be published in all official languages of the United Nations and widely disseminated.

D. Modifications required in the approved programme of work

5. No modifications in the programme of work would be required.

E. Additional requirements at full cost

1989
(US dollars)

Offset reproduction and distribution in the
six official languages of the United Nations

1 500

6. The relevant costs to be financed under Section 29 B (Conference Services Division, Geneva) are estimated at \$1,500 for 1989.

Resolution 1988/33 Realization of economic, social and cultural rights

A. Requests contained in the resolution

1. By paragraph 1 of the resolution, the Special Rapporteur, Mr. Danilo Türk, would be entrusted with a study of problems, policies and progressive measures relating to the more effective realization of economic, social and cultural rights. By paragraph 5, the Secretary-General would be requested to provide all the assistance which he may require for the successful completion of his tasks.

B. Relationship of proposed request to the programme of work

2. The activities proposed in the resolution would fall under chapter 6, II, Centre for Human Rights, subprogramme 4, "Standard setting, research and studies" the objectives of which are described in paragraph 6.38 of the medium-term plan for the period 1984-1989.

3. The activities are relevant to Section 23, Human Rights of the programme budget for the biennium 1988-1989, subprogramme 4, programme element 4.2 output (vii) which calls for assistance to special rapporteurs for an estimated 10 additional reports or studies mandated by policy-making organs.

C. Activities by which the proposed request would be implemented

4. It is envisaged that the Special Rapporteur would travel to Geneva in 1989, 1990 and 1991, for a period of five working days each time for consultations with the Centre for Human Rights. In order to assist the Special Rapporteur in the preparation of his report, nine work-months of temporary assistance at the P-3 level would be required.

D. Modifications required in the approved programme of work

5. No modifications in the programme of work would be required.

E. Additional requirements at full cost

| | <u>1989</u> | <u>1990</u> | <u>1991</u> |
|---|--------------|-------------|-------------|
| | (US dollars) | | |
| One round-trip to Geneva of the Special Rapporteur (five working days each time) | 1 500 | 1 600 | 1 700 |
| General Temporary Assistance: Nine work-months at the P-3 level | 21 700 | 21 700 | 21 700 |
| | ----- | ----- | ----- |
| | 23 200 | 23 300 | 23 400 |
| | ----- | ----- | ----- |

6. The relevant costs under Section 23 (Human Rights) are estimated at \$23,200 for 1989, \$23,300 for 1990 and \$23,400 for 1991.

Resolution 1988/34 Traditional practices

A. Requests contained in the resolution

1. By paragraph 1 of the resolution the Special Rapporteur Mrs. Halima Embarek Warzazi would be entrusted with a study on recent developments concerning traditional practices affecting the health of women and children on the basis of information to be gathered from Governments, specialized agencies, other intergovernmental and non-governmental organizations. By paragraph 2, the Secretary-General would be requested to provide all the assistance which she may require for the successful completion of her tasks.

B. Relationship of proposed request to the programme of work

2. The activities proposed in the resolution would fall under chapter 6, II Centre for Human Rights, subprogramme 4, "Standard setting, research and studies" the objectives of which are described in paragraph 6.38 of the medium-term plan for the period 1984-1989.

3. The activities are relevant to Section 23 (Human Rights) of the programme budget for the biennium 1988-1989, subprogramme 4, programme element 4.2 output (vii) which calls for assistance to special rapporteurs for an estimated 10 additional reports or studies mandated by policy-making organs.

C. Activities by which the proposed request would be implemented

4. It is envisaged that the Special Rapporteur would travel to Geneva for a period of five working days for consultations with the Centre for Human Rights. In order to assist the Special Rapporteur in the preparation of her report, three work-months of temporary assistance at the P-3 level would be required.

D. Modifications required in the approved programme of work

5. No modifications in the programme of work would be required.

E. Additional requirements at full cost

| | <u>1989</u> (US dollars) |
|--|-----------------------------|
| One round-trip to Geneva of the Special Rapporteur for consultations (five working days) | 1 800 |
| General Temporary Assistance: Three work-months at the P-3 level | <u>21 700</u> |
| | <u>23 500</u> |

6. The relevant costs under Section 23 (Human Rights) are estimated at \$23,500 for 1989.

Resolution 1988/40 The status of the individual and contemporary international law

A. Requests contained in the resolution

1. By paragraph 2 of the resolution the Special Rapporteur, Mrs. Erica-Irene A. Daes, would be requested to update her study and to present it to the Sub-Commission during its forty-first session. By paragraph 3 the Sub-Commission would further request the Secretary-General to give to the Special Rapporteur all the assistance she may require to update her study.

B. Relationship of proposed request to the programme of work

2. The activities proposed in the resolution would fall under chapter 6, II Centre for Human Rights, subprogramme 4, "Standard setting, research and studies" the objectives of which are described in paragraph 6.38 of the medium-term plan for the period 1984-1989.

3. The activities are relevant to Section 23 (Human Rights) of the programme budget for the biennium 1988-1989, subprogramme 4, programme element 4.2 output (vii) which calls for assistance to special rapporteurs for an estimated 10 additional reports or studies mandated by policy-making organs.

