

Repertory of Practice of United Nations Organs
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Repertory of Practice of United Nations Organs)

Volume IV

ARTICLE 55

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TEXT OF ARTICLE 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational co-operation; ...
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

INTRODUCTORY NOTE

1. The presentation and organization of the material in this study follows the pattern established in the previous studies of Article 55 of the *Repertory* and its *Supplements*. As in the previous supplements, the material is divided into two parts, dealing with economic and social matters, and with human rights. Each part is divided into a general survey and an analytical summary of practice. The General Survey gives a broad view of the activities of the United Nations in those fields consonant with the words "shall promote" in Article 55. With regard to the General Survey for Part I, the reader will note that the topic headings in this *Supplement* have been revised. Consonant with the approach taken in *Supplement Nos. 5 and 6*, the Analytical Summary for Part I, provides an understanding of the functional work of the General Assembly, the Economic and Social Council and the Secretary-General on those agenda items relevant to promoting the goals of Article 55 (a) and (b). An account of the ways and means used by the United Nations to achieve the purposes of Article 55 through the exercise of specified functions and powers of the General Assembly and the Economic and Social Council is contained in this *Supplement* in the studies on the Articles which set forth these functions and powers.

2. With regard to Part II of this *Supplement*, the reader will also note, comparatively to the approach taken in *Supplements 5 and 6*, that a number of topic headings have been revised. This approach aims to

better lighten the contribution of the principal organs of the United Nations to the implementation of the provisions of Article 55 (c). The analytical summary for Part II, bring out the work of United Nations Organs regarding the elaboration of standards in the field of human rights, as well as, the implementation of existing norms. The effect of this revised approach is to broaden the study to the activities of bodies which play an important role in the process of setting, interpreting and implementing standards in the field of human rights and fundamental freedoms, such as, working groups entrusted to draft international instruments or, treaty bodies through their general comments and recommendations.

3. As in the previous studies, the question of the scope given to the objectives of the United Nations in the economic, social and human rights fields are set forth in paragraphs a, b, and c of Article 55, in the Preamble of the Charter, and in certain other Articles,¹ is dealt with in this *Supplement* solely in the study of a single Article, namely, Article 55.

I. ECONOMIC AND SOCIAL FIELDS

A. GENERAL SURVEY

3. During the period under review, the principal organs of the United Nations continued to consider the promotion of economic and social development, as well as international educational and cultural cooperation. No direct reference relating to the interpretation of Article 55 was made. In a number of instances, the provisions of Article 55 (a) & (b) were reaffirmed.² The Organization continued to examine and assess the economic and social situation throughout the world, as well as in specific regions and countries. The goals of Article 55 (a) and (b) were promoted through with the assistance of the various agencies of the United

¹ See *Repertory*, under Article 55, para. 4 and related table.

Nations system, mentioned in past *Supplements* and below, with the cooperation of Member States under Article 56. Moreover, as in the past, during the period under review, the principal organs adopted decisions regarding cooperation between the United Nations and various regional and international organizations for the purpose of, *inter alia*, promoting economic and social development.³

4. The decisions bearing upon the application of Article 55 (a) and (b) served a number of purposes in promoting the objectives of the Article. During the period under review, the principal organs continued to recommend priorities to Governments with regard to the fields of Article 55 (a) and (b). For example, in one instance, the Assembly affirmed that food should be treated with higher priority by all Governments in their rededication to the principles and purposes of the Charter in its fortieth anniversary.⁴ Decisions served to articulate a consensus on objectives and principles for international cooperation. In one instance, the General Assembly adopted the Global Strategy for Shelter to the Year 2000, and decided on the fundamental principles and objectives for the Year.⁵ In another instance, the Assembly, by resolution 43/198, recognized that a major objective of any debt strategy should be that debtor developing countries achieve an adequate level of growth sufficient to enable them to satisfy their social, economic and development needs. In addition, the decisions provided guidelines for steps to be taken at the national and international levels.⁶

5. With respect to resolving economic and social problems, as in the past, in some instances the decisions defined those problems in conceptual terms. In one instance, the General Assembly affirmed that the complete integration of women in society went beyond the problem of equality and that deeper structural transformations of society and changes in current economic relations, as well as elimination of traditional prejudices through education and dissemination of information.⁷ The General Assembly and the Economic

² See e.g., G A resolution 40/178; E S C decision 1985/181.

³ See e.g., G A resolutions 43/1, 43/3, 43/4.

⁴ G A resolution 40/181.

⁵ See e.g., G A resolutions 41/187 and 43/181.

⁶ See e.g., G A resolution 43/81.

⁷ G A resolution 41/110.

and Social Council continued to set out the parameters for action with respect to economic and social issues. For example, by resolution 41/182, the General Assembly reaffirmed the right of each country, in accordance with its chosen economic and social system and priorities, to determine its objectives, to endeavour to fulfil its development plans, to strengthen the public and private sectors of its economy and to promote the development of its human resources. By the same resolution, the Assembly recognized the responsibility of the international community, in particular of the developed countries, to promote and endeavour to provide an equitable international economic environment, supportive of the development of the developing countries, in the light of the goals and objectives of the International Development Strategy for the Third United Nations Development Decade.⁸ In another example, by the Declaration on the Right to Development, which the General Assembly adopted at its forty-first session, States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development.⁹ During the period under review, the decisions of the Organization continued to affirm the necessary preconditions for economic and social development. In one instance, the General Assembly reaffirmed that economic growth must go hand-in-hand with qualitative and structural changes, the reduction of social and economic disparities, and the adoption of measures to ensure that effective participation of all peoples in the preparation and execution of their national policies for economic and social development. In another, the Assembly recognized that illiteracy hindered the process of economic and social development and cultural and spiritual advancement.¹⁰

6. In several instances, the decisions of the principal organs affirmed the interdependent nature of economic and social development with such areas as economic, social, cultural and political rights.¹¹ During the period, the General Assembly reaffirmed the close relationship between disarmament and development¹² and considered the question of economic measures as a means of political and economic coercion against

⁸ G A resolution 41/184.

⁹ G A resolution 41/128, annex, Art. 3(3).

¹⁰ G A resolution 40/100.

¹¹ G A resolution 40/114.

¹² G A resolution 41/128, annex, preamb. para. 12, and Art. 7.

developing countries.¹³ In resolving problems of economic and social progress, several decisions during the period under review called for an integrated approach. In one instance, the General Assembly, considering that a unified approach to development analysis and planning was one of the tools for the attainment of sustained social, economic and human development, invited States to support the efforts of developing countries, if they so request, to strengthen their management capacity to apply a unified approach to development analysis and comprehensive macro-economic strategies.¹⁴ In another instance, the General Assembly affirmed that food represented an essential element of the world's economic, social and political development process.¹⁵ In addition, the principal organs identified requisite action for resolving specific problems in international economic relations. By its resolution 43/198, the Assembly stressed that a supportive international economic environment, together with a growth-oriented development approach, was needed to supporting the efforts of debtor developing countries in dealing with their external indebtedness and alleviating the political and social costs of structural adjustment programmes and adjustment fatigue. The Assembly moreover recognized that efforts to solve the problem should include policies in major creditor countries and debtor countries supportive of export growth and diversification. At its forty-third session, the General Assembly decided to convene in April 1990, a special session devoted to international economic cooperation in particular the revitalization of economic growth and development in developing countries.¹⁶ The purpose of this special session was to consider ways and means of meeting the challenges presented by the new decade in the economic and social fields, particularly those of the developing countries and to provide more effective means of multilateral cooperation in the economic field¹⁷.

7. The decisions of the principal organs continued to address global aspects of economic and social development. In some cases, such decisions assess the economic and/or social situation. The Organization

¹³ G A resolution 42/173.

¹⁴ G A resolution 41/174.

¹⁵ G A resolution 40/181.

¹⁶ GA decision 43/460.

¹⁷ Ibid, annex, para. 1.

continued to promote the International Development Strategy for the Third Development Decade, serving as the overall blueprint for international cooperation in the economic, social, cultural and related fields, and began preparations for the Fourth United Nations Development Decade.¹⁸ The General Assembly continued to examine the long-term trends in economic and social development.¹⁹ In some instances, decisions in this field highlight particular issues and problematic trends. For example, the Economic and Social Council drew the attention of the General Assembly and the Specialized Agencies to the alarming levels reached in the net transfer of resources from developing to developed countries, and emphasized the need to reverse this trend,²⁰ adopting recommended measures for implementation by developed countries for this purpose.²¹ In another, the Assembly expressed its deep concern that a significant percentage of the world's population lived in conditions of absolute poverty, and urged the international community to create a supportive international economic environment for growth and development reinforcing the efforts of developing countries to revitalize their development process and eradicate poverty.²² The principal organs, in addition, noted conditions in specific fields. For example, within the context of the International Year of Shelter for the Homeless, the General Assembly recognized that an estimated one quarter of the world's population did not have adequate shelter and lived in extremely unhealthy and unsanitary conditions.²³

8. With respect to international cooperation in the economic and social fields, the principal organs continued to call for a dialogue on key development issues with the purpose of building confidence in²⁴ and improving generally the framework of international economic relations.²⁵ As in the past, the principal organs continued to promote the establishment of a new international economic order, with references, usually in preambular paragraphs, included in General Assembly and Economic and Social Council resolutions throughout the

¹⁸ G A resolution 42/193 and 43/182; E S C resolution 1988/76.

¹⁹ See e.g., G A resolution 43/194.

²⁰ E S C resolution 1986/56.

²¹ E S C resolution 1987/93.

²² G A resolution 43/195

²³ G A resolution 40/203.

²⁴ See e.g., E S C resolution 1986/75

period.²⁶ By its resolution 42/49, the General Assembly considered that the common purpose of the international community must be to forge from varied economic, social, and political conditions a global environment of sustained development, enjoyment of human rights and fundamental freedoms, social justice and peace.²⁷ The General Assembly, aware that the current state of international economic relations called for renewed efforts to promote international economic cooperation and to create a more favourable environment for advancing economic and social development for all countries, reaffirmed that cooperation among all nations should be based on respect for the independence, sovereignty and territorial integrity of each State. The Assembly stressed the willingness of Member States to strengthen the United Nations system as a framework for constructive dialogue and joint efforts involving international economic, scientific-technological and social problems. The Assembly also urged all Member States to continue the negotiations initiated in the United Nations system on international economic issues and to bring it to a successful end by reaching mutually acceptable and just solutions in accordance with the objectives agreed upon.²⁸ The Assembly stated that the search for international economic security should be based on a constructive, universal, more comprehensive and continued dialogue within the United Nations and the United Nations system aimed at developing practical approaches and measures that contribute to improvements in the international economic system through reform and strengthening of the framework of principles and rules governing trade, monetary and financial relations within which countries operate.²⁹ During the period under review, the Assembly took decisions to include the item entitled “Launching of global negotiations on international economic cooperation for development” on its agenda.³⁰ No action was taken during the period.

9. Several specific initiatives were put forth during the period with regard to the promotion of the concept of

²⁵ See e.g., G A resolution 42/165.

²⁶ G A resolutions 40/173, 41/128; annex, art. 3(3); 41/133. E S C resolution 1987/35.

²⁷ G A resolution 42/49.

²⁸ G A resolution 40/178.

²⁹ G A resolution 42/165.

international economic security. The General Assembly, recalling the purposes in the Charter of the United Nations, in particular that of achieving international cooperation in solving international problems of economic, social, cultural or humanitarian character, recognized the need to promote international economic security aimed at the economic and social development and progress of each country.³¹ The Assembly emphasized that the Charter of the United Nations provided a basis for conducting relations among States in a manner that would promote the shared objective of revitalizing development, growth and international trade in a more predictable and supportive environment through multilateral cooperation, and thus also promote peace, security and stability. The Assembly requested the Secretary-General to consult with eminent persons representing all regions on principles of international economic security, keeping in mind the existing mandates on development and international economic cooperation.³²

10. As mentioned above,³³ the principal organs, in addition, also took decisions with regard to the elaboration of a human right to development. At its forty-first session, the General Assembly, bearing in mind the purpose and principles of the Charter relating to the achievement of international cooperation in solving international problems of an economic, social cultural or humanitarian nature, proclaimed the Declaration on the Right to Development.³⁴ To this end, international cooperation should aim at the maintenance of stable and sustained economic growth with simultaneous action to increase concessional assistance to developing countries, build world food security, resolve the debt burden, eliminate trade barriers, promote monetary stability, and enhance scientific and technological cooperation.³⁵

11. The principal organs examined the machinery and the capacity within the United Nations system to implement the purposes of Article 55(a) and (b). The General Assembly and the Economic and Social

³⁰ G A decisions 42/458 snf 43/457.

³¹ G A resolution 40/173.

³² G A resolution 42/165.

³³ *Supra*, para 5.

³⁴ G A resolution 41/128, annex.

³⁵ G A resolution 41/133.

Council took decisions to carry out an in-depth study of the United Nations' intergovernmental structure and functions in the economic and social fields and its Secretariat support structures.³⁶ For this purpose, the Council established a Special Commission.³⁷ By resolution 1986/51, the Economic and Social Council stressed the need for research on current and emerging issues in international cooperation in the economic and social fields, and the need to improve further the quality of research activities and products. The General Assembly and the Council, aware of the need for methods to measure with greater accuracy the level of satisfaction of socio-economic needs in the developing countries to facilitate the search for better ways of improving living standards, took decisions to prepare a set of indicators relating to living conditions, employment and the circumstances underlying them, and the improvement of basic national statistical programmes and capabilities related to food, clothing, housing, education, health care and necessary social services.³⁸ The Economic and Social Council made recommendations to the General Assembly regarding the need and criteria for special economic assistance programmes.³⁹ In formulating the concept of international economic security, the General Assembly recognized that the United Nations should make a greater contribution to the efforts of Governments to improve their capacity to manage the interrelationships among different economies and the linkages between various sectors and issues; it requested the Secretary-General, in monitoring the development of international and multilateral economic cooperation, to continue his efforts to enhance the capacity of the United Nations to focus on current and potential problem areas in the world economy in order to assist Governments in taking concerted measures.⁴⁰

12. In another instance, the General Assembly and the Economic and Social Council affirmed that its resolution 41/213 regarding the review of the efficiency of the administrative and financial functioning of the United Nations should continue to be implemented in the economic and social fields at the intergovernmental

³⁶ G A decision 42/431; E S C resolution 1987/64.

³⁷ E S C decision 1987/112.

³⁸ G A resolution 40/179; E S C resolution 1987/6.

³⁹ E S C decision 1986/165.

⁴⁰ G A resolution 42/165.

and Secretariat levels to enhance the quality and strengthen the implementation of development-oriented United Nations programmes and activities in those fields.⁴¹ The Council, recalling, *inter alia*, General Assembly resolutions 32/197 and 41/213, indicated the urgent need to revitalize itself to enable it, under the authority of the General Assembly, to exercise effectively its functions and powers as set out in the Charter of the United Nations, and affirmed that it should make an important contribution to the major issues and concerns facing the international community, in particular, the economic and social development of developing countries.⁴² For this purpose, the Council adopted a set of measures to enable it to improve its functioning and exercise its powers under Chapters IX and X of the Charter of the United Nations, including measures with a view to formulating and elaborating action-oriented recommendations, monitoring the implementation of overall strategies, policies and priorities established by the General Assembly in the economic, social and related fields, making recommendations to the Assembly on overall priorities and policy guidelines for United Nations operational activities for development, coordinating the activities of the United Nations system in these fields, and formulating its working methods and organization of work.⁴³ With regard to policy formulation, the Council's annual general discussion of "international economic and social policy, including regional and sectoral developments" would take place during the first five working days of the second regular session and should allow enough time for a dialogue and an exchange of views between members and executive heads of the organizations of the United Nations system. The Council would undertake annually in-depth discussions of previously identified major policy themes, to be selected on the basis of a multi-year work programme derived, *inter alia*, from the priorities set out in the medium-term plan of the United Nations and the work programmes of other relevant United Nations bodies. The Council would, as and when necessary, address urgent and emerging issues relating to acute international economic and social problems possibly as one of the themes identified. With regard to monitoring, the Council would monitor the

⁴¹ G A resolution 42/170; E S C resolution 1988/77.

⁴² E S C resolution 1988/77.

⁴³ *Ibid.*

implementation of the overall strategies, policies and priorities established by the General Assembly in the economic, social and related fields as set out in relevant resolutions of the Assembly and the Council; it shall also consider all appropriate modalities for carrying out the recommendations of the Assembly on matters falling within the Council's competence.⁴⁴ With regard to operational activities, the Council would recommend to the General Assembly overall priorities and policy guidelines for operational activities for development undertaken by the United Nations system; for that purpose, the Council, as part of its co-ordination functions, would define, as and when necessary, overall priorities and specific activities for the organizations of the United Nations system, within their respective mandates, so that the operational activities for development of the United Nations system are carried out in a coherent and effective manner. With regard to its coordination function, the Council would carry out its functions of co-ordinating the activities of the United Nations system in the economic, social and related fields as an integral part of its work; the Council would consider the activities and programmes of the organs, organizations and bodies of the United Nations system, in order to ensure, through consultation with and recommendations to the agencies, that the activities and programmes of the United Nations and its agencies are compatible and mutually complementary, and would recommend to the General Assembly relative priorities for the activities of the United Nations system in the economic and social fields.⁴⁵

13. During the period under review, the Organization continued to examine the conditions for a new international humanitarian order.⁴⁶ In one case, the General Assembly, expressing concern that emergencies and disasters, mostly man-made, had increased in frequency, noted the establishment outside the United Nations of an Independent Bureau for Humanitarian Issues to disseminate and follow-up the work of the Independent Commission on International Humanitarian Issues.⁴⁷ The General Assembly also encouraged the

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ G A resolution 40/126. For more on this topic, *see infra*, section B, 1, e.

⁴⁷ G A resolution 42/120.

international community to develop its cooperation in the field of international humanitarian activities.⁴⁸

14. During the period under review, the principal organs took a number of initiatives with respect to development in specific regions. As in the previous period, the principal organs, noting the critical economic and social situation in that region,⁴⁹ continued to promote initiatives towards the economic and social development of Africa. With respect to decisions of a general, comprehensive character, by its resolution 40/40, the General Assembly decided to convene a special session to focus on the rehabilitation, medium-term and long-term development problems facing African countries. At its thirteenth special session, the Assembly adopted the United Nations Programme of Action for African Economic Recovery and Development 1986-1990, emphasizing the need to intensify economic and technical cooperation with African countries during and beyond the period of the programme of Action.⁵⁰ Other decisions in this area typically focused on addressing development needs in particular areas of development in Africa. These included decisions addressing locust and grasshopper infestation in Africa,⁵¹ the continued implementation of the Transport and Communications Decade in Africa⁵² the declaration of a Second Transport and Communications Decade in Africa,⁵³ the problem of desertification and drought in Africa,⁵⁴ the integration of women in development in Africa,⁵⁵ the continued implementation of the Industrial Development Decade in Africa.⁵⁶ And developmental social welfare policies and programmes on the situation of African migrant workers.⁵⁷ In addition, the principal organs took decisions with regard to coordination of drug control activities in the African region.⁵⁸ A number of decisions sought to promote development in Africa by establishing cooperative relationships with various African intergovernmental and non-governmental forums, such as support for the African

⁴⁸ G A resolution 42/121.

⁴⁹ G A resolution 40/100.

⁵⁰ G A resolution S-13/2. For more on this topic, *see infra*, section B, 1, b.

⁵¹ G A resolution 41/185.

⁵² E S C resolution 1986/62.

⁵³ G A resolution 43/179; E S C resolution 1988/67.

⁵⁴ *See e.g.*, G A resolutions 40/198 B, and 42/188.

⁵⁵ E S C resolutions 1985/67 and 1986/28.

⁵⁶ E S C resolution 1987/70.

⁵⁷ E S C resolution 1985/64.

Institute for Economic Development and Planning,⁵⁹ cooperation between the United Nations and the Southern African Development Coordination Conference,⁶⁰ and support for the Preferential Trade Area for Eastern and Southern African States.⁶¹

15. As in the past, the principal organs continued to take decisions with regard to the occupied Palestinian territories. Such decisions addressed economic development projects in the territories,⁶² and assistance to the Palestinian people. In one instance, the General Assembly requested the Secretary-General to convene a meeting of the relevant programmes, of the United Nations system to consider economic and social assistance to the Palestinian people.⁶³

16. As in the past, the principal organs used as a vehicle to promote the objectives of Article 55(a) and (b) the observance of international years, decades, and anniversaries. In some cases, such observances were geared toward the particular problem, such as the International Year of Shelter for the Homeless⁶⁴ and the International Year of Peace.⁶⁵ In other cases, the observance of the anniversary of a United Nations forum or instrument aimed at the promotion of initiatives in a particular field, e.g., the promotion of social development with respect to the decision to observe in 1989 the twentieth anniversary of the Declaration on Social Progress and Development, and in the field of international trade, the decision to observe the twenty-fifth anniversary of UNCTAD at the Assembly's forty-fourth session.⁶⁶

17. Other decisions addressed such questions as the national experience in promoting the cooperative movement.⁶⁷ During the period, the principal organs, convinced that entrepreneurship is an important

⁵⁸ E S C resolution 1988/11.

⁵⁹ E S C resolution 1985/62.

⁶⁰ G A resolution 40/195.

⁶¹ G A resolution 40/186.

⁶² E S C resolution 1985/58.

⁶³ G A resolution 41/181.

⁶⁴ G A resolution 43/180, E S C resolution 1987/37.

⁶⁵ E S C resolution 1986/15.

⁶⁶ G A resolution 43/183.

⁶⁷ E S C resolutions 1985/22 and 1987/64.

dimension of economic and social development, took decisions regarding indigenous entrepreneurs⁶⁸ and national entrepreneurship in economic development.⁶⁹

18. With regard to standards of living, the organization took a number of decisions to address the need to combat poverty.⁷⁰ Noting the insufficient attention paid to the phenomenon of extreme poverty, a phenomenon that frequently eluded international and intergovernmental action and current statistical methods, the Economic and Social Council, by its resolution 1988/47, noted the urgent need to take into account the social cost of adjustment policies and called for the strengthening of efforts being made by the international community to alleviate the impact of such policies on those who live in conditions of extreme poverty. The Council requested the Commission for Social Development to report to the Council on the phenomenon of extreme poverty, with a view to examining relationship between social development and the eradication of poverty and thereafter suggest, on the basis of an assessment of its studies, strategies that would help put an end to the marginalization of people living in extreme poverty. In another resolution the Council reiterated the need to take appropriate measures at the national and international levels to promote the right of all persons to an adequate standard of living for themselves and their families.⁷¹

19. During the period under review, the principal organs took few decisions directly relating to full employment, although in many instances decisions on other matters related to economic and social development make reference to employment.⁷² The Economic and Social Council took several decisions regarding the development of human resources, and its crucial role in the socio-economic development process.⁷³ The General Assembly continued to take decisions regarding reverse transfer of technology.⁷⁴ In

⁶⁸ G A resolution 41/182.

⁶⁹ E S C resolution 1988/74.

⁷⁰ See e.g., G A resolution 43/195, E S C resolution 1988/47.

⁷¹ E S C resolution 1987/62.

⁷² It should be noted that a few subsidiary bodies of the principal organs considered issues relating to employment. For example, the ACC, in 1985, considered issues relating to international cooperation, in particular employment, which was of particular concern to ACC and its subsidiary machinery. E/1985/57.

⁷³ See E S C resolutions 1986/73 and 1987/81

⁷⁴ G A resolution 40/191.

the field of youth, the Assembly called upon Member States to promote better awareness of the need to preserve and to increase employment opportunities for young people of both sexes.⁷⁵

20. With regard to international cultural and educational cooperation, as in the past the principal organs took relatively few decisions in these fields. The General Assembly and the Economic and Social Council considered the work of the University for Peace⁷⁶ and the Assembly that of the United Nations University.⁷⁷ With regard to the latter, the General Assembly in one instance noted the continuing and intensified cooperative activities of the United Nations University with, *inter alia*, the international academic and scientific community.⁷⁸ Noting the appeal by UNESCO, the General Assembly and the Economic and Social Council considered measures to promote the eradication of illiteracy;⁷⁹ in this vein, at its forty-second session, the Assembly proclaimed 1990 the International Literacy Year.⁸⁰ In another case, on the recommendation of the Economic and Social Council⁸¹ on a proposal of the 1982 UNESCO World Conference on Cultural Policies, the General Assembly proclaimed the period 1988-1997 the World Decade for Cultural Development, to be observed under the auspices of the United Nations and UNESCO, and approved the main objectives of the Decade.⁸²

21. With respect to food production and supply, during the period under review the General Assembly continued to address and place priority on food and agricultural problems, with the cooperation initiatives of the FAO⁸³ and the World Food Council, as the coordinating mechanism in the field of food and related policy matters within the United Nations.⁸⁴ With regard to the latter, the Assembly set policy priorities for the World

⁷⁵ G A resolution 40/16. *See also* E S C resolution 1987/44.

⁷⁶ G A resolution 41/175; E S C resolutions 1985/2 and 1986/6.

⁷⁷ G A resolutions 41/173.

⁷⁸ *Ibid.*

⁷⁹ G A resolution 41/118; E S C resolution 1987/80.

⁸⁰ G A resolution 42/104.

⁸¹ E S C resolution 1986/69.

⁸² G A resolution 41/187. For more on this topic, *see infra*, section B, 2, a.

⁸³ G A resolution 40/181.

⁸⁴ *Ibid.*

Food Council.⁸⁵ The Assembly took decisions to establish targets for voluntary contributions to the World Food Programme, based on the target recommended by the Economic and Social Council,⁸⁶ and requested the Secretary-General to convene pledging conferences to meet the target.⁸⁷ The Assembly identified arrangements for promoting technical cooperation among developing countries in food and agriculture.⁸⁸ The Economic and Social Council endorsed the 1987 Beijing Declaration of the World Food Council as a reaffirmation of the commitment of the world community to the eradication of hunger and malnutrition and as a framework to accelerate action to attain that objective.⁸⁹

22. With regard to health matters, the principal organs, with the assistance of the World Health Organization as the agency with the primary leadership role in the global direction and coordination of AIDS prevention, control, research and education, took decisions to ensure a coordinated response by the United Nations system to the AIDS pandemic, including the consideration of a report of the Director-General of the World Health Organization on the global strategy for the prevention and control of AIDS.⁹⁰ As in the past, the principal organs continued to examine the question of consumer protection: by its resolution 39/248 adopted at its resumed thirty-ninth session in 1985, the Assembly adopted the guidelines for consumer protection and requested all organizations of the United Nations system that elaborate guidelines and related documents on specific areas relevant to consumer protection to distribute them to the appropriate bodies of individual States. Also during the period, the principal organs for the first time began taking decisions regarding the prevention and control of acquired immunodeficiency syndrome (AIDS).⁹¹

23. During the period under review, in conjunction principally with the United Nations Commission on Human Settlements and its secretariat, HABITAT, the General Assembly and the Economic and Social

⁸⁵ G A resolution 43/191.

⁸⁶ E S C resolution 1987/91.

⁸⁷ G A resolution 40/176.

⁸⁸ G A resolution 43/190.

⁸⁹ E S C resolution 1987/90.

⁹⁰ G A resolution 42/8; E S C resolution 1987/75 and 1988/55.

Council focused greater attention in comparison with the preceding period to questions of housing and human settlements. The principal organs adopted a number of general decisions addressing international efforts in improving human settlements, proclaiming and promoting, for example, 1987 as the International Year of Shelter for the Homeless as an opportunity for the international community to assess the results of past efforts in this field, and decide on new directions and approaches for national policies and strategies to bring closer the objective of shelter for all by 2000.⁹² The Assembly, in addition, decided that there would be a Global Strategy for Shelter to year 2000 to stimulate measures that would facilitate adequate shelter for all by the year 2000,⁹³ adopting the fundamental objectives and principles forming the basis of the Strategy.⁹⁴ Also during the period, the Economic and Social Council took a decision to promote the realization of the right to adequate housing.⁹⁵ With respect to human settlements in specific instances, the Assembly took decisions with respect to living conditions of the Palestinian people in the occupied Palestinian territories.⁹⁶

24. During the period under review, the principal organs took a considerable number of decisions with respect to the integration of women in the development process, pledging the determination to encourage full participation of women in, *inter alia*, the economic, social, cultural and civil affairs of society.⁹⁷ It will be recalled that by its resolution 35/136, the General Assembly had decided to convene in 1985, at the conclusion of the United Nations Decade for Women, a World Conference to Review and Appraise the Achievements of the United Nations Decade for Women.⁹⁸ By its resolution 40/108, the Assembly endorsed the Nairobi Forward-looking Strategies for the Advancement of Women adopted by the World Conference, affirming, *inter alia*, that the implementation of the Strategies should result in the complete integration of women into the development process. The principal organs also made recommendations regarding the

⁹¹ See e.g., E S C resolution 1988/55. For more on this topic, see *infra*, section B, 1, d.

⁹² G A resolution 41/190. See also G A resolutions 40/203 and 43/180 and E S C resolution 1987/37.

⁹³ G A resolution 42/191.

⁹⁴ G A resolution 43/181.

⁹⁵ E S C resolution 1987/62.

⁹⁶ G A resolutions 40/201 and 42/190.

⁹⁷ G A resolutions 40/102 and 41/109.

implementation of the Forward-looking Strategies throughout the period,⁹⁹ including the endorsement of the comprehensive reporting system to monitor, review and appraise the Strategy's implementation.¹⁰⁰

25. Decisions in this field were taken with the assistance of numerous bodies and programmes of the Organization. The Assembly emphasized the central role of the Commission on the Status of Women in matters related to the advancement of the status of women,¹⁰¹ and reaffirmed the role of the Centre for Social Development and Humanitarian Affairs of the Department of International Economic and Social Affairs of the Secretariat, in particular the Branch [later renamed Division] for the Advancement of Women, as the substantive secretariat of the Commission and as a focal point for matters on women.¹⁰² By its resolution 1987/22, the Economic and Social Council expanded the terms of reference of the Commission to include functions of promoting objectives of equality, development and peace.¹⁰³ The International Research and Training Institute for the Advancement of Women was requested to strengthen its activities in research and training for the formulation of policy analysis, planning and programming relevant to the increased participation of women in development.¹⁰⁴

26. In addition, the General Assembly took several decisions addressing the role of women in society generally, setting out that role in more detail. By its resolution 40/101, the Assembly appealed to all Governments, international organizations and non-governmental organizations to recognize in their activities the importance of all interrelated aspects of the role of women in society, as mothers, and participants in economic development. In the same resolution, the Assembly called upon all Governments to encourage such social and economic development to secure the participation of women in all aspects of work, equal pay for work of equal value, and equal opportunities for education and training. Governments were also called upon

⁹⁸ See *Supplement No. 5*, under this Article, para. 25.

⁹⁹ See e.g., G A resolution 41/111 and 42/62.

¹⁰⁰ E S C resolution 1988/22 and annex.

¹⁰¹ G A resolution 41/111.

¹⁰² G A resolution 40/108.

¹⁰³ E S C resolution 1987/22.

to recognize the special status and importance of motherhood, and take all necessary measures to promote its protection, including paid maternity leave, promotion of child-care and education of children as a means of combining parenthood with economic, political, social and other activities. The Economic and Social Council recommended that elderly women should be accorded a respected role in society.¹⁰⁵ The role of women was identified in a number of different fields: for example, in the context of the Global Strategy for shelter to the Year 2000, the Assembly decided, as one of the Strategy's main principles, that women, as income-earners, home-makers and heads of households and women's organizations would fulfil a crucial role as contributors to the solution of the human settlements problems. The principal organs addressed the economic and social situation of women with reference to particular regions, including such specific areas as assistance to Palestinian women,¹⁰⁶ women and peace in Central America,¹⁰⁷ the advancement of women in Africa,¹⁰⁸ women and children under *apartheid*,¹⁰⁹ women and children in Namibia.¹¹⁰ Finally, the principal organs addressed the status and role of women and population,¹¹¹ prevention of prostitution,¹¹² elderly women,¹¹³ recommendations to Governments regarding rural women and development,¹¹⁴ and efforts to eradicate violence against women in the family and society.¹¹⁵

**1. THE INTERNATIONAL DEVELOPMENT STRATEGY FOR THE THIRD UNITED NATIONS
DEVELOPMENT DECADE

¹⁰⁴ G A resolution 40/38.

¹⁰⁵ E S C resolution 1986/26.

¹⁰⁶ See e.g., E S C resolution 1986/21.

¹⁰⁷ E S C resolution 1988/20.

¹⁰⁸ E S C resolution 1985/67.

¹⁰⁹ See e.g., E S C resolution 1986/22.

¹¹⁰ E S C resolution 1988/24.

¹¹¹ E S C resolution 1985/6.

¹¹² G A resolution 40/103

¹¹³ See e.g., E S C resolution 1986/26.

¹¹⁴ E S C resolution 1988/29.

¹¹⁵ E S C resolution 1988/27.

2. DECISIONS WITH REGARD TO CO-OPERATION AND TECHNICAL ASSISTANCE FOR DEVELOPMENT

a. *Economic and technical assistance*

27. During the period under review, the principal organs continued to take decisions with regard to cooperation and technical assistance for development.¹¹⁶ The Assembly reaffirmed its central role, along with that of the Council, as forums for overall policy guidance and coordination of operational activities for development of the United Nations system. The General Assembly and the Economic and Social Council adopted measures to strengthen the mechanisms within the United Nations system to support the overall economic and social development of developing countries. In one instance, the Assembly requested the Director-General for Development and International Economic Cooperation, within a general framework of broad objectives of operational activities in accordance with General Assembly resolution 32/197, to include in his report for the 1986 comprehensive policy review to strengthen the existing mechanisms within the United Nations system, an analysis of the relationship between the increasing responsibilities of UNDP in the area of coordination and its essential role in the provision of technical cooperation, an analysis of changing requirements for technical cooperation through multi-channels and the responsiveness of the United Nations system to them.¹¹⁷ In addition, the Assembly affirmed that the United Nations system, in its main role to strengthen the capability to coordinate international cooperation and assistance in accordance with national priorities, should improve its ability at the field level to respond to requests from developing countries for advice on developmental issues by enhancing its capacity for and performance in providing sectoral,

¹¹⁶ For more detailed treatment of questions regarding technical assistance and coordination within the United Nations system, See this Supplement, under Articles 58 and 66(2), respectively.