C. Activities by which the proposed request would be implemented

4. It is envisaged that the Special Rapporteur would travel to Geneva in 1989 for a period of five working days for consultations with the Centre for Human Rights in order to update her study.

D. Modifications required in the approved programme of work

5. No modifications in the programme of work would be required.

E. Additional requirements at full cost

1989
(US dollars)

| | |
|--|-------|
| One round-trip to Geneva of the Special Rapporteur for consultations (five working days) | 1,800 |
|--|-------|

6. The relevant costs under Section 23 (Human Rights) are estimated at \$1,800 for 1989.

Annex III

LIST OF STUDIES AND REPORTS UNDER PREPARATION BY MEMBERS OF THE SUB-COMMISSION
IN ACCORDANCE WITH EXISTING LEGISLATIVE AUTHORITY a/E/CN.4/1989/3
E/CN.4/Sub.2/1988/45
Page 150

I. STUDIES WITH NO FINANCIAL IMPLICATIONS

| Title of study | Entrusted to | Legislative authority | Timetable for completion |
|---|---------------------------------------|--|---|
| Report on violations of the human rights of staff members of the United Nations system | Mrs. Mary Bautista | Sub-Commission resolution 1988/9 | Preliminary report to be submitted at the forty-first session of the Sub-Commission |
| Report on the first revised text of a draft of a universal declaration on indigenous rights | Mrs. Erica I. Daes | Sub-Commission resolutions 1985/22 and 1988/18 | |
| Summary of information regarding relocation of Hopi and Navajo families | Mrs. Erica I. Daes and Mr. John Carey | Sub-Commission decisions 1987/110 and 1988/105 | Report to be submitted at the forty-first session of the Sub-Commission |
| Working paper on the right to freedom of expression and opinion | Mr. Danilo Türk | Sub-Commission decision 1988/110 | Working paper to be submitted at the forty-first session of the Sub-Commission |
| Study on administrative detention without charge or trial | Mr. Louis Joinet | Sub-Commission resolution 1987/24 and Sub-Commission decision 1988/110 | Report to be submitted at the forty-first session of the Sub-Commission |

a/ This list is prepared in accordance with Commission resolution 1982/23.

Annex III

LIST OF STUDIES AND REPORTS UNDER PREPARATION BY MEMBERS OF THE SUB-COMMISSION
IN ACCORDANCE WITH EXISTING LEGISLATIVE AUTHORITY a/

I. STUDIES WITH NO FINANCIAL IMPLICATIONS (Continued)

| Title of study | Entrusted to | Legislative authority | Timetable for completion |
|---|---------------------|--|--|
| Concise note on methods for carrying out a study on the question of discrimination against persons with the HIV virus or suffering from AIDS | Mr. Luis Varela | Sub-Commission decision 1988/111 | Submission of a concise note to the Sub-Commission at its forty-first session |
| Working paper on possible ways and means to facilitate the peaceful and constructive resolution of situations involving racial, national, religious and linguistic minorities | Ms. Claire Palley | Sub-Commission resolution 1988/36 | Working paper to be submitted at the forty-first session of the Sub-Commission |
| Working paper regarding the drafting of an international instrument on freedom of religion and belief | Mr. Theo. van Boven | Commission on Human Rights resolution 1988/55 and Sub-Commission decision 1988/112 | Working paper to be submitted at the forty-first session of the Sub-Commission |

a/ This list is prepared in accordance with Commission resolution 1982/23.

II. STUDIES WHICH DO NOT IMPLY NEW FINANCIAL IMPLICATIONS

| Title of study | Entrusted to | Legislative authority | Timetable for completion |
|--|--------------------|--|---|
| Study on the achievements made and obstacles encountered during the Decade for Action to Combat Racism and Racial Discrimination | Mr. Asbjorn Eide | Sub-Commission resolutions 1983/10, 1987/6, and 1988/6 | Final report to be submitted at the forty-first session of the Sub-Commission |
| Human rights and youth | Mr. Dumitru Mazilu | Sub-Commission resolutions 1985/12 and 1988/37, and Sub-Commission decisions 1987/112 and 1988/102 | Report to be submitted to the Sub-Commission at the earliest possible date |

 III. STUDIES WHICH IMPLY NEW FINANCIAL IMPLICATIONS

| Title of study | Entrusted to | Legislative authority | Timetable for completion |
|---|----------------------|--|--|
| Annual update of the list of banks, transnational corporations and other organizations assisting the colonial and racist régime of South Africa | Mr. Ahmed Khalifa | Sub-Commission resolution 1988/3 and draft resolution II*/ | Annual review to be submitted at the forty-first session of the Sub-Commission |
| Comprehensive study on human rights and disability | Mr. Leandro Despouy | Sub-Commission resolutions 1984/20 and 1988/8*/ | Final report to be submitted at the forty-second session of the Sub-Commission |
| Study on the treaties, agreements, and other constructive agreements concluded between indigenous peoples and States in all parts of the world | Mr. Alfonso Martínez | Sub-Commission resolution 1988/20 and draft resolution III*/ | Progress report to be submitted to the Sub-Commission at its forty-first session |
| Annual report and list of countries which proclaim, extend or terminate a state of emergency | Mr. Leandro Despouy | Sub-Commission resolution 1988/24*/ | Annual report to be submitted to the Sub-Commission at its forty-first session |

 */ Subject to approval by the Economic and Social Council.

 III. STUDIES WHICH IMPLY NEW FINANCIAL IMPLICATIONS (Continued)

| Title of study | Entrusted to | Legislative authority | Timetable for completion |
|---|---------------------|--|---|
| Preliminary report on the study of problems, policies and progressive measures relating to more effective realization of economic, social and cultural rights | Mr. Danilo Türk | Sub-Commission resolutions 1987/29 and 1988/33*/ | Preliminary report to be submitted at the forty-first session of the Sub-Commission |
| Study on recent developments with regard to traditional practices affecting the health of women and children | Mrs. Halima Warzazi | Sub-Commission resolution 1988/34*/ | Study to be submitted at the forty-first session of the Sub-Commission |
| The status of the individual and contemporary international law | Mrs. Erica-I. Daes | Sub-Commission resolutions 1985/31 and 1988/40*/ | Updated study to be submitted at the forty-first session of the Sub-Commission |

 */ Subject to approval by the Economic and Social Council.

Annex IV

LIST OF DOCUMENTS ISSUED FOR THE FORTIETH SESSION
OF THE SUB-COMMISSION

Documents issued in the general series

| <u>Symbol</u> | <u>Agenda item</u> | |
|--|------------------------|---|
| E/CN.4/Sub.2/1988/1* | 2 | Provisional agenda |
| E/CN.4/Sub.2/1988/1/Add.1 (and Add.1 Corr.1) | 2 | Annotations to the provisional agenda |
| E/CN.4/Sub.2/1988/2 | 4 | Inter-relationship between human rights and international peace - report by the Secretary-General |
| E/CN.4/Sub.2/1988/3 | 4 | Elimination of racial discrimination |
| E/CN.4/Sub.2/1988/4 | 4 | Report submitted by UNESCO |
| E/CN.4/Sub.2/1988/5 | 5(a) | Study on the achievements made and obstacles encountered during the first Decade to Combat Racism and Racial Discrimination |
| E/CN.4/Sub.2/1988/6 (and Add.1* [English only]) | 5(b) | Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in South Africa. Updated report prepared by Mr. Ahmad M. Khalifa, Special Rapporteur |
| E/CN.4/Sub.2/1988/7 | | Not issued |
| E/CN.4/Sub.2/1988/8 | 6 | Updated list of reports, studies, statistics and other documents relating to Palestine and other Arab territories - note by the Secretary-General |
| E/CN.4/Sub.2/1988/9 | 6 | Note by the Secretary-General concerning the situation of human rights in El Salvador |

*Re-issued

| <u>Symbol</u> | <u>Agenda item</u> |
|-------------------------------------|---|
| E/CN.4/Sub.2/1988/10 | 6 Note by the Secretary-General concerning the situation of human rights in Chile |
| E/CN.4/Sub.2/1988/11 | 7 Progress report on human rights and disability prepared by Mr. Leandro Despouy, Special Rapporteur |
| E/CN.4/Sub.2/1988/12 | 9(a) Analysis of questions dealt with in the explanatory paper on the practice of administrative detention without a charge or trial, by Mr. L. Joinet |
| E/CN.4/Sub.2/1988/13 | 9(a) Report by the Secretary-General containing information submitted by Governments pursuant to Sub-Commission resolution (XXVII) of 20 August 1974 on the question of detention or imprisonment. |
| E/CN.4/Sub.2/1988/14 | 9(a) Report by the Secretary-General containing information submitted by specialized agencies and intergovernmental organizations pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974 on the question of detention and imprisonment |
| E/CN.4/Sub.2/1988/15 | 9(a) Synopsis of material received from NGOs - Note by the Secretary-General |
| E/CN.4/Sub.2/1988/16 | 9(a) Report by the Secretary-General containing succinct information on the work of the Human Rights Committee on the Elimination of Racial Discrimination, developments elsewhere in the human rights programme on crime prevention and control as they relate to the question of the human rights of persons subjected to any form of detention or imprisonment |
| E/CN.4/Sub.2/1988/17 | 9(a) Report of the Secretary-General on the detention of staff members of the United Nations and specialized agencies |
| E/CN.4/Sub.2/1988/18 (and Add.1) | 9(b) Second annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, presented by Mr. Leandro Despouy, Special Rapporteur |
| E/CN.4/Sub.2/1988/19 | 9(c) Report prepared by Mr. Theo van Boven pursuant to Sub-Commission decision 1987/107 on the prevention of the disappearances of children in Argentina |