¹¹⁷ G A resolution 40/211.

multisectoral and integrated advice to Governments, at their request.¹¹⁸ In this vein, the Assembly made recommendations for programming and adopted measures to foster more decentralization of operational activities at the field level.¹¹⁹

The principal organs took decisions with regard to a number of specific areas of cooperation in the field of economic and technical assistance. At its thirteenth special session, the General Assembly called for increased economic and technical cooperation for the rehabilitation of Africa.¹²⁰ Both the General Assembly and the Economic and Social Council, noting that indigenous entrepreneurs can play a crucial role in mobilizing resources and promoting economic growth and socio-economic development, invited the Secretary-General and the other relevant organs of the United Nations system, *inter alia*, to continue to support, through technical cooperation projects, the efforts of States in encouraging indigenous entrepreneurs in the private, public and/or other sectors. The Assembly requested the Secretary-General to study measures at the national and international levels to promote the contribution of indigenous entrepreneurs in both private and public sectors to the economic development of developing countries, drawing upon the work already in progress in the United Nations system.¹²¹

28. By its resolution 40/171, the Assembly called upon the United Nations system and other multilateral, bilateral and non-governmental organizations to continue and, where possible, increase their assistance to Governments in support of national plans and programmes for the International Drinking Water Supply and Sanitation Decade. With regard to special economic assistance programmes, the Economic and Social Council adopted a resolution recommended for the General Assembly whereby the Assembly would affirm the validity of the concept of special economic assistance programmes. The Assembly would also endorse the

¹¹⁸ G A resolution 42/196, II.

¹¹⁹ *Ibid.*, III and IV.

¹²⁰ G A resolution S-13/2.

¹²¹ G A resolution 41/182 and E S C resolution 1988/74.

recommendation made by the Secretary-General that such programmes be linked to countries genuinely in need of such assistance and to special circumstances falling outside the competence of the regular programmes of the United Nations system. The Assembly would recommend that, following the review mission and termination of the programme, the programme should then be transferred to the regular programmes of the United Nations system.¹²² By its resolution 41/192, the Assembly adopted a resolution substantially similar to the one recommended by the Council.

29. As in the past, the principal organs continued to take measures to promote cooperation among developing countries, recognizing the role and importance of technical cooperation among developing countries in their social and economic development and in the reinforcement and final achievement of the individual and collective self-reliance of developing countries.¹²³ The General Assembly reaffirmed the role and importance of economic and technical cooperation among developing countries in their socio-economic development.¹²⁴ The principal organs took decisions to strengthen technical cooperation among developing countries in food and agriculture,¹²⁵ as well as international cooperation on the environment.¹²⁶

3. DECISIONS WITH REGARD TO FINANCING ECONOMIC DEVELOPMENT

30. During the period under review, the Organization continued to place considerable emphasis on the question of financing economic development, appealing to States and to the international community in general to contribute financial resources towards development and towards United Nations development initiatives. Of particular concern during the period was the question of the net transfer of resources from developing to developed countries. The Assembly, profoundly concerned at the net transfer from developing

¹²² E S C decision 1986/165.

¹²³ G A resolution 42/179.

¹²⁴ G A resolution 43/190.

¹²⁵ G A resolution 43/190.

to developed countries taking place at alarming levels and accelerating rates, reaffirmed the urgent need to take appropriate and effective measures in the fields of money, finance, debt, resources flows, trade and development, and to halt and reverse the phenomenon.¹²⁷ The Council, emphasizing the need for the urgent adoption of measures in this regard, urged developed countries in particular to adopt measures, *inter alia*, to increase and improve access to their markets, to increase the flow of official development assistance to developing countries, and to encourage the increase of private finance and non-concessional public long-term lending.¹²⁸ The General Assembly and the Economic and Social Council reaffirmed that developing countries would continue to bear the main responsibility for financing their development.¹²⁹ The United Nations also continued to emphasize the importance of providing and increasing the international flow of financial assistance for the economic and social development of developing countries.¹³⁰

31. As in the past, the United Nations took a range of action in this area. States were urged to make contributions and to undertake necessary preparations with regard to pledges towards a number of funds and initiatives.¹³¹ The Assembly reaffirmed the agreed target of 0.7 per cent of the gross national product of developed countries for official development assistance in the International Development Strategy for the Third United Nations Development Decade, and appealed to donor countries to make their best efforts to reach the target as quickly as possible.¹³²

32. As in the past, the principal organs requested the examination of new or additional means of programme finance and additional means to attain necessary resources. For example, by its resolution 43/192, the General Assembly reiterated the need to pursue actively ways and means of mobilizing adequate additional financial resources commensurate with the needs of developing countries in the field of new and renewable

¹²⁶ E S C resolution 1988/69.

¹²⁷ G A resolution 41/180.

¹²⁸ G A resolution 43/192.

¹²⁹ G A resolution 35/56, annex, para. 96.

¹³⁰ *See e.g.*, G A resolution 34/189.

¹³¹ *See e.g.*, G A resolution 40/194 and E S C resolutions 1985/51.

sources of energy.¹³³ The principal organs continued to take decisions with respect to special funds during the period under review, including the United Nations Revolving Fund for Natural Resources Exploration,¹³⁴ the United Nations Trust Fund for the Development and Utilization of New and Renewable Sources of Energy,¹³⁵ the United Nations Development Fund for Women (UNIFEM),¹³⁶ and the Environment Fund.¹³⁷ The Council took a decision with regard to the replenishment of IFAD,¹³⁸ and decided that the Trust Fund for the Preparatory Activities for the 1985 World Conference to Review and Appraise the Achievements of the United Nations Decade for Women should be continued on an interim basis as a special trust fund for the monitoring of the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women.¹³⁹

33. With regard to the international monetary situation, during the period under review the General Assembly put considerable emphasis on the resolution of the external debt crisis and furthering international economic cooperation in that vein.¹⁴⁰

4. INSTITUTIONAL ARRANGEMENTS AND NATIONAL CAPACITIES

a. *Questions relating to administrative, fiscal, legislative and statistical matters*

34. During the period under review, the principal organs continued to take decisions concerning the

¹³² G A resolution 43/197.

¹³³ G A resolution 43/192.

¹³⁴ E S C resolution 1985/51.

¹³⁵ G A resolution 43/192.

¹³⁶ G A resolution 40/104.

¹³⁷ E S C resolution 1988/72.

¹³⁸ E S C resolution 1987/90.

¹³⁹ E S C resolution 1988/18.

¹⁴⁰ See G A resolutions 41/202, 42/198 and 43/198. For more detail on this initiative, *See infra*, section B. 1, c.

strengthening of national capacities in developing countries. In the administrative and financial fields, the Economic and Social Council requested the Secretary-General to continue to study the role of the public sector in promoting the economic development of developing countries.¹⁴¹ The Council emphasized the catalytic role of the United Nations programme in public administration and finance in the improvement of these fields for development, and requested the Secretary-General to further strengthen this role.¹⁴²

b. *Decisions with regard to population matters*

35. With regard to the field of population, the Economic and Social Council continued to take decisions in the field of population in its supportive role of the United Nations system in the attainment of the goals and objectives of the International Development Strategy for the Third United Nations Development Decade and the pursuit of goals of economic cooperation. The decisions largely dealt with the monitoring of world population trends and policies. The Council reaffirmed the role of the Population Commission as the principal intergovernmental body to arrange for studies and advise the Council on, *inter alia*, the size and structure of populations and changes therein, the interplay of demographic, economic and social factors, policies designed to influence the size and structure of populations and the changes therein, as well as any other demographic questions on which either the principal or subsidiary organs of the United Nations, or the specialized agencies, may seek advice.¹⁴³ The Secretary-General was requested, *inter alia*, to continue monitoring world population trends and policies, and continue work programmes on, among other things, socio-economic development and populations, interrelationships between the status and role of women and population, population policies and analytical studies with respect to demographic target setting, estimates

¹⁴¹ E S C resolution 1987/92.

¹⁴² See E S C resolutions 1985/55 and 1985/10.

¹⁴³ E S C resolution 1985/4.

and projections of population mortality analysis, fertility and family planning.¹⁴⁴ The Council made a number of recommendations to Governments in respect of population. By resolution 1985/3, the Council urged all Governments when formulating their social and economic policies and programmes to take fully into account the existing and anticipated demographic structures of their populations, and focus their attention on their relation to a number of factors identified in the resolution. By resolution 1985/8, the Council recommended that Member States should undertake to carry out population and housing censuses during the 1985-1994 period, taking into account international regional recommendations relating to population and housing censuses, and to continue to provide basic census results to the United Nations. The Council also examined the follow-up to the recommendations of the International Conference on Population.¹⁴⁵

c. Decisions with regard to science and technology

36. During the period under review, the principal organs continued to take decisions to promote the uses of science and technology for development. For the occasion of the tenth anniversary of the adoption of the Vienna Programme of Action on Science and Technology for Development, the General Assembly reaffirmed the crucial role of the United Nations in promoting and catalyzing international cooperation in the field of science and technology for development, and in helping solve global scientific and technological problems.¹⁴⁶

With the assistance of the Intergovernmental Committee on Science and Technology for Development, the Assembly took decisions with respect to the strengthening of national information systems and networks to develop a global information network.¹⁴⁷ In addition, the Council requested the Committee for Social Development to consider the use of science and technology in the interest of social development in

¹⁴⁴ E S C resolution 1987/71. *See also* E S C resolution 1985/5.

¹⁴⁵ E S C. resolution 1987/72.

¹⁴⁶ G A resolution 42/192.

¹⁴⁷ G A resolution 40/193.

connection with its review of the world social situation.¹⁴⁸ The Assembly and the Council called upon all States to use scientific and technological progress for the welfare of their peoples and of all humankind, and to promote social and economic development, and to contribute towards eliminating economic backwardness and grave social problems in the world, such as hunger, illiteracy, homelessness, unemployment and inadequate health protection.¹⁴⁹

d. Industrial Development

37. During the period under review, the General Assembly continued to take decisions with regard to industrial development on the basis of the reports of the Industrial Development Board and those of the General Conference of UNIDO. In addition, the Assembly continued to convene and make recommendations to the Conferences of UNIDO. With respect to the conversion of UNIDO into a specialized agency, the Economic and Social Council arranged negotiations of the relationship agreement between UNIDO and the United Nations,¹⁵⁰ approved by the General Assembly by its resolution 40/180.

***e. Transport and Communications*

5. DECISIONS REGARDING RATIONAL USE OF NATURAL RESOURCES AND THE HUMAN ENVIRONMENT

a. Natural Resources

38. During the period under review, the principal organs took relatively few decisions with respect to the

¹⁴⁸ E S C resolution 1987/36.

¹⁴⁹ G A resolution 40/112; E S C resolution 1987/36.

development of natural resources. The Economic and Social Council took several decisions with regard to specific aspects of natural resources development. In one instance, the Council noted that an increased number of Member States, especially developing countries, had embarked on activities designed to make full use of the resources of the ocean, in particular in their exclusive economic zones, and endorsed the efforts of the Secretary-General to assist in this regard, requesting him to pursue activities relating to economic and technical aspects of marine affairs.¹⁵¹ The Council requested its Committee on Natural Resources to continue its consideration of, *inter alia*, strengthening of national capabilities to explore for, exploit and process natural resources for national benefit, national experience in developing natural resources, creation of new industries in developing countries based on integrated transformation and industrialization of their natural resources, and conservation of natural resources.¹⁵² As in the past, the Economic and Social Council continued to take decisions with respect to mineral resources specifically.¹⁵³

b. *Protection and preservation of the human environment*

39. As in the past, the General Assembly continued to take decisions addressing problems of the human environment, to a good extent on the basis of the reports of the Governing Council of UNEP as the catalytic coordinating body within the United Nations system concerning the environment.¹⁵⁴ Decisions taken addressed problems such as, *inter alia*, protection against products harmful to health and the environment,¹⁵⁵ protection of the ozone layer,¹⁵⁶ protection of global climate change,¹⁵⁷ traffic in toxic and dangerous products

¹⁵⁰ E S C resolution 1985/74 and 1985/81.

¹⁵¹ E S C resolution 1985/75.

¹⁵² E S C. resolution 1985/52.

¹⁵³ See E S C resolutions 1985/47, 1985/48, and 1987/8.

¹⁵⁴ G A resolution 42/184.

¹⁵⁵ See e.g., E S C resolution 1986/72.

¹⁵⁶ See e.g., G A resolution 42/182.

¹⁵⁷ See e.g., G A resolution 43/53.

and wastes.¹⁵⁸ Pursuant to its resolution 38/161, the Assembly welcomed and adopted the Environmental Perspective to the Year 2000 and Beyond, prepared by the Intergovernmental Intersessional Preparatory Committee of UNEP established to elaborate the Perspective.¹⁵⁹ The Perspective, annexed to resolution 42/186, would provide a broad framework to guide national action and international cooperation on policies and programmes for environmentally sound development. The Perspective addressed, *inter alia*, sectoral issues in the field of population, food and agriculture, energy, industry, health and human settlements, and international economic relations. The Perspective, in addition, recommended action and goals, and identified other issues of global concern, including outer space, biodiversity, security and environment.¹⁶⁰

40. The decisions of the principal organs continued to call for cooperation to resolve and combat specific problems in the environment. In one case, the Assembly called upon all Governments to cooperate in preventing and controlling illegal traffic in contravention of national legislation and relevant international legal instruments.¹⁶¹ In some cases, a decision would appeal or invited States to become parties to an international instrument pertaining to the environment.¹⁶² In other cases, the Assembly or the Council urged States to take specific action to protect the human environment. For example, at its forty-third session, the Assembly urged all States, bearing in mind their respective responsibilities, to take the necessary legal and technical measures to halt the illegal international traffic in, and the dumping and resulting accumulation of, toxic and dangerous products and wastes. The Assembly in addition urged States to prohibit all transboundary movement of toxic and dangerous wastes carried out without prior consent of the competent authorities of the importing country.¹⁶³

41. In the field of water resources, the Assembly monitored the progress in the attainment of the goals of the

¹⁵⁸ See e.g., G A resolution 42/183.

¹⁵⁹ G A resolution 42/186.

¹⁶⁰ *Ibid.*, annex.

¹⁶¹ G A resolution 42/183

¹⁶² See e.g., G A resolution 42/182.

¹⁶³ G A resolution 43/212.

International Drinking Water Supply and Sanitation Decade, calling on Governments, with assistance of the United Nations system as requested, to implement the recommendations in the Secretary-General's report on the topic, including the strengthening of national capacities for policy formulation and implementation of water supply and sanitation programmes and projects.¹⁶⁴ In the field of energy resources, the Assembly reaffirmed the significance of the Nairobi Programme of Action for the Development and Utilization of New and Renewable Sources of Energy as the basic framework for action by the international community and the United Nations system in this field. In addition, the Assembly made recommendations for coordination of the Programme's implementation.¹⁶⁵ With regard to the problem of desertification, the Assembly continued to examine the progress of the Programme of Action to Combat Desertification¹⁶⁶ as well as specific issues arising in countries stricken by desertification and drought in Africa.¹⁶⁷

42. The Assembly, at its forty-third session, decided to consider at its forty-fourth session the question of the convening of a United Nations conference on environment and development, considering that the conference could, *inter alia*, review trends in policies taken by all countries and international organizations to protect and enhance the environment, assess major environmental problems, risks and opportunities associated with economic activities within priority areas.¹⁶⁸

**6. DECISIONS WITH REGARD TO THE LEAST DEVELOPED COUNTRIES

7. DECISIONS WITH REGARD TO INTERNATIONAL TRADE

¹⁶⁴ G A resolution 40/171. *See also* E S C resolution 1985/49.

¹⁶⁵ G A rse. 41/170.

¹⁶⁶ G A resolutions 40/198.

¹⁶⁷ G A resolution 42/188.

¹⁶⁸ G A resolution 43/196.

43. During the period under review, the principal organs continued to consider questions related to international trade. As in the past, work in this area was conducted with the assistance of UNCTAD and the Trade and Development Board. Initiatives in this field typically served to identify priority questions facing the international community, or highlight certain issues under consideration within UNCTAD, and promote a successful consensus on their resolution. For example, at its forty-third session, the General Assembly welcomed the contribution of the Trade and Development Board to intergovernmental discussions on the interdependence of economic issues and policies, emphasizing areas of trade, money, finance, debt, commodities and development.¹⁶⁹ In one instance the General Assembly called upon all States Members of UNCTAD to continue and intensify through consultations among themselves their preparations of UNCTAD's seventh session to ensure the session made a significant contribution to multilateral action in order to revitalize development, growth, and international trade.¹⁷⁰ In another instance, the Assembly examined and made recommendations with regard to problems facing commodity-producing countries, urging all States to make the maximum effort to contribute to positive results at the seventh session of UNCTAD in solving short-term and long-term commodity problems.¹⁷¹ In other instances, the Assembly took decisions to call upon Governments to give full effect to policies and measures agreed to within UNCTAD and the Trade and Development Board with respect to the revitalization of international trade.¹⁷² Also during the review period, the Assembly adopted decisions to declare its opposition to specific trade embargos and urge cooperation in reducing their effects. In one case, the Assembly, stating its regret at the trade embargo against Nicaragua, invited all States to cooperate in the economic and technological spheres in Central America, in particular to reduce the negative effects of the embargo.¹⁷³ The principal organs also took decisions, *inter*

¹⁶⁹ G A resolution 43/188.

¹⁷⁰ G A resolution 41/169.

¹⁷¹ G A resolution 41/168.

¹⁷² G A resolutions 42/175 and 43/188.

¹⁷³ G A resolutions 40/188, 42/176 and 43/185.

alia, to specifically increase and improve access to the markets of developing countries,¹⁷⁴ promote progress towards work on an international code of conduct on the transfer of technology,¹⁷⁵ consider the implications of recent fluctuations in the international financial markets for the development of developing countries,¹⁷⁶ and promote the adoption of multilaterally-agreed principles and rules for the control of restrictive business practices.¹⁷⁷

8. DECISIONS WITH REGARD TO SOCIAL DEVELOPMENT AND POLICIES

44. As in the past, during the period under review, the principal organs of the United Nations continued to take decisions with regard to the question of specific social development and policies¹⁷⁸ and with regard to need for an integrated, unified approach to development planning and analysis in social and economic questions.¹⁷⁹ The General Assembly and the Economic and Social Council continued to consider the conclusions of the Commission for Social Development on the world social situation.¹⁸⁰ The Assembly continued to consider and promote the exchange of national experience in achieving far-reaching social and economic changes for social progress, based on national reports submitted to the Secretary-General on that subject.¹⁸¹ During the period, the Council, with the assistance of the Commission for Social Development, had a role in the preparations for the Interregional Consultation on Developmental Social Welfare Policy and Programmes, held in 1987.¹⁸² The Assembly subsequently endorsed the Guiding Principles for Developmental Social Welfare Policies and Programmes in the Near Future, adopted by the Interregional Consultation, and

¹⁷⁴ See e.g., E S C resolution 1987/93.

¹⁷⁵ See e.g., E S C resolutions 40/184 and 41/166.

¹⁷⁶ G A resolution 42/195.

¹⁷⁷ G A resolution 40/192.

¹⁷⁸ See e.g., E S C resolution 1985/31.

¹⁷⁹ See e.g., G A resolution 41/174.

¹⁸⁰ E S C resolution 1985/21.

¹⁸¹ See e.g., G A resolution 42/50; E S C resolution 1987/35.

¹⁸² E S C resolutions 1985/26 and 1987/48.

made recommendations for follow-up.¹⁸³ At its forty-second session, the Assembly, on the recommendation of the Council,¹⁸⁴ decided to observe in 1989 the twentieth anniversary of the Declaration on Social Progress and Development.¹⁸⁵ The Council requested the Commission for Social Development to give more attention in its deliberations to the principles, objectives, means and methods of the Declaration. The Assembly also considered the question of social justice, reaffirming the importance of cooperation among countries in promoting a climate conducive to the achievement by individual countries of the goals of development and social justice.¹⁸⁶ Also during the period, the principal organs continued to take decisions regarding the United Nations Decade of Disabled Persons.¹⁸⁷

45. As in the past, recommendations to States in this field generally served to call upon States to give special attention in their national development plans and programmes to the social aspects of development.¹⁸⁸ The principal organs also examined improvement of the work of the Organization in this field, including decisions with respect to the improvement of the work of the Commission for Social Development.¹⁸⁹

46. During the period under review, the principal organs placed considerable focus on the question of the family, adopting recommendations to strengthen the family unit, as “a framework in which and through which social welfare policies ... could provide more effective support to family members.”¹⁹⁰ The Council invited Member States to expand efforts at the national and community levels to consider, examine, identify and evaluate the needs of families and the ways in which those needs may be met,¹⁹¹ and invited Member States to respond to the best of their ability to the survey of national policies for families.¹⁹² On the recommendation of

¹⁸³ G A resolution 42/125.

¹⁸⁴ E S C resolution 1987/38.

¹⁸⁵ G A resolution 42/48.

¹⁸⁶ G A resolution 42/49.

¹⁸⁷ *See e.g.*, E S C resolutions 1986/16 and 1987/43.

¹⁸⁸ G A resolution 40/23.

¹⁸⁹ *See e.g.*, E S C. resolutions 1986/14 and 1987/50.

¹⁹⁰ E S C resolution 1985/29.

¹⁹¹ E S C resolution 1985/29

¹⁹² E S C resolution 1987/46.

the Council,¹⁹³ the Assembly identified the need to enhance international cooperation in the field of the protection of and assistance for the family, invited States views on the possible proclamation of an international year of the family.¹⁹⁴ With regard to specific problems, the Council took a considerable number of decisions addressing violence in the family. In one instance, the Council condemned the practice, deploring the abuse of women in the family, which reinforced the inferior status of women and jeopardized their opportunities for full participation in development.¹⁹⁵

47. As in the past, the principal organs continued to take decisions with regard to youth, principally with the aim to promote the participation of youth in socio-economic life,¹⁹⁶ the exercise by youth of the right to life, education and work,¹⁹⁷ and the contribution of youth towards of the observance of the principles of the Charter.¹⁹⁸ Both the Assembly and the Council took decisions with regard to opportunities for youth in terms of education, vocational training, and employment.¹⁹⁹ The Assembly took decisions to follow-up with the International Youth Year: Participation, Development, Peace. In one instance, the Assembly endorsed the guidelines for further planning in the field of youth contained in the report of the Advisory Committee for the International Youth Year and requested the Secretary-General to transmit the guidelines to States and throughout the United Nations system.²⁰⁰ As in the past, the Assembly continued to address the question of channels of communication between the United Nations and youth and youth organizations.²⁰¹

48. As in the past, the principal organs continued to address the question of aging and the implications of increased numbers and proportions of older adults on social and economic development. The Assembly, convinced that the elderly must be considered an important necessary element in the development process at

¹⁹³ E S C resolution 1987/42.

¹⁹⁴ G A resolution 42/134.

¹⁹⁵ E S C. resolution 1986/18.

¹⁹⁶ *See e.g.*, G A resolution 41/99

¹⁹⁷ *See e.g.*, G A resolution 40/15; E S C resolution 1987/44.

¹⁹⁸ *See e.g.*, G A resolution 41/97.

¹⁹⁹ *See e.g.*, G A resolution 42/53; E S C resolution 1987/44.

²⁰⁰ G A resolution 40/14.

²⁰¹ *See e.g.* G A resolution 41/99.

all levels within a given society,²⁰² called upon Governments to ensure that the question of aging was incorporated in their national development plans in accordance with the culture and traditions of their countries.²⁰³ The Assembly and the Council both continued to examine the implementation of the International Plan of Action on Aging,²⁰⁴ requested the Committee for Social Development and the Secretary-General to review progress.²⁰⁵ In addition, the Secretary-General was requested to continue to promote the exchange of information and experience to stimulate progress on the question, to pay special attention to the question of elderly women, and to take steps to promote the United Nations Trust Fund for Aging.²⁰⁶ The Council recommended to the Secretary-General that he consider the conclusions in the report of the Expert Group Meeting on the Feasibility of Establishing an Institute on Aging to serve as a training institute to fulfill the training needs of developing countries in implementing the Plan of Action.²⁰⁷

49. During the period under review, the principal organs also took a considerable number of decisions in the fields of crime prevention and the control of narcotics. With respect to the former, the General Assembly indicated its alarm by the growth and seriousness of crime in many parts of the world, including conventional and non-conventional criminality, which have a negative impact on development and the quality of life.²⁰⁸ The principal organs continued to recall the responsibility assumed by the United Nations in the field of crime prevention and criminal justice under Economic and Social Council resolution 155 C (VII) of 13 August 1948, and General Assembly resolution 415 (V) of 1 December 1950, the importance of which was recently reaffirmed by the General Assembly in resolution 41/107 of 4 December 1986.²⁰⁹ As in the past, initiatives by the principal organs in this field, assisted primarily by the work of the Committee on Crime Prevention and Control and the recommendations of the United Nations Congress on the Prevention of Crime and the

²⁰² G A resolution 40/30.

²⁰³ G A resolution 40/29.

²⁰⁴ G A resolution 43/93; E S C resolution 1987/41.

²⁰⁵ G A resolution 41/96.

²⁰⁶ G A resolution 40/29.

²⁰⁷ E S C resolution 1987/41.

²⁰⁸ G A resolution 40/32.

Treatment of Offenders,²¹⁰ were directed principally at identifying forms of crime and promoting international cooperation to combat such crime. In this light, the principal organs emphasized the importance of the quinquennial United Nations congresses,²¹¹ holding the Seventh Congress and preparing for the Eighth during the period.²¹² Noting the outcome of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the Assembly approved the Milan Plan of Action, adopted by the Seventh Congress, as a useful and effective means of strengthening international co-operation in the field of crime prevention and criminal justice.²¹³ The Assembly and the Council both took decisions to promote efforts to implement the plan at the national and international level.²¹⁴ The Assembly also endorsed the other resolutions unanimously adopted by the Congress, recommended the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order for national, regional and international action, as appropriate, taking into account the political, economic, social and cultural circumstances and traditions of each country on the basis of the principles of the sovereign equality of States and of non-interference in their internal affairs.²¹⁵ The Assembly reaffirmed the need for concerted and systematic efforts by the international community towards more effective crime prevention and criminal justice strategies and policies.²¹⁶ Decisions in this field were also directed at forging consensus for basic principles. In one instance, the Assembly, by its resolution 40/34, took a decision for the first time regarding justice for victims of crime and abuse of power, adopting a Declaration of Basic Principles on that subject. By the same resolution, the Assembly affirmed the need for national and international measures to secure the universal and effective recognition of the rights of victims of crime and abuse of power. In another instance,

²⁰⁹ See e.g., G A resolution 42/59; E S C resolution 1986/11.

²¹⁰ See e.g., E S C resolution 1986/10 and 1987/49.

²¹¹ E S C resolution 1986/11.

²¹² E S C resolution 1987/49 *inter alia* made recommendations related to the preparation of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held in 1990. G A resolution 42/59, *inter alia*, requested the Secretary-General to take immediate steps to ensure the successful invited the Committee on Crime Prevention and Control to accord priority to preparations for the Eighth United Nations Congress.

²¹³ G A resolution 40/32.

²¹⁴ See e.g., G A resolution E S C 1986/11.

²¹⁵ G A resolution 40/32.

the Assembly took decisions regarding the development of standards for the prevention of juvenile delinquency.²¹⁷

50. The Council also took measures to review the functioning and programme of work of the United Nations system in this field.²¹⁸ By its resolution 1986/11, the Council endorsed the recommendations made by the Secretary-General in paragraph 82 of his report, urges the Secretary-General and the entities concerned to initiate the implementation of those recommendations and, in particular, invites the Secretary-General to make all efforts, within the existing resources allocated to the Branch and any extrabudgetary resources that may become available: (a) to establish a global crime and criminal justice information network, with the Crime Prevention and Criminal Justice Branch as a focal point, in co-operation with the United Nations institutes and other entities concerned, including a mechanism for the centralization of inputs from non-governmental organizations and scientific institutions; (b) to strengthen the interregional advisory services in the field of crime prevention and criminal justice, to provide technical and regional advisers and additional interregional advisers, and to strengthen the professional capacity of the Crime Prevention and Criminal Justice Branch to support, follow up and develop technical assistance projects and; (c) strengthen public information activities to promote the dissemination of the Milan Plan of Action, the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order and other international instruments and resolutions adopted by the Seventh United Nations Congress and the General Assembly at its fortieth session. By its resolution 1987/53, endorsing the recommendations of the Secretary-General on the functioning and programme of work of the United Nations in the field of crime prevention and criminal justice, the Council requested the Secretary-General, when implementing the measures and priorities proposed in his report, to, *inter alia*, (a) develop the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the United Nations Secretariat as a specialized

²¹⁶ G A resolution 41/107.

²¹⁷ G A resolution 40/35.

body and facilitating agent in the field of crime prevention and criminal justice, (b) accord priority attention to the prevention and control of the forms of crime identified in the Milan Plan of Action, including those of international dimensions; (c) develop practical measures to assist those Member States that request it in developing crime prevention and criminal justice strategies, and; (d) take measures, in co-operation with the United Nations institutes and other appropriate bodies, to establish an efficient information system on crime prevention and criminal justice which includes a mechanism for the centralization of inputs from non-governmental institutions.

51. In the field of narcotics control, during the period under review the Assembly reaffirmed the maximum priority to be given to the fight against the illicit production of, demand for and traffic in drugs and related international criminal activities, including the illegal arms trade and terrorist practices.²¹⁹ At the same session, the General Assembly decided to convene in 1987 an international conference on drug abuse and illicit trafficking. With a mandate to generate universal action to combat the drug problem at the national, regional and international levels, the conference was convened as an expression of the political will of nationals to combat the drug menace in all its forms.²²⁰ At its forty-second session, the Assembly took note of the report of the Conference and welcomed the adoption of the Declaration of the International Conference on Drug Abuse and Illicit Trafficking, expressing its commitment to the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control.²²¹ In addition, both the Assembly and the Council continued to address the preparation of a draft convention against illicit traffic in narcotic drugs and psychotropic substances.²²²

52. The decisions of the principal organs identified the responsibility of States in this field and contained a number of recommendations for State action. In one instance, the Assembly urged States to acknowledge

²¹⁸ See e.g., E S C resolutions 1986/11 and 1987/53.

²¹⁹ G A resolution 40/121.

²²⁰ G A resolution 40/122.

²²¹ G A resolution 42/112.

their shared responsibility for combating the problem of illicit consumption, production and transit of drugs, and encouraged mutual collaboration in the struggle against the problem.²²³ In the same resolution, the Assembly urged Governments of countries facing problems of drug abuse, as part of their national strategy, to give priority to funding programmes to create in society a deep respect for its own health, fitness and well-being. The Council echoed this recommendation with respect to youth.²²⁴ The Council requested that all Governments voluntarily extend the system of import and export authorizations not currently required under the 1971 Convention on Psychotropic Substances to cover international trade in substances listed in two of the Convention's schedules.²²⁵ In another instance, the Council invited Governments, particularly those countries in which illicit drug manufacture is known to take place, to introduce a licensing or monitoring system for the supply and import of precursors, chemicals and solvents used in the illicit manufacture of narcotic drugs.²²⁶

53. The principal organs took several decisions with respect to the work of the United Nations system in this field. By its resolution 1987/29, the Council stressed the importance of close coordination between the drug control units of the United Nations. The Council decided to grant the Meeting of Heads of National Drug Law-Enforcement Agencies, Latin America and Caribbean Region the status of subsidiary organ of the Commission on Narcotic Drugs, similar to that accorded the Sub-Commission on Illicit Drug Traffic and Related Measures in the Near and Middle East.²²⁷ The Assembly requested the Secretary-General to continue to make necessary arrangements for holding, within the framework of advisory services, interregional seminars on the experience gained in the United Nations system in integrated rural development programmes.²²⁸

²²² See e.g., G A resolutions 40/120 and 42/111; E S C .resolution 1987/27 and 1987/33.

²²³ G A resolution 41/127.

²²⁴ E S C resolution 1985/14.

²²⁵ E S C resolutions 1986/8 and 1987/30.

²²⁶ E S C resolution 1985/12.

²²⁷ E S C resolution 1987/34.

****9. DECISIONS WITH REGARD TO TRANSNATIONAL CORPORATIONS****10. DECISIONS REGARDING ASSISTANCE IN CRISIS AND EMERGENCY SITUATIONS**

54. As in the past, the principal organs continued to take decisions regarding assistance to countries, particularly in the developing world, experiencing crises or emergency situations, caused by natural disasters and non-natural crises, and affecting economic and social development. In this regard, the principal organs appear to make a distinction between emergency assistance in situations of natural disaster and humanitarian assistance (usually used in the context of refugees²²⁹). The Assembly appeared to be moving toward a more integrated approach to both natural/non-natural, emergency/humanitarian disaster assistance situations. For example, the Assembly affirmed the importance of humanitarian assistance for the victims of natural disasters and similar emergencies.²³⁰ With respect to natural disasters, both the General Assembly and the Economic and Social Council continued to adopt decisions calling for assistance to individual developing countries in the aftermath of devastating natural phenomena.²³¹ The Assembly noted the increase in disasters to which the United Nations system was called upon to respond since 1980.²³² The principal organs recognized that the primary responsibility for administration, relief operations and disaster preparedness lay with the Governments of affected countries, and that the major part of the material assistance and human effort in relief came from Governments of those countries.²³³ At the same time, the principal organs recognized the responsibility of the United Nations system for promoting international cooperation in the study of natural disasters of geophysical origin and in the development of techniques to mitigate risks arising therefrom, as

²²⁸ G A resolution 42/113.

²²⁹ Here, the term has been used in the case of assistance to Djibouti: *See e.g.*, G A resolution 40/134 and 42/126.

²³⁰ G A resolution 43/131.

²³¹ *See e.g.*, G A resolutions 40/219, 41/193 and 43/211.

²³² G A resolutions 41/201 and 43/204; E S C resolution 1988/51.

²³³ *Ibid.*

well as for coordinating disaster relief, preparedness and prevention.²³⁴ In some instances, assistance was called for countries where existing economic difficulties were compounded by the occurrence of natural disasters.²³⁵ In that vein, in a few instances the Assembly adopted a decision calling for relief and assistance for the benefit of affected countries from different regions, such as in the case of resolution 42/205 regarding assistance to Benin, the Central African Republic, Democratic Yemen, Djibouti, the Gambia, Madagascar, Nicaragua and Vanuatu, and a decision for the benefit of countries of the same region, such as in the case of the emergency situation in Central America.²³⁶ In some cases, the Assembly noted those instances where countries on whose behalf assistance was urged were also classified as least developed countries.²³⁷

55. During the period under review, the Assembly and the Council took decisions to affirm the mandate of and strengthen the Office of the United Nations Disaster Relief Coordinator.²³⁸ The Assembly affirmed that the Office played an active role in executing UNDP-assisted projects in the field of disaster preparedness, and reiterated its call to Governments and competent organizations to cooperate with the Office in order to improve the flow of information to Governments and organizations concerned.²³⁹ In addition, the Assembly, by its resolution 42/169, decided to designate the 1990s as the International Decade for Natural Disaster Reduction to foster international cooperation among the international community in the field of natural disaster reduction.