| <u>Symbol</u> | <u>Agenda item</u> | |
|---|------------------------|--|
| E/CN.4/Sub.2/1988/20 (and Corr.1) | 10 | Report by the Special Rapporteur, Mr. L.M. Singhvi, pursuant to the Sub-Commission resolution 1987/23 |
| E/CN.4/Sub.2/1988/20/Add.1 (and Add.1/Corr.1) | 10 | Report by the Special Rapporteur, Mr. L.M. Singhvi, pursuant to the Sub-Commission resolution 1987/23 |
| E/CN.4/Sub.2/1988/21 (Add.1 [English only] and Add.2) | 11 | Note by the Secretary-General on the application of hazardous technologies |
| E/CN.4/Sub.2/1988/22 | 11 | Final report submitted by Mr. Louis Joinet, Special Rapporteur on guidelines for the regulation of computerized personal data files |
| E/CN.4/Sub.2/1988/23 | 11 | Report of the Sessional Working Group on the question of persons detained on the grounds of mental ill-health or suffering from mental disorder |
| E/CN.4/Sub.2/1988/24 (Add.1 and Add.2 [English only]) | 12 | Report of the Working Group on Indigenous Populations |
| E/CN.4/Sub.2/1988/25 | 12 | A working paper by Ms. Erica-Irene Daes containing a set of draft preambular paragraphs and principles for insertion into a universal declaration on indigenous rights |
| E/CN.4/Sub.2/1988/26 | | Not issued |
| E/CN.4/Sub.2/1988/27 | 13 | Encouragement of universal acceptance of human rights instruments - Note by the Secretary-General |
| E/CN.4/Sub.2/1988/28 | 9 | Report of the Working Group on Detention |
| E/CN.4/Sub.2/1988/29 | 14 | Report of the Secretary-General on the exploitation of child labour: Survey of the recommendations made by the Working Group on Slavery |
| E/CN.4/Sub.2/1988/30 | 14 | Preliminary report of the Secretary-General pursuant to Sub-Commission resolution 1987/32 on the sale of children |
| E/CN.4/Sub.2/1988/31 | 14(a) | Note by the Secretary-General transmitting the study on sexual minorities by Mr. Jean-Fernand Laurent |

| <u>Symbol</u> | <u>Agenda item</u> |
|--|---|
| E/CN.4/Sub.2/1988/32 | 14 Report of the Working Group on Contemporary Forms of Slavery on its thirteenth session |
| E/CN.4/Sub.2/1988/33 (and Add.1 [English only]) | 15(a) Report by Mrs. Erica-Irene Daes, Special Rapporteur, on the status of the individual and contemporary international law |
| E/CN.4/Sub.2/1988/34 | Not issued |
| E/CN.4/Sub.2/1988/35 (Add.1 and Add.1/Corr.1) | 15(e) Final report prepared by Mr. C.L.C. Mubanga-Chipoya concerning an analysis of the current trends and developments regarding the right to leave any country including one's own, and to return to one's own country and some other rights or considerations arising therefrom |
| E/CN.4/Sub.2/1988/36 (and Add.1) | 4 Report of the Secretary-General prepared in accordance with Sub-Commission resolution 1987/28 concerning technical assistance for the strengthening of legal institutions. |
| E/CN.4/Sub.2/1988/37 | 6 Note by the Secretary-General on the situation of human rights in the Islamic Republic of Iran |
| E/CN.4/Sub.2/1988/38 | 6 Letter dated 27 April 1988 from the League of Arab States addressed to the Under-Secretary-General for Human Rights for the attention of the Special Committee |
| E/CN.4/Sub.2/1988/39 | 10 Note verbale dated 20 July 1988 from the Permanent Mission of the Kingdom of the Netherlands to the United Nations Office at Geneva addressed to the Secretary-General |
| E/CN.4/Sub.2/1988/40 | 6 Note verbale dated 9 August 1988 from the Permanent Mission of Algeria to the United Nations Office at Geneva addressed to the Sub-Commission transmitting a memorandum [and attachments] dated 8 August 1988 from the Palestine Liberation Organization addressed to the Chairman of the Sub-Commission. |
| E/CN.4/Sub.2/1988/41 | 6 Letter dated 10 August 1988 from the Permanent Representative of Israel to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities |

| <u>Symbol</u> | | <u>Agenda item</u> |
|---------------------------|------|---|
| E/CN.4/Sub.2/1988/42 | 6 | Note verbale dated 29 August 1988 from the Permanent Mission of Chile addressed to the Sub-Commission |
| E/CN.4/Sub.2/1988/43 | 3 | Working paper concerning a review of the work of the Sub-Commission presented by Mr. van Boven and Mr. Eide |
| E/CN.4/Sub.2/1988/44 | 5(b) | Letter dated 2 September 1988 from the Permanent Representative of South Africa addressed to the Chairman of the Sub-Commission |
| E/CN.4/Sub.2/1988/SR.1-37 | | Summary records of the meetings of the fortieth session of the Sub-Commission |

Documents issued in the limited series

| | | |
|-----------------------|------|---|
| E/CN.4/Sub.2/1988/L.1 | 16 | Draft provisional agenda for the forty-first session of the Sub-Commission: note by the Secretary-General |
| E/CN.4/Sub.2/1988/L.2 | 9(a) | Draft decision on draft instruments to be submitted to the Committee on Crime Prevention and Control at its tenth session proposed by the sessional Working Group on Detention |
| E/CN.4/Sub.2/1988/L.3 | 12 | Mrs. Daes: draft decision |
| E/CN.4/Sub.2/1988/L.4 | 11 | Mr. Alfonso Martínez, Mr. Assouma, Miss Attah, Mrs. Bautista, Mrs. Daes, Mr. Diaconu, Mr. Ilkahanaf, Mr. Joinet, Mrs. Ksentini, Mrs. Warzazi, Mr. Yimer: draft resolution |
| E/CN.4/Sub.2/1988/L.5 | 5(b) | Mr. Al-Khasawneh, Mr. Alfonso-Martinez, Mr. Assouma, Mrs. Bautista, Mr. Chernichenko, Mrs. Daes, Mr. Despouy, Mr. Diaconu, Mr. Eide, Mr. Flinterman, Mr. Tian Jin, Mr. Joinet, Mrs. Ksentini, Mrs. Mbonu, Ms. Palley, Mr. Rivas, Mr. Sobarzo, Mr. Türk, Mr. Varela, Mrs. Warzazi, Mr. Yimer: draft resolution |
| E/CN.4/Sub.2/1988/L.6 | 3 | Mr. Carey, Mr. Chernichenko, Mrs. Daes, Mr. Eide, Mr. Flinterman, Mrs. Ksentini, Mr. Varela, Mrs. Warzazi, Mr. Yimer: draft decision |

| <u>Symbol</u> | | <u>Agenda item</u> |
|-----------------------------|------|--|
| E/CN.4/Sub.2/1988/L.7 | 5 | Mr. Assouma, Miss Attah, Mrs. Bautista, Mr. Chernichenko, Mrs. Daes, Mr. Eide, Mrs. Flores, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalifa, Mrs. Ksentini, Mr. Rivas, Mr. Tian Jin, Mr. Türk, Mrs. Warzazi, Mr. Yimer: draft resolution |
| E/CN.4/Sub.2/1988/L.8 | 5 | Mrs. Bautista, Mrs. Flores, Mr. Rivas, Mr. Sobarzo, Mr. Varela, Mrs. Warzazi: draft resolution |
| E/CN.4/Sub.2/1988/L.8/Rev.1 | 5 | Mr. Alfonso Martínez, Mrs. Bautista, Mrs. Flores, Mr. Rivas, Mr. Sobarzo, Mr. Varela, Mrs. Warzazi, Mr. Yimer: draft resolution |
| E/CN.4/Sub.2/1988/L.9 | 3 | Mrs. Bautista, Mr. Chernichenko, Mr. Joinet, Mr. Varela: draft resolution |
| E/CN.4/Sub.2/1988/L.10 | 5(a) | Mr. van Boven, Mrs. Daes, Mr. Varela, Mrs. Warzazi, Mr. Yimer: draft resolution |
| E/CN.4/Sub.2/1988/L.11 | 5 | Mr. Al-Khasawneh, Mr. Assouma, Miss Attah, Mrs. Bautista, Mr. van Boven, Mr. Chernichenko, Mrs. Daes, Mr. Diaconu, Mr. Eide, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalifa, Mrs. Ksentini, Mr. Rivas, Mr. Tian Jin, Mr. Türk, Mr. Varela, Mrs. Warzazi, Mr. Yimer: draft resolution |
| E/CN.4/Sub.2/1988/L.12 | 12 | Administrative and programme budget implications of the draft decision contained in document E/CN.4/Sub.2/1988/L.49: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council |
| E/CN.4/Sub.2/1988/L.13 | 5(b) | Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1988/L.5: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council |
| E/CN.4/Sub.2/1988/L.14 | 7 | Mr. Sobarzo: draft resolution |
| E/CN.4/Sub.2/1988/L.15 | 6 | Mr. Alfonso Martínez, Mr. Al-Khasawneh, Mrs. Bautista, Mr. Chernichenko, Mr. Ilkahanaf, Mr. Khalifa, Mrs. Ksentini, Mrs. Mbonu, Ms. Palley, Mr. Tian Jin, Mr. Türk, Mr. Yimer: draft resolution |

| <u>Symbol</u> | <u>Agenda item</u> |
|---|---|
| E/CN.4/Sub.2/1988/L.16 | 5(b) Mr. Carey: amendment to the draft resolution contained in document E/CN.4/Sub.2/1988/L.5 |
| E/CN.4/Sub.2/1988/L.17 | 7 Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1988/L.14; statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council |
| E/CN.4/Sub.2/1988/L.18 | 9(a) Mr. van Boven, Mr. Carey, Mrs. Daes, Mr. Ilkahanaf, Mr. Yokota: draft resolution |
| E/CN.4/Sub.2/1988/L.19 | 9(a) Mr. Alfonso Martínez, Mr. Carey, Mr. Ilkahanaf, Mr. Türk, Mr. Yokota: draft resolution |
| E/CN.4/Sub.2/1988/L.20 (and Add.1 to 13) | 17 Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its fortieth session |
| E/CN.4/Sub.2/1988/L.21 (and Add.1 to 6) | 17 Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its fortieth session |
| E/CN.4/Sub.2/1988/L.22 | 9(a) Mr. Carey, Mr. Ilkahanaf, Mr. Türk, Mr. Yokota: draft decision |
| E/CN.4/Sub.2/1988/L.23 | 9 Mr. van Boven, Mr. Chernichenko, Mrs. Daes, Mr. Eide, Mrs. Flores, Mr. Joinet, Mr. Sobarzo, Mr. Varela: draft resolution |
| E/CN.4/Sub.2/1988/L.24 | 7 Mr. Flinterman, Ms. Palley, Mr. Rivas, Mr. Sobarzo, Mr. Treat: amendments to the draft resolution contained in document E/CN.4/Sub.2/1988/L.14 |
| E/CN.4/Sub.2/1988/L.25 (and Rev.1) | 2 and 15(c) Mr. van Boven, Mrs. Daes, Mr. Eide, Mr. Ilkahanaf, Mr. Joinet, Ms. Palley, Mr. Treat, Mr. Yokota: draft resolution |
| E/CN.4/Sub.2/1988/L.26 | 6 Mrs. Bautista, Mrs. Daes, Mr. Eide, Mr. Joinet, Mrs. Mbonu, Ms. Palley, Mr. Rivas: draft resolution |
| E/CN.4/Sub.2/1988/L.27 | 6 Mrs. Bautista, Mr. van Boven, Mrs. Daes, Mr. Eide, Mr. Khalifa, Mrs. Ksentini, Mr. Treat, Mr. Varela: draft resolution |