56. With regard to non-natural crises, the principal organs continued to provide assistance for countries experiencing non-natural disasters to address, *inter alia*, the economic and social effects therefrom. This was particularly the case with regard to situations creating refugees and displaced persons. For example, given the severe effects of the situation of refugees and displaced persons in Central America to the region's economic

²³⁴ G A resolution 42/169.

²³⁵ See e.g., G A resolutions 40/223 and 41/194.

²³⁶ G A resolution 43/210.

²³⁷ See e.g., G A resolution 43/211

²³⁸ See e.g., G A resolution 41/201 and E S C resolution 1986/47.

²³⁹ G A resolution 41/201.

and social development, the Assembly invited Member States to cooperate with the countries of the region in solving problems from that situation.²⁴⁰ In the case of the large number of voluntary returnees and displaced persons as a result of the war and drought in Chad. The Assembly, by its resolution 41/140, requested the assistance of the United Nations High Commissioner for Refugees and the United Nations Disaster Relief Coordinator to mobilize emergency humanitarian assistance to assist in responding to the problem. The Assembly emphasized the essential role of development-oriented organizations and agencies in the implementation of programmes that benefit refugees and returnees, and urged the High Commissioner and those organizations to strengthen their mutual cooperation towards the attainment of durable solutions.²⁴¹ The principal organs continued to take decisions to assist the Palestinian people and the reconstruction and development of Lebanon. For example, the Economic and Social Council requested the Secretary-General to review progress made in the implementation of proposed activities and projects described in the Secretary-General's report on assistance to take all necessary steps to finalize the programme of economic and social assistance to the Palestinian people requested in General Assembly resolution 38/145.²⁴² In another instance, the Council, noting with concern the deteriorating socio-economic conditions of the Lebanese people, appealed to all Member States and all organizations of the United Nations system to continue to intensify their efforts to mobilize all possible assistance for the Government of Lebanon in its reconstruction and development efforts.²⁴³

57. Decisions of the principal organs envisioned a number of specific actions by the Organization, with the Office of the United Nations Disaster Relief Coordinator and UNDP as the main focal points for efforts in regard to natural disasters, and included provision of advice and expertise on the use of early warning systems and on the elaboration and implementation of disaster contingency plans for pre- and post-disaster planning, expansion of the Office's information base and dissemination capacity, update of the Office's profiles on

²⁴⁰ G A resolution 42/110.

²⁴¹ G A resolution 42/109.

disaster-prone countries, and the development of an International Disaster Management Information Network.²⁴⁴ Decisions in the area of natural disasters and non-natural crises frequently appealed for the mobilization of financial, food, logistical, and other related resources for the purposes of relief and rehabilitation, usually on a voluntary basis.²⁴⁵

58. By its resolution 41/192, the Assembly took several decisions regarding special programmes of economic assistance, affirming the validity of the concept of such programmes and the need to enhance their efficiency.

By the same resolution the Assembly endorsed the Secretary-General's recommendation that special programmes should be limited to countries genuinely in need of such assistance and to special circumstances falling outside the competence of the regular programmes of the United Nations system. The Assembly also endorsed the recommendation that such programmes should be of limited duration and should be terminated after the review mission and, where special circumstances giving rise to the special programme of economic assistance remained, any continuing assistance should then be channeled through the regular programmes of the system. Such programmes were to be drawn up in consultation with the recipient Governments concerned, and were to be established and reviewed as far as possible through the field offices of the United Nations.²⁴⁶ With regard to disaster relief operations within the United Nations system, the Assembly noted a clear distinction between immediate humanitarian emergency response and longer-term development assistance.²⁴⁷

B. ANALYTICAL SUMMARY

1. THE ROLE OF THE PRINCIPAL ORGANS OF THE UNITED NATIONS IN RESPECT OF PROMOTING ECONOMIC

²⁴² E S C resolution 1985/57

²⁴³ E S C resolution 1988/55.

²⁴⁴ G A resolution 43/204.

²⁴⁵ See e.g., G A resolutions 41/201, 42/202 and 43/208; E S C resolutions 1985/1 and 1987/14,

²⁴⁶ G A resolution 41/192.

²⁴⁷ G A resolution 41/201.

AND SOCIAL DEVELOPMENT, AND SOLUTIONS OF INTERNATIONAL ECONOMIC, SOCIAL, HEALTH, AND
RELATED PROBLEMS

59. As in the sections on Article 55 (a) and (b) in *Supplements 5* and *6*, the aim of this analytical summary is to provide an understanding of the role of the principal organs in promoting the goals of Article 55 (a) and (b) for the period under review. Thus, this section examines the procedural development of various relevant agenda items considered by the principal Organs of the United Nations during the review period. Moreover, it serves to identify the overall approach by which the principal organs responded to particular issues and problems of economic and social development as well as international cultural and educational cooperation. It should be noted that, due to the broad scope of the work of the United Nations in the fields covered by Article 55 (a) and (b), the summary presents only illustrative examples of practice.

a. *Declaration on the Right to Development*

60. During the period under review, the principal organs reaffirmed the close relationship between human rights, disarmament and development. In 1981, the Economic and Social Council's Commission on Human Rights had decided, *inter alia*, to establish a working group of 15 government experts on the right to development and the realization of economic, social and cultural rights, with the task, *inter alia*, of submitting concrete proposals for implementation of the right to development and for a draft international instrument.²⁴⁸ The Economic and Social Council subsequently had approved the Commission's decision at its first regular 1981 session.²⁴⁹ At its thirty-sixth session, by its resolution 36/133, the General Assembly had reiterated that establishment of the new international economic order was essential to the promotion and full enjoyment of human rights. It had declared the right to development was an inalienable human right and, welcoming the decision of the Commission to set up a working group to study the scope and contents of the right to

²⁴⁸ E/1981/25, resolution 36(XXXVII).

²⁴⁹ E S C decision 1981/149.

development, requested the Commission to take measures to promote that right, taking into account the work of the Working Group. In the same resolution, the Assembly had reaffirmed that the right to education, to work, to health and proper nourishment were necessary to ensure the full enjoyment of all human rights and complete personal dignity. Work on the item subsequently continued, and by its resolution 1984/16, the Commission had decided to reconvene the Working Group, requesting that it submit a report and concrete proposals for a draft declaration on the right to development.²⁵⁰ The Economic and Social Council endorsed the Commission's decision.²⁵¹

61. During the period under review, the Organization continued to consider the question of the right to development.²⁵² Pursuant to resolution 1984/16 of the Commission on Human Rights, and General Assembly resolution 39/145 requesting the Secretary-General to transmit to it a report on progress made in the drafting of a declaration on the right to development, the Working Group of Governmental Experts on the Right to Development had met at the end of 1984, considering each provision of the draft declaration.²⁵³ Unable to reach consensus, the Working Group transmitted to the Commission its report and the several draft texts discussed, including two draft declarations submitted by delegations, a consolidated text, several compendia of proposals submitted, and texts of the draft declaration on which a general understanding was reached.²⁵⁴ At its session in 1985, the Commission on Human Rights reiterated that the right to development was an inalienable human right, and decided to transmit to the General Assembly, through the Economic and Social Council, the part of the Commission's report dealing with the question of the right to development, the summary records of the Commission's discussion on the question, and any other relevant documents, to enable the Assembly to adopt a declaration on the right to development.²⁵⁵ At its first regular session, the

²⁵⁰ E/CN.4/1985/11, para. 1.

²⁵¹ E S C decision 1984/132.

²⁵² See *Supplement No. 6*, under this Article, *Part II, B, 2 (c) (iv)*.

²⁵³ The substance of the Working Group's consideration, See E/CN.4/1985/11, paras. 14-33.

²⁵⁴ E/CN.4/1985/11, para. 34 and annexes II-IX.

²⁵⁵ A/40/277-E/1985/70, annex I.

Economic and Social Council, on the recommendation of its Second (Social) Committee),²⁵⁶ noted the Commission's resolution on the question and approved the Commission's decision.²⁵⁷

62. At its fortieth session, the General Assembly had before it the above documents, and an additional text of a draft declaration submitted by one of the delegations to the Third Committee of the General Assembly.²⁵⁸

The Third Committee, considering these texts and two proposed resolutions submitted²⁵⁹ by which the General Assembly would have adopted a declaration on the right to development, failed to reach consensus on the declaration. On the Committee's recommendation, the Assembly approved a decision²⁶⁰ deferring consideration of the draft to its forty-first session. In addition, the Assembly adopted resolution 40/124 expressing concern at the situation with regard to the achievement of the objectives and goals for establishing a new international economic order and the adverse effects of that situation on the full realization of human rights, in particular the right to development, which, the Assembly reaffirmed, was an inalienable human right.

63. At its forty-first session, the General Assembly decided to include in the agenda the item "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms: reports of the Secretary-General" and to allocate it again to the Third Committee.²⁶¹ The Committee had before it, *inter alia*, the draft resolution containing the declaration on the right to development and amendments thereto²⁶² transmitted from the Assembly's fortieth session. The Committee adopted the draft resolution as orally revised.²⁶³ On 4 December 1986, the General Assembly adopted resolution 41/128²⁶⁴ by recorded vote, upon the recommendation of the Third Committee,²⁶⁵ adopting

²⁵⁶ E/1985/95, para. 62.

²⁵⁷ E S C decision 1985/149.

²⁵⁸ A/40/277-E/1985/70, para. 3 and annex II.

²⁵⁹ A/C.3/40/L.53 and A/C.3/40/11.

²⁶⁰ G A decision 40/425.

²⁶¹ A/41/925, para. 1.

²⁶² A/C.3/41/L.4 and Corr.1, A/C.3/41/L.5 and A/C.3/41/L.34.

²⁶³ A/41/925, para. 8.

²⁶⁴ G A resolution 41/128. annex.

the Declaration on the Right to Development annexed thereto.

64. By the preamble of the Declaration, the General Assembly, bearing in mind the purposes and principles of the Charter of the United Nations relating to the achievement of international co-operation in solving international problems of an economic, social, cultural or humanitarian nature, and in promoting and encouraging respect for human rights and fundamental freedoms for all, recognized that development was a comprehensive economic, social, cultural and political process.²⁶⁶ The process of development, according to the Declaration, aimed at the constant improvement in the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development. The process also aimed at the fair distribution of benefits resulting therefrom. In order to promote development, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights.

65. The Declaration²⁶⁷ articulates rights and responsibilities of human beings and States with regard to development. By Article 1(1), the Assembly recognized the right to development as an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. By Article 2 (1) the human person is the central subject of development and should be the active participant and beneficiary of the right to development. The human right to development under Article 1(2) includes the full realization of the right of peoples to self-determination, which in itself includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources. Under Article 9, all aspects of the right set forth in the Declaration are indivisible and each should be considered in the context of the whole. Article 2(2) states the responsibility of the individual under the Declaration: All human beings

²⁶⁵ A/41/925, para. 34.

²⁶⁶ G A resolution 41/128, annex.

have a responsibility for development, individually and collectively, taking into account the need for full respect for their human rights and fundamental freedoms as well as their duties to the community, which alone can ensure the free and complete fulfillment of the human being, and they should therefore promote and protect an appropriate political, social and economic order for development.

66. Under Article 2(3), States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom. Under Article 3 (1) of the Declaration, States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development. States have the duty under Article 3(3) to co-operate with each other in ensuring development and eliminating obstacles to development. States should realize their rights and fulfill their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and co-operation among all States, as well as to encourage the observance and realization of human rights.

67. States have the duty under Article 4(1) to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development. Article 4(2) recognizes that sustained action was required to promote more rapid development of developing countries. As a complement to the efforts of developing countries, effective international co-operation was essential in providing these countries with appropriate means and facilities to foster their comprehensive development.

68. By Article 6(3), States should take steps to eliminate obstacles to development resulting from failure to observe civil and political rights, as well as economic, social and cultural rights. By Article 8 (1), States should undertake, at the national level, all necessary measures for the realization of the right to development

²⁶⁷ Ibid.

and shall ensure, *inter alia*, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices. Article 7 establishes a link between development and disarmament: States should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries.

69. At the same session, the Assembly adopted resolution 41/133, by which it declared that the achievement of the right to development required a concerted international and national effort to eliminate economic deprivation, hunger and disease in all parts of the world without discrimination, in accordance with the Declaration and Programme of Action on the Establishment of a New International Economic Order, the International Development Strategy for the Third United Nations Development Decade and the Charter of Economic Rights and Duties of States. International Cooperation should then aim at the maintenance of stable and sustained economic growth, with simultaneous action to increase concessional assistance to developing countries, build world food security, resolve the debt burden, eliminate trade barriers, promote monetary stability and enhance scientific and technological cooperation.

70. In the discussion during the period under review within the Third Committee, several delegations stated their disagreements and reservations with regard to the Declaration. These statements raised issues ranging from the nature of the right to development as a collective vs. individual human right, the precision with which the definition of the right had been and still needed to be articulated in the instrument, and reservations regarding the connection between disarmament and development.²⁶⁸

²⁶⁸ For a summary of the statements on this item See A/C.3/40/SR.33, paras. 1-51, A/C.3/40/SR.35-36, A/C.3/40/SR.57;

b. Thirteenth Special Session of the General Assembly

67. During the review period, the principal Organs continued their focus on the economic and social problems in Africa. In his report to the General Assembly, the Secretary General had expressed concern for African economies suffering the impact of widespread drought and food shortages.²⁶⁹ The Economic and Social Council soon had requested action on this front²⁷⁰, and the General Assembly had responded by including an item on the “Critical economic situation in Africa” in its thirty-ninth session. The ensuing debate led the General Assembly to pass resolution 39/29 on 3 December 1984; annexed to which was their “Declaration on the Critical Economic Situation in Africa.”²⁷¹ The declaration both acknowledged the deteriorating economic conditions in many African countries and called on the international community to, *inter alia*, provide emergency relief and development aid.²⁷²

68. In response to the worsening situation, in July 1985, the Assembly of Heads of State and Government of the Organization of African Unity called upon the General Assembly to hold a special session to address the deteriorating situation.²⁷³ The General Assembly, in resolution 40/40 of 2 December 1985, set out plans for a special session of the General Assembly at the ministerial level to be held from 27 to 31 May 1986. The General Assembly established a Preparatory Committee of the Whole to make necessary arrangements for this special session²⁷⁴ and requested the Secretary General, in close cooperation with the relevant bodies and

A/C.3/41/SR.36, paras. 1-28, A/C.3/41/SR.37, A/C.3/41/SR.38, paras. 12-48, A/C.3/41/SR.61, paras. 171, 177, 180, 186-187, 189-190, 195-197, 201-202.

²⁶⁹ A/39/594 of 23 October 1984, cited in secondary report.

²⁷⁰ E/1984/188 of 27 July 1984, cited in secondary report.

²⁷¹ A/RES/39/29 of 3 December 1984, annex, cited in secondary report.

²⁷² A/RES/39/29 of 3 December 1984, annex, preamble, cited in secondary report. *See also* A/S-13/2 p. 3

²⁷³ A/40/666, annex I, declaration AHG/Decl.1 (XXI), annex, cited in secondary report.

²⁷⁴ *See* resolution 40/40 of 2 December 1985; also *See* A/S-13/4, p. 3.

organizations of the United Nations system, to prepare documentation for the session.²⁷⁵

69. The Preparatory Committee, in its fourteen subsequent meetings,²⁷⁶ offered recommendations as to the modalities for the special session.²⁷⁷ At its thirteenth meeting on 16 May 1986, the Preparatory Committee decided to submit recommendations to the General Assembly on the organization for the special session.²⁷⁸ As requested by resolution 40/40 of 2 December 1985, on 19 May 1986, the Secretary General submitted a report entitled “Activities of the organizations and agencies of the United Nations system with regard to the critical economic situation in Africa” in which he highlighted measures already underway in response to the economic problems on the continent.²⁷⁹ In another report entitled “The critical economic situation in Africa” the Secretary-General assessed the African situation and offered action-oriented proposals for improving the region’s economic problems.²⁸⁰ In it, the Secretary General traced the roots of the African crisis to structural economic problems (such as countries’ reliance on exports and consequent vulnerability to the swings of the international market),²⁸¹ to overly optimistic or inappropriate policies pursued by African governments (including the creation of public sectors that were too large, unwieldy, and expensive),²⁸² and to the disparity between growing populations and dwindling resources (leading to environmental degradation and outstripping the capacity to provide such necessities as water, education and health).²⁸³

70. At its first plenary meeting on 27 May 1986, the General Assembly established an *ad hoc* Committee of the Whole of the Thirteenth Special Session. With the above-mentioned documents, and others,²⁸⁴ before it,

²⁷⁵ See resolution 40/40 of 2 December 1985; See also A/S-13/4, p. 3.

²⁷⁶ A/S-13/4, p. 3.

²⁷⁷ A/S-13/4, p. 6-7.

²⁷⁸ A/S-13/4, p. 8-10.

²⁷⁹ A/S-13/3, p. 3.

²⁸⁰ A/S-13/2 of 20 May 1986, See also A-S-13/3, p. 3 where this is described.

²⁸¹ A/S-13/2, p. 5.

²⁸² A/S-13/2, p. 5.

²⁸³ A/S-13/2, p. 6 and 7.

²⁸⁴ These included: the provisional agenda of the thirteenth special session of the General Assembly, the report of the Preparatory

the *ad hoc* Committee took on “[c]onsideration of the critical economic situation in Africa, to focus, in a comprehensive and integrated manner, on the rehabilitation and medium-term and long-term development problems and challenges facing African countries with a view to promoting and adopting action-oriented and concerted measures.”²⁸⁵

71. The *ad hoc* Committee held three meetings, on 27 May, 29 May, and 1 June 1986.²⁸⁶ At its third meeting, one delegation introduced a draft resolution entitled “1986-1990 Quinquennium for International Economic and Technical Co-operation with Africa.”²⁸⁷ In the informal consultations that followed, delegations agreed to add a new operative paragraph to the draft report, “United Nations Programme of Action for African Economic Recovery and Development 1986-1990,” previously submitted by the *ad hoc* Committee chairman. The delegation subsequently withdrew their draft²⁸⁸ and the *ad hoc* Committee adopted the chairman’s amended draft resolution, recommending its adoption by the General Assembly.²⁸⁹

72. The “United Nations Programme of Action for African Economic Recovery and Development 1986-1990,” emphasized the need to “intensify economic and technical co-operation with African countries during and beyond the period of the...Programme,” requested governments, United Nations organizations, organs, and bodies, as well as intergovernmental and non-governmental organizations to support the Programme, decided to review implementation of the Programme at its forty-third session, and requested the Secretary General to monitor the Programme’s implementation and report on it at the forty-second and forty-third

Committee of the Whole for the Special Session of the General Assembly on the Critical Economic Situation in Africa, proposed amendments to the United Nations Programme of Action for African Economic Recovery 1986-1990, as contained in document A/S-13/4, annex V, a draft resolution entitled “1986-1990 Quinquennium for International Economic and Technical Co-operation with Africa,” submitted by Mexico, and the draft report of the Ad Hoc Committee of the Whole of the Thirteenth Special Session.

²⁸⁵ A/S-13/15, p. 1.

²⁸⁶ It also held a number of other informal meetings. A/S-13/15, p. 1.

²⁸⁷ A/S-13/AC.1/L.2, *See* also A/S-13/15, p. 4. This resolution, *inter alia*, urged Member States, the United Nations system and the international community to cooperate with African countries and requested the Secretary-General to report to the General Assembly on the progress made in this area.

²⁸⁸ A/S-13/15, p. 5.

sessions of the General Assembly.²⁹⁰

73. The Programme itself, attached as an annex to the resolution, was divided into two elements: 1) national and regional programs by African countries and 2) assistance and support by the international community.²⁹¹

74. African responsibilities reflected those laid out in “Africa’s Priority Programme for Economic Recovery 1986-1990,” adopted by the African Heads of State and Government in July 1985.²⁹² Proposed measures would “contribute to the realization of the Lagos Plan of Action for the Implementation of the Monrovia Strategy for the Development of Africa, the United Nations Industrial Development Decade for Africa, the United Nations Transportation and Communications Decade for Africa and the Harare Declaration on the Food Crisis in Africa” and were divided into measures at the national, subregional, and regional levels.²⁹³ At the national level, Africa’s Priority Programme set out specific measures to cope with future emergencies and to promote agricultural development.²⁹⁴ Plans to rehabilitate agro-related industries, to develop transport and communications, and to improve trade and finance were also addressed.²⁹⁵ Immediate actions to combat drought and desertification were outlined (including implementation of the United Nations Plan of Action to Combat Desertification adopted by the United Nations Conference on Desertification in September 1977 and approved by the General Assembly in resolution 32/172 of 19 December 1977).²⁹⁶ In addition, human resource actions and policy reforms were addressed.²⁹⁷ Subregional and regional issues were also considered, though with less specificity.

²⁸⁹ *Ibid.*

²⁹⁰ *Ibid.*, p. 6.

²⁹¹ *Ibid.*, p. 9.

²⁹² *Ibid.*

²⁹³ *Ibid.*

²⁹⁴ *Ibid.*

²⁹⁵ *Ibid.* p. 11-12.

²⁹⁶ *Ibid.*, p. 12-13.

75. “Africa’s Priority Programme for Economic Recovery 1986-1990” laid out measures to be taken by the international community as well. Financial contributions were requested, and measures to ensure these were most effectively distributed were discussed.²⁹⁸ Factors such as the expansion of trade and commodity issues were addressed,²⁹⁹ as were recognition of Africa’s own financial constraints in the area of debt repayment.³⁰⁰ Particular attention was given to assistance from other developing countries, as laid out in the Caracas Programme of Action and the Plan of Action for Africa developed by the Movement of Non-Aligned Countries.³⁰¹

c. The role of the principal organs in addressing the international debt crisis

76. During the period under review, the principal organs put considerable focus on addressing the external debt crisis. At its thirty-ninth session, the General Assembly, on the recommendation of the General Committee, had decided to include in its agenda the item entitled “Development and international cooperation,” which included, *inter alia*, the external debt problem. At the same meeting, the Assembly had also decided to allocate the item to the Second (Economic and Financial) Committee. By its resolution 39/218, the Assembly, endorsing the recommendation of the Committee,³⁰² had requested the Secretary-General to consult with all the relevant organizations of the United Nations and examine the major elements of the problem of external debt of developing countries.

77. Preliminary work for the elaboration of a framework to combat the external debt crisis continued through 1984-1988, encompassing the efforts of the Committee for Development Planning, the Committee on Invisibles and Financing Related to Trade, the General Agreement on Tariff and Trade, the International

²⁹⁷ *Ibid.*, p. 13-14.

²⁹⁸ *Ibid.*, p. 19.

²⁹⁹ *Ibid.*, p. 20.

³⁰⁰ *Ibid.*, p. 20-21.

³⁰¹ *Ibid.*, p. 22.

³⁰² A/C.2/39/L.128.

Monetary Fund, the World Bank and the Secretariat, along with important contributions from the United Nations Conference on Trade and Development (UNCTAD). A number of papers, including the World Economic Survey³⁰³ and the Trade and Development Report,³⁰⁴ also provided substantive contributions to the issue of the external debt crisis. The papers were presented by the various bodies and organizations of the United Nations system in order to complement the numerous reports of the Secretary-Generals in discussing the foreign debt crisis in the overall context of international finance and balance of payment.³⁰⁵

78. At its thirty-ninth session, the General Assembly had requested the Second Committee to articulate within a comprehensive, coherent and integrated framework the concrete policy measures to strengthen international economic co-operation aimed at resolving the external debt problems.³⁰⁶ During the period under review, the Committee held discussion on a number of substantive aspects and articulated a draft strategy to address the problem of the indebtedness of developing countries. The Committee agreed on the following elements and invited all those involved to take them into account: a) work towards integrated and co-operative growth in the world output and trade; b) continuation by debtors to honour their debt-servicing obligations; c) debt relief and rescheduling to be applied selectively; and, d) forthcoming additional finance to support the adjustments of debtor countries.³⁰⁷ The Committee also reached agreement on a non-exhaustive list of key areas and elements for reaching higher standards of international co-operation in the future.³⁰⁸

79. The General Assembly, endorsing the recommendation of the Second Committee, put the issue of indebtedness of developing countries high on its agenda.³⁰⁹ At its fortieth session, the Assembly, working on

³⁰³ The World Economic Survey was used by the Economic and Social Council in their discussion of international economic and social policy and its task is to analyse the major current trends and prospects in the world economy that require attention and action by the international community.

³⁰⁴ The Trade and Development Report, prepared by the executive body of UNCTAD, traced the ongoing evolution of the debt crisis and examined the influence exerted by debt on development prospects for the future.

³⁰⁵ See e.g., A/42/523, E/C.10/1987/13, A/43/647.

³⁰⁶ See e.g., G A decisions 40/437 and 40/445.

³⁰⁷ See e.g., A/C.2/42/L.94.

³⁰⁸ *Ibid.*

³⁰⁹ UNTD/UNCTAD/TDR/5, p. 62. See also on the same point G A resolution 40/437, A/39/PV. 103-105.

the recommendation of the Committee,³¹⁰ adopted resolution 40/445 on the external debt crisis and development by which it affirmed the priority of the development of developing countries and that it was negatively affected by the external debt problem. It further decided to find a mutually agreeable solution to alleviate the alarming levels of external debt. The Assembly then requested the Secretary-General to undertake consultations with a view of convening an intergovernmental committee to commence preparations by 1986. The Secretary-General was also asked to take initiatives towards fulfilling the drafts objectives and report in 1986 on the evolution of the process.

80. A growing recognition in the General Assembly emerged that growth-oriented adjustments were part of the solution to the external debt crisis. This recognition implied that sustained efforts by developing countries to restructure their economies should be supported by net transfers to their creditors at a level that would allow them to increase their domestic capital investment. This was echoed in decision 40/445 by which the Assembly, on the recommendations of the Second Committee, decided to reconvene the Committee prior to the first regular session of the Economic and Social Council in 1986 in order to give in-depth consideration to ways in which international co-operation in the interrelated area of money, finance, debt, resources flows, trade and development could be promoted effectively. The decision further authorized the Committee to deal with some unfinished businesses under agenda 84, including draft resolutions on the external debt crisis and development, as well as on debt and related issues, submitted to the Assembly in 1985.³¹¹

81. By decision 40/477, the General Assembly, following the request of the Group of 77³¹², asked the Secretary-General to submit to its forty-first session the updated portions of the World Economic Survey 1986 relating to the link between external indebtedness and future prospects for development. According to the Secretary-General's report, although some progress had been made in combating the international debt situation, world trade remained sluggish and no breakthrough was achieved in the battle against the debt

³¹⁰ A/C.2/40/L.52.

³¹¹ G A decision 40/445.

problem. In the same decision, the Assembly deferred until the forty-first regular session (1986) a decision to include an item entitled "External debt crisis and development" in its provisional agenda and allocated it to the Second Committee. The Committee then considered this item in its 10th to 15th meetings, on 13 to 15 October 1987.

82. At its 1986 session, the Economic and Social Council in resolution 1986/56 recommended a resolution for combating the alarming level of the net transfer of resources from developing countries to developed countries for adoption by the General Assembly. Acting on the recommendations of the Council, the Assembly in resolution 41/180, called on the international community to halt and reverse the transfer of resources. This concern was reiterated by the Assembly in December when it requested the Secretary-General to take into account the interrelationship between money, finance, debt, resource flows, trade and development in preparing a comprehensive report on the net transfer of resources.

83. Also at its forty-first session,³¹³ the General Assembly acknowledged that the wide dimensions of the debt crisis called for common commitment and urgent measures led by mutual international co-operation for the reactivation of growth and development in developing countries. In December 1986, the Assembly, endorsing the recommendations of the Second Committee, adopted resolution 41/202 without a vote. In the resolution, the Assembly recognized the wide dimensions of the external debt problem and examined the major elements of a response to the problem. The Assembly further reaffirmed the need for a political and global approach to the crisis in a spirit of continuous dialogue and shared responsibility between troubled debtor developing countries and creditor developed countries. In light of the rapidly mounting signs of strains and stress of the developing world, the Assembly agreed on a series of elements concerning debt and invited the relevant individuals and organs to take them into account with a view to solve the problems of external indebtedness. Consensus emerged around the following elements:

³¹² A/41/144.

³¹³ G A resolution 41/202.

- external indebtedness should be tackled within the framework of a strengthened and improved strategy of co-operation of the international community for sustained world economic growth and development, particularly for developing countries;
- the interrelated issues of debt, money, finance, resource flows, trade, commodities and development should be addressed in the context of their close interrelationship;
- stronger growth and development in developing countries should be encouraged;
- a lasting solution to the debt problem also requires simultaneous and complementary actions in the areas of economic policy that are mutually supportive;
- due account should be taken of the investment and import requirements and the fundamental economic and social needs of a country's population;
- debt-restructuring arrangements and innovative development-oriented financial agreement should continue to be worked out, wherever appropriate, on terms and conditions that take into account the internal and external factors affecting the economy of the country concerned;
- special attention should be given to the implementation of specific relief measures in favor of the least developed countries;
- the international community reaffirms the importance of increasing development assistance to Africa in support of adjustment efforts for development of African countries.

84. By the same resolution, the Assembly also requested the Secretary-General to submit to the General Assembly at its forty-second session an updated version of his report on the international debt situation.³¹⁴ In the updated report,³¹⁵ the Secretary-General discussed at length the foreign debt crisis of developing countries in the overall context of international finance and balance of payment. He concluded: "Assessments of the international debt situation have gone through cycles of optimism and pessimism in recent years while the

³¹⁴ A/41/643.

³¹⁵ A/42/150.

problem grew in size and complexity”.³¹⁶

85. According to the Secretary-General’s report,³¹⁷ the persistent difficulties of debtor countries to repay their debts illustrated that approaches to debt problems were ineffective and results were elusive.³¹⁸ The growing burden of external debt pointed to the inadequacy of the international debt strategy to provide a working mechanism to correct the debt problem of the developing world. In 1986, the Trade and Development Board of UNCTAD pointed out that the debt strategy that had developed in the mid-1980’s - after the initial period³¹⁹ devoted primarily to *ad hoc* measures to ensure the viability of the international banking system³²⁰ - was based on a number of key components: a) vigorous growth in the world output and trade; b) debtors would continue to honor in full their debt-servicing obligations,³²¹ c) debt relief and rescheduling would be applied selectively³²²; and, d) additional finance to support the adjustments of debtor countries would be forthcoming. This attitude was based on the unchanged perception on the part of the creditors that the cause of the difficulties encountered by debtors in meeting their external payments lay with the policies of those countries themselves. The attitude led directly to the view that economic adjustment to changed circumstances should be born entirely by the debtor themselves under the tight supervision of their creditors.³²³

86. The alarming level of the net transfer of resources from developing countries to developed countries was clearly unattainable over a prolonged period.³²⁴ Indeed at its forty-second session, the General Assembly, endorsing the recommendation of the Second Committee,³²⁵ adopted resolution 42/198 entitled “Furthering international co-operation regarding the external debt problems”. In the resolution, the Assembly recognized

³¹⁶ *Ibid.*

³¹⁷ *Ibid.*

³¹⁸ During 1985, debt-servicing difficulties persisted or re-emerged and almost none of the countries experiencing debt-servicing difficulties was able to meet scheduled payments. As a result, as noted by the UNCTAD Secretariat report, a year-to-year rescheduling continued to be the prevailing response, UNCTAD Secretariat Report, Trade and Development Report, 1986, p. 90.

³¹⁹ E/1987/62; ST/ESA/197, p. 89.

³²⁰ TD/328/Rev. 1, para. 314.

³²¹ *Ibid.*, para. 317.

³²² *Ibid.*, para. 317.

³²³ *Ibid.*, paras. 317-322.

³²⁴ General Discussion of International economic and Social Policy, including Regional and Sectoral Developments, Report of the CDP on its 23rd session, para. 38, E/1987/23.

the potential danger of the external debt situation and expressed concern that debt problems can pose a threat to economic, social and political stability in indebted countries. The Assembly further called upon the international community to continue its effort, in the context of official debt restructuring exercises, to take appropriate and realistic measures to reduce the burden of the official debt as adapted to the specific needs of individual countries. The Assembly then urged the international community to consider means of assisting developing countries faced with large debts, taking into account the specific economic circumstances of each individual country. Lastly, the Assembly called upon the international community to intensify its efforts to alleviate the debt burden of African countries and stressed that urgent specific actions in respect of the indebtedness of the poorest developing countries are required.

87. Pursuant to resolution 42/198, the Secretary-General submitted a report on the debt problem.³²⁶ Following a broad process of consultations, and after discussing questions of debt, growth and adjustment and the recent development of the debt strategy, the report outlined elements of a possible approach to international debt policy. The report concluded that a durable solution to the debt problem was one that would explicitly address the imbalances between debt-servicing obligations and capacities.

88. The Secretary-General in his report on the net transfer of resources from developing to developed countries,³²⁷ submitted in accordance with a 1987 request³²⁸, noted some of the fresh proposals now open before the international community to deal with the external debt crisis. These proposals included, *inter alia*, the reduction of interest payments on past debts, reduction of outflows, reduction of the outstanding stock of debt by capturing the discount on it that applied in the secondary market, and the exchange of present debt for new debt instruments with a fixed interest rate below the market rate. Along those lines, proposals were also made to establish a multilateral debt conversion facility that would enable creditor banks to convert their

³²⁵ A/C.2/42/L.94.

³²⁶ A/43/647.

³²⁷ E/1988/64.

³²⁸ E S C resolution 1987/93.

developing countries' debt at a discount to long-term bonds with fixed interest rates. The report further emphasized that it was in the interest of the international community to consider such proposals against the need to ensure that the balance between finance and adjustment was not struck at the expense of the long-term requirements for growth and development.³²⁹

89. Apart from general policies leading to faster growth in international trade, three lines of action appear important: 1). there should be more comprehensive relief of the official debt of low-income countries, particularly countries in Sub-Saharan Africa. This relief should be agreed upon in the context of the adjustment requirements and investment needs of individual countries; 2). official and non-official creditors should contemplate ways to reduce interest costs in the context of debt restructuring exercises; 3). there is a need for additional forms of debt relief for non-concessional loans, as both lenders and borrowers have an interest in "clearing the books" of the developing countries' debt in its present form.³³⁰ It was further acknowledged that in pursuing a comprehensive approach to the external indebtedness problem, the establishment of a multilateral agency – preferably as part of an existing institution – to purchase the debt of developing countries from commercial banks and to convert it into new forms of liability is essential to allow debtor countries some relief and a different maturity structure.³³¹ An essential part of the process, it was recognized, is not only agreeing on principles, but deciding who should do what and ensuring – and monitoring – implementation.³³²

90. The novel understanding that a measure of debt forgiveness must be made part of the 'menu' of financial techniques to reverse the external debt crisis was reflected in the emerging consensus in major international forums, the latest of which resulted in the Final Act of the seventh session of the United Nations Conference

³²⁹ E/1988/64.

³³⁰ E/1987/62 ST/ESA/197, p. 9-10.

³³¹ *Ibid.*, p. 10.

³³² *Ibid.*

on Trade and Development (UNCTAD VII).³³³ According to the Trade and Development Report prepared by the executive body of UNCTAD, since the debt-servicing burden of some developing countries was unsustainable, the debt-burden had to be reduced either by lowering interest payments or by reducing actual debt levels, or both. The principle underlying this position was summarized by the UNCTAD Secretariat: “In short, private creditors and creditor governments will need to acknowledge that the problem is no longer one of cash flow, and to modify the rule that debtors must invariably meet their interest bill in full”.³³⁴

91. In its Final Act,³³⁵ the UNCTAD envisioned a new strategy for the promotion of debt relief within a broad ranging concept of economic growth and development.³³⁶ General guidelines were articulated for the elaboration of a continuous dialogue in a universal forum recognizing the shared responsibility of the main parties involved in the debt crisis. The UNCTAD further emphasized the need for a continued and evolving international co-operation and adequate management of interdependence, while bearing in mind the 1986 Assembly resolution on the subject.³³⁷ To that end, the Conference agreed in Chapter II.A of the Act, that the various parties concerned should co-ordinate their programs while international measures and policies should be tailored to each country's individual environment taking into consideration any change in its circumstances. The new strategy included general policy measures to be implemented globally and nationally. On the global level, the international economic environment had to be made more stable and predictable in support of reversing the disarray of development and enhancing viable growth; while, on a national level, troubled debtor countries had to pursue efforts to raise savings and investments, and reduce inflation while

³³³ The preparation for the seventh session of UNCTAD (UNCTAD VII) was discussed at both the 1986 sessions of TDB. In December, the Assembly decided to convene UNCTAD VII at Geneva in July 1987 and called on UNCTAD States members to ensure that the session would make a significant contribution to multilateral action for revitalizing development, growth and international trade (resolution 41/169). In its 1987 report, the secretariat of UNCTAD said: “In short, private creditors and creditor governments will need to acknowledge that the problem is no longer one of cash flow, and to modify the rule that debtors must invariably meet their interest bill in full”.

³³⁴ Trade and Development Report, 1987, prepared by the UNCTAD Secretariat, p. VIII.

³³⁵ TD/352, vol. I) Sales No. E.88.II.D.1.

³³⁶ Report of the UNCTAD secretariat entitled “Revitalising development, growth and international trade assessment and policy options” (TD/328/Rev. 1), para 315-328.

³³⁷ G A resolution 41/202.

external financing should support those efforts.³³⁸

92. At the same time, a new international consensus was emerging in the General Assembly recognizing the serious risks posed by the interrelationship between the debt crisis and a fragile economic growth and international security. In resolution 43/198 on the “External debt crisis and development: towards a durable solution of the debt problems”, adopted on the recommendations of the Second Committee, the Assembly acknowledged that in light of an increasingly interdependent world economy, deteriorating economic situation faced by countries with a heavy debt burden was not only a major obstacle to their domestic economic growth and social and political stability, but, also had a worrisome impact on the world economy and global political stability.³³⁹ The Assembly thus urged the international community to continue to search, through dialogue and shared responsibility, for a durable, equitable and mutually agreed growth-oriented and development-oriented solution to the external indebtedness of developing countries. A major objective of such a strategy, according to the Assembly, was that debtor developing countries would achieve an adequate level of growth sufficient to enable them to satisfy their social, economic and development needs, which would in turn enhance their ability to service debt. The Assembly then invited the multilateral financial institutions to review conditionality criteria, taking into account, *inter alia*, social objectives, growth and development priorities of developing countries and changing conditions of the world economy, while stressing further the need for increased co-operation between multilateral financial institutions. On the same day, by decision 43/444, the Assembly, on the Second Committee’s recommendation, deferred to its 1989 session consideration of a draft decision on the establishment of an Advisory Commission on Debt and Development.

93. In September/October 1988,³⁴⁰ the UNCTAD Trade and Development Board (TDB) evaluated progress

³³⁸(TD/328/Rev.1, Sales No. E.87.II.D.9.

³³⁹ *World Economic Survey 1987*, E/1987/62, ST/ESA/197, p. 29.

³⁴⁰E/1988/16.

made in implementing the Final Act of the seventh session of the Conference (UNCTAD VII).³⁴¹ In the session, there was general agreement on the importance of carrying forward the implementation of the Final Act in order to revitalize development, growth and international trade. Some representatives noted that some progress had been achieved and certain advances made since UNCTAD VII, particularly in relations to official resource flows to certain groups of developing countries.³⁴² There was, however, a general sense among members of the Group of 77 developing countries that overall progress in the implementation process has been slow and fell short of expectations based on the commitment embodied in the Final Act. The representatives of G-77 cited, *inter alia*, the inadequacy of responses to the debt problem of developing countries. Their concerns echoed an earlier UNCTAD secretariat report observing that it was necessary for traditional-rescheduling techniques to be supplemented with measures to reduce the effective shock of debt.³⁴³ Indeed the report proposed a selective relaxation of the principle whereby debt-service obligations arising from all bilateral non-concessional debt had eventually to be met in full and referred to various new options including debt cancellation, reduction of interest rates, temporary waivers of interest payments and debt conversions.

d. Efforts towards the prevention and control of Acquired Immunodeficiency Syndrome (AIDS)

94. During the period under review, the General Assembly for the first time considered the question of acquired immunodeficiency syndrome (AIDS). At its forty-second session, the Assembly heard from the Director-General of the World Health Organization (WHO) on the Global AIDS Plan.³⁴⁴ In response, the Assembly adopted resolution 42/8, in which it noted that the menace of AIDS, having “assumed

³⁴¹World Economic Survey 1988 (E/1988/50).

³⁴² A/43/15 vol. II.

³⁴³ TD/B/1167.

³⁴⁴ See A/43/341, section III, para. 39. The Global AIDS Plan, designed under WHO’s Global Programme on AIDS, has three objectives: 1) to prevent AIDS virus transmission; 2) to take care of AIDS virus infected persons; and 3) to unify national and international efforts against AIDS.

pandemic proportions,” required a coordinated response from the entire United Nations system.³⁴⁵ The Assembly identified and confirmed WHO as the recognized leader of the global effort to combat AIDS, and urged all States to establish national programmes consonant with WHO’s Global Strategy for the prevention and control of AIDS [hereinafter referred to as the global strategy].³⁴⁶

95. In the same year, the Economic and Social Council, also considering the topic of AIDS for the first time, adopted resolution 1987/75, which endorsed the global strategy, and expressed appreciation to WHO for its role as the lead agency in the world-wide struggle against AIDS.³⁴⁷

96. Pursuant to General Assembly resolution 42/8, the Director-General of WHO reported to the Assembly at its forty-third session, through the Council,³⁴⁸ on the global strategy, and in particular, on the issue of new developments in the global AIDS pandemic.³⁴⁹ The report also transmitted to the General Assembly the London Declaration on AIDS Prevention, as adopted by the World Summit of Ministers of Health on Programmes for AIDS Prevention.³⁵⁰ The Director-General’s report to the General Assembly detailed the work of the WHO as a whole in dealing with the problem of AIDS,³⁵¹ and included a list of the major AIDS-related activities and conferences in the United Nations system.³⁵²

97. At the World Summit itself, held from 26 to 28 January 1988, the Ministers declared 1988 a Year of

³⁴⁵ G A resolution 42/8.

³⁴⁶ The Global Strategy was developed by WHO’s Global Programme on AIDS, initially drawn up in 1985-86, continued to be further developed throughout the period under review, and highlighted the major tasks for WHO to provide in the struggle against AIDS. See WHO (05) W2 No. 11, *The Global AIDS Strategy*; WHO (064) W6, *Biennial Report of the Director-General 1988-1989*.

³⁴⁷ E S C resolution 1987/75.

³⁴⁸ See E S C resolution 1988/55, para. 1, in which the Council decides to transmit the report of the Director-General to the General Assembly.

³⁴⁹ A/43/341

³⁵⁰ *Ibid.*, Appendix I. The Summit was organized jointly by WHO and the Government of the United Kingdom.

³⁵¹ WHO established the Special Programme on AIDS in February 1987 (later the Global Programme on AIDS). See WHO (064) W6 1986-1987, *Biennial Report of the Director-General of WHO*. The two main functions of the Programme are 1) to provide global leadership and ensure international collaboration and cooperation; and 2) to provide support to national programmes for the prevention and control of AIDS. *Ibid.*, para. 14/131.

Communication and Co-operation about AIDS, and the Director-General declared 1 December 1988 as World AIDS Day.³⁵³

98. In 1988, the Secretary-General also became increasingly involved in the effort against AIDS, and, in response to General Assembly resolution 42/8,³⁵⁴ appointed the Under-Secretary-General for International Economic and Social Affairs as focal point for activities at United Nations Headquarters dealing with prevention and control of the disease.³⁵⁵ The Under-Secretary-General in turn established a United Nations Steering Committee to co-ordinate United Nations activities in the field of AIDS, and to contribute to the inter-agency advisory group set up by WHO to support its global strategy on AIDS.³⁵⁶

99. Following the report of the Director-General at its forty-third session, the General Assembly adopted resolution 43/15, in which it reaffirmed the need for a coordinated approach by the system and invited WHO to continue to facilitate the exchange of information and research on prevention and control of AIDS.³⁵⁷ The Assembly further invited the Director-General of WHO to report to it at its forty-fourth session on new developments in the AIDS pandemic.³⁵⁸ The Secretary-General transmitted the report of the Director-General to the General Assembly in May 1989.³⁵⁹ The report once again described the activities of WHO in implementing the global strategy, including those activities conducted in collaboration with other organizations of the United Nations system. The report also discussed the achievements of the Fourth International Conference on AIDS, held at Stockholm from 12 to 16 June

³⁵² A/43/341, sections III and IX.

³⁵³ *See ibid.*, section I, para. 8.

³⁵⁴ G A resolution 42/8, para. 6.

³⁵⁵ *See* A/43/341, section III, para. 41.

³⁵⁶ *See ibid.* The advisory group met for the first time on 1 and 2 September 1988, at Geneva. *See* A/44/274, section III, para. 26.

³⁵⁷ G A resolution 42/8, paras. 6 and 7.

³⁵⁸ *Ibid.*, para. 9.

³⁵⁹ A/44/274

1988.³⁶⁰

e. Elaboration of a New International Humanitarian Order

100. During the period under review, the General Assembly considered the question of the promotion of a new international humanitarian order. The issue had first been raised during the Assembly's thirty-sixth session by a letter from a delegation requesting the inclusion of the additional agenda item to address the need for a stronger international response to humanitarian issues,³⁶¹ both in terms of legal principles and mechanisms, arising from man-made and natural disasters.³⁶² The initial proposal presented, according to the Secretary-General, an approach characterized by an attempt to visualize global humanitarian issues in their totality and, possibly, to devise comprehensive, integrated strategies for dealing with those issues, a plea for the humanitarian ideal to inform and exercise a certain control over the international and internal conduct of States, the identification of urgent, acute problems, and the advancing of specific proposals, such as that for a universal declaration formulating certain fundamental humanitarian principles.³⁶³ The Assembly subsequently had adopted resolution 36/136, in which it had requested the Secretary-General to seek the views of Governments on the proposal for the promotion of a new international humanitarian order. In 1982, twenty-three Governments had submitted their views on the proposal to the Secretary-General,³⁶⁴ and the Assembly requested the Secretary-General to continue to solicit communications.³⁶⁵ In its resolution 37/201, the Assembly further noted a proposal contained in the Secretary-General's report for the establishment of an independent commission on international humanitarian issues, to be maintained outside the framework of the

³⁶⁰ *Ibid.*, section IX, para. 100.

³⁶¹ A/36/245.

³⁶² A/40/348.

³⁶³ A/40/348, para 183.

³⁶⁴ A/37/145.

³⁶⁵ G A resolution 37/201.

United Nations system.³⁶⁶

101. Subsequently, the Independent Commission on International Humanitarian Issues, consisting of leading personalities in the humanitarian field, had been established in July 1983.³⁶⁷ The Assembly, in its resolution 38/125, had noted that the work of the Independent Commission could prove useful for further study of the proposal of a new international humanitarian order. According to the report of the Secretary-General, the Commission's purpose included enhancing public awareness of important humanitarian issues, promotion of an international climate favouring progress in the humanitarian field, review where necessary of existing instruments and mechanisms relating to humanitarian issues, and the making of recommendations for furtherance of solutions to humanitarian problems.³⁶⁸

102. Throughout the period under review, the General Assembly continued to solicit, and the Secretary-General continued to receive further communications from Governments regarding their views and comments toward the proposal. The Secretary-General submitted a report to the Assembly at its fortieth session, pursuant to its resolution 38/125, in which he detailed the responses of various Governments to a questionnaire on specific aspects of the proposal.³⁶⁹ The report traces the requirements for a conceptual understanding of the proposal. It should be noted that, in discussing the background of the proposal, the Secretary-General notes that the basis for the proposal lies in the United Nations Charter itself, and specifically in the ideals of Article 55.³⁷⁰ The provisions of Article 55, along with those of Articles 13,

...are the expression of the fact that the Charter of the United Nations launched a new international order of

³⁶⁶ *Ibid.* See also, A/36/245, annex, para. 10.

³⁶⁷ See G A resolution 38/125.

³⁶⁸ A/40/348, para. 46. The Commission, with a life span of three years, was established as an independent body whose members participated in their personal capacity and not as representatives of Governments or international bodies to which they may belong. The role of the Commission was a catalytic, innovative one: its work was not intended to interfere with governmental negotiations or inter-State relations nor to duplicate work being done by existing governmental or non-governmental international bodies. The Commission was to 1) study areas mainly related to humanitarian norms in armed conflicts, natural and man-made disasters, and vulnerable groups requiring special care and protection such as refugees, children and youth, indigenous populations, etc, 2) make conclusions and recommendations on a wide range of subjects relating to humanitarian issues, 3) sponsor panels and brainstorming sessions, 4) liaise with agencies dealing with subjects of interest to the Commission's role of complementarity. A/40/348, p. 47.

³⁶⁹ A/40/348, annex II.

various dimensions and comprising various sectors....The proposal for the promotion of a new international humanitarian order thus might give further impetus to the implementation of the humanitarian dimensions of the new international order launched by the Charter.³⁷¹

The replies of States generally considered the aims of the proposed new order and were said to derive essentially from, the Charter of the United Nations. Issues raised in those replies included the need for implementation of existing international standards, the need for increased protection efforts, the need for heightened humanitarian assistance, the potential of early-warning systems in monitoring and following up areas of tensions in the world, the improvement of the existing complex of humanitarian institutions, and the essential role of education, training and the dissemination of information.³⁷² The report extensively outlined the background of the proposal, as well as the existing humanitarian network of the United Nations system.³⁷³

The report, furthermore, contained an annex describing the activities of the Independent Commission since its establishment. According to the annex, the Commission's programme of work would involve creating conclusions and recommendations on humanitarian issues, to be delivered in a final report to the Assembly in 1986.³⁷⁴

103. When the report of the Secretary-General was introduced in the Third Committee of the General Assembly in 1985, the representative of the Secretary-General informed the Committee that in the course of the preparation of the report relevant information had been solicited or collected from specialized agencies and other bodies of the United Nations system on a series of specific humanitarian issues in the contemporary world, including hunger and starvation, health and environment, massive unemployment, massive illiteracy, situation of women and children, natural and man-made disasters, population questions, and the drug

³⁷⁰ A/40/348, para. 14.

³⁷¹ *Ibid.*, paras. 15 and 17.

³⁷² A/40/348.

³⁷³ *Ibid.*, Part One, sections II and III.

³⁷⁴ A/40/348, annex II. The Commission's twenty-six members, who participated in their personal capacity and not as representatives of Governments, were to focus on three main areas of study: 1) Humanitarian norms in the context of armed conflicts; 2) natural and man-made disasters; and 3) vulnerable groups requiring special care and protection such as refugees and displaced persons, stateless

problem.³⁷⁵

104. The Assembly took note of the Secretary-General report by its resolution 40/126, in which it requested the Secretary-General to continue efforts to review comments received from Governments. The Assembly also requested the Secretary-General to include as an addendum to his next report a survey of specific humanitarian issues. Pursuant to this request, the Secretary-General submitted a report to the Assembly at its forty-first session containing a discussion of selected issues that “appear to lend themselves to solutions within humanitarian organizations.”³⁷⁶ This overview included issues such as hunger and starvation, genocide, torture, racial and religious intolerance, and situation of women and children. Each discussion included a brief account of the issue, as well as the existing response mechanisms under the United Nations system.

105. At its forty-second session, the Assembly once again addressed the issue, and decided to consider the question of international cooperation in the humanitarian field under the item of the new international humanitarian order.³⁷⁷ The Assembly adopted resolution 42/120, taking note of the final report of the Independent Commission, and calling for continued involvement of both Governments and non-governmental organizations, as well as specialized agencies and programmes of the United Nations, in shaping the new international humanitarian order.³⁷⁸ The Assembly also noted the establishment of an Independent Bureau for Humanitarian Issues whose purpose is to disseminate and follow-up the work of the Independent Commission.³⁷⁹ The Assembly called on the Independent Commission to transmit its report to Member States and other inter-governmental organizations, and requested the Secretary-General to remain in contact with Governments and other organizations on issues related to the humanitarian field.³⁸⁰ In response to Assembly resolution 42/120, the Secretary-General submitted a report to the Assembly at its forty-third session detailing

persons, children and youth, indigenous populations, etc. *Ibid.*, p. 47.

³⁷⁵ A/41/472, para. 3.

³⁷⁶ A/41/472, para. 5.

³⁷⁷ G A resolution 42/121.

³⁷⁸ G A resolution 42/120.

³⁷⁹ *Ibid.*

³⁸⁰ *Ibid.*, paras. 3 and 6.

the replies of Governments, specialized agencies and other United Nations organs, and non-governmental organizations, to the report of the Independent Commission.³⁸¹ The report also contained a reply from the Independent Commission itself. After having reviewed the report, the Assembly adopted resolution 43/129, taking note of the work of the Secretary-General and the Independent Commission, and calling for continued communications and further efforts to follow-up on the recommendations and suggestions of the Independent Commission in strengthening solutions to humanitarian problems.³⁸²

e. The Problem of drug abuse and illicit trafficking

106. During the period under review, the international community moved to intensify the fight against drug abuse, illicit drug cultivation, production, manufacture and trafficking.³⁸³ In its forty-first session, the General Assembly condemned drug trafficking in all its illicit forms as being a criminal activity.³⁸⁴ Illicit production and manufacture of drugs were taking place in a growing number of countries in many regions of the world, financed and masterminded by criminal organizations with international links in financial circles.³⁸⁵ The General Assembly stated that the activities of transnational criminal organizations engaged in the drug traffic constituted “a threat to the well-being of peoples, the stability of democratic institutions and the sovereignty of States.”³⁸⁶ The General Assembly further recognized that the drug abuse problem was not confined to one group of countries and called on the United Nations system and its component organizations to pay greater attention to the problem.³⁸⁷ The Secretary-General highlighted the need for improved co-ordination and co-operation system-wide and stated that a clearer definition of the division of responsibilities among the United

³⁸¹ A/43/734.

³⁸² G A resolution 43/129.

³⁸³ E/1988/33, para. 6

³⁸⁴ G A resolution 41/127.

³⁸⁵ E/1988/33, para. 4.

³⁸⁶ G A resolution 40/121.

³⁸⁷ A/39/646, para. 62.

Nations entities responsible for drug abuse control was necessary.³⁸⁸ The General Assembly, considering that the illicit drugs situation continued to deteriorate despite all efforts, continued to include in the agenda during the period under review an item entitled "International campaign against traffic in drugs."³⁸⁹

107. The Economic and Social Council continued to be responsible for formulating United Nations policies in the field of drug abuse control, coordinating drug control activities, and making relevant recommendations to Governments.³⁹⁰ The Division of Narcotic Drugs acted as the secretariat for the Commission on Narcotic Drugs, which constituted the task force envisaged in General Assembly resolution 36/168 to review, monitor and co-ordinate the implementation of the International Drug Abuse Control Strategy and the basic five-year plan of action.³⁹¹ The International Narcotics Control Board³⁹² continued to, *inter alia*, arrange training programmes for drug control administrators from developing countries on the implementation of treaty provisions relating to the parties' cooperation with the Board.³⁹³ The Commission on Narcotic Drugs noted that the basic five-year programme of action, adopted by the General Assembly along with the International Drug Abuse Control Strategy in 1981,³⁹⁴ would be completed in 1986 and recommended the future programmes for international action to combat drug abuse be formulated within the framework of the United Nations Medium-Term Plan, 1984-1989.³⁹⁵

³⁸⁸ E/AC.51/1985/8 and Corr.1 and Add.1. Report of the Secretary-General on the in-depth evaluation of the drug control programme. The in-depth evaluation was conducted by the Joint Inspection Unit. The three United Nations entities responsible for drug abuse control are the Division of Narcotic Drugs, the secretariat of the International Narcotics Control Board and the United Nation Fund for Drug Abuse Control.

³⁸⁹ G A resolutions 40/121, 41/127, 42/113, 43/122.

³⁹⁰ A/39/646, para. 8.

³⁹¹ G A resolution 38/98.

³⁹² A/39/646, para. 12. The International Narcotics Control Board was established by the Single Convention on Narcotic Drugs in 1961, to limit, and at the same time ensure, the availability of drugs for medical and scientific purposes by being responsible for administrating a strict quota system for narcotic drugs and a mandatory estimate system, and for monitoring the detailed control requirements worldwide for the production, manufacture, export and import of drugs, with a view to preventing leakages from licit sources into illicit channels.

³⁹³ E/1988/33.

³⁹⁴ G A resolution 36/168. The General Assembly adopted the International Drug Abuse Control Strategy and basic five-year programme of action in line with resolution 1 (XXIX) of the Commission on Narcotic Drugs transmitted by the Economic and Social Council in its decision 1981/113 of 6 May 1981.

³⁹⁵ A/40/771, para. 6.

108. During the period under review, the United Nations Fund for Drug Abuse Control³⁹⁶ (hereinafter referred to as the "Fund") was able to expand its programmes, after repeated appeals from the Economic and Social Council to Governments to increase substantially their contributions.³⁹⁷ Key programmes involved financing of projects aimed at reducing the illicit supply of and demand for drugs – i.e. projects to replace illicit opium poppy cultivation and treat and rehabilitate drug addicts.

109. The Economic and Social Council called for Governments to take measures against the trade of specific chemicals used in the manufacture of illicit drugs.³⁹⁸ In 1985, the Council requested Governments to exchange information with each other on illicit traffic and to share their experiences through bilateral agreements.³⁹⁹ The Council further requested Governments to monitor exports of substances listed under the 1971 Convention on Psychotropic Substances in order to alert the importing countries, in advance of shipments that may be a cause of concern⁴⁰⁰

110. Worldwide balance between the licit supply of opiates and the legitimate demand for those opiates for medical and scientific purposes formed an important aspect of the international strategy and policy on drug abuse control.⁴⁰¹ The International Narcotics Control Board took the position that licit opiates are not ordinary commodities where the production, manufacture and distribution thereof can be regulated solely by normal economic considerations. The General Assembly urged Governments of importing countries to obtain their licit requirement of opiate raw materials from traditional supplier countries and urged the producing and manufacturing countries that had recently set up additional capacities for export to restrict their production programmes to meet mainly domestic requirements.⁴⁰² The Economic and Social Council requested the International Narcotics Control Board to assist the Secretary-General in his efforts towards the expeditious

³⁹⁶ The General Assembly welcomed by G A resolution 2719 (XXV) in 1970 the establishment of the United Nations Fund for Drug Abuse Control in pursuance of the request made by the Economic and Social Council in its E S C resolution 1559 (XLIX)

³⁹⁷ *Inter alia*, G A resolutions 36/168, 41/27, 42/113 and 43/122, E S C resolutions 1987/32 and 1988/12.

³⁹⁸ E S C resolution 1985/12.

³⁹⁹ E S C resolution 1985/13 and 1985/14.

⁴⁰⁰ E S C resolution 1985/15.

⁴⁰¹ E S C resolution 1986/9.

implementation of project A-1, on the reduction of excessive stocks of licit opiate raw materials.⁴⁰³ In order to improve measures for reduction of illicit demand, the Economic and Social Council appealed to all Governments to develop and implement comprehensive national strategies for drug abuse prevention and public awareness as well as to create a national network of counseling and treatment services to advise high-risk groups and called upon Governments to engage non-governmental organizations as partners in the development and implementation of the above-mentioned strategies and services.⁴⁰⁴

111. During the period under review, increased attention was directed towards the issue of children and drugs. The General Assembly urged States to establish national and international programmes to protect children and called on States to adopt measures to prevent drug use by children and to provide for severe punishments for drug trafficking crimes involving the use of children.⁴⁰⁵ The Economic and Social Council urged Governments to ensure efforts that preventive information would not involve elements that evoke curiosity or the desire to experiment with narcotic drugs, such as detailed description of euphoria.⁴⁰⁶

112. Various regional meetings took place for coordination purposes during the period under review. The Economic and Social Council requested the Secretary-General to convene regular meetings of operational heads of national drug control and law enforcement agencies in the African region and to establish a focal point to be responsible for co-ordinating and promoting measures to combat drug misuse and abuse and illicit traffic in drugs within the entire African region.⁴⁰⁷ The General Assembly took note of the recommendations of the First Interregional Meeting of Heads of National Drug Law Enforcement Agencies.⁴⁰⁸ The Economic and Social Council noted that the regional meetings in Asia and the Pacific, Africa, and Latin America and the Caribbean had been granted the status of subsidiary organs of the Commission on Narcotic Drugs, to which

⁴⁰² E S C resolutions 1986/9 and 1985/16.

⁴⁰³ E S C resolution 1985/16.

⁴⁰⁴ E S C resolution 1988/16.

⁴⁰⁵ G A resolution 43/121.

⁴⁰⁶ E S C resolution 1987/28.

⁴⁰⁷ E S C resolution 1985/11.

⁴⁰⁸ G A resolution 41/126.

they report.⁴⁰⁹

113. The Secretary-General of the United Nations proposed to the Economic and Social Council in May 1985, that a world conference at the ministerial level to deal with all aspects of drug abuse be held in 1987.⁴¹⁰ In December 1985, the General Assembly endorsed the Secretary-General's proposal by deciding to convene a Conference in 1987 at the ministerial level on this topic.⁴¹¹ The Preparatory Body⁴¹² for the Conference held two sessions leading up to the Conference and the General Assembly requested the Preparatory Body to complete its drafting of the comprehensive multidisciplinary outline based on the comments and modifications proposed by Governments so that the Conference could consider it for adoption.⁴¹³ During the International Conference on Drug Abuse and Illicit Trafficking, which was convened at Vienna from 17 to 26 June 1987, two main documents were adopted unanimously:⁴¹⁴

- Declaration of the International Conference on Drug Abuse and Illicit Trafficking.

The Declaration reaffirmed the political will of the participating States to fight the drug problem and to commit themselves to vigorous international action against drug abuse and illicit trafficking through a comprehensive and multidisciplinary approach. An agreement was reached to promote inter-regional and international co-operation in the following:

- a) Prevention and reduction of demand
- b) Control of supply
- c) Suppression of illicit trafficking
- d) Treatment and rehabilitation

⁴⁰⁹ E S C resolution 1988/15.

⁴¹⁰ A/C.3/40/8, para 1.

⁴¹¹ G A resolution 40/122.

⁴¹² G A resolution 40/122, the General Assembly requested the Economic and Social Council at its organizational session for 1986 to invite the Commission on Narcotic Drugs to act as the preparatory body for the International Conference on Drug Abuse and Illicit Trafficking.

- The Comprehensive Multidisciplinary Outline for Future Activities in Drug Abuse Control (hereinafter referred to as the "Outline").

The Outline is a repertory of recommendations with practical measures by setting thirty-five action targets. The document was not designed to be a legally binding instrument but rather a working guide for national authorities and interested non-governmental and intergovernmental organizations as a source of ideas to be selected and translated into action appropriate to local circumstances.

114. The General Assembly took note of the report and the results of the International Conference on Drug Abuse and Illicit Trafficking at its forty-second session and decided to observe June 26 each year as the International Day against Drug Abuse and Illicit Trafficking.⁴¹⁵

115. In order to strengthen the existing mechanisms of the United Nations in the area of international control of drug abuse and illicit trafficking, and with a view to implementing the follow-up activities⁴¹⁶ from the Conference on Drug Abuse and Illicit Trafficking, the Economic and Social Council requested the Secretary-General to give this sector priority, as a matter of urgency, in the allocation of available United Nations resources.⁴¹⁷

116. By its resolution 39/141 of 14 December 1984, the General Assembly, through the Economic and Social Council, had requested the Commission on Narcotic Drugs to prepare, as a matter of priority, a draft convention against illicit traffic in narcotic drugs and psychotropic substances.⁴¹⁸ The General Assembly requested the Economic and Social Council to instruct the Commission on Narcotic Drugs to decide elements of a convention and to ask the Secretary-General to prepare a draft on this basis.⁴¹⁹ At its forty-first session,

⁴¹³ G A resolution 41/125.

⁴¹⁴ A/43/679 para 1 and A/CONF.133/12.

⁴¹⁵ G A resolution 42/112.

⁴¹⁶ E S C resolution 1988/9, Annexure "Suggested activities for follow-up of the International Conference on Drug Abuse and Illicit Trafficking by organizations of the United Nations system and other international organizations"

⁴¹⁷ E S C resolution 1987/29.

⁴¹⁸ G A resolution 39/141 and E S C decision 1985/104.

⁴¹⁹ G A resolution 40/120.

the General Assembly took note of the preliminary draft convention prepared by the Secretary-General and requested the Commission on Narcotic Drugs to continue to work on the preparation of a draft convention against illicit traffic.⁴²⁰ At its 1987 session, the Economic and Social Council established an open-ended intergovernmental expert group to review the working document, to reach agreement on the articles of the draft convention wherever possible and to prepare a revised working document.⁴²¹ At its forty-second session, the General Assembly requested the Commission on Narcotic Drugs, through the Economic and Social Council, to consider and, if possible, approve at its tenth special session the draft convention against illicit traffic in narcotic drugs and psychotropic substances, and to prepare recommendations on the next measures to be taken with a view to concluding the preparation of the convention, including the possibility of convening a plenipotentiary conference in 1988 for its adoption.⁴²² By the same resolution, the Assembly requested the Secretary-General to make the necessary administrative arrangements for the convening of any agreed plenipotentiary conference in 1988 for the signing of the convention. At its first regular session of 1988, the Council decided that the conference of plenipotentiaries for the adoption of a convention against illicit traffic in narcotic drugs and psychotropic substances should be held at Vienna from 25 November to 20 December 1988.⁴²³ At the same session, the Council adopted resolution 1988/8, in which it decided to convene the Review Group in mid-June 1988 at Vienna, with the mandate of continuing the preparation of the draft convention and preparing the organizational aspects of the Conference of plenipotentiaries. The Assembly, by its resolution 43/120, emphasized the importance of the contribution that will be made by the convention in supplementing the existing international instruments on the subject, namely, the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs of 1961, and the Convention on Psychotropic Substances of 1971. The Assembly took note with satisfaction of the report of the Secretary-General and the report of the Commission on Narcotic

⁴²⁰ G A resolution 41/126.

⁴²¹ E S C resolution 1987/27.

⁴²² G A resolution 42/111.

Drugs on its tenth special session and the recommendations therein, approved by the Economic and Social Council in its resolution 1988/8 and decisions 1988/118, 1988/120 and 1988/159, and requested the Commission on Narcotic Drugs, as the principal United Nations policy-making body on drug abuse control, to identify suitable measures to be taken prior to the entry into force of the convention. The United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances was convened from 25 November to 20 December 1988 and adopted the text of the Convention, which was opened for signature on 20 December.

2. THE ROLE OF THE PRINCIPAL ORGANS OF THE UNITED NATIONS

IN RESPECT OF PROMOTING INTERNATIONAL, EDUCATIONAL AND CULTURAL CO-OPERATION

a. *World Decade for Cultural Development*

117. The World Conference on Cultural Policies, held in 1982 at Mexico City, had adopted a recommendation⁴²⁴ that the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) propose to the General Assembly of the United Nations the proclamation of a World Decade for Cultural Development. By the same recommendation, the 1982 Conference further had recommended that the General Conference authorize the Director-General to take the appropriate measures in this connection; and requested the General Assembly of the United Nations to study the possibility of including among its objectives for the Third Development Decade the implementation of a Plan on Action within the framework of a World Decade for Cultural Development in order to eradicate illiteracy, ensure broad participation in culture and emphasize the cultural dimension of development and affirmation of the cultural identity of each nation.

⁴²³ E S C decision 1988/120.

⁴²⁴ E/1984/53/Annex II/Annex.

118. The General Conference, at its twenty-second session in 1983, adopted a draft resolution, submitted by the Director-General,⁴²⁵ approving the principle of such a Decade, which would be observed under the auspices of the United Nations and UNESCO, and inviting the Director-General; to inform the Economic and Social Council of this proposal.⁴²⁶ The General Conference, in the same resolution, requested the Director-General to contact other institutions in the United Nations system as necessary; and to submit to it at its twenty-third session a draft plan of action for the World Decade for Cultural Development.⁴²⁷

119. The ACC's Consultative Committee on Substantive Questions (Program Matters) (CCSQ (PROG)) had taken cognizance of the proposed decade in 1984. In 1985, the Consultative Committee, considering the item under the general rubric of inter-agency cooperation relating to preparations for international conferences, years and decades,⁴²⁸ had before it the UNESCO draft plan of action which had been prepared by the Director-General of UNESCO, in consultation with other organizations of the United Nations system taking into account the proposals received as well as the results of discussions at the first and second regular session of the in 1985.⁴²⁹ The CCSQ (PROG) also had before it an analysis of the main features of the plan, suggestions on the role of participants, a proposal for coordinating machinery, and a possible timetable. Noting that the Decade would begin in 1988, CCSQ (PROG) felt that, at that stage, organizations should continue to communicate their views on the plan individually to UNESCO.