| <u>Symbol</u> | | <u>Agenda item</u> |
|-------------------------|------|---|
| E/CN.4/Sub.2/1988/L.28 | 6 | Mr. van Boven, Mrs. Daes, Mr. Eide, Mrs. Flores, Mr. Ilkahanaf, Mr. Joinet, Ms. Mbonu, Ms. Palley, Mr. Rivas, Mr. Sobarzo, Mr. Treat, Mr. Varela, Mr. Yimer: draft resolution |
| E/CN.4/Sub.2/1988/L.29 | 6 | Mr. Alfonso Martínez, Mr. van Boven, Mr. Eide, Mr. Joinet, Mr. Sobarzo, Mr. Türk, Mr. Yimer: draft resolution |
| E/CN.4/Sub.2/1988/L.30 | 4 | Mr. Chernichenko: draft resolution |
| E/CN.4/Sub.2/1988/L.31 | 9(a) | Mr. Al-Khasawneh, Mr. van Boven, Mr. Eide, Mr. Khalifa, Mrs. Ksentini, Ms. Palley, Mrs. Pellet: draft resolution |
| E/CN.4/Sub.2/1988/L.32 | 12 | Mr. Martínez, Mrs. Daes, Mrs. Mbonu, Mr. Tian Jin, Mr. Türk: draft resolution |
| E/CN.4/Sub.2/1988/L.33 | 6 | Mr. van Boven, Mrs. Daes, Mr. Eide, Mr. Joinet: draft resolution |
| E/CN.4/Sub.2/1988/L.34* | 6 | Mr. van Boven, Mrs. Daes, Mr. Eide, Ms. Palley, Mr. Sobarzo, Mr. Treat: draft resolution |
| E/CN.4/Sub.2/1988/L.35 | 6 | Mr. van Boven, Mr. Eide, Ms. Palley, Mr. Rivas, Mr. Sobarzo: draft resolution |
| E/CN.4/Sub.2/1988/L.36 | 6 | Mr. van Boven: amendments to the draft resolution contained in document E/CN.4/Sub.2/1988/L.15 |
| E/CN.4/Sub.2/1988/L.37 | 9 | Mr. van Boven, Mrs. Daes, Mr. Eide, Mrs. Flores, Mr. Pellet, Mr. Rivas, Mr. Sobarzo, Mr. Treat, Mr. Varela: draft resolution |
| E/CN.4/Sub.2/1988/L.38 | 9(a) | Mr. Alfonso Martínez, Mr. Assouma, Mr. Chernichenko, Mrs. Daes, Mr. Diaconu, Mr. Eide, Mrs. Flores, Mrs. Ksentini, Mrs. Mbonu, Ms. Palley, Mrs. Warzazi, Mr. Yimer: draft decision |
| E/CN.4/Sub.2/1988/L.39 | 11 | Mrs. Bautista, Mr. van Boven, Mrs. Daes, Mr. Eide, Mrs. Flores, Mr. Ilkahanaf, Mr. Khalifa, Ms. Palley, Mr. Pellet, Mr. Rivas, Mr. Sobarzo, Mr. Treat, Mr. Türk, Mr. Varela, Mrs. Warzazi, Mr. Yimer and Mr. Yokota: draft resolution |
| E/CN.4/Sub.2/1988/L.40 | 10 | Mr. van Boven, Mrs. Daes, Mr. Eide: draft resolution |