120. The draft plan of action pointed out that the proposed Decade reflected a dual concern to promote greater consideration of the cultural dimension of development process and to stimulate creative aptitudes and cultural life in general. With regard to the former, the draft plan would seek to promote development policies,

⁴²⁵ E/1984/53/Annex II, para.37.

⁴²⁶ E/1984/53/Annex I.

⁴²⁷ By a letter of 6 February 1984 (E/1984/53) the Director-General of the UNESCO had transmitted to the Secretary General a proposal on the World Decade for Cultural Development. The Director-General had suggested that the Decade be proclaimed in 1986, following approval by the General Assembly. Annexes to the letter contained the General Conference's resolution on the Decade and the Director-General's comments on the significance of the objectives of the Decade, together with some proposals for action. During its first regular 1984 session, the Council had taken note of the letter in its decision 1984/176.

⁴²⁸ ACC/1985/20.

⁴²⁹ E/1985/57 para.76.

strategies and programmes which, whatever the economic and social transformation envisaged, would take account of cultural aspects and goals. The draft plan would also take into account the need to train adequate human resources and to make decision-makers and public opinion aware of the problem. With regard to the latter aim, the draft plan would encourage Member States to define or strengthen cultural policies and to mobilize the means of implementing them, particularly in terms of the safeguarding and presentation of the heritage and the preservation of the fundamental spiritual, social, and human values on which life in different societies was based, and of strengthening cultural exchanges and cooperation.⁴³⁰

121. Under the draft plan, the proposals relating to the actions to be undertaken were grouped under the four major objectives assigned to the Decade, namely: a) acknowledgement of the cultural dimension of development; b) affirmation and enrichment of cultural identities; c) broadening participation in culture, and; d) promotion of international cultural cooperation.⁴³¹ The plan identified such forms of action as experimental activities and pilot projects, training of cultural development personnel and sensitization of those with responsibility to the cultural implications of work in the economic and social spheres, information of specialists and decision-makers, research, promotion of standard-setting, and international cultural cooperation in respect both of studies and joint operational projects at the subregional, regional, or interregional levels.⁴³²

122. The UNESCO General Conference, at its twenty-third session in 1985,⁴³³ examined the report of the Director-General on the draft plan of action for the Decade and adopted a resolution⁴³⁴ approving the major proposals set forth in the draft plan; and emphasizing that the active participation of UNESCO Member States, the United Nations system, and international governmental and nongovernmental organizations was important for the Decade's success. The resolution furthermore requested the Director-General to take the

⁴³⁰ E/1986/L.30, paras. 15-17.

⁴³¹ *Ibid.*, para. 18.

⁴³² *Ibid.*, para. 38.

⁴³³ YUN 1985,p759.

necessary steps for its proclamation to be submitted to the General Assembly so as to enable the Decade to be launched in 1988; and also invited Member States and the Director-General to ensure, within UNESCO's field of competence, that the implementation of the Decade is linked with, *inter alia*, the Fourth United Nations Development Decade.

123. At the April 1986 session of the CCSQ (PROG), the Director-General drew the attention of CCSQ (PROG) to the proposed mechanisms for co-ordination of activities within the United Nations system. It was proposed that a working group be created within the framework of CCSQ (PROG) or that the committee itself be responsible for coordination of the Decade. The coordination structure could be supported by a network of focal points designated by each of the organizations concerned, while overall coordination could be undertaken either by the establishment of an intergovernmental committee of member State representatives elected by the General Assembly, or by the General Conference of UNESCO, acting as "lead agency" for the Decade at the level of the United Nations system. In addition, the committee would identify projects significant for the integration of the cultural dimension in development activities which could, if needed, form the elements of an international programme financed by participating member States or by interested international organizations. The CCSQ (PROG) decided to undertake that task of coordinating activities for the Decade itself.⁴³⁵

124. At its first 1986 session, the Economic and Social Council had before it a note by the Secretary-General which annexed the resolution of the General Conference of UNESCO and a decision⁴³⁶ of UNESCO's Executive Board inviting the Director-General to transmit the Plan to the United Nations General Assembly. The Secretary-General brought to the attention of the Council a message from the Director-General of UNESCO proposing inclusion of a supplementary item on the proclamation of the World Decade

⁴³⁴ E/1986/116 Annex.

⁴³⁵ ACC/1986/6 para.29, 30.

⁴³⁶ E/1986/116 Annex.

for Cultural Development in the provisional Agenda for the Council's second regular 1986 session.⁴³⁷ The Secretary-General also forwarded to the Council a revised Draft Plan of Action for the Decade for finalization in light of possible comments by the Council and the Assembly.⁴³⁸

125. The Council, at its second regular 1986 session, allocated the item to the Third (Programme and Co-ordination) Committee.⁴³⁹ The Committee had before it the notes by the Secretary-General concerning the question of the proclamation of the World Decade for Cultural Development.⁴⁴⁰ The Chairman of the Committee, introduced a draft resolution⁴⁴¹ entitled "World Decade for Cultural Development." The Committee, at the same meeting, adopted the draft resolution II,⁴⁴² as orally revised. On the recommendation of its Third Committee,⁴⁴³ the Economic and Social Council, adopted resolution 1986/69;⁴⁴⁴ recommending that the General Assembly take a decision at its forty-first session on the question of the proclamation of a World Decade for Cultural Development.

126. The General Assembly allocated to its Second Committee chapters of the Council's report, which includes the agenda item entitled "International co-operation and co-ordination within the United Nation system."⁴⁴⁵ The Second Committee considered the question of the World Decade for Cultural Development referred by the Council to the Assembly that did not fall within the purview of the items specifically allocated to the Second Committee.⁴⁴⁶ For its consideration, the Committee had before it the, *inter alia*, a note by the Secretary-General containing the Draft Plan of Action for the Decade submitted by the Director-General of

⁴³⁷ E/1986/116.

⁴³⁸ E/1986/L.30 Annex para. 14.

⁴³⁹ A/41/3 para.65, E/1986/126 para. 1 The Economic and Social Council, at its first regular session of 1986, adopted decision 1986/152, by which the Council decided to consider, at its second regular session of that year, the question of the Decade under the agenda item entitled "International co-operation and co-ordination within the United Nation system", on the understanding that it would take only a procedural decision to transmit the Draft Plan of Action to the Assembly at its forty-first session.

⁴⁴⁰ See E/1986/116, E/1986/L.30

⁴⁴¹ E/1986/C.3/L.21.

⁴⁴² E/1986/126 para.7, E/1986/126 para.88.

⁴⁴³ E/1986/126/Add.1 para.23.

⁴⁴⁴ E/1986/86/Add.1.

⁴⁴⁵ A/41/930 para.1, A/41/3, chap. VI, sect. C.

⁴⁴⁶ A/41/930 para.2.

the UNESCO.⁴⁴⁷ One delegation introduced a draft resolution,⁴⁴⁸ entitled "Proclamation of the World Decade for Cultural Development".⁴⁴⁹ on behalf of the Group of 77. The Committee adopted a revised version of the draft⁴⁵⁰

127. The General Assembly, at its forty-first session and acting on the recommendation of the Second Committee,⁴⁵¹ adopted resolution 41/187 proclaiming the period 1988-1997 the world Decade for Cultural Development, to be observed under the auspices of the United Nations and the UNESCO. The Assembly, taking note of the draft plan of action, approved the four main objectives of the Decade acknowledging the cultural dimension of development, affirming and enriching cultural identities, broadening participation in culture, and promoting international cultural co-operation.

128. By the same resolution, the Assembly invited all States, intergovernmental and international non-governmental organizations, and interested individuals to take an active part in the fulfillment of the objectives of the Decade and, for that purpose, to make available, on a voluntary basis and taking into consideration their particular situation, priorities and means, the necessary intellectual, human and financial resources. The resolution encouraged the United Nations system participating in the fulfillment of the objectives of the Decade to do so in accordance with established programme priorities not entailing additional financial implications for non-voluntarily funded programmes. With respect to coordination, the Assembly requested the Secretary-General to ensure, through the ACC, that activities undertaken by the United Nations system in support of the decade would avoid duplication and overlap; and to report on the progress biennially, in cooperation with the Director-General of the UNESCO, to the General Assembly, through the Economic and Social Council.

129. The CCSQ (PROG), at its March 1987 session, having before it a note by the UNESCO containing

⁴⁴⁷ A/41/930 para.4, A/41/3, E/1986/L.30, annex.

⁴⁴⁸ A/C.2/41/L.49.

⁴⁴⁹ A/41/930/Add.2 para.9.

⁴⁵⁰ A/C.2/41/L.49/Rev.1 and /Rev.2.

proposals for the preparations for the Decade,⁴⁵² noted the readiness of UNESCO to act as lead agency in the activities for the Decade and to report to CCSQ (PROG), when appropriate, on the progress achieved in the implementation of the Decade. It noted that the United Nations system was not called upon to provide additional resources for the activities of the Decade but only to identify on-going or planned activities and programmes relevant to the objectives of the Decade. It requested the organizations concerned to designate focal points for contacts with UNESCO.⁴⁵³ In January 1988, the Secretary-General and the Director-General of UNESCO launched the Decade (1988-1997).⁴⁵⁴

b. Proclamation of an International Literacy Year

130. By its resolution 35/56 proclaiming the Third International Development Decade, the General Assembly had recognized as one of the priority objectives of the Decade the eradication of the problem of illiteracy. The General Assembly considered the question of efforts and measures to promote the eradication of illiteracy at its forty-first session. At that time, the Assembly, in its resolution 41/118, approved an appeal made by the United Nations Educational, Scientific and Cultural Organization (UNESCO) to proclaim an international literacy year, and encouraged UNESCO to draft a plan of action to help all States eradicate illiteracy by the year 2000.

131. Pursuant to Assembly resolution 41/118, the Economic and Social Council decided to include in the agenda for its first regular session of 1987 the question of proclaiming 1989 the international literacy year.⁴⁵⁵ At this session, the Council received a note from the Secretary-General transmitting the proposals of

⁴⁵¹ A/41/930Add.2 para.39.

⁴⁵² ACC/1987/5 para.45.

⁴⁵³ ACC/1987/5 para.46, YUN 1987 p.628.

⁴⁵⁴ E/1988/44 para.2.

⁴⁵⁵ E S C decision 1987/111.

UNESCO concerning the proclamation of an international literacy year.⁴⁵⁶ The Executive Board of UNESCO recommended that 1990 be proclaimed international literacy year, suggesting that this would give more time for adequate preparation for the year.

132. The report stated that the Year was “not to be a celebration but a summons to action” in the struggle against illiteracy.⁴⁵⁷ The report stated that the international literacy year would not consist of a set of isolated activities but would serve to stimulate greater public and government awareness and consciousness in furtherance of the objective of eradicating illiteracy by the year 2000.⁴⁵⁸ The preliminary list of objectives included a) increased action by governments of Member States directly afflicted with illiteracy or functional illiteracy, b) increasing public awareness by all levels – government, mass media, intergovernmental and non-governmental organizations, industrial, agricultural and commercial enterprises, and social, cultural and religious groups -- of the scope, nature and implications of illiteracy, c) increasing popular participation, within and among countries, in efforts to combat illiteracy, d) increasing cooperation and solidarity among Member States in the struggle against illiteracy, and e) increased cooperation within the United Nations system and among all intergovernmental and non-governmental organizations in this field.⁴⁵⁹

133. After having reviewed the proposals, the Council adopted its resolution 1987/80, in which it invited the General Assembly to proclaim 1990 International Literacy Year, and appealed to all Member States to cooperate with UNESCO in the preparation of the Year. In response, the Assembly, at its forty-second session, proclaimed 1990 as International Literacy Year and invited all States, intergovernmental and non-governmental organizations to prepare for the Year.⁴⁶⁰ The Assembly also invited UNESCO to assume the role of the lead agency for the Year.⁴⁶¹

⁴⁵⁶ E/1987/113.

⁴⁵⁷ *Ibid.*, para. 3.

⁴⁵⁸ *Ibid.*, para. 19.

⁴⁵⁹ *Ibid.*, paras. 28-36 *generally*.

⁴⁶⁰ G A resolution 42/104, paras. 1, 2, and 4.

⁴⁶¹ *Ibid.*, para. 5.

II. Human rights

A. General survey

1. General remarks

134. During the period covered by this *Supplement*, the General Assembly and the Economic and Social Council, with the assistance of the Commission on Human Rights, the United Nations Council for Namibia, the Special Committee to investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Commission on the Status of women, and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, continued to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. In order to improve the effective enjoyment of human rights and fundamental freedoms, these Organs continued to act in order to realize the objectives set forth in the Charter and in the various international instruments on human rights, affirming the need for international co-operation in the field of human rights, and in promoting the attainment of an international peace and security as essential elements for the full realization of human rights, in promoting the respect for the independence, sovereignty and territorial integrity of each state, including the right of each people to choose freely its own socio-economic and political system.

135. The principal organs⁴⁶² also continued to make recommendations in this regard to States and Governments, recalling their duty to ensure respect of all human rights and fundamental freedoms, and to undertake specific obligations through accession to, or ratification of international instruments in the field of human rights, in promoting the fact that all human rights and fundamental freedoms are indivisible and interdependent and that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil and political and economic, social and cultural rights, in struggling for the establishing of a new international economic order which is an essential element for the effective promotion and the full enjoyment of human rights and fundamental freedoms, in considering the right to development as an inalienable human right, in giving a priority to the search for solutions to mass and flagrant violations of human rights of peoples and individuals, in also paying attention to the other violations of human rights, wherever they occur, and in facilitating the full enjoyment of all rights and complete personal dignity, by promoting the right to education, work, health and proper nourishment.⁴⁶³

2. STANDARD SETTING ACTIVITIES

136. The portion of this Supplement provides an understanding of the ways and means by which the principal organs and their subsidiary bodies contribute to the elaboration of standards relating to human rights and fundamental freedoms. It will be noted for this purpose, the innovative consideration of the work of certain organs such as treaty-bodies or working groups entrusted

⁴⁶² See e.g., G A resolution 40/124 of 13 December 1985.

⁴⁶³ See also G A resolutions 40/124, 41/131, 42/119 and 43/125 on alternative approaches and ways and means within the United Nations for improving the effective enjoyment of human rights and fundamental freedoms.

respectively to participate, to the implementation of existing norms or to the elaboration of new standards.

137. Concerning the setting of international standards in the field of human rights during the period under review, the principal organs adopted a number of instruments with the aim, in whole or in part, of identifying and setting standards for the promotion of human rights and fundamental freedoms, notably: the United Nations Standard Minimum Rules for the Administration of Juvenile Justice,⁴⁶⁴ the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,⁴⁶⁵ the Declaration on the Human Rights of Individuals Who are Not Nationals of the Country in which They Live,⁴⁶⁶ the Declaration on the Right to Development,⁴⁶⁷ the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally,⁴⁶⁸ the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations,⁴⁶⁹ and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.⁴⁷⁰ In addition, work continued on the elaboration of the Convention on the Rights of the Child, the draft code of offences against the peace and security of mankind, an international convention on the protection of the rights of all migrant workers and their families, 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.⁴⁷¹ Consideration commenced during the review period on the

⁴⁶⁴ G A resolution 40/33 of 29 November 1985.

⁴⁶⁵ *Ibid.*

⁴⁶⁶ G A resolution 40/144 of 13 December 1985.

⁴⁶⁷ G A resolution 41/128 of 4 December 1986.

⁴⁶⁸ G A resolution 41/85 of 3 December 1986.

⁴⁶⁹ G A resolution 42/22 of 18 November 1987.

⁴⁷⁰ G A resolution 43/173 of 9 December 1988.

⁴⁷¹ E S C resolution 1986/37 of 23 May 1986 and 1988/39 of 27 May 1988.

elaboration of a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, a draft declaration of principles on the rights of indigenous populations.⁴⁷² As in past practice, these instruments were elaborated by the subsidiary machinery of the Economic and Social Council and the General Assembly.

138. The General Assembly⁴⁷³ recognized the value of continuing efforts to identify specific areas where further international action was required to develop the existing international legal framework in the field of human rights. It also recognized that standard setting should proceed with adequate preparation and should take into account the established international legal framework.

139. The General Assembly⁴⁷⁴ reaffirmed the important role of the Commission on Human Rights, among other appropriate United Nations bodies, in the development of international instruments in that field, and invited Member States and United Nations bodies to bear in mind, in developing international instruments in the field of human rights, that such instruments, *inter alia*, should be consistent with the existing body of international human rights law, be of fundamental character and derive from the inherent dignity and worth of the human person, be sufficiently precise to give rise to identifiable and practicable rights and obligations, and provide, where appropriate, realistic and effective implementation machinery, including reporting system and attract broad international support.

3. STANDARD IMPLEMENTATION ACTIVITIES

⁴⁷² E S C resolution 1986/36 of 27 May 1986.

⁴⁷³ G A resolution 41/120 of 4 December 1986

⁴⁷⁴ *Ibid.*

140. During the period under review, the Economic and Social Council⁴⁷⁵ affirmed that the effective implementation of international instruments on human rights was of major importance to the efforts made by the United Nations, pursuant to the Charter and the Universal Declaration of Human Rights, to promote universal respect for, and observance of, human rights and fundamental freedoms. It also considered that the effective functioning of treaty bodies established in accordance with the relevant provisions of international instruments on human rights played a fundamental role in this connection and hence represented an important continuing concern of the United Nations. In addition the General Assembly and the Economic and Social Council continued to consider the status of various instruments on human rights, notably in considering the reports of the different Committees, in urging States members to ratify or access to relevant instruments and to fulfil their obligations under those Conventions.⁴⁷⁶

141. During the period under review, the General Assembly⁴⁷⁷ continued to appeal to all States that had not yet done so to become parties to international instruments on human rights. For example, it underlined that ratification of or accession to the International Convention on the Suppression and Punishment of the Crime of *Apartheid* on a universal basis and the implementation of its provisions without delay are necessary for its effectiveness, and therefore will contribute to the eradication of the crime of *apartheid*. The Assembly⁴⁷⁸ also requested all States that had not yet done so to become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and invited them, upon ratification of or accession to the Convention, to consider the possibility of making the declarations provided for

⁴⁷⁵ E S C resolution 1988/42 of 27 May 1988.

⁴⁷⁶ See e.g., G A resolution 42/60 of 30 November 1987 and E S C resolution 1987/3 of 26 May 1987.

⁴⁷⁷ For example, G A resolution 41/103 of 4 December 1986.

in articles 21 and 22 of the Convention. In resolution 41/108 of 4 December 1986 for example, the General Assembly emphasized the importance of the strictest compliance, by States parties to the Convention on the Elimination of all Forms of Discrimination against Women, with their obligations under that Convention and urged them to make all possible efforts to submit their initial reports in accordance with article 18 of the Convention and the guidelines of the Committee.

142. The Council⁴⁷⁹ emphasized the interest and responsibility of States parties to the various human rights instruments in ensuring that legal, financial and administrative difficulties affecting the functioning of the relevant treaty bodies are appropriately addressed. With this respect, it affirmed its commitment to the relevant provisions of various resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights, concerning the importance of effective systems of periodic reporting by States parties to international instruments on human rights for reviewing and assisting efforts to promote and protect the rights and freedoms elaborated in those instruments, the need for the United Nations to ensure that financial difficulties, which may increasingly impede the functioning of certain human rights treaty bodies and deter universal acceptance of certain international instruments on human rights, are appropriately addressed, and the importance of the application of universally recognized criteria in the implementation of provisions of the international instruments on human rights.

143. Concerning the reporting obligations of States parties to United Nations instruments on human rights, the General Assembly⁴⁸⁰ recognized that effective periodic reporting by States

⁴⁷⁸ G A resolution 41/134 of 4 December 1986.

⁴⁷⁹ E S C resolution 1988/42 of 27 May 1988.

⁴⁸⁰ G A resolution 42/105 of 7 December 1987.

parties to relevant treaty bodies not only enhanced international accountability in relation to the protection and promotion of human rights, but also provided States parties with a valuable opportunity to review policies and programmes affecting the protection and promotion of human rights and to make any appropriate adjustments. The General Assembly in the resolution, urged States parties with reports overdue to make every effort to present their reports as soon as possible and to take advantage of opportunities whereby such reports can be consolidated, invited them to review the processes followed in the preparation of their periodic reports with a view to ensuring compliance with relevant guidelines, improving the quality of description and analysis and limiting reports to a reasonable length. The Assembly also requested the Secretary-General to revise, as a matter of priority and in consultation with the treaty bodies, the draft compilation of general guidelines elaborated by the various supervisory bodies and the list of articles dealing with related rights under the United Nations instruments on human rights, and to include in the guidelines, where appropriate, the general comments of the supervisory bodies in order to assist States parties in compiling reports.

144. In the same resolution, the Assembly further requested the Secretary General, *inter alia*, to give further consideration to harmonizing and consolidating reporting guidelines, with a view to providing clearer and more comprehensive guidelines for more concise reporting by States parties, and to identify and develop possible projects for technical advisory services with a view to assisting States parties upon their request in fulfilling their reporting obligations. The Council⁴⁸¹ invited States parties to the International Covenant on Economic, Social and Cultural Rights to review the processes followed in the preparation of their periodic reports on the implementation of the Covenant, including consultation and co-ordination with appropriate

⁴⁸¹ E S C resolution 1988/4 of 24 May 1988.

governmental departments and agencies, compilation of data and training of staff, and to hold, as appropriate, consultations with interested non-governmental organizations, with a view to ensuring full compliance with relevant guidelines, improving the quality of description and analysis in such reports and limiting reports to a reasonable length. It also welcomed the decision of the Committee to prepare general comments, based on the various articles and provisions of the Covenant, with a view to assisting States parties in fulfilling their reporting obligations. It also invited non-governmental organizations in consultative status with the Council to submit to the Committee written statements that might contribute to full and universal recognition and realization of the rights set forth in the Covenant.

145. The principal Organs continued to consider the status of various instruments on human rights, notably in considering the reports of its subsidiary bodies. Both the General Assembly and the Economic and Social Council urged States to ratify or accede to relevant instruments and to fulfil their obligations under those Conventions.⁴⁸² The General Assembly⁴⁸³ welcomed the entry into force on 26 June 1987 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as a major step in international efforts to promote universal respect for, and observance of human rights and fundamental freedom. It recognized the importance of the establishment by States parties to the Convention of appropriate administrative and financial arrangements to enable the Committee against Torture to carry out in an effective and efficient manner the function entrusted to it under the Convention, and to ensure the long-term viability of the Committee as an essential mechanism for overseeing the effective implementation of the provisions of the Convention.

⁴⁸² See e.g., G A resolution 42/60 of 30 November 1987 and E S C resolution 1987/3 of 26 May 1987.

146. Regarding the implementation of the International Covenant on Economic, Social and Cultural Rights, the Council⁴⁸⁴ decided that the Working Group established by Economic and Social Council decision 1978/10 and modified by Council decision 1981/158 and resolution 1982/33 should be renamed “Committee on Economic, Social and Cultural rights”.⁴⁸⁵ The Committee should, *inter alia*, submit to the Council a report on its activities, including a summary of its consideration of the reports submitted by States parties to the Covenant, and should make suggestions and recommendations of a general nature on the basis of its consideration of those reports and of the reports submitted by the specialized agencies, in order to assist the Council to fulfill, in particular, its responsibilities under articles 21 and 22 of the Covenant.

147. During the period under review, the Economic and the Social Council continued, on matters dealing with specific human rights on country and thematic mandates, to authorize or approve the decisions of the Commission on Human Rights to appoint or to extend the mandate of special rapporteurs, entrusted to examine situations of relevant human rights. The Council⁴⁸⁶ for example, approved the Commission’s decision to appoint for one year a special rapporteur to examine incidents and governmental actions in all parts of the world which are inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures, including, as appropriate, the promotion of a dialogue between communities of religion or belief and their Governments.⁴⁸⁷

⁴⁸³ G A resolution 42/123 of 7 December 1987.

⁴⁸⁴ E S C resolution 1985/17 of 28 May 1985.

⁴⁸⁵ Hereinafter referred to as “the Committee”.

⁴⁸⁶ E S C decision 1986/134 of 23 May 1986.

⁴⁸⁷ In several decisions, the Council continued to extend the mandate of special rapporteurs. See e.g., E S C decision 1986/138 of 23 May 1986..

148. Concerning the communication procedures, the Council annually approved the decision of the Commission on Human Rights, to set up a working group composed of five of its members to meet for one week prior to its session to examine such particular situation as might be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities under Council resolution 1503(XLVIII) of 27 May 1970 and those situations of which the Commission is seized.⁴⁸⁸ In some cases, the Council decided that the material relating to a country which had been before the Commission under “1503” procedure, should no longer be restricted.⁴⁸⁹

149. During the period under review, the Economic and Social Council,⁴⁹⁰ took a resolution concerning the mandate of the Commission on the Status of Women. The Council therein took into account the different mandates entrusted to the Commission, notably to promote the rights, the status and the advancement of women, to review and appraise the progress made in achieving the objectives of the United Nations Decade for Women: Equality, Development and Peace, and also the monitoring of the implementation of the Nairobi Forward-looking Strategies to the year 2000.

150. Concerning the human rights situation of certain countries, the General Assembly and the Economic and Social Council entrusted experts,⁴⁹¹ special representatives or rapporteurs⁴⁹² and delegations⁴⁹³ in order to examine the situation of human rights in those countries. In this respect,

⁴⁸⁸ See e.g., E S C decision 1986/142 of 23 May 1986.

⁴⁸⁹ E S C decision 1985/139 of 30 May 1985

⁴⁹⁰ E S C resolution 1987/21 of 26 May 1987.

⁴⁹¹ E S C resolution 1985/39 of 30 May 1985.

⁴⁹² G A resolution 40/139 of 13 December 1985 and E S C decision 1986/143 of 23 May 1986.

⁴⁹³ E S C decision 1988/139 of 27 May 1988.

the General Assembly generally proposed, if so requested by Governments, the provision of appropriate technical assistance under the programme of advisory services in the field of human rights.⁴⁹⁴

151. During the period under review, the implementation activities was also made through the provision of advisory services and technical co-operation, the promotion and the establishment of national and regional institutions for the protection and promotion of human rights and also by giving assistance to the victims of human rights violations or, by rendering accessible for the great majority the norms on human rights and fundamental freedoms.

B. Analytical summary of practice

**** 1. THE QUESTION OF THE MEANING OF THE PHRASE “RESPECT FOR, AND
OBSERVANCE OF”**

**2. THE QUESTION OF THE MEANING OF THE TERM “HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS”**

(a) Human rights instruments adopted during the period under review

152. Some of the standard-setting work⁴⁹⁵ in the process of elaboration during the period covered by the previous *Supplement*, have been finalized during the reviewed period. It will be noted that

⁴⁹⁴ See for example G A resolution 40/140 of 13 December 1985.

the General Assembly⁴⁹⁶ adopted the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules). In this respect, it recognized that the young, owing to their early stage of human development, required particular care and assistance with regard to physical, mental and social development, and required legal protection in conditions of peace, freedom, dignity and security. It considered further that, such standards may seem difficult to achieve at present, in view of existing social, economic, cultural, political and legal conditions, they are nevertheless intended to be attainable as a policy minimum.⁴⁹⁷

153. The General Assembly also adopted the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,⁴⁹⁸ by which it recognized that the victims of crime and the victims of abuse of power, and also frequently their families, witnesses and others who aid them, are unjustly subjected to loss, damage or injury and that they may, in addition, suffer hardship when assisting in the prosecution of offenders. It also affirmed the necessity of adopting international measures in order to secure the universal and effective recognition of, and respect for, the rights of victims of crime and of abuse of power.⁴⁹⁹

154. By its resolution 40/144 of 13 December 1985, the General Assembly adopted the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live. In this regard, the General Assembly considered that the Universal Declaration of Human Rights proclaimed further that everyone had the right, *inter alia*, to recognition everywhere as a person before the law, that all are equal before the law and entitled without any

⁴⁹⁵ See previous supplement, under this Article, paras.209.

⁴⁹⁶ G A resolution 40/33 of 29 November 1985.

⁴⁹⁷ See the section of this study regarding the administration of justice.

⁴⁹⁸ G A resolution 40/34 of 29 November 1985.

⁴⁹⁹ See the section of this study regarding the administration of justice.

discrimination to equal protection of the law, and that all are entitled to equal protection against any discrimination in violation of that Declaration and any incitement to such discrimination. It also recognized that the protection of human rights and fundamental freedoms provided for in international instruments should also be ensured for individuals who are not nationals of the country in which they live.⁵⁰⁰

155. In adopting the Declaration on the Right to Development⁵⁰¹ the General Assembly bore in mind the purpose and principles of the Charter of the United Nations relating to the achievement of international co-operation in solving international problems of an economic, social, cultural or humanitarian nature, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. It considered that, *inter alia*, under the provisions of the Universal Declaration of Human Rights everyone is entitled to a social and international order in which the rights and freedoms set forth in that Declaration can be fully realized. It recognized that the human person was the central subject of the development process and that the development policy should therefore make the human being the main participant and beneficiary of development.⁵⁰²

156. By its resolution 41/85 of 3 December 1986, the General Assembly adopted the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally. The Declaration, *inter alia*, reaffirmed principle 6 of the Declaration of the Rights of the Child, which states that the child should, wherever possible, grow up in the care and under the responsibility of his

⁵⁰⁰ See the section of this study regarding the rights of aliens.

⁵⁰¹ G A resolution 41/128 of 4 December 1986.

⁵⁰² See section *vi* of this study.

parents and, in any case, in an atmosphere of affection and of moral and material security. It bore in mind that in all foster placement and adoption procedures the best interests of the child should be the paramount consideration.⁵⁰³

157. By the adoption⁵⁰⁴ of the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations, the General Assembly bore in mind the universal significance of human rights and fundamental freedoms as essential factors for international peace and security, and that the respect for effective exercise of all human rights and fundamental freedoms and protection thereof are essential factors for international peace and security, as well as for justice and the development of friendly relations and co-operation among all States. Consequently, States should promote and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion, *inter alia*, by strictly complying with their international obligations and considering, as appropriate, becoming parties to the principal international instruments in the field of human rights.⁵⁰⁵

158. The General Assembly by its resolution 43/173 of 9 December 1988, approved the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. It requested the Secretary-General to inform the States Members of the United Nations or members of specialized agencies of the adoption of the Body of Principles, and urged that every effort be made so that the Body of Principles became generally known and respected.⁵⁰⁶

⁵⁰³ See the section of this study regarding the rights of the child

⁵⁰⁴ G A resolution 42/22 of 18 November 1987.

⁵⁰⁵ See the section of this study regarding the right to peace.

159. By resolution 40/64 of 10 December 1985, the General Assembly adopted and opened for signature and ratification the International Convention against *Apartheid* in Sports. It recalled for that purpose, the provisions of several human rights instruments notably the Universal Declaration of Human Rights which proclaims that all human beings are born free and equal in dignity and rights, the International Convention on the Elimination of All Form of Racial Discrimination which condemn racial segregation and *apartheid* and undertake to prevent, prohibit and eradicate all practices of this nature in all fields and, the International Declaration against *Apartheid* in Sports which affirms the necessity for the speedy elimination of *apartheid* in sports. To this end, the States Parties to the Convention decided to adopt all necessary measures to eradicate the practice of *apartheid* in sports and to promote international sports contacts based on the Olympic principle and recognized that sports contact with any country practising *apartheid* in sports condoned and strengthened *apartheid* in violation of the Olympic principle and thereby became the legitimate concern of all Governments.

(b) The elaboration of human rights and fundamental freedoms

i. Civil and political rights

a) Rights relating to the freedom and integrity of the person

160. By the Universal Declaration of Human Rights adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948, the Assembly had proclaimed the freedom of the individual and the right to life and integrity of the person.⁵⁰⁷ The International Covenant on Civil and Political Rights, adopted by the Assembly in its resolution 2200 A (XXI)

⁵⁰⁶ See the section of this study regarding the administration of justice.

of 16 December 1966, had reaffirmed and elaborated on these rights. As made manifest in previous *Supplements*, the principal organs have continued to elaborate on these standards by affirming their application in a number of specific problems, such as summary execution, as well as with respect to particular persons, such as non-nationals and mentally ill detainees.

Summary or arbitrary executions

161. It will be recalled from the previous *Supplement*⁵⁰⁸ that the General Assembly and the Economic and Social Council, concerned at the occurrence of summary or arbitrary executions, had taken a number of decisions with regard to this problem in light of standards of human rights. During the period under review, the principal organs of the United Nations took appropriate action to combat and eventually eliminate the abhorrent practice of summary or arbitrary executions, which represented a flagrant violation of the most fundamental human right, the right to life. During the period, both the General Assembly and the Economic and Social Council continuously recalled the provisions of the Universal Declaration as well as the International Covenant on Civil and Political Rights in their effort to abolish summary or arbitrary executions.⁵⁰⁹ In this light, Council took note of the need to develop international standards designed to ensure effective legislation and other domestic measures so that proper investigations are conducted by appropriate authorities into all cases of suspicious death, including provisions for adequate autopsy.⁵¹⁰ In order to achieve this, it invited the Special Rapporteur on summary and arbitrary executions to receive information from appropriate United Nations agencies and other international organizations and to examine the elements to be

⁵⁰⁷ G A resolution 217 A (III), annex, arts. 1 and 3.

⁵⁰⁸ See *vol. IV, Supplement No. 6*, under this Article, paras. 283-284.

⁵⁰⁹ See G A resolutions 40/143, 41/144, 42/141, and 43/151. See also E S C resolutions 1986/36, 1987/60, 1988/38

⁵¹⁰ See E S C resolution 1986/36, para. 7.

included in such standards and to report to the Commission on Human Rights on progress made in this respect.⁵¹¹

162. Also of note in this vein, principle 34 of the “Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment” states:

“Whenever the death or disappearance of a detained or imprisoned person occurs during his detention or imprisonment, an inquiry into the cause of death or disappearance shall be held by a judicial or other authority, either on its own motion or at the instance of a member of the family of such a person or any person who has knowledge of the case. When circumstances so warrant, such an inquiry shall be held on the same procedural basis whenever the death or disappearance occurs shortly after the termination of the detention or imprisonment. The findings of such inquiry or a report thereon shall be made available upon request, unless doing so would jeopardize an ongoing criminal investigation.”⁵¹²

Nuclear War

163. The principal organs also took steps toward the protection of the right to life in light of the threat of nuclear war. It may be recalled from the previous *Supplement*,⁵¹³ that according to resolution 38/75, the General Assembly resolutely, unconditionally and for all time condemned nuclear war as being contrary to human conscience and reason, as the most monstrous crime against peoples and as a violation of the foremost human right - the right to life.

⁵¹¹ Ibid., para. 8.

⁵¹² G A resolution 43/173, Principle 34.

In the same vein, during the period under review, the Assembly reaffirmed that all peoples and all individuals have an inherent right to life and that the safeguarding of this cardinal right is an essential condition for the enjoyment of the entire range of economic, social and cultural, as well as civil and political rights.⁵¹⁴ It stressed the urgent need for the international community to make every effort to strengthen peace, remove the growing threat of war, particularly nuclear war, halt the arms race and achieve general and complete disarmament under effective international control and prevent violations of the principles of the Charter of the United Nations regarding the sovereignty and territorial integrity of States and the self-determination of peoples, thus contributing to ensuring the right to life.⁵¹⁵

164. Regarding the defence of specific types of persons, action was taken on the human rights of individuals who are not nationals of the country in which they live, and the abuse of women and children in the family.

Human rights of individuals who are not nationals of the country in which they live

165. In affirming the right to life, freedom and integrity of the person, the International Covenant on Civil and Political Rights elaborates further standards with regard to the deprivation of liberty,⁵¹⁶ and to the prohibition on torture and cruel, inhuman or degrading treatment.⁵¹⁷ With regard to the latter, it will be recalled that the Convention against torture and Other Cruel,

⁵¹³ See vol. IV, Supplement No. 6, under this Article, paras. 296-298.

⁵¹⁴ G A resolutions 40/111; 41/113; 42/99.

⁵¹⁵ *Ibid.*

⁵¹⁶ See G A resolution 2200 A (XXI), annex, arts. 9-10.

⁵¹⁷ *Ibid.*, art. 7.

Inhuman or Degrading Treatment or Punishment had been adopted during the previous review period.⁵¹⁸ During the period under review, the General Assembly adopted the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live which, *inter alia*, affirms these rights in the case of aliens.⁵¹⁹ Under Article 5 of the Declaration, the Assembly proclaimed that, aliens shall enjoy, in accordance with domestic law and subject to the relevant international obligations of the State in which they are present, among others,

“[t]he right to life and security of person; no alien shall be subjected to arbitrary arrest or detention; no alien shall be deprived of his or her liberty except on such grounds and in accordance with such procedures as are established by law.”⁵²⁰

166. Also relevant is Article 6, which states that,

“No alien shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment and, in particular, no alien shall be subjected without his or her free consent to medical or scientific experimentation.”⁵²¹

Protection of persons detained in mental institutions on non-medical grounds.

167. It will be recalled that the principal organs had taken a number of decisions regarding the protection of persons detained on the grounds of mental health, and had promoted the preparation

⁵¹⁸ See *vol. IV, Suppl. No. 6*, under this Article, paras. 271-281.

⁵¹⁹ G A resolution 40/144, annex.

⁵²⁰ See G A resolution 40/144, annex.

⁵²¹ *Ibid.*

of guidelines on the subject.⁵²² During the period under review, the General Assembly reaffirmed its conviction that detention of persons in mental institutions on account of their political views or on other non-medical grounds is a violation of their human rights⁵²³ and expressed deep concern at the repeated evidence of the misuse of psychiatry to detain persons on non-medical grounds.⁵²⁴ Therefore, it urged the Commission on Human Rights and, through it, the Sub-Commission on Prevention of Discrimination and Protection of Minorities to expedite their consideration of this question, so that the Commission could submit its views and recommendations, including a draft body of guidelines, principles and guarantees to the General Assembly, through the Economic and Social Council.⁵²⁵

168. Subsequently, the progress made by the Working Group of the Sub-Commission, enabled the Sub-Commission at its fortieth session to adopt the draft body of principles and guarantees for the protection of mentally ill persons and for the improvement of mental health care. The Assembly welcomed this advancement and invited the Commission on Human Rights to consider the subject at its forty-fifth session in the light of the Sub-Commission's recommendations.⁵²⁶

BODY OF PRINCIPLES FOR THE PROTECTION OF ALL PERSONS UNDER ANY FORM OF DETENTION OR
IMPRISONMENT

⁵²² See *vol. IV, Suppl. No. 6*, under this Article, paras. 318-19. General Assembly resolution 33/53 had requested the Commission on Human Rights to urge the study of the question of the protection of those detained on the grounds of mental ill-health be undertaken as a matter of priority by the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

⁵²³ See G A resolutions 40/110, 41/114, 42/98, and 43/109.

⁵²⁴ See G A resolutions 42/198 and 43/109.

⁵²⁵ See G A resolutions 40/110; 41/114; and 42/98, para. 1.

⁵²⁶ G A resolution 43/109.

169. Article 10 of the International Covenant on Civil and Political Rights sets out the standard for treatment of all persons deprived of liberty.⁵²⁷ In this light, during the period under review, the principal organs continued to take decisions regarding the elaboration of principles for the protection of all persons under any form of detention. The General Assembly decided, at its forty-second session, that a working group of the Sixth Committee would be established at the beginning of the forty-third session in order to complete the elaboration, during that session, of a draft Body of Principles on the topic.⁵²⁸ Therefore, at the forty-third session, the Sixth Committee, established at its 4th meeting an open-ended Working-Group.

170. The Body of Principles was approved by General Assembly resolution 43/173.⁵²⁹ The language of principle 1 reflects article 10 of the International Covenant on Civil and Political Rights: “All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person.” Moreover, according to principle 6, no person under any form of detention or imprisonment shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment: no circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment.⁵³⁰

⁵²⁷ G A resolution 2200 A (XXI), annex, art. 10:

“1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2. (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication. 3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.”

⁵²⁸ See G A decision 42/426, (b).

⁵²⁹ See G A resolution 43/173, para. 1

⁵³⁰ See G A resolution 43/173, annex, principle 6.

171. The Principles address aspects of substantive and procedural protections relevant to detainees and prisoners. Under principle 4, any form of detention or imprisonment and all measures affecting the human rights of a person under any form of detention or imprisonment shall be ordered by, or be subject to the effective control of, a judicial or other authority. Principle 8 closely reflects the standard in Article 10 (2) (a) of the International Covenant on Civil and Political Rights: persons in detention shall be subject to treatment appropriate to their unconvicted status, and shall whenever possible be kept separate from imprisoned persons. The Principles address, *inter alia*, the proper procedure for arrests and detentions,⁵³¹ the lawful exercise of powers to arrest, detain or investigate,⁵³² on notification at the time of an arrest of the reason for arrest and of any charges brought⁵³³ as well as of the detainees rights and how to avail themselves thereof⁵³⁴ in a language comprehensible to the detainee,⁵³⁵ detention without effective opportunity for a prompt hearing before a judicial or other authority⁵³⁶ and judicial review in the case of the continuance of detention.⁵³⁷ The Principles also address the presumption of innocence,⁵³⁸ the right to defend oneself or with assistance of counsel,⁵³⁹ and the right to trial within a reasonable time.⁵⁴⁰ The Principles address a number of standards relevant to integrity of the person, including the right to make a complaint against his treatment,⁵⁴¹ prohibition against subjecting detainees and prisoners to detrimental medical or scientific experimentation which

⁵³¹ *Ibid.*, Principles 12 and 37.

⁵³² *Ibid.*, Principle 9.

⁵³³ *Ibid.*, Principle 10.

⁵³⁴ *Ibid.*, Principle 13.

⁵³⁵ *Ibid.*, Principle 14.

⁵³⁶ *Ibid.*, Principle 11.1.

⁵³⁷ *Ibid.*, Principle 11.3.

⁵³⁸ *Ibid.*, Principle 36 (1).

⁵³⁹ *Ibid.*, Principles 11.1, 17 and 18.

⁵⁴⁰ *Ibid.*, Principle 38.

⁵⁴¹ *Ibid.*, Principle 33.

may be detrimental to his health,⁵⁴² communication with the outside world, and in particular with family or counsel,⁵⁴³ the right to medical treatment,⁵⁴⁴ and issues of compensation from damage incurred because of acts or omissions by a public official contrary to the rights contained in the principles.⁵⁴⁵

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

172. It may be recalled from the previous *Supplement*, the General Assembly, by resolution 39/46, adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and called upon all Governments to consider signing and ratifying the Convention as a matter of priority.⁵⁴⁶ Consequently, during the period under review, the principal organs of the United Nations struggled to promote the full implementation of the prohibition, under international and national law.

173. In this regard, the General Assembly recalled article 5 of the Universal Declaration of Human Rights⁵⁴⁷ and article 7 of the International Covenant on Civil and Political Rights both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. It also recalled the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and called upon all Governments to consider signing and ratifying the Convention as a matter or

⁵⁴² *Ibid.*, Principle 22.

⁵⁴³ *Ibid.*, Principles 15 and 16.

⁵⁴⁴ *Ibid.*, Principles 24, 25.

⁵⁴⁵ *Ibid.*, Principle 35.

⁵⁴⁶ See *vol. IV, Suppl. No. 6*, under this Article, Supplement 6, paras. 271-281.

⁵⁴⁷ G A resolution 217 A (III).

priority,⁵⁴⁸ welcomed⁵⁴⁹ the appointment⁵⁵⁰ by the Commission of Human Rights of a Special Rapporteur on the subject as well as the continued extension of his mandate.⁵⁵¹ Additionally, it welcomed with deep satisfaction the entry into force of the Convention, on 26 June 1987,⁵⁵² as a major step in international efforts to promote universal respect for and observance of human rights and fundamental freedoms; again requested all States to become parties to the Convention as a matter of priority; once again invited all States, upon ratification of or accession to the Convention, or subsequently, to consider the possibility of making the declarations provided for in article 21 and 22 of the Convention.

174. Pursuant to General Assembly resolution 42/123, the Secretary General submitted to the Commission on Human Rights at its forty-fourth session and to the Assembly at its forty-third session a report on the status of the Convention. According to the report of the Secretary-General,⁵⁵³ as of 2 August 1988, the Convention had been ratified or acceded by 33 States and 36 States had signed it. At the same date, 12 of the States parties⁵⁵⁴ to the Convention had made the declarations provided for in articles 21⁵⁵⁵ and 22⁵⁵⁶ of the Convention.⁵⁵⁷

⁵⁴⁸ See G A resolution 40/128, 41/134, 42/123, and 43/132.

⁵⁴⁹ Ibid.

⁵⁵⁰ See Commission on Human Rights resolution 1985/33.

⁵⁵¹ See Commission on Human Rights resolutions 1986/50, 1987/29, and 1988/32.

⁵⁵² According to its article 17, the Convention entered into force on the thirteenth day after the date of the deposit with the Secretary-General of the twentieth instrument of ratification or accession.

⁵⁵³ See A/43/519, para. 5-8.

⁵⁵⁴ Argentina, Austria, Denmark, France, Luxembourg, Spain, Sweden, Switzerland, Togo, Turkey, and Uruguay.

⁵⁵⁵ Under article 21, a State party to the Convention may declare at any time that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Convention.

⁵⁵⁶ Under article 22, a State party to the Convention may declare at any time that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State party of the provisions of the Convention.

⁵⁵⁷ It should be noted that the provisions of articles 21 and 22 entered into force on 26 June 1987 in accordance with paragraph 2 of article 21 and paragraph 8 of article 22.

175. In addition, of note with regard to torture and inhuman treatment, within the “Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,”⁵⁵⁸ principal 6 contains the prohibition on torture, cruel, inhuman or degrading treatment of punishment, and states further:

“The term “cruel, inhuman or degrading treatment or punishment” should be interpreted so as to extend the widest possible protection against abuses, whether physical or mental, including the holding of a detained or imprisoned person in conditions which deprive him, temporarily or permanently, or the use of any of his natural senses, such as sight or hearing, or of his awareness of place and the passing of time.”

IN ADDITION, THE BODY OF PRINCIPLES ADDRESSES THE QUESTION OF REDRESS AND REMEDY:

“PRINCIPLE 33

“1. A DETAINED OR IMPRISONED PERSON OR HIS COUNSEL SHALL HAVE THE RIGHT TO MAKE A REQUEST OR COMPLAINT REGARDING HIS TREATMENT, IN PARTICULAR IN CASE OF TORTURE OR OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT, TO THE AUTHORITIES RESPONSIBLE FOR THE ADMINISTRATION OF THE PLACE OF DETENTION AND TO HIGHER AUTHORITIES AND, WHEN NECESSARY, TO APPROPRIATE AUTHORITIES VESTED WITH REVIEWING OR REMEDIAL POWERS.

“2. IN THOSE CASES WHERE NEITHER THE DETAINED OR IMPRISONED PERSON NOR HIS COUNSEL HAS THE POSSIBILITY TO EXERCISE HIS RIGHTS UNDER PARAGRAPH 1 OF THE PRESENT PRINCIPLE, A MEMBER OF THE FAMILY OF THE DETAINED OR IMPRISONED PERSON OR ANY OTHER PERSON WHO HAS KNOWLEDGE OF THE CASE MAY EXERCISE SUCH RIGHTS.

“3. CONFIDENTIALITY CONCERNING THE REQUEST OR COMPLAINT SHALL BE MAINTAINED IF SO REQUESTED

⁵⁵⁸ G A resolution 43/173, annex.

BY THE COMPLAINANT.

“4. EVERY REQUEST OR COMPLAINT SHALL BE PROMPTLY DEALT WITH AND REPLIED TO WITHOUT UNDUE DELAY. IF THE REQUEST OR COMPLAINT IS REJECTED OR, IN CASE OF INORDINATE DELAY, THE COMPLAINANT SHALL BE ENTITLED TO BRING IT BEFORE A JUDICIAL OR OTHER AUTHORITY. NEITHER THE DETAINED OR IMPRISONED PERSON NOR ANY COMPLAINANT UNDER PARAGRAPH I OF THE PRESENT PRINCIPLE SHALL SUFFER PREJUDICE FOR MAKING A REQUEST OR COMPLAINT.”

Violence in the family

176. As to the abuse of women and children, the principal organs of the United Nations took immediate and energetic steps to attain respect for their dignity. The General Assembly invited Member States to adopt specific measures with a view to making the criminal and civil justice system more sensitive in its response to domestic violence.⁵⁵⁹ As a result, the Council requested the Secretary-General to convene, subject to the availability of extra-budgetary funds, a roundtable meeting on domestic violence, with a view to the intensification of research and the formulation of action-oriented strategies, inviting the co-operation of the United Nations institutes for the prevention of crime and the treatment of offenders, specialized agencies and intergovernmental and non-governmental organizations, and to report the results to the Committee on Crime Prevention and Control at its tenth session.⁵⁶⁰

177. It should be noted that both the Assembly and the Council recognized during the period under review, that the violence in the family is a serious persistent world-wide problem, which includes physical, psychological and sexual assault and abuse; and that being exposed to it,

⁵⁵⁹ G A resolution 40/36, para. 7.

⁵⁶⁰ See E S C resolution 1986/10, IV, para. 1.

especially at an early stage of human development, produces adverse effects and incalculable harm.⁵⁶¹ Therefore, the Council condemned the practice as a grave violation of the rights of women and a threat to their physical and mental well-being.⁵⁶²

b) Rights relating to recognition before the law and protection of the law

178. In accordance with several international instruments,⁵⁶³ the principal organs of the United Nations adopted several resolutions regarding the total and unconditional eradication of racism in all its forms, racial discrimination and *apartheid*. Therefore, the rights relating to the recognition before the law and protection of the law were analysed under the perspective of the resistance to totalitarian ideologies, the policies of *apartheid* of the Government of South Africa, and the action against *apartheid* in sports. The standards of recognition before the law and protection of the law were also applied in various instruments during the period under review, including the “Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,” the “United Nations Standard Minimum Rules for the Administration of Juvenile Justice.”

Measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror

⁵⁶¹ See G A resolution 40/36 and E S C resolution 1986/18.

⁵⁶² See E S C resolution 1986/18, para. 2.

⁵⁶³ For example, the Universal Declaration on Human Rights (G A resolution 217 A), the International Convention on the Elimination of All Forms of Racial Discrimination (G A resolution 2106 A (XX), annex), the International Convention on the Suppression and Punishment of the Crime of *Apartheid* (G A resolution 3068 (XXVIII), annex), and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization (UNESCO, Records of the General Conference, Eleventh Session, Resolutions, p. 119).

179. During the period under review, the General Assembly continued to condemn and express its determination to resist to all totalitarian or other ideologies and practices based on racial or ethnic exclusiveness or intolerance, hatred and terror, which deprive people of basic human rights and fundamental freedoms and of equality of opportunity.⁵⁶⁴

180. According to the Assembly,

“...[t]he best bulwark against nazism and racial discrimination is the establishment and maintenance of democratic institutions, that the existence of genuine political, social and economic democracy is an effective vaccine and an equally effective antidote against the formation or development of Nazi movements and that a political system, which is based on freedom and effective participation by the people in the conduct of public affairs and under which economic and social conditions are such as to ensure a decent standard of living for the population makes it impossible for fascism, nazism or other ideologies based on racism and racial discrimination, hatred or terror to succeed.”⁵⁶⁵

181. Therefore, it repeatedly called upon all States to refrain from practices aimed at the violation of basic human rights⁵⁶⁶ as well as urged them continuously to draw attention to the threats to democratic institutions by the above-mentioned ideologies and practices and to consider taking measures to prohibit or otherwise deter activities of groups or organizations or whoever is practicing those ideologies.⁵⁶⁷ It also invited Member States to adopt measures declaring punishable by law any dissemination of ideas based on racial superiority or hatred and of war

⁵⁶⁴ See G A resolutions 40/148, para. 1; 41/160, para. 1; and 43/150, para. 1.

⁵⁶⁵ See G A resolution 40/148.

⁵⁶⁶ See G A resolutions 40/148, para. 4; 41/160, para. 4; and 43/150, para

⁵⁶⁷ See G A resolutions 40/148, para. 2; 41/160, para. 2; and 43/150, para

propaganda⁵⁶⁸ and appealed to all States that had not yet done so, to become parties to the International Covenants on Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide,⁵⁶⁹ the International Convention on the Elimination of All Forms of Discrimination,⁵⁷⁰ the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity,⁵⁷¹ and the International Convention on the Suppression and Punishment of the Crime of Apartheid⁵⁷².

Apartheid

182. It will be recalled that at its twenty-eighth session, the General Assembly had adopted the International Convention on the Suppression and Punishment of the Crime of Apartheid.⁵⁷³ Based on the principle contained in article 1 of the Universal Declaration on Human Rights which states that all human beings are born free and equal in dignity and rights, the principle in the Declaration on the Granting of Independence to Colonial Countries and Peoples promoting the end of colonialism and all practices of segregation and discrimination associated therewith,⁵⁷⁴ and the effort embodied within the principles of the International Convention on the Elimination of All Forms of Racial Discrimination, States to condemn and eradicate racial segregation,⁵⁷⁵ the Apartheid Convention declares under article 1 that apartheid is a crime against humanity and that inhuman acts resulting from the policies and practices of apartheid and similar policies and

⁵⁶⁸ See G A resolutions 40/148, para. 3; 41/160, para. 3; and 43/150, para.

⁵⁶⁹ G A resolution 260 A (III).

⁵⁷⁰ G A resolution 2106 A (XX), annex.

⁵⁷¹ G A resolution 2391 (XXIII)

⁵⁷² G A resolution 3068 (XXVIII)

⁵⁷³ G A resolution 3068 (XXVIII) of 30 November 1973, annex.

⁵⁷⁴ G A resolution 1514 (XV) of 14 December 1960, annex.

practices of racial segregation and discrimination are crimes violating the principles of international law. As in the past, during the period under review, the principal organs continued to promote the principles of the Convention and condemn the practices of apartheid, and specifically the continuation of acts described in article II of the Convention. The General Assembly reaffirmed that apartheid is a crime against humanity; and reiterated the primary responsibility of the United Nations and the international community as a whole to assist the South African people to eliminate apartheid through cessation of any form of collaboration with the regime.⁵⁷⁶ Throughout the period under review, the General Assembly continued to condemn the policies and practices of apartheid of the racist regime of South Africa, in particular its brutal oppression, repression and genocidal violence against the South African people; the execution of patriots and captured freedom fighters in South Africa, the illegal occupation of Namibia; and the repeated acts of aggression, subversion, terrorism and destabilization against independent African States.⁵⁷⁷ The Security Council strongly condemned the apartheid system and all the policies and practices deriving from them:⁵⁷⁸ the mass arrests and detentions than had been recently carried out by the Pretoria Government as well as the murders it committed;⁵⁷⁹ and the establishment of the state of emergency in the thirty-six districts in which it had been imposed.⁵⁸⁰

183. With regard to the campaign for the release of all political prisoners in South Africa and for an end to all repression against the opponents of apartheid, the Assembly, by its resolution 42/32 A and 43/50 A, condemned the execution of patriots and captured freedom fighters in South Africa and demanded that the racist regime: (a) Stop the execution of political prisoners at

⁵⁷⁵ G A resolution 2106 (XX) of 21 December 1965, annex.

⁵⁷⁶ See G A resolutions 40/64 A, 41/35 B, 42/23 C, and 43/50 C.

⁵⁷⁷ See G A resolutions 40/64, para.3; 41/35, para. 1; 42/23 A, para. 3; 43/50, para. 3.

⁵⁷⁸ See S C resolution 569, para. 1.

present death row and (b) recognize prisoner-of-war status of captured freedom fighters in accordance with the Geneva Conventions of 12 August 1949⁵⁸¹ and Additional Protocol I⁵⁸² of 1977.⁵⁸³

184. *In addition, it will be recalled that, in the past, the principal organs had taken decisions supporting the Olympic principle that no discrimination should be allowed on the grounds of race, religion or political affiliation.⁵⁸⁴ In this vein, during the period under review, steps were taken to eliminate apartheid and racial discrimination in sports. On 10 December 1985, the General Assembly adopted and opened for signature and ratification the International Convention against Apartheid in Sports⁵⁸⁵ and appealed to all States to sign and ratify it as soon as possible.⁵⁸⁶ Reaffirming support for the Olympic principle of non-discrimination, particularly as the sole criterion in sports activities, by article 2 of the Convention, States Parties strongly condemn apartheid and undertake to pursue immediately by all appropriate means the policy of eliminating the practice of apartheid in all its forms from sports. The expression “apartheid” is defined in article 1 as a system of institutionalized racial segregation and discrimination for the purpose of establishing and maintaining domination by one racial group of persons over another racial group of persons and systematically oppressing them, such as that pursued by South Africa.⁵⁸⁷*

⁵⁷⁹ Ibid., para. 2.

⁵⁸⁰ Ibid., para. 3.

⁵⁸¹ See United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

⁵⁸² A/32/144, annex I.

⁵⁸³ G A resolution 43/50 A, para. 3. See also, G A resolution 42/23 A, para. 3.

⁵⁸⁴ See *vol. III, Suppl. No. 5*, under this Article, para. 375.

⁵⁸⁵ G A resolution 40/64 G, para. 1.

⁵⁸⁶ Ibid., para. 2.

⁵⁸⁷ G A resolution 40/64 G, annex., article 1.

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

During the period under review, the organization promoted standards for equal protection of the law in the context of persons detained or imprisoned. It may be recalled that by resolution 35/177 of 15 December 1980, the General Assembly referred the task of elaborating the draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment to the Sixth Committee and decided to establish an open-ended working group for that purpose.

185. *In 1988, the General Assembly approved the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.*⁵⁸⁸ *The body contains a section on use of terms, thirty-nine principles and one general clause. Principle 5 of the “Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment” sets out the following:*

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

“2. Measures applied under the law and designed solely to protect the rights and special status of women, especially pregnant women and nursing mothers, children and juveniles, aged, sick or handicapped persons shall not be deemed to be discriminatory.

⁵⁸⁸ G A resolution 43/173 of 9 December 1988, annex.

The need for, and the application of, such measures shall always be subject to review by a judicial or other authority.”⁵⁸⁹

United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)

186. *Rule 2.1 of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice states that the Rules shall be applied to juvenile offenders impartially, without distinction of any kind, for example as to race, colour, language, sex, religion, political or other opinions, national or social origin, property, birth or other status.*⁵⁹⁰

c) Rights relating to the administration of justice

187. Guided by the principles embodied in articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights,⁵⁹¹ the relevant provisions of the International Covenant on Civil and Political Rights,⁵⁹² in particular article 6, which explicitly states that no one shall be

⁵⁸⁹ G A resolution 43/173 of 9 December 1988, annex.

⁵⁹⁰ G A resolution 40/33. The Commentary to the Rule states:

“The Standard Minimum Rules are deliberately formulated so as to be applicable within different legal systems and, at the same time, to set some minimum standards for the handling of juvenile offenders under any definition of a juvenile and under any system of dealing with juvenile offenders. The Rules are always to be applied impartially and without distinction of any kind.

“Rule 2.1 therefore stresses the importance of the Rules always being applied impartially and without distinction of any kind. The rule follows the formulation of principle 2 of the Declaration of the Rights of the Child.” *Ibid.*

⁵⁹¹ G A resolution 217 A (III).

⁵⁹² G A resolution 2200 A (XXI), annex.

arbitrarily deprived of his life, as well as other relevant international instruments,⁵⁹³ during the period under review, the principal organs of the United Nations took decisions towards coordinated and concerted action in promoting respect for human rights in the administration of justice.⁵⁹⁴ Over the course of the period, the General Assembly adopted the United Nations Standard Minimum Rules for the Administration of Juvenile Justice and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, as well as approved the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

United Nations Standard Minimum Rules for the Administration of Juvenile Justice

188. It may be recalled that resolution 4 adopted by the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1980,⁵⁹⁵ called for the development of standard minimum rules for the administration of juvenile justice and the care of juveniles, which could serve as a model for Member States. Subsequently, the General Assembly adopted the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, and approved the recommendations of the Seventh Congress that the Rules should be known as “the Beijing Rules”.⁵⁹⁶

⁵⁹³ For example, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (G A resolution 39/46, annex), the International Convention on the Elimination of All Forms of Racial Discrimination (G A resolution 2106 A (XX), annex), the Basic Principles on the Independence of the Judiciary (See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat -United Nations publication, Sales No. E.86.IV.1- chap. I, sect. D.2.), Code of Conduct for Law Enforcement of Officials (G A resolution 34/169, annex), and the Standard Minimum Rules for the Treatment of Prisoners (See First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 22 August-3 September 1955: report prepared by the Secretariat -United Nations publication, Sales No. 1956.IV.4-annex I.A.).

⁵⁹⁴ G A resolution 41/149.

⁵⁹⁵ See Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (United Nations publication, Sales No. E.81.IV.4), chap. I, sect. B.

⁵⁹⁶ G A resolution 40/33, annex.

189. The above-mentioned Rules were divided in six parts: (1) General Principles; (2) Scope of the Rules and definitions used; (3) Adjudication and disposition; (4) Non-institutional treatment; (5) Institutional treatment; (6) Research, planning, policy formulation and evaluation. They were also deliberately formulated so as to be applicable within different legal systems and, at the same time, to set some minimum standards for the handling of juvenile offenders under any definition of a juvenile and under any system of dealing with juvenile offenders. They were therefore, designed to be applied impartially and without distinction of any kind.

190. Part one relates to the general principles. Rule 1 states that Member States shall seek, in conformity with their respective general interests, to further the well-being of the juvenile and her or his family. (1.1) They shall endeavour to develop conditions that will ensure for the juvenile a meaningful life in the community, which, during that period in life when she or he is most susceptible to deviant behaviour, will foster a process of personal development and education that is as free from crime and delinquency as possible. (1.2) Rule 2 sets out the scope of the Rules and the definitions used. The Standard Minimum Rules according to rule 2.1 shall be applied to juvenile offenders impartially, without distinction of any kind, for example as to race, colour, language, sex, religion, political or other opinions, national or social origin, property, birth or other status. A juvenile is defined as a child or young person who, under the respective legal systems, may be dealt with for an offence in a manner which is different from an adult (2.2a). A juvenile offender is defined as a child or young person who is alleged to have committed or who has been found to have committed an offence. (2.2c) Rule 4 concerning the age of responsibility, sets forth that in those legal systems recognizing the concept of the age of criminal responsibility for juveniles, the beginning of that age shall not be fixed at too low an age level, bearing in mind the facts of emotional, mental and intellectual maturity. The juvenile

- justice aims at ensuring that any reaction to juvenile offenders shall always be in proportion to the circumstances of both the offenders and the offence. (Rule5) Rule 6 promotes a fair and humane juvenile justice administration. Rule 7 sets fourth the basic procedural safeguards. According to rule 8, the juvenile's right to privacy shall be respected at all stages...in principle no information that may lead to the identification of a juvenile offender shall be published (8.2)
191. Part two is devoted to the investigation and procedure phase: Rule 10 sets out the initial contact, while Rule 12 draws attention to the need for specialized training for all law enforcement officials who are involved in the administration of juvenile justice. Rule 13 promotes the use of alternatives measures and discourages the detention pending trial.
192. Part three is devoted to the system of adjudication and disposition. Notably it defines the competent authority to adjudicate (Rule14). Rule 15 sets out the legal assistance needed by the juvenile offender. Rule 17 states some guiding principle in adjudication and disposition. Rule 18 enumerates some sanctions that have been practiced in different legal system. Rule 19 sets out that the placement of a juvenile in an institution shall always be a disposition of last resort and for the minimum period.
193. Part four is dedicated to non-institutional treatment and Part five to institutional treatment, providing that the objective of training and treatment of juveniles placed in institutions is to provide care, protection, education, and vocation skills, with a view to assisting them to assume socially constructive and productive roles in society. (Rule 26.1) Rule 29 set forth that efforts shall be made to provide semi-institutional arrangements, such as half-way houses, educational

homes, day-time training centre and other such appropriate arrangements that may assist juveniles in their proper reintegration into society.

194. Part six is devoted to the research, planning, policy and evaluation, establishing standards for integrating research into the process of policy formulation and application in juvenile justice administration.

Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

195. Regarding the universal and effective recognition of and respect for, the rights of victims of crime and of abuse of power, it may be recalled that the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders recommended that the United Nations should continue its present work on the development of guidelines and standards. At its fortieth session, by its resolution 40/34 of 29 November 1985, the General Assembly adopted the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

196. The Assembly recognized in that respect, that the victims of crime and of abuse of power, and also frequently their families, witnesses and others who aid them, are unjustly subjected to loss, damage or injury and they may, in addition, suffer hardship when assisting in the prosecution of offenders. It also affirmed the necessity of adopting national and international measures in order to secure the universal and effective recognition of, and respect for, the rights of these victims. The Declaration, the Assembly stated, was designed to assist Governments and the international community in their efforts to secure justice and assistance for victims of crime and abuse of power.

197. The Declaration itself is divided in two parts: one concerning victims of crime and another on victims of abuse of power. Paragraph 1 defines “victims” as persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power. Paragraphs 4 to 7 set out the principles of access to justice and fair treatment, for example, victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered. Paragraphs 8 to 11 concern the principle of restitution. Offenders or third parties responsible for their behavior should, where appropriate, make fair restitution to victims, their families or dependants. Paragraphs 12 and 13 set forth the principle of compensation. Paragraphs 14 to 17 set out the principle of assistance, victims should receive the necessary material, medical, psychological and social assistance through governmental, voluntary, community and indigenous means.

198. Part two concerning victims of abuse give a definition of the term “victims” which means according to Paragraph 18, persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that do not yet constitute violations of national criminal law but of internationally recognized norms relating to human rights.

199. As stated above, in 1988, the General Assembly approved the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.⁵⁹⁷ Under Principle 36.2, the arrest or detention of a person pending investigation and trial shall be carried out only for the purposes of the administration of justice on grounds and under conditions and procedures specified by law: the imposition of restrictions upon such a person which are not strictly required for the purpose of the detention or to prevent hindrance to the process of investigation or the administration of justice, or for the maintenance of security and good order in the place of detention shall be forbidden. Principles 11 to 14 are dedicated to the rights to be informed of the charges and of one's rights, to be heard promptly by a judicial, to the possibility to assume one's own defense or to be assisted by a counsel, and if need, to be assisted by an interpreter. Principle 16 is devoted to the obligation to notify without delay the detention or imprisonment to any required persons, such as the family, counsel, the consular post or diplomatic mission if need, parents in case of juveniles. Principles 17 and 18 are devoted to the right to be assisted by a counsel, to communicate with him and to receive his visit. Principle 19 permits communication with the family. Principles 21 to 23 deal with the procedure of questioning, while Principles 24 to 26 concern medical examination and the right to receive medical care and treatment. Principle 28 describes the right to obtain educational, cultural and informational material and Principle 30 is devoted to disciplinary measures. Principles 32 to 33 organize the right to make requests regarding the lawfulness of the detention or the treatment in the place of detention. In case of death or disappearances, Principle 34 provides an obligation of inquiry into their causes, and Principle 35 articulates the right to compensation if damages are caused by officials to the detainees. Principles 36, 37 and 39 set out the right of presumption of innocence, the right to be brought promptly before a judicial and eventually to be trial within a reasonable time.

⁵⁹⁷ G A resolution 43/173 of 9 December 1988, annex.

d) Rights relating to privacy and to honour and reputation

Following on from the previous *Supplement*⁵⁹⁸ rights relating to privacy, honour and reputation have been established in several United Nations Instruments adopted during the period under review.

200. In this regard, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice⁵⁹⁹ set out a rule of protection of privacy by which the juvenile's rights to privacy should be respected at all stages in order to avoid harm being caused to her or him by undue publicity or by the process of labelling.⁶⁰⁰ Rule 8.2 set out that in principle, no information that may lead to the identification of a juvenile offender should be published.

201. Similarly, principle 4 of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power⁶⁰¹ sets fourth that victims should be treated with compassion and respect for their dignity. Victims are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered. Rule 6(d) sets out that the responsiveness of judicial and administrative processes to the needs of victims should be facilitated, by taking measures, to minimize inconvenience to victims, protect their privacy, when necessary, and ensure their safety, as well as that, of their families and witnesses on their behalf, from intimidation and retaliation.

⁵⁹⁸ See Vol. IV, *Supplement N°6* under this Article, paras. 363-364.

⁵⁹⁹ G A resolution 40/33 of 29 November 1985, annex.

⁶⁰⁰ *Ibid.*, rule 8.1.

202. Rights relating to privacy, honour and reputation have also been set for the benefit of aliens, by the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live⁶⁰² in its article 5.1, which provides that aliens shall enjoy, in accordance with domestic law and subject to the relevant international obligations of the State in which they are present, *inter alia*, the right to protection against arbitrary or unlawful interference with privacy, family, home or correspondence.