| <u>Symbol</u> | <u>Agenda item</u> |
|------------------------|---|
| E/CN.4/Sub.2/1988/L.41 | 9(a) Mr. Alfonso Martínez, Mr. Carey, Mr. Ilkahanaf, Mr. Türk, Mr. Yokota: draft decision |
| E/CN.4/Sub.2/1988/L.42 | 9(a) Mr. Alfonso Martínez, Mr. Carey, Mr. Ilkahanaf, Mr. Yokota: draft decision |
| E/CN.4/Sub.2/1988/L.43 | 11 Mr. van Boven, Mrs. Daes, Mr. Eide, Ms. Palley, Mr. Rivas, Mr. Sobarzo, Mr. Treat, Mr. Yimer: draft decision |
| E/CN.4/Sub.2/1988/L.44 | 6 Mr. Sobarzo: draft resolution |
| E/CN.4/Sub.2/1988/L.45 | 12 Mr. Alfonso Martínez, Mrs. Daes, Mrs. Mbonu, Mr. Tian Jin, Mr. Türk: draft resolution |
| E/CN.4/Sub.2/1988/L.46 | 11 Mrs. Daes, Ms. Palley: draft resolution |
| E/CN.4/Sub.2/1988/L.47 | 9 Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1988/L.37; statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council |
| E/CN.4/Sub.2/1988/L.48 | 4 Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1988/L.51; statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council |
| E/CN.4/Sub.2/1988/L.49 | 12 Mr. Carey, Mrs. Daes: draft decision |
| E/CN.4/Sub.2/1988/L.50 | 4 Mr. Alfonso Martínez, Mr. Chernichenko, Mrs. Daes, Mr. Sobarzo, Mr. Treat, Mr. Varela, Mr. Yimer: draft decision |
| E/CN.4/Sub.2/1988/L.51 | 4 Mr. Alfonso Martínez, Mr. Al-Khasawneh, Mr. van Boven, Mr. Chernichenko, Mrs. Daes, Mr. Eide, Mr. Ilkahanaf, Mr. Joinet, Mrs. Ksentini, Mr. Sobarzo, Mr. Tian Jin, Mr. Varela, Mrs. Warzazi, Mr. Yimer, Mr. Yokota: draft resolution |
| E/CN.4/Sub.2/1988/L.52 | 12 Mr. Al-Khasawneh, Mr. Alfonso Martínez, Mrs. Bautista, Mr. Chernichenko, Mrs. Daes, Mr. Diaconu, Mr. Eide, Mr. Hatano, Mr. Joinet, Mrs. Ksentini, Mrs. Mbonu, Mr. Rivas, Mr. Sobarzo, Mr. Tian Jin, Mr. Türk, Mr. Varela, Mrs. Warzazi, Mr. Yimer: draft resolution |

| <u>Symbol</u> | | <u>Agenda item</u> |
|------------------------|-------|--|
| E/CN.4/Sub.2/1988/L.53 | 11 | Mrs. Daes, Mr. Yimer: draft resolution |
| E/CN.4/Sub.2/1988/L.54 | 15 | Mr. van Boven, Mrs. Daes, Mr. Eide, Mr. Treat, Mr. Varela: draft resolution |
| E/CN.4/Sub.2/1988/L.55 | 12 | Mr. Alfonso Martínez, Mrs. Daes, Mrs. Mbonu, Mr. Tian Jin, Mr. Türk: draft resolution |
| E/CN.4/Sub.2/1988/L.56 | 13 | Mr. Alfonso Martínez, Mr. Assouma, Mr. van Boven, Mr. Joinet, Mrs. Ksentini, Mrs. Warzazi, Mr. Yimer: draft resolution |
| E/CN.4/Sub.2/1988/L.57 | 15(e) | Mr. van Boven: draft resolution |
| E/CN.4/Sub.2/1988/L.58 | 4 | Mr. Alfonso Martínez, Mrs. Bautista, Mr. van Boven, Mrs. Daes, Mr. Diaconu, Mr. Eide, Mr. Hatano, Mr. Ilkahanaf, Mr. Rivas, Mr. Sobarzo, Mr. Yimer: draft resolution |
| E/CN.4/Sub.2/1988/L.59 | 14 | Mrs. Bautista, Mr. Diaconu, Mr. Eide, Mrs. Ksentini: draft resolution |
| E/CN.4/Sub.2/1988/L.60 | 15(a) | Mr. Al-Khasawneh, Ms. Palley, Mr. Türk, Mrs. Warzazi, Mr. Yimer: draft resolution |
| E/CN.4/Sub.2/1988/L.61 | 4 | Mr. Eide, Mrs. Ksentini, Mr. Rivas, Mr. Sobarzo, Mr. Türk, Mrs. Warzazi, Mr. Yimer: draft resolution |
| E/CN.4/Sub.2/1988/L.62 | 4 | Mr. Al-Khasawneh, Mrs. Bautista, Mr. van Boven, Mrs. Daes, Mr. Eide, Mr. Joinet, Mrs. Ksentini, Mr. Rivas, Mr. Sobarzo, Mr. Treat, Mr. Türk, Mrs. Warzazi: draft resolution |
| E/CN.4/Sub.2/1988/L.63 | 12 | Mrs. Daes: draft decision |
| E/CN.4/Sub.2/1988/L.64 | 12 | Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1988/L.52: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council |
| E/CN.4/Sub.2/1988/L.65 | 4 | Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1988/L.58: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council |

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E/CN.4/Sub.2/1988/L.66

11 Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1988/L.53; statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

E/CN.4/Sub.2/1988/L.67

15(a) Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1988/L.60; statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