203. The provisions of that article 5.1, closely reflect the letter of Article 17 of the International Covenant on Civil and Political Rights⁶⁰³ which had been analysed by the Human Rights Committee in its thirty-second session.⁶⁰⁴

204. According to the Committee,

“The term [unlawful] means that no interference can take place except in cases envisaged by the law. Interference authorized by States can only take place on the basis of law, which itself must comply with the provisions, aims and objectives of the Covenant.

“The expression [arbitrary interference] can also extend to interference provided for under law. According to the Committee, the introduction of the concept of arbitrariness is intended to guarantee that even interference provided for by law should be in accordance with the provisions, aims and objectives of the Covenant and should be, in any even reasonable in the particular circumstances.

⁶⁰¹ G A resolution 40/34 of 29 November 1985.

⁶⁰² G A resolution 40/144 of 13 December 1985.

⁶⁰³ G A resolution 2200 A (XXI) of 16 December 1966.

“As regard the term [family], the objectives of the Covenant, the Committee said, require for purposes of article 17 this term be given a broad interpretation to include all those comprising the family as understood in the society of the State party concerned...”

205. As regards interferences that conform to the Covenant, the Committee thought that relevant legislation must specify in detail the precise circumstances in which such interferences might be permitted; that a decision to make use of such authorized interference must be made only by the authority designated under the law, and on a case-by-case basis.

206. The Committee further expressed the view that the integrity and confidentiality of correspondence. should be guaranteed *de jure* and *de facto*. Notably, correspondence should be delivered to the addressee without interception and without being opened or otherwise read.

207. Surveillance, whether electronic or otherwise, interceptions of telephonic, telegraphic and other forms of communication, wire-tapping and recording of conversations should be prohibited.

208. As regards searches of a person’s home, the Committee thought it should be restricted to a search for necessary evidence and should not be allowed to amount to harassment. And, so far as personal and body search is concerned, effective measures should ensure that such searches are carried out in a manner consistent with the dignity of the person who is being searched.

⁶⁰⁴ See HRI/GEN/1/Rev.5

209. Concerning personal information on computers, data banks and other devices, whether by public authorities or private individuals or bodies, it must be regulated by law. According to the Committee, effective measures have to be taken by States parties to ensure that information concerning a person's private life does not reach the hands of persons who are not authorized by law to receive, process and use it, and is never used for purposes incompatible with the Covenant.
210. Concerning honour and reputation, States are, according to the views of the Committee, under an obligation to provide adequate legislation to that end.”

e) Freedom of movement and residence

211. In the past, promotion of the right to freedom of movement and residence in some cases has been linked to the right to equal protection before the law.⁶⁰⁵ In the case of aliens, it will be recalled that Article 13 of the International Covenant on Civil and Political Rights states:

“An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.”⁶⁰⁶

⁶⁰⁵ See e.g., vol. IV, Suppl. No. 6, para. 263.

⁶⁰⁶ G A resolution 2200 A (XXI) of 16 December 1966, annex, art. 13.

212. During the period under review, by the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live,⁶⁰⁷ the Assembly, considering the rights contained in the Universal Declaration of Human Rights, the International Covenants regarding life, equality, and in particular equal protection before the law, declared in Article 5 that:

“2. Subject to such restrictions as are prescribed by law and which are necessary in a democratic society to protect national security, public safety, public order, public health or morals or the rights and freedoms of others, and which are consistent with the other rights recognized in the relevant international instruments and those set forth in the Declaration, aliens shall enjoy the right:

“a. to leave the country;

...

“3. ... to liberty of movement and freedom to choose their residence within the borders of the State.”⁶⁰⁸

213. Subject to national legislation and due authorization, the spouse and minor or dependant children of an alien lawfully residing in the territory of a State shall be admitted to accompany, join and stay with the alien.⁶⁰⁹

*f) ** Right of asylum and related rights*

*g) ** The right to a nationality*

⁶⁰⁷ G A resolution 40/144 of 13 December 1985, annex.

⁶⁰⁸ *Ibid.*, art. 5.

⁶⁰⁹ *Ibid.*, art. 5(4).

h) Rights relating to marriage and family

214. Following on from the previous *Supplement*⁶¹⁰ the principal organs took several steps in matters relating to marriage and family, particularly for aliens and migrant workers and their families. As regard aliens, the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live⁶¹¹ sets out in its article 5 that aliens shall enjoy, in accordance with domestic law and subject to the relevant international obligations of the State in which they are present, the right to choose a spouse, to marry, to found a family.

215. Concerning migrant workers and their families, the Economic and Social Council⁶¹² recalled that the family was the natural and fundamental group unit of society and was entitled to protection by society and the State; in that context, the families of migrant workers are entitled to the same protection as the migrant themselves.

216. As in the past,⁶¹³ the Council took note⁶¹⁴ of the report of the Secretary-General on the impact of development on the institution of family.⁶¹⁵ It emphasized the need for the greatest importance to be given to the family as basic unit of society and natural environment for the growth and well-being of all its members and, renewed its invitation to Member States to expand their efforts at the national and community levels to consider, examine, identify and evaluate the needs of families and the ways in which those needs may be more effectively met.

⁶¹⁰ Supplement N°6, under Article 55, paras 378 to 382.

⁶¹¹ G A resolution 40/144 of 13 December 1985, annex.

⁶¹² E S C resolution 1985/24 of 29 May 1985.

⁶¹³ See *Supplement N°6*, under the study for Article 55, para. 381.

⁶¹⁴ E S C resolution 1985/29 of 29 May 1985.

⁶¹⁵ E/1985/9 and Corr.1.

217. The Human Rights Committee also expressed views in its General Comment 16 of 1988 in exploring the term “family” in the context of Article 17 of the International Covenant on Civil and Political Rights.⁶¹⁶ According to the Committee, the objectives of the Covenant require that for purposes of article 17 the term “family” be given a broad interpretation to include all those comprising the family as understood in the society of the State party concerned... It invited States to indicate in their reports the meaning given in their society to the terms “family”...

i) The right to own property

218. The right to own property, as provided for in several United Nations Instruments on Human Rights,⁶¹⁷ was explored during the period under review by the General Assembly, including notably the relationship between these rights and economic and social development, the question of ownership of land and of means of production, or the link between these rights and the development of individual liberty and initiative. In that regard, the General Assembly⁶¹⁸ bore in mind that all peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit and upon international law, and that in no case may a people of its own means of subsistence. By the same resolution, the Assembly affirmed that the full enjoyment by everyone of the rights to own property alone as well as in association with others contributed to securing the goals of economic and social development enshrined in the Charter of the United Nations, and that the right of everyone to own property alone as well as in association

⁶¹⁶ G A resolution 2200 A (XXI) of 16 December 1966.

⁶¹⁷ For example art 17 of the Universal Declaration on Human Rights, paragraph 11 of the Declaration on the Rights of Disabled Persons and, article 16 of the Convention on the Elimination of All Forms of Discrimination against Women.

with others, as set forth in several human rights instruments, was of particular significance in fostering widespread enjoyment of other basic human rights.

219. Consequently, the General Assembly at its forty-first session requested the Secretary-General to prepare a report, taking into account the views of Member States, specialized agencies and other competent bodies of the United Nations system on: the relationship between the full enjoyment of the rights of everyone to own property alone as well as in association with others and the economic and social development of Member States, and; the role of the right of everyone to own property alone as well as in association, in ensuring the full and free participation of individuals in the economic and social system of States.⁶¹⁹

220. In the same vein, the General Assembly reaffirmed by its resolution 42/115 of 7 December 1987, that in accordance with article 6 of the Declaration on Social Progress and Development, that social progress and development required the establishment, in conformity with human rights and fundamental freedoms and with the principles of justice and the social function of property, of forms of ownership of land and of the means of production which preclude any kind of exploitation of man, ensure equal rights to property for all and create conditions leading to genuine equality among people.

j) Freedom of thought, conscience and religion

⁶¹⁸ G A resolution 41/132 of 4 December 1986.

⁶¹⁹ See also G A resolution 41/132 of 4 December 1986.

221. On the basis of the Universal Declaration on Human Rights⁶²⁰ and the International Covenant on Civil and Political Rights,⁶²¹ the General Assembly explored of the question of the rights of aliens to freedom of thought, conscience and religion.⁶²² According to article 5 of the Declaration on the human rights of individuals who are not nationals of the country in which they live⁶²³, aliens should enjoy, in accordance with domestic law and subject to the relevant international obligations of the State in which they are present:

The right to freedom of thought, opinion, conscience and religion; the right to manifest their religion or belief, subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health and morals or the fundamental rights and freedoms of others.⁶²⁴

k) Freedom of expression

222. Based on the recognition that the protection of human rights and fundamental freedoms provided for in international instruments should also be ensured for individuals who are not nationals of the country in which they live, during the period under review, the right to freedom of expression was explored by the General Assembly in light of the question of the human rights of non-nationals.

⁶²⁰ G A resolution 217 A (III) of 10 December 1948, article 18.

⁶²¹ G A resolution 2200 A (XXI) of 16 December 1966, article 18.

⁶²² G A resolution 40/144 of 13 December 1985.

⁶²³ Ibid.

⁶²⁴ Ibid, annex, art. 5(1)(e).

223. According to article 5(2) of the Declaration on the human rights of individuals who are not nationals of the country in which they live, adopted in 1985 by General Assembly resolution 40/144, aliens shall enjoy the right to freedom of expression. However, such right is subject to the restrictions prescribed by law and which are necessary in a democratic society to protect national security, public safety, public order, public health or morals or the rights and freedoms of others, and which are consistent with the other rights recognized in the relevant international instruments and those set forth in the Declaration under commentary.

l) Freedom of peaceful assembly and association

The General Assembly explored, during the period under review, the question of freedom of peaceful assembly and association in connection with the human rights of aliens and youth.

224. Concerning aliens, the Declaration on Human Rights of Individuals Who are not Nationals of the Country in which They Live⁶²⁵ provides that, subject to such restrictions under article 5(2)⁶²⁶, aliens shall enjoy the right to peaceful assembly.⁶²⁷ It also set out that:

“1. [a]liens lawfully residing in the territory of a State shall also enjoy, in accordance with the national laws and subject to their obligation [to observe the laws and regard with respect the

⁶²⁵ G A resolution 40/144.

⁶²⁶ Art 5(2): Subject to such restrictions as are prescribed by law and which are necessary in a democratic society to protect national security, public safety, public order, public health or morals or the rights and freedoms of others, and which are consistent with the other rights recognized in the relevant international instruments and those set forth in this Declaration, aliens shall enjoy the following rights

⁶²⁷ Ibid., art. 5(2)(c)

customs and traditions of the people of that State,]

“(b). the right to join trade unions and other organizations or association of their choice and to participate in their activities. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary, in a democratic society, in the interest of national security or public order or for the protection of the rights and freedoms of others.”⁶²⁸

m) The right to take part in the government, the right to access to public service and rights relating to the will of the people

225. During the period under review, the General Assembly expressed, in several resolutions, views on matters related to the right to take part in the government, to access to public service and to the rights relating to the will of people. It explored in that regard questions in relation to popular participation in public life, genuine and periodic election or questions dealing with electoral process. Concerning popular participation in the full realization of all human rights, the General Assembly,⁶²⁹ reaffirmed that popular participation in all sectors of public life, including the participation of workers in management and workers’ self management, where they exist, constituted an important factor in socio-economic development and in the full realization of all human rights and the dignity of the human person. At its forty-third session, the General Assembly⁶³⁰ reaffirmed the Universal Declaration of Human Rights, which provides that everyone has the right to take part in the government of his or her country, directly or through

⁶²⁸ Ibid., art. 8(1)(b).

⁶²⁹ G A resolution 40/99 of 13 December 1985.

freely chosen representatives, that everyone has the right of equal access to public service in his or her country, that the will of the people shall be the basis of the authority of government, and that this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures. It condemned the system of *apartheid* and any other denial or abridgement of the right to vote on the grounds of race, colour, sex, language religion, political or other opinion, national or social origin, property, birth or other status.

226. By the same resolution, the General Assembly⁶³¹ expressed its conviction that periodic election and genuine elections are a necessary and indispensable element of sustained efforts to protect the rights and interests of the governed and that, as a matter of practical experience, the right of everyone to take part in the government of his or her country is a crucial factor in the effective enjoyment by all of a wide range of other human rights and fundamental freedoms, including political, economic, social, and cultural rights. It declared that determining the will of the people required an electoral process which accommodated distinct alternatives, and that that process should provide an equal opportunity for all citizens to become candidates and put forward their political views, individually and in co-operation with others.

ii. Economic, social and cultural rights

a) Rights relating to work

⁶³⁰ G A resolution 43/157 of 8 December 1988.

227. During the period under review, the right to work was analysed by the General Assembly in the context of the question of the human rights of aliens and youth. Specifically explored were the right of everyone to work, to just and favourable conditions of work, to equal pay for equal work, and to just and favourable remuneration.⁶³²

228. According to article 8(a) of the Declaration on the human rights of individuals who are not nationals of the country in which they live, adopted in 1985 by General Assembly resolution 40/144, aliens lawfully residing in the territory of a State shall also enjoy, in accordance with the national laws: the right to safe and healthy working conditions, to fair wages and equal remuneration for work of equal value without distinction of any kind, in particular, women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work.

229. As for youth, the Assembly was convinced that it was necessary to ensure their full enjoyment of the rights stipulated in the Universal Declaration of Human Rights,⁶³³ the International Covenant on Economic, Social and Cultural Rights⁶³⁴ and the International Covenant on Civil and Political Rights,⁶³⁵ especially with regard to the right to work. Therefore, it was aware of the fact that unemployment of young people limits their ability to participate in the development process, and in this regard, emphasized the importance of access for them to appropriate technical and vocational guidance and training programs.⁶³⁶

⁶³¹ *Ibid.*

⁶³² G A resolution 217 A (III), Article 23, 1-3.

⁶³³ G A resolution 217 A (III).

⁶³⁴ G A resolution 2200 A (XXI), annex.

⁶³⁵ *Ibid.*

⁶³⁶ G A resolution 40/15.

b) Rights relating to the standard of living and social security

230. With respect to the rights relating to the standard of living and social security, the principal organs of the United Nations took certain resolutions concerning the rights to food and adequate housing as well as the improvement of social life.

Right to food

231. During the period under review, the Economic and Social Council continued to reaffirm that the right to food is a universal human right which should be guaranteed to all people and, in that context, believed in the general principle that food should not be used as an instrument of political pressure, either at the national or at the international level.⁶³⁷

Right to adequate housing

232. During the period under review, the Economic and Social Council reiterated the right of all persons to an adequate standard of living for themselves and their families, including adequate housing.⁶³⁸ Consequently, by its resolution 1987/62, the Council recognized that the provision of housing for the homeless, as a part of the International Year of Shelter for the Homeless, was closely related to the realization of the rights set out in the Universal Declaration of Human Rights⁶³⁹ and the International Covenant on Economic, Social and Cultural Rights, and was also

⁶³⁷ E S C resolution 1987/90.

⁶³⁸ E S C resolution 1986/41.

⁶³⁹ G A resolution 217 A (III).

an integral part of national economic and social development, representing an important step towards its realization.⁶⁴⁰

Improvement of social life

233. During the period under review, the General Assembly considered that the improvement of social life must be based on respect for and the promotion of all human rights and particularly on the elimination of all forms of discrimination. It confirmed the need to ensure the well-being of everyone and the enjoyment of all the other basic human rights, mainly freedom of expression, worship and association, the ensuring of equality of rights and opportunities on an equal footing for all the people in respect of employment, health, education, culture, rest and social security, an emphasized participation in cultural, sports, recreational activities and the use of leisure without discrimination of any kind.⁶⁴¹

*c) **Rights relating to motherhood and childhood*

d) Right to health

234. During the period under review, the right to health was examined by the General Assembly in the context of the protection of persons under detention or imprisonment. More specifically, the General Assembly by resolution 43/173, adopted the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment⁶⁴² in which, Principle 22 sets out that

⁶⁴⁰ E S C resolution 1987/62.

⁶⁴¹ G A resolution 41/152.

⁶⁴² G A resolution 43/173 of 9 December 1988.

no detained person while being interrogated should, even with consent, be subjected to any medical or scientific experimentation which might be detrimental to his health. Principle 24 of that Body of Principles provides that a proper medical examination should be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment should be provided whenever necessary, and care and treatment should be provided free of charge.

e) Right to education

235. During the period under review, the General Assembly focused on the full enjoyment by youth of the rights stipulated in the Universal Declaration of Human Rights,⁶⁴³ the International Covenant on Economic, Social and Cultural Rights⁶⁴⁴ and the International Covenant on Civil and Political Rights,⁶⁴⁵ with special regard to the right to work. Therefore, it was aware of the fact that insufficient education of young people limits their ability to participate in the development process, and in this regard, emphasized the importance of secondary and higher education for young people, as well as access for them to appropriate technical and vocational guidance and training programs.⁶⁴⁶

236. The Assembly was also aware that the solid educational and vocational background of young people is of paramount importance in their aspirations to enter professional life, and noted that many young people, having finished compulsory or primary education, do not enter any

⁶⁴³ G A resolution 217 A (III).

⁶⁴⁴ G A resolution 2200 A (XXI), annex.

⁶⁴⁵ Ibid.

⁶⁴⁶ G A resolution 40/15.

institution of higher education or vocational training, or after beginning such education or training, are unable to complete it, and find it increasingly difficult to be suitably employed.⁶⁴⁷

f) Rights relating to cultural life, the arts and scientific advancement

237. The Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live⁶⁴⁸ provides in its article 5(1) (f) that aliens, in accordance with domestic law and subject to the relevant international obligations of the State in which they are present, shall, inter alia, enjoy the right to retain their own language, culture and tradition.

238. The Council⁶⁴⁹ referred to article 27 of the Universal Declaration of Human Rights, which provides that everyone has the right to the protection of the moral and material interest resulting from any scientific, literary or artistic production of which he is the author. It recalled that 9 September would be the first century of the adoption of the Berne Convention for the Protection of Literary and Artistic Works and declared its conviction that the Berne Convention, by providing at the international level for the protection of the rights of authors in as effective and uniform a manner as possible, contributed to the practical implementation of the Universal Declaration of Human Rights and to cultural, social and economic development in all countries of the Berne Union.

⁶⁴⁷ G A resolution 40/16.

⁶⁴⁸ G A resolution 40/144 of 13 December 1985.

⁶⁴⁹ E S C resolution 1986/68 of 23 July 1986.

239. The Council in resolution 1986/69 of 23 July 1986, took note of the draft plan of action for the decade for cultural development⁶⁵⁰ submitted by the Director-General of UNESCO, and recommended the General Assembly to take a decision at its forty-first session on the question of the proclamation of a world decade for cultural development.

iii) Rights of specific groups and individuals

a) Women's rights

240. According to the provisions of the Universal Declaration of Human Rights⁶⁵¹, the Convention on the Elimination of All Forms of Discrimination against Women⁶⁵² and other international instruments on human rights, the principal organs of the United Nations continued to take decisions concerning the rights of women, particularly with regard to the role of women in society, and the Nairobi Forward-looking Strategies for the Advancement of Women.

Convention on the Elimination of all Forms of Discrimination against Women

241. With regard to women's right to equality before the law on account of their sex, the General Assembly recalled the adoption of the Convention on the Elimination of all Forms of Discrimination against women by its resolution 34/180 of 18 December 1979, and affirmed that women and men should participate equally in social, economic and political development, should

⁶⁵⁰ E/1986/L.30, annex.

⁶⁵¹ G A resolution 217 A (III)

⁶⁵² G A resolution 34/180

contribute equally to such development and should share equally in improved conditions of life.⁶⁵³

The role of women in society

242. *As to the realization of women's rights to participate in the political, economic, social and cultural life of all countries, the General Assembly recognized the indispensable achievement of equal and full participation of women in all spheres and activities, that the role of women in child-bearing should not be the cause of inequality and discrimination, and the necessity to enlarge the possibilities for both men and women to combine parental duties and household work with paid employment and social activities. Therefore, it was aware that efforts to promote the status of women in all its aspects and their complete integration in society go beyond the problem of legal equality and that deeper structural transformations of society and changes in present-day economic relations, as well as elimination of traditional prejudices through education and dissemination of information, are required so as to create conditions for women to develop fully their intellectual and physical capacities and to participate actively in the decision-making process in political, social and cultural development.*⁶⁵⁴

243. *Similarly, by its resolution 41/110, the General Assembly appealed to Member States to promote conditions that would enable women to participate as equal partners with men in public and political life, in the decision making process at all levels and in the management of different spheres of life in society.*⁶⁵⁵ *In addition, it urged Governments to recognize the special status and social importance of childbearing and child rearing and to take all necessary measures to*

⁶⁵³ G A resolution 40/39.

⁶⁵⁴ G A resolution 40/101.

*encourage the support of parenthood, including paid maternity, parental and child-care leave, and to provide women with security for their jobs as long as necessary with a view to allowing them to fulfill their role as mothers without prejudice to their professional and public activities.*⁶⁵⁶

*It also appealed to them, to promote the establishment of appropriate facilities for the care and education of children as a means of combining parenthood with economic, political, social, cultural and other activities, and thus to assist women towards full integration in their societies.*⁶⁵⁷

The Nairobi Forward-looking Strategies for the Advancement of Women

244. With respect to the advancement of the status of women, the General Assembly endorsed⁶⁵⁸ the Nairobi Forward-looking Strategies,⁶⁵⁹ paragraph 290 of which provided, *inter alia*, that forced prostitution is a form of slavery imposed on women by procurers; that is, *inter alia*, a result of economic degradation that alienates women's labor through processes of rapid urbanization and migration resulting in underemployment and unemployment; and that it also stems from women's dependence on men.

245. As in the past, the Assembly was convinced that the full integration of women in all aspects of political, economic and social life, at the international, regional and national level, was essential if the obstacles to the achievement of the goals and objectives of the United Nations Decade for Women were to be overcome; that the World Conference to Review and Appraise the

⁶⁵⁵ G A resolution 41/110, para. 5.

⁶⁵⁶ *Ibid.*, para. 6.

⁶⁵⁷ *Ibid.*, para. 7.

⁶⁵⁸ G A resolution 40/108, para. 2.

⁶⁵⁹ Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publications, Sales N° E.85.IV.10).

Achievements of the United Nations Decade for Women: Equality, Development and Peace,⁶⁶⁰ had made an important and constructive contribution by appraising the progress achieved and obstacles encountered in the implementation of the objectives of the Decade and by preparing and adopting strategies to advance the status of women for the next fifteen years.⁶⁶¹

246. The Assembly also reaffirmed that the realization of equal rights for women at all levels and in all areas of life will contribute to the achievement of a just and lasting peace, to social progress and to respect for human rights and fundamental freedoms, and that the integration of women in the mainstream of the development progress required not only commitment at the national, regional and international levels, but also continuing technical and financial support, and also required the establishment of the new international economic order. It also declared the importance of taking measures to ensure system-wide co-operation within the United Nation in order to develop a comprehensive and integrated approach to the issues, which are crucial to the advancement of women.

b) Rights of the child

247. With respect to the rights of the child, the principal organs of the United Nations took certain resolutions and decisions regarding the elaboration of an international convention on the rights of the child, the situation of children under *apartheid*, and the adoption of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children. Specifically treated were the rights of the child to well-being, equality before the law, protection, and welfare.

⁶⁶⁰ A/CONF.116/28 and Corr. 1-4.

International Convention on the Rights of the Child

248. Regarding the elaboration of the International Convention on the Rights of the Child, the General Assembly⁶⁶² reaffirmed that children's rights require special protection and call for continuous improvement of the situation of children all over the world, as well as their development and education in conditions of peace and security. Therefore, it was convinced of the positive contribution of an international convention on the rights of the child to ensuring the protection of children's rights and their well-being and requested the Commission on Human Rights⁶⁶³ to give the highest priority to, and to make every effort to complete the draft convention and to submit it, through the Economic and Social Council to the General Assembly.⁶⁶⁴

249. In order to facilitate the completion of the drafting of the convention, the Council⁶⁶⁵, repeatedly authorized the meeting of an open-ended working group of the Commission on Human Rights. However, the Convention was not completed during the period under review.

250. With regard to the drafting process undertaken by the working group, it should be noted during the year 1985, Poland, as it had done before,⁶⁶⁶ submitted a working paper⁶⁶⁷ entitled "Status of the elaboration of a draft convention on the rights of the child" containing in Part II the preamble of a draft convention, together with texts of its articles already agreed upon by the

⁶⁶¹ G A resolution 40/108.

⁶⁶² See also G A resolutions 40/113, 41/116, 42/101 and 43/112.

⁶⁶³ See Commission on Human Rights resolutions concerning that question, notably, CHR resolutions 1985/50, 1986/59, 1987/48 and 1988/75.

⁶⁶⁴ See G A resolution 40/113, para. 2.

⁶⁶⁵ See ESC resolutions 1985/42, 1986/40, 1987/58 and 1988/40.

⁶⁶⁶ See the working papers submitted by Poland entitled "Status of the elaboration of a draft convention on the rights of the child": Commission on Human Rights resolution 20 (XXXIV), annex and its amended version E/CN.4/1349, and the document A/C.3/36/6 submitted to the GA at its thirty sixth session containing draft articles that were still to be agreed upon and new combined proposals made by different Member States.

working group. Part III of that document incorporated modified proposals with regard to the remaining articles of a draft convention on which, agreement had not been reached.

251. Following on from the progress made in the drafting process during its session⁶⁶⁸ of 1985, the working group held in 1986 11 meetings and adopted draft articles: 9bis relating to preservation of identity, 12 ter concerning the rights relating to health and access to care, 18 on protection from economic exploitation, 18 bis regarding protection from narcotic and psychotropic substances, 19 concerning treatment on penal matters and article 20 regarding children in armed conflicts.⁶⁶⁹

252. During the year 1987, the working group⁶⁷⁰ held 11 meetings and adopted article 6 bis relating to family reunification and contact with parents, an additional sentence to paragraphs 1 and 2 of article 9 on mass media, a new paragraph (c) of article 10, an additional sentence to paragraph 2 of article 12 bis, a paragraph 3 of article 16, a paragraph 1 of subparagraph (d) of article 16 bis, article 18 ter on protection from sexual exploitation, 18 quarter on prevention of abduction, sale or traffic in children and, 18 quinto concerning the protection from all other forms of exploitation and article 21 ter.

253. The working group also discussed during that session other pending proposals for further consideration, notably on article 5 bis concerning parental direction and guidance, 7 ter on

⁶⁶⁷ A/C.3/40/3/Corr.1

⁶⁶⁸ E/CN.4/1986/39.

⁶⁶⁹ See for the status of the draft convention as adopted by the working group in 1986, E/CN.4/1986/39, Annex I, Annex II of the same document regarding the proposals considered by the working group but not adopted and, Annex III concerning the proposals not yet considered by the working group during that session.

⁶⁷⁰ See the report of the working group, E/CN.4/1987/25.

freedom of association and freedom of peaceful assembly, paragraph 4 of article 14 on standard of living, a new additional paragraph of article 21 regarding other more favourable conditions.

254. The consideration by the working group of article 21 bis concerning the conditions of entry into and presence in a State, due to a lack of consensus was postponed to another session. It also considered other proposals, notably a proposal made by two countries and urging the working group to re-open the discussion on article 20 concerning children in armed conflicts, already adopted by the group in 1986.

255. Continuing through its drafting process, the working group adopted, in 1988, several substantives articles, notably articles 22 to 24 regarding implementation provisions, and articles 25 to 31 concerning the final clauses. It also differed to the second reading, article 1 bis on prevention of discrimination particularly on the ground of sex, article 19, paragraph 2 (c) (ii) concerning assistance to children in detention and, a revised proposal of article 20 on armed conflicts. It also withdrawn article 1 on child age, article 4 bis on children born out of wedlock and article 23 bis regarding Federal States.

256. The working group also received proposals regarding a revision of article 1 on child age,⁶⁷¹ the addition of a new sub-paragraph (e) to the paragraph 1 of article 16 on cultural, religious and linguistic rights,⁶⁷² two new proposals of paragraph 2 of article 21 on other more favourable provisions,⁶⁷³

⁶⁷¹ E/CN.4/1988/WG.1/WP.10

⁶⁷² E/CN.4/1988/WG.1/WP.2, chap.II.

⁶⁷³ E/CN.4/1988/WG.1/WP.8 and E/CN.4/1988/WG.1/WP.2, Chap.III.

257. Finally at the end of that session, the working group submitted the text of the draft convention on the rights of the child as adopted by it in first reading during its first to tenth sessions from 1979 to 1988, containing the preamble and articles 1 to 31.⁶⁷⁴

The situation of children under apartheid

258. As to the situation of children under *apartheid*, the Economic and Social Council recognized that the inhuman exploitation and dispossession of the African people by the white minority régime was directly responsible for the appalling conditions under which African children live. Therefore, it demanded the immediate and unconditional release of all political prisoners, which increasingly include children. The Council also urged Member States, United Nations organizations in consultation with the liberation movements, and the Forward-looking Strategies that deal with women and children under *apartheid*, to give particular attention to education, health, vocational training and employment opportunities.⁶⁷⁵

Declaration on Social and Legal Principles relating to the Protection and Welfare of Children

259. With respect to the rights of children to protection and welfare, the General Assembly adopted, by its resolution 41/85, the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally. The Preamble of this Declaration reaffirmed principle 6 of the Declaration of the Rights of the Child, which states that,

⁶⁷⁴ See, E/CN.4/1988/WG.1/WP.1/Rev.2.

⁶⁷⁵ E S C resolution 1986/22.

“[t]he child, shall, wherever possible, grow up in the care and under the responsibility of his parents and, in any case, in an atmosphere of affection and of moral and material security.”⁶⁷⁶

260. Therefore, it bore in mind that in all foster placement and adoption procedures, the best interests of the child should be the paramount consideration.

261. The Declaration is divided in three chapters and twenty-four articles. Chapter A deals with general considerations about family and child welfare. Articles 1 to 7 concern general dispositions, for example that the first priority for a child is to be cared for by his or her own parents (article 3) or persons responsible for foster placement or adoption procedures should have professional or other appropriate training (article 6). Article 8 set out that the child should at all times have a name, a nationality and a legal representative. The child should not, as a result of foster placement, adoption or any alternative régime, be deprived of his or her name, nationality or legal representative unless the child thereby acquires a new name, nationality or legal representative.

262. Chapter B regards the question of foster placement. According to article 10, foster placement of children should be regulated by law. Foster family care, though temporary in nature, may continue, if necessary, until adulthood but should not preclude either prior return to the child’s own parents or adoption (article 11). Chapter C is about the principle of adoption. According to article 13, the primary aim of adoption is to provide the child who cannot be cared for by his or her own parents with a permanent family. In considering possible adoption

⁶⁷⁶ G A resolution 41/85, annex.

placements, persons responsible for them should select the most appropriate environment for the child (article 14). Legislation should ensure that the child is recognized in law as a member of the adoptive family and enjoys all the rights pertinent thereto (article 16). Articles 18, 20 21, 22 and 23 provide questions of inter-country adoption. Article 19 sets out the prohibition of abduction and of any other act for illicit placement of children. Article 24 deals with the cases in which the nationality of the child differs from that of the prospective adoptive parents.

***c) Rights of minorities*

d) Rights of indigenous populations

263. During the period under review, the steps taken by the principal organs concerning the human rights of indigenous populations focused on organization of seminars, educational and informational activities or realization of studies on subjects in connection with the protection of these rights. To this effect, the Council⁶⁷⁷ recalled the final report of Mr J.R. Martinez Cobo, Special Rapporteur on the problem of discrimination against indigenous populations,⁶⁷⁸ in which he recommended the organization of international seminars under the programme of advisory services in the field of human rights, it requested the Secretary-General to include the recognition and promotion of the rights of indigenous populations in future United Nations activities under the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination and to invite representatives of indigenous nations, peoples and communities, including non-governmental organizations, to participate in the planning and implementation of those activities.

⁶⁷⁷ E S C resolution 1988/34 of 27 May 1988.

264. The Council⁶⁷⁹ requested the Secretary Secretary-General to organize in 1988, as part of the programme of advisory services in the field of human rights, a seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States. It also encouraged all States to ensure that educational and informational activities, including national celebrations, gave an accurate interpretation of history and do not perpetuate or justify theories of racial superiority or the subjugation of indigenous or other peoples.

265. By its decision 1988/134 the Council decided to authorize the appointment of Mr Miguel Alfonso Martinez as Special Rapporteur of the Sub-Commission with the mandate 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 for the purpose of ensuring the promotion and protection of the human rights and fundamental freedoms of indigenous populations.

266. The Economic and Social Council⁶⁸⁰ requested the Chairman/Rapporteur of the Working Group on Indigenous Populations to prepare a working paper containing a set of principles and preambular paragraphs for inclusion in a draft declaration of principles on the rights of indigenous populations, for consideration by the Working Group at its sixth session in 1988. It recalled the mandate of the Working Group, namely to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous

⁶⁷⁸ E/CN.4/Sub.2/1986/7 and Add. 1-4.

⁶⁷⁹ E S C resolution 1988/35 of 27 May 1988.

⁶⁸⁰ E S C resolution 1988/36 of 27 May 1988.

populations, giving special attention to the evolution of standards. The Council, in a resolution⁶⁸¹ adopted the same day, recommended that the General Assembly should, at an appropriate time, proclaim an international year of the world's indigenous populations.

e) Migrants' rights

267. Concerning the drafting of an international convention on the protection of the human right of all migrant workers and their families, the General Assembly continued with its previous practice in that respect in reiterating the need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and their families.⁶⁸² It renewed annually in its relevant resolutions⁶⁸³ the mandate of the Working Group open to all Member States entrusted to elaborate that international convention.

268. The Working Group made, during the period under review, a second reading of the draft convention provisionally agreed upon a first reading.⁶⁸⁴ Several parts of the draft convention was subject to controversial debates, *inter alia*, the question to know whether the convention should cover exclusively persons employed by an employer or whether its provisions could be extended to cover self-employed migrant workers or persons undertaking "other economic activities"; the question of family, the conditions of detention, expulsion, the conditions of the access of children of migrant workers to education, the question of participation of migrant workers and members of their families in local political life, the equality of treatment in education, the development of

⁶⁸¹ E S C resolution 1988/37 of 27 May 1988.

⁶⁸² G A resolution 40/144 of 13 December 1985, annex.

⁶⁸³ G A resolutions 40/130 of 13 December 1985, 41/151 of 4 December 1986, 42/140 of 7 December 1987 and 43/146 of 8 December 1988.