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| E/CN.4/Sub.2/1988/NGO/1 | 11 | Written statement submitted by the International Movement for Fraternal Union among Races and Peoples, a non-governmental organization in consultative status (category II) |
| E/CN.4/Sub.2/1988/NGO/2 | 4 and 5 | Written statement submitted by the International Movement A.T.D. Fourth World, a non-governmental organization in consultative status (category II) |
| E/CN.4/Sub.2/1988/NGO/3 | 15(c) | Written statement submitted by the International Federation of Human Rights (FIDH), a non-governmental organization in consultative status (category II) |
| E/CN.4/Sub.2/1988/NGO/4 | 7 | Written statement submitted by Baha'i International Community, a non-governmental organization in consultative status (category II) |
| E/CN.4/Sub.2/1988/NGO/5 | 5(a) | <u>Idem</u> |
| E/CN.4/Sub.2/1988/NGO/6 | 15 | Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) |
| E/CN.4/Sub.2/1988/NGO/7 | 4 | Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II) |
| E/CN.4/Sub.2/1988/NGO/8 | 14 | Written statement submitted by Defence for Children International Movement, a non-governmental organization on the Roster |
| E/CN.4/Sub.2/1988/NGO/9 | 6 | Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization on the Roster. |
| E/CN.4/Sub.2/1988/NGO/10 | 9 | Written statement submitted by the International Movement for Fraternal Union among Races and Peoples, a non-governmental organization in consultative status (category II) |

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| E/CN.4/Sub.2/1988/NGO/11 | 4 | Written statement submitted by Habitat International Coalition, a non-governmental organization on the Roster. |
| E/CN.4/Sub.2/1988/NGO/12 | 12 | Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II) |
| E/CN.4/Sub.2/1988/NGO/13 | 5 | Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) |
| E/CN.4/Sub.2/1988/NGO/14 | 4 | Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) |
| E/CN.4/Sub.2/1988/NGO/15 | 9(a) | <u>Idem</u> |
| E/CN.4/Sub.2/1988/NGO/16 | 15(c) | <u>Idem</u> |
| E/CN.4/Sub.2/1988/NGO/17 | 11 | <u>Idem</u> |
| E/CN.4/Sub.2/1988/NGO/18 | 15(c) | A written statement submitted by Greek Orthodox Archdiocesan Council, a non-governmental organization in consultative status (category I) |
| E/CN.4/Sub.2/1988/NGO/19 | 15(c) | Written statement submitted by Pax Christi, a non-governmental organization in consultative status (category II) |
| E/CN.4/Sub.2/1988/NGO/20 | 12 | Written statement submitted by Grand Council of the Crees (of Quebec), a non-governmental organization on the Roster |
| E/CN.4/Sub.2/1988/NGO/21 | 15(e) | Written statement submitted by the International Bar Association, a non-governmental organization in consultative status (category I) |
| E/CN.4/Sub.2/1988/NGO/22 | 15(d) | Written statement submitted by the following non-governmental organizations in consultative status: International Alliance of Women - Equal Rights, Zonta International (category I), All-India Women's Conference, Arab Lawyers Union, |

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Baha'i International Community, Commission of the Churches on International Affairs of the World Council of Churches, Co-ordinating Board of Jewish Organizations, Four Directions Council, Indigenous World Association, International Association for the Defence of Religious Liberty, International Association of Democratic Lawyers, International Commission of Jurists, International Council of Jewish Women, International Federation of Human Rights, International Federation of University Women, International Federation of Women Lawyers, International Fellowship of Reconciliation, International League for Human Rights, International Movement A.T.D. Fourth World, International Movement for Fraternal Union among Races and Peoples, International Union of Students, International Zionist Organization, Pan-Pacific South-East Asia Women's Organization, World Jewish Congress, (category II); World Union for Progressive Judaism on the Roster

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|--------------------------|-------|---|
| E/CN.4/Sub.2/1988/NGO/23 | 9(b) | Written statement submitted by the Human Rights Advocates, a non-governmental organization in consultative status (category II) |
| E/CN.4/Sub.2/1988/NGO/24 | 12 | Written statement submitted by Elimination of All Forms of Racial Discrimination (EAFORD), a non-governmental organization in consultative status (category II) |
| E/CN.4/Sub.2/1988/NGO/25 | 15(e) | Written statement submitted by International League for Human Rights, a non-governmental organization in consultative status (category II) |
| E/CN.4/Sub.2/1988/NGO/26 | 12 | Written statement submitted by the following non-governmental organizations in consultative status: International Confederation of Free Trade Unions, Women's International Democratic Federation, World Federation of Democratic Youth, World Federation of Trade Unions (category I); Afro-Asian Peoples Solidarity Organization, Anti-Slavery Society for the Protection of Human Rights, Arab Lawyers Union, Commission of the Churches on International Affairs, Disabled Peoples International, Human Rights Advocates, International Association of Democratic Lawyers, International Commission of Jurists, |

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International Federation of Human Rights,
International Federation Terre des Hommes,
International Fellowship of
Reconciliation, International Movement for
Fraternal Union among Races and Peoples,
International Organization for Elimination
of all Forms of Racial Discrimination,
International Union of Students, Pax
Christi International, Pax Romana, Union
of Arab Jurists, Women's International
League for Peace and Freedom, (category
II); International League for the Rights
and Liberation of Peoples, Minority Rights
Group, World Peace Council (Roster)

E/CN.4/Sub.2/1988/NGO/27

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Written statement submitted by Disabled
People's International, a non-governmental
organization in consultative status
(category II)