⁶⁸⁴ A/C.3/39/WG.1/WP.1

educational facilities in their mother tongue and the question of the supervisory mechanism of the convention.⁶⁸⁵

269. The working group also considered in that session Part II of the draft convention on non-discrimination with respect to rights and adopted article 7 and, Part III, entitled “human rights of all migrant workers and members of their families,” notably in adopting article 8 on freedom of movement, article 9 on the right to life, article 10 regarding protection against torture or cruel, inhuman or degrading treatment, article 11 concerning forced or compulsory labour, slavery and servitude and, article 12 regarding freedom of thought, conscience and religion.⁶⁸⁶

270. It also adopted, in second reading, article 13 on freedom of expression and opinions, article 14 on protection against arbitrary or unlawful interference with their privacy, family, home correspondence or other communications, honour and reputation, article 15 regarding rights to own property individually or in association, the nine paragraphs of article 16.⁶⁸⁷ Article 17 on deprivation of liberty was also discussed but the working group decided to continue its consideration at the next session.⁶⁸⁸

271. The working group, continuing to complete its mandate, held during the forty-second session, 18 meetings with the participation of delegations from all regions and observers from ILO. It continued in second reading, its consideration of draft articles as adopted in first reading,⁶⁸⁹ notably Part III of the draft convention regarding “fundamental human rights of all

⁶⁸⁵ See for example A/C.3/40/1 and 6.

⁶⁸⁶ See related debates in A/C/3/41/3

⁶⁸⁷ Ibid.

⁶⁸⁸ For the text of draft articles adopted in second reading during the forty-first session: A/C/3/41/3 ; II.

⁶⁸⁹ A/C/3/39/WG.1,WP.1.

migrant workers and members of their families”. For that purpose, the working group adopted article 17 on deprivation of liberty,⁶⁹⁰ article 18 relating to administration of justice,⁶⁹¹ articles 19, 20 and 21.⁶⁹² After lengthy discussion during nine meetings, the working group finally adopted article 22 concerning expulsion.⁶⁹³ It also adopted articles 23 to 26⁶⁹⁴ and decided as regard article 27 on social security, to postpone its consideration to the next session due to a lack of consensus. It adopted during the same session, articles 28, 29, 30 31 34 and 35.

272. During the next session⁶⁹⁵, it reconsidered and adopted article 27 on social security, article 32 on the right to transfer their savings and earnings and article 33 concerning the right to be informed on their situation. The working group also adopted during that session the title of Part IV “Other rights of migrant workers and members of their families in a regular situation” and, articles 36 to 49.⁶⁹⁶

273. During 1988, the working group accomplished its task during its inter-sessional meeting and finished the consideration of Part IV on “Other rights of migrant workers and members of their families in a regular situation” in adopting articles 51 to 55 and in deferring the consideration of articles 50 and 56 regarding expulsion.⁶⁹⁷ It also adopted Part V of the draft convention entitled “Provisions applicable to particular categories of migrant workers and members of their

⁶⁹⁰ A/C.3/42/1, paras.10 to 45.

⁶⁹¹ Ibid, paras.61.

⁶⁹² Ibid, paras.62 to 88.

⁶⁹³ Ibid, paras 89 to 166.

⁶⁹⁴ Ibid, paras. 210 to 253.

⁶⁹⁵ A/C.3/42/6.

⁶⁹⁶ Ibid, paras 82 to 350. See also for the text of articles adopted by the working group during the forty-second session: A/C.3/42/6.,pages 68 to 74.

⁶⁹⁷ See, A/C.3/43/1, paras. 9 to 219.

families”, article 57 to 62 and differed to the next session, the consideration of article 60 on seafarers and workers on offshore installations.⁶⁹⁸

274. During the sessional meeting⁶⁹⁹ the working group adopted Part VI of the draft convention entitled “Promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families” and Part VII regarding the application of the convention.

f) Rights of aliens

275. By the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live, the General Assembly, considering the goals of promoting human rights and fundamental freedoms contained the Charter of the United Nations, and considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth in that Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, noted that, with improving communications and the development of peaceful and friendly relations among countries, individuals increasingly live in countries of which they are not nationals, and recognized that the protection of human rights and fundamental freedoms provided for in international instruments should also be ensured for individuals who are not nationals of the country in which they live.

⁶⁹⁸ For the text of articles as adopted during the inter-sessional meeting, see A/C.3/43/1, pages 62 to 65.

276. The first article of the Declaration⁷⁰⁰ gives a definition of the term “alien”, who is considered according to that article as any individual who is not national of the State in which he or she is present. Article 3 provides that every State shall make public its national legislation or regulations affecting aliens. Under article 4, aliens shall observe the laws of the State in which they reside or are present and regard with respect the customs and traditions of the people of that State. Article 5 enumerate a list of specific human rights, notably that aliens shall enjoy, in accordance with domestic law and subject to the relevant international obligations of the State in which they are present: the right to life and security of person; the right to protection against arbitrary or unlawful interference with privacy, family, home and correspondence; the right to be equal before the courts, tribunals and all other organs and authorities administering justice; the right to choose a spouse, to marry, to found a family; the right to freedom of thought, conscience, opinion and religion, the right to retain their own language, culture and tradition. The declaration also articulated the right, subject to those conditions provided in article 5.2, to leave the country; to freedom of expression; to peaceful assembly; to own property alone as well as in association with others, subject to domestic law; to liberty of movement and to choose their residence; the right for the children or dependent and the spouse to join and stay with the alien.

277. Article 6 provides dispositions against torture, cruel, inhuman or degrading treatment, and article 8 deals with the rights relating to work, to join trade union and the right to health and social security.

⁶⁹⁹ A/C.3/43/7.

⁷⁰⁰ Ibid.

278. At its twenty-seventh session of 1986,⁷⁰¹ the Human Rights Committee gave clarifications on the position of aliens under the International Covenant on Civil and Political Rights.

“According to the Committee, the rights set forth in the Covenant apply to everyone, irrespective of reciprocity, and irrespective of his or her nationality and statelessness. If it is, in principle, the Committee said, a matter for the State to decide who it will admit to its territory... [A]liens allowed to enter a territory of a State party are entitled to the rights set out in the Covenant. Aliens, thus have an inherent right to life, protected by law, and may not be arbitrarily deprived of life. They must not be subjected to torture or to cruel, inhuman or degrading treatment or punishment; nor may they be held in slavery or servitude. Aliens have the full right to liberty and security of the person. If lawfully deprived of their liberty, they shall be treated with humanity and with respect for the inherent dignity of their person. Aliens may not be imprisoned for failure to fulfil a contractual obligation. They have the right to liberty of movement and free choice of residence; they shall be free to leave the country. Aliens shall be equal before the courts and tribunals, and shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law in the determination of any criminal charge or of rights and obligations in a suit of law. Aliens shall not be subjected to retrospective penal legislation, and are entitled to recognition before the law. They may not be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence. They have the right to freedom of thought, conscience, and religion, and the right to hold opinions and to express them. Aliens receive the benefit of the right of peaceful assembly and of freedom of association. They may marry when at marriageable age. Their children are entitled to those measures of protection required by their status as minors. In those cases where aliens constitute a minority within the meaning of article 27,⁷⁰² they shall not be denied the right, in community with other

⁷⁰¹ HRI/GEN/1Rev.5

⁷⁰² Article 27 provides: “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language”.

members of their group, to enjoy their own culture, to profess and practise their own religion and to use their own language. Aliens are entitled to equal protection by the law. There shall be no discrimination between aliens and citizens in the application of these rights. These rights of aliens may be qualified only by such limitations as may be lawfully imposed under the Covenant.”

The Committee also expressed views on the implementation of article 13 of the Covenant⁷⁰³ concerning procedures aimed at the obligatory departure of an alien. According to the Committee, if such procedures entail arrest, the safeguards of the Covenant relating to deprivation of liberty as set out in articles 9 and 10,⁷⁰⁴ must be applicable. Article 13, the Committee said, only protect those aliens who are lawfully in the territory of a State party, what means that illegal entrants and aliens who have stayed longer than the law or their permits allow, are not covered by the provisions of that article. However, if the legality of an alien’s entry or stay is in dispute, any decision on this point leading to his expulsion or deportation ought to be taken in accordance with that article. It is for the competent authorities of the State party, in good faith and in the exercise of their powers, to apply and interpret the domestic law, observing, however, such requirements under the Covenant as

⁷⁰³ Article 13 provides : “An alien lawfully in the territory of a State party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority”

⁷⁰⁴ Art 9: 1 provides. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. 2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him. 3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement. 4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful. 5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation. Art 10 : 1 provides. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. 2. (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons; (b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication. 3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

equality before the law. For the Committee, the purpose of Article 13 is to prevent arbitrary expulsions it entitles each alien to a decision in his own case and, hence, would not be satisfied with laws or decisions providing for collective or mass expulsions.

***g) Rights of disabled persons⁷⁰⁵*

h) Rights of older persons

279. During the period under review, rights of older persons have been explored by the United Nations Organs in connection with the action taken for the protection and promotion of the human rights of women.

280. In this regard, the General Assembly⁷⁰⁶ requested the Commission on the Status of Women to pay particular attention to the specific problems faced by elderly women and to the discrimination suffered by these women because of their age and sex.

281. The Council⁷⁰⁷ noted with concern, the continued undeserved and cumulative vulnerability of elderly women in a number of developed and developing countries and stressed the need for effective long-term policies and programmes to prepare women and men equally for a secure and dignified old age. It recommended that Member States, the organization of the United Nations system and concerned intergovernmental and non-governmental organizations should effectively harmonize the essential features of the International Plan of Action on Aging with the Nairobi Forward-looking Strategies for the Advancement of women, on behalf of elderly women, to

⁷⁰⁵ See this study under section .3.g

⁷⁰⁶ G A resolution 43/93 of 8 December 1988.

⁷⁰⁷ E S C resolution 1986/26 of 23 May 1986.

ensure their economic and social security and to promote systems of social support and primary health care appropriate to their needs.

***i) Youth and human rights*

***j) Human rights defenders*

iv. Rights relating to armed conflicts

282. The General Assembly, by its resolution 41/72 of 3 December 1986 relating to the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts, was convinced of the continuing value of established humanitarian rules relating to armed conflict and the need to respect and ensure respect for these rules in all circumstances within the scope of the relevant international instruments pending the earliest possible termination of such conflicts. It noted the necessity for consolidating and implementing the existing body of international humanitarian law and for the universal acceptance of such law, particularly the necessity to protect the civilian population, especially women and children, against the effects of hostilities. It appealed to all States parties to the Geneva Convention of 1949 to consider becoming parties also to the additional Protocols⁷⁰⁸ at the earliest possible date.

⁷⁰⁸ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), adopted on 8 June 1977 by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts, entered into force 7 December 1979, in accordance with Article 95. Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), adopted on 8 June 1977 by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts, entered into force on 7 December 1978, in accordance with Article 23.

It also called upon all States becoming parties to Protocol I to consider making the declaration provided for under article 90⁷⁰⁹ of that Protocol.⁷¹⁰

v. The right of peoples and nations to self-determination

283. The General Assembly, in conformity with its previous practice, continued to adopt resolutions on the question of the right of peoples and nations to self-determination. By its resolution 40/24 of 29 November 1985, it reaffirmed the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenant on Human Rights, as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514(XV) of 14 December 1960. It expressed grave concern that, as a consequence of acts or threats of foreign military intervention and occupation, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasized the urgent need for concerted international action to alleviate their conditions. It also called upon those States responsible to cease immediately their military intervention and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, particularly the brutal and inhuman methods reportedly employed for the execution of these acts against the peoples concerned.

⁷⁰⁹ Art 90 (2): (a) The High Contracting Parties may at the time of signing, ratifying or acceding to the Protocol, or at any other subsequent time, declare that they recognize ipso facto and without special agreement, in relation to any other High Contracting Party accepting the same obligation, the competence of the Commission to enquire into allegations by such other Party, as authorized by this Article.

(b) The declarations referred to above shall be deposited with the depositary, which shall transmit copies thereof to the High Contracting Parties.

Use of mercenaries

284. The General Assembly by its resolution 41/102 of 4 December 1986, called upon all States to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to ensure, by both administrative and legislative measures, that the territory of those States and other territories under their control, as well as their nationals, are not used for recruitment, assembly, financing, training and transit of mercenaries, or the planning of such activities designed to destabilize or overthrow the Government of any State and to fight the national liberation movements struggling against racism, *apartheid*, colonial domination and foreign intervention and occupation for their independence, territorial integrity and national unity. It also urged them to take the necessary measures under their respective domestic law to prohibit the recruitment, financing, training and transit of mercenaries on their territory.

285. The Council also adopted a resolution related to the use of mercenaries in which it urged the Commission on Human Rights to appoint a special rapporteur on that subject with a view to preparing a report for consideration at the forty-fourth session of the Commission.⁷¹¹ In its subsequent decision⁷¹², the Council approved the decision of the Commission to continue for another year the mandate of the Special Rapporteur to examine the questions of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination in order to enable him to submit further conclusions and recommendations to the Commission.

vi. Rights relating to development

⁷¹⁰ See also G A resolution 43/161 of 9 December 1988.

⁷¹¹ E S C resolution 1986/43 of 23 May 1986; See also E S C 1987/61 of 29 May 1987, in which the Council endorsed the decision of the Commission on Human Rights to appoint a special rapporteur.

286. The General Assembly by its resolution 41/128 of 4 December 1986, adopted the Declaration on the Right to Development. In the Preamble of the Declaration, it bore in mind the purposes and principles of the Charter of the United Nation relating to the achievement of international co-operation in solving international problems of an economic, social, cultural or humanitarian nature, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. It recognized that development was a comprehensive economic, social, cultural and political process, which aimed at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and the fair distribution of benefits resulting therefrom.⁷¹³ It also considered that under the provisions of the Universal Declaration of Human Rights everyone is entitled to a social and international order in which the rights and freedoms set forth in that Declaration can be fully realized. It recalled the provisions of several Human Rights instruments of the United Nations dealing with the integral development of the human being, economic and social progress and development of all peoples.

287. The General Assembly also expressed its concerns about the existence of serious obstacles to development, as well as to the complete fulfilment of human beings and of peoples, constituted, *inter alia*, by the denial of civil, political, economic, social and cultural rights, and considered that all human rights and fundamental freedoms are indivisible and interdependent and that, in order to promote development, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

⁷¹² E S C decision 1988/126 of 27 May 1988.

⁷¹³ See also this Supplement under Article 55a&b, section I.B.1.a.

accordingly, the promotion of, respect for and enjoyment of certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms.

288. Article 1 provides that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. The human right to development also implies the full realization of the right of people to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources. Article 2 sets out that the human person is the central subject of development and should be the active participant and beneficiary of the right to development. States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development (article 3.1). They have the duty to co-operate with each other in ensuring development and eliminating obstacles to development (art 3.3). They have the duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development (article 4). Article 5 deals with the eradication of massive and flagrant violations of human rights. Article 6 is about the co-operation for the promotion and protection of human rights and fundamental freedoms and also, the principle of indivisibility and interdependence of all human rights. Article 7 deals with the establishment of international peace and security including general disarmament. Article 8 sets out the various measures that States should undertake for the realization of the rights to development. Article 9 reaffirms the principle of indivisibility and interdependence of different rights. Article 10 commends to take steps to ensure the full exercise and progressive enhancement of the right to development.

289. Pursuant to Commission on Human Rights resolution 1987/23 requesting Governments, United Nations Bodies and specialized agencies and other governmental and non-governmental organizations to offer their comments and views on the implementation of the Declaration on the Right to Development, which would contain practical proposals and ideas that should contribute substantively to further work on the implementation of the Declaration, in a subsequent resolution⁷¹⁴ the General Assembly called upon the Working Group of Governmental Experts on the Right to Development, at its eleventh session, to study the analytical compilation to be prepared by the Secretary-General of all replies received, if necessary together with the individual replies, and to submit to the Commission on Human Rights at its forty-fourth session its recommendations and suggestions on which proposals would best contribute to the further enhancement and implementation of the Declaration. It also called upon the Commission on Human Rights to consider the report, recommendations and suggestions of the Working Group, as well as all other relevant materials, including the analytical compilation, with a view to deciding on practical measures to implement the Declaration, including specific proposals concerning the future work.⁷¹⁵

vii. The right to peace

290. During the period under review, the General Assembly elaborated on questions relating to peace jointly with the study on other questions such as settlements of disputes, development and disarmament or education of youth. To this end, the General Assembly, by its resolution 42/22 of 18 November 1987 adopted the Declaration on the Enhancement of the Effectiveness of the

⁷¹⁴ G A resolution 42/117 of 7 December 1987.

Principle of Refraining from the Threat or Use of Force in the International Relations. In the preamble of the Declaration, it bore in mind the universal significance of human rights and fundamental freedoms as essential factors for international peace and security. It solemnly declared in part 22 that States reaffirmed that the respect for effective exercise of all human rights and fundamental freedoms and protection thereof are essential factors for international peace and security, as well as for justice and the development of friendly relations and co-operation among all States. Consequently, they should promote and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion, *inter alia*, by strictly complying with their international obligations and considering, as appropriate, becoming parties to the principal international instruments in this field.

291. In the Declaration on the Right to Development⁷¹⁶ mentioned above, the General Assembly considered that international peace and security were essential elements for the realization of the right to development.⁷¹⁷

292. By resolution 43/136 of 8 December 1988 concerning youth, the General Assembly affirmed that young people are interested in their future and wish to live in peace, freedom and friendship among all peoples, and that the education of youth in the spirit of the ideals of peace, mutual respect, friendship and co-operation between peoples should be a priority and permanent task of all States. It also stressed the necessity of the implementation of the provisions of the Universal Declaration of Human Rights towards the promotion among youth of the ideals of peace, mutual respect and understanding between peoples.

⁷¹⁵ See also G A resolution 43/127 of 8 December 1988.

⁷¹⁶ G A resolution 41/128 of 4 December 1986, annex.

⁷¹⁷ *Ibid.*, preamble.

viii. ** *Rights relating to environment*

3. THE QUESTION OF THE MEANING OF THE TERM “SHALL PROMOTE”, THE IMPLEMENTATION PROCEDURES FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

a) Treaty-based mechanisms

293. During the period under review, the principal organs of the United Nations took steps to promote standards of human rights and fundamental freedoms through treaty-based mechanisms.

This was achieved mainly through the Human Rights Committee in the implementation of the International Covenant on Civil and Political Rights and its Optional Protocol and the Sessional Working Group of Governmental Experts regarding the execution of the International Covenant on Economic, Social and Cultural Rights.

294. Regarding both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,⁷¹⁸ the General Assembly noted with appreciation that, following its appeal, more Member States had acceded to them.⁷¹⁹ However, it continued to urge all States that had not yet done so, to become parties to them, and to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights.⁷²⁰

⁷¹⁸ See G A resolution 2200 A (XXXI), annex.

⁷¹⁹ See G A resolution 40/115.

⁷²⁰ See G A resolution 42/103.

295. Concerning the specific implementation of the International Covenant on Civil and Political Rights and its Optional Protocol, the Assembly recognized the importance of the role of the Human Rights Committee.⁷²¹ As for the execution of the International Covenant on Economic, Social and Cultural Rights, the Assembly recognized the useful work of the Sessional Working Group of Governmental experts.⁷²²
296. Regarding the submission of reports to the Human Rights Committee, the Assembly continued to urge States parties to the International Covenant on Civil and Political Rights to do so under Article 40 of that Covenant or, in the case of those States that had been requested by the Committee to provide additional information, to comply with that request.⁷²³ It also invited them to consider making the declaration provided for in Article 41 of the Covenant. As for the presentation of reports to the Economic and Social Council by States parties to the International Covenant on Economic, Social and Cultural Rights, the Assembly continued to commend their submission under article 16. With respect to the States parties to both Covenants, the Assembly noted that the majority had been represented by experts for the presentation of their reports, and encouraged all States parties to continue to do so in the future.⁷²⁴
297. Finally, the Assembly repeatedly emphasized the importance of the strictest compliance by States parties with their obligations, under the respective Covenants, stressed the importance of avoiding the erosion of human rights by derogation, and underlined the necessity of strict observance of the agreed conditions and procedures for derogation. It also expressed the need for States parties to provide the fullest possible information during states of emergency, so that the

⁷²¹ See G A resolution 40/115.

⁷²² Ibid.

⁷²³ Ibid.

justification for and appropriateness of measures taken in those circumstances could be assessed.⁷²⁵ In addition, it encouraged all Governments to publish the texts of both Covenants and additional Protocol in as many languages as possible and to distribute them and make them known as widely as possible in their territories.

i. Reporting procedures

^{298.} During the period under review, the principal organs of the United Nations continued to encourage the fulfilment by States parties of periodic reporting obligations under international instruments on human rights. In order to achieve this, steps were taken towards the necessary lightening of these requirements. The General Assembly recognized that effective periodic reporting by States parties to relevant treaty bodies not only enhances international accountability in relation to the protection and promotion of human rights, but also provides States parties with a valuable opportunity to review policies and programs affecting the protection and promotion of human rights and to make any appropriate adjustments. However, it further recognized the burden that coexisting reporting systems place upon Member States that are parties to various instruments and noted that this burden will become more onerous as additional instruments come into force.⁷²⁶

299. As a result, the Assembly noted with deep concern that the number of overdue reports of States parties to at least one of the conventions on human rights had reached serious proportions and could even increase unless the appropriate steps were taken to further ascertain the root

⁷²⁴ See G A resolution 42/103.

⁷²⁵ G A resolution 42/103 of 7 December 1987.

⁷²⁶ G A resolution 42/105 of 7 December 1987.

causes of the situation and to devise adequate types of action that could progressively remove the difficulties being experienced.⁷²⁷ Additionally, it supported the request addressed by the Commission on Human Rights to the Secretary-General, in its resolution 1985/45, concerning the provision of practical assistance to States, under the program of advisory services in the field of human rights, in the preparation of their reports under United Nations conventions.⁷²⁸

300. To this end, the Assembly requested the Secretary General to send to all States parties to the five United Nations conventions on human rights having at 1 February 1986 more than two overdue reports, a note verbale inviting them to indicate, if they so wished, the reasons for their difficulties in complying with the reporting obligations on the conventions under which their reports are overdue and their interest, if any, in technical advice and assistance with a view to better fulfilling their reporting obligations.⁷²⁹

301. The Assembly also requested the Secretary-General to continue to work on developing a compilation of the general reporting guidelines elaborated by the various supervisory bodies as well as a list of articles dealing with related rights under United Nations instruments on human rights. Additionally, it invited States parties to international instruments on human rights to review the processes followed in the preparation of their periodic reports with a view to ensuring compliance with the relevant guidelines, improving the quality of description and analysis and limiting reports to a reasonable length, taking due consideration of the relevant provisions of those instruments.⁷³⁰ Therefore, it requested the Secretary-General to consider entrusting an independent expert with the task of preparing a study on possible long-term approaches to the

⁷²⁷ G A resolution 40/116.

⁷²⁸ G A resolution 40/116, para. 5.

⁷²⁹ *Ibid.*, para. 8.

supervision of new instruments on human rights, taking into account the conclusions and recommendations of the meeting of persons chairing the treaty bodies, the deliberations of the Commission on Human Rights and other relevant material, to be submitted to the General Assembly at its forty-fourth session.

302. The principal organs of the United Nations also took various steps on the implementation of specific reporting procedures established by certain international instruments on human rights. Regarding the mechanisms established under Article 16 of the International Covenant on Economic, Social and Cultural Rights, the Council⁷³¹ decided to maintain the first six year cycle of the reporting procedures on the implementation of the Covenant and established a nine year period for the subsequent cycles.⁷³²

303. As for the reporting mechanisms created by the International Convention on the Elimination of All Forms of Racial Discrimination, the Assembly recalled the entry into force, on 3 December 1982, of the competence of the Committee on the Elimination of Racial Discrimination to accept and to examine communications from persons or groups of persons and further recalled that since that date more States parties had made the declaration provided for in article 14 of the Convention. Consequently, it requested those States that had not become parties to that Convention to ratify or accede it thereto, and called upon States parties to consider the possibility of making the declaration provided in article 14.⁷³³

⁷³⁰ G A resolution 43/115.

⁷³¹ E S C decision 1985/132 of 28 May 1985.

⁷³² G A resolution 40/116, para. 4.

⁷³³ G A resolutions 40/26, 41/104, and 43/95.

304. The General Assembly welcomed the decision of the States parties to the above-mentioned International Convention to approve the practice of the Committee on the Elimination of Racial Discrimination of considering multiple overdue reports in consolidated form. Therefore, it urged States parties with overdue reports to make every effort to present them as soon as possible and take advantage of opportunities whereby such reports could be consolidated.⁷³⁴

305. The Assembly also welcomed the decision taken by States parties to the above-mentioned International Convention to recommend that in order to facilitate the current work of the Committee, States parties, as a general practice, after submitting reports to the Committee, should submit further comprehensive reports on every second occasion thereafter when reports are due, that is, every four years, with a brief updating report at each intervening occasion when reports are due.⁷³⁵

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

306. During the period under review, the principal organs took various steps concerning the implementation of the International Covenant on Economic, Social and Cultural Rights⁷³⁶ in reviewing the composition, organization and administrative arrangements of the Sessional Working Group of Governmental experts, established by the Economic and Social Council⁷³⁷ for the purpose of assisting it in the consideration of reports submitted by States parties to the

⁷³⁴ G A resolution 41/121.

⁷³⁵ G A resolution 42/105.

⁷³⁶ **International Covenant on Economic, Social and Cultural Rights, adopted and opened for signature, ratification and accession by General Assembly resolution 2200 A (XXI) of 16 December 1966 entered into force 3 January 1976, in accordance with article 27.**

⁷³⁷ E S C decision 1978/10 of 3 May 1978.

Covenant.⁷³⁸ In that regard, the Council⁷³⁹ considered the report⁷⁴⁰ of the Secretary-General on the composition, organization and administrative arrangements of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights and other bodies established in accordance with existing international instruments in the field of human rights, and decided that the Working Group established by Economic and Social Council decision 1978/10 should be renamed “Committee on Economic, Social and Cultural Rights”, and that the Committee should comprise of eighteen experts with recognized competence in the field of human rights, serving in their personal capacity, due consideration being given to equitable geographical distribution and to the representation of different forms of social and legal systems. To that end, the Council stated, fifteen seats would be equally distributed among the regional groups, while the additional three seats would be allocated in accordance with the increase in the total number of States parties per regional group. The Council went on to state the members of the Committee should be elected by the Council by secret ballot from a list of persons nominated by States parties to the International Covenant on Economic, Social and Cultural Rights, and should meet annually for a period of up to three weeks, at which time the Committee should submit to the Council a report on its activities, including a summary of its consideration of the reports submitted by States parties to the Covenant and by specialized agencies, and recommendations of a general nature on the basis of its consideration of those reports in order to assist the Council to fulfil, in particular, its responsibilities under articles 21 and 22 of the Covenant.

⁷³⁸ See also, ESC resolution 1979/43, E S C decision 1981/158 concerning the methods of work of the Working Group and, E S C resolution 1982/33 related to the composition, organization and administrative arrangements of the Sessional Working Group.

⁷³⁹ E S C resolution 1985/17 of 28 May 1985.

⁷⁴⁰ E/1985/17

307. It⁷⁴¹ also welcomed the proposal of the Committee to set up a sessional working group to consider its methods of work and invited the Committee to develop its general guidelines for the preparation of reports pursuant to articles 16 and 17 of the Covenant, taking due account of the compilation of guidelines prepared by the Secretary-General and focusing on such specific information as would assist the Committee to carry out its mandate more effectively. The General Assembly,⁷⁴² in this regard, requested the Committee to take due account of the experience gained in the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights, and in particular of the suggestions and recommendations of the Sessional Working Group. The Council⁷⁴³ invited States parties to the Covenant to review the process followed in the preparation of their periodic reports on the implementation of the Covenants, including consultations and co-ordination with appropriate governmental departments and agencies, and compilation of data and training of staff, and to hold, as appropriate, consultations with interested non-governmental organizations, with a view to ensuring full compliance with relevant guidelines, improving the quality of description and analysis in such reports and limiting reports to a reasonable length.

308. The Council⁷⁴⁴ endorsed the recommendations of the Committee that States parties be requested to submit a single report within two years of the entry into force of the Covenant for the State party concerned and thereafter at five-years intervals, and requested the Secretary-General to inform States parties to the Covenant of that decision. It also took note of the decision of the Committee to devote one day during each session to a general discussion of one specific

⁷⁴¹ Ibid.

⁷⁴² G A resolution 42/102 of 7 December 1987.

⁷⁴³ ESC resolution 1988/4 of 24 May 1988.

⁷⁴⁴ Ibid.

rights or a particular article of the Covenant in order to develop in greater depth its understanding of the relevant issues.

309. The Council⁷⁴⁵ also invited non-governmental organizations in consultative status with the Council to submit to the Committee written statements that might contribute to full and universal recognition and realization of the rights set forth in the Covenant, and requested the Secretary-General to make those statements available to the Committee in a timely manner.

Committee against torture

310. During the period under review, the mechanisms established for the eradication of torture and other cruel, inhuman or degrading treatment or punishment passed an important step with the entry into force on 26 June 1987 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment.⁷⁴⁶ The General Assembly⁷⁴⁷ in this context, recognized the importance of the establishment by States parties to the Convention of appropriate administrative and financial arrangements to enable the Committee against Torture to carry out in an effective and efficient manner the functions entrusted to it under the Convention, and to ensure the long-term viability of the Committee as an essential mechanism for overseeing the effective implementation of the provisions of the Convention. The Council also recognized the need for the Committee against Torture to give early attention to the development of an effective reporting system on implementation by States parties to the Convention, taking due account of the draft guidelines of

⁷⁴⁵ Ibid.

⁷⁴⁶ Adopted and opened for signature, ratification and accession by G A resolution 39/46 of 10 December 1984. See also previous Supplement, Art 55, under paras.273 to 283.

the Secretary-General on reporting and the activities of the Human Rights Committee, as well as of the other human rights treaty bodies, established under the relevant international instruments in the field of human rights.

Committee on the Elimination of Racial Discrimination

311. As in the past,⁷⁴⁸ the General Assembly continued to explore questions relating to racism and racial discrimination, notably by reviewing the work of the Committee on the Elimination of Racial Discrimination. In this connection, the General Assembly⁷⁴⁹ considered that the Committee should not take into consideration information on Territories to which General Assembly resolution 1514(XV) applied unless such information was communicated by the competent United Nations bodies in conformity with article 15 of the Convention. It commended the Committee for its continuous endeavours towards the elimination of all forms of discrimination based on race, colour, descent or national or ethnic origin, in particular the elimination of *apartheid* in South Africa and Namibia. It welcomed further the efforts of the Committee aimed at the elimination of all discrimination against migrant workers and their families, the promotion of their rights on a non-discriminatory basis and the achievement of their full equality, including the freedom to maintain their cultural characteristics. The General Assembly also welcomed the Committee's General Recommendation VII⁷⁵⁰ relating to the implementation of article 4 of the Convention.⁷⁵¹ The Committee noted that in a number of States

⁷⁴⁷ G A resolution 42/123 of 7 December 1987.

⁷⁴⁸ See *Suppl No. 6*, under this Article, paras.331 to 333.

⁷⁴⁹ G A resolution 40/28

⁷⁵⁰ A/40/18.

⁷⁵¹ Article 4: States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of

parties the necessary legislation to implement article 4 of the Convention had not been enacted, and that many States had not fulfilled all the requirements of article 4(a) and (b) of the Convention.⁷⁵² As a result, the Committee recommended that those States parties whose legislation does not satisfy the provisions of article 4 (a) and (b) should take the necessary steps with a view to satisfying the mandatory requirements of that article.

312. The Committee also requested that those States parties which had not yet done so inform it more fully in their periodic reports of the manner and extent to which the provisions of that article are effectively implemented and quote the relevant parts of the text in their reports. It further requested those States parties which had not yet done so to endeavour to provide in their periodic reports more information concerning decisions taken by the competent national tribunals and other State institutions regarding acts of racial discrimination and in particular those offences dealt with in article 4(a) and (b).

b) Special mechanisms and procedures

i) Country mandates

one race or group of persons of one color or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, *inter alia*:

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

313. During the period under review, the principal organs of the United Nations continued to examine the situation of human rights in several countries. As in the past, was achieved mainly with the assistance of the Commission on Human Rights and its subsidiary bodies, the appointment of experts, special rapporteurs, special representatives, and *ad hoc* working groups.

Equatorial Guinea

314. In examining the human rights situation in Equatorial Guinea, the Economic and Social Council considered the conclusions and recommendations of the expert appointed by the Secretary General pursuant to Council resolution 1984/36 concerning his most recent mission to that country. The conclusions indicated that more needed to be done by the United Nations and the Government of Equatorial Guinea to implement and make better use of the plan of action⁷⁵³ proposed by the United Nations and accepted by the Government of that country.⁷⁵⁴ The Council requested the Government to consider the possibility of continuing to implement the plan of action, taking into consideration the expert's new proposals; to take steps to facilitate the repatriation of all refugees and exiles, including the adoption of measures enabling all citizens of Equatorial Guinea to participate fully in the country's political, economic, social and cultural affairs; and appealed the Government to accede to the International Covenants and the Optional Protocol to the International Covenant on Civil and Political Rights, among other international instruments concerning human rights and fundamental freedoms.⁷⁵⁵ Finally, the Council further requested the Secretary-General to seek ways and means of establishing a system for co-

⁷⁵² Ibid, a and b.

⁷⁵³ E/CN.4/1985/9. Chap. II, annex II.

⁷⁵⁴ See E S C resolution 1985/39 and 1986/39.

⁷⁵⁵ E S C resolution 1986/39, para. 1.

ordinating assistance furnished by the Center for Human Rights under the program of advisory services in the field of human rights with all other forms of assistance to Equatorial Guinea.⁷⁵⁶

Afghanistan

315. With regard to the human rights situation in Afghanistan, the General Assembly examined the interim report⁷⁵⁷ of the Special Rapporteur on the question on human rights in that country, appointed pursuant to Council resolution 1984/37. The conclusions revealed continuing grave and massive violations of fundamental human rights in that country.

316. As a result, the General Assembly⁷⁵⁸ expressed its profound distress and alarm, in particular, at the widespread violations of the rights to life, liberty and security of person, including the commonplace practice of torture and summary executions of the opponents of the régime, as well as at increasing evidence of a policy of religious intolerance. In that respect, it urged the authorities in Afghanistan to co-operate with the Commission on Human Rights and its Special Rapporteur, in particular by allowing him to visit Afghanistan.

317. The Council took decisions by which it extended for one year the mandate of the Special Rapporteur on the question of human rights and fundamental freedoms in Afghanistan and continued to request him to report on the question to the General Assembly.⁷⁵⁹

⁷⁵⁶ Ibid., para. 4.

⁷⁵⁷ A/40/843, annex.

⁷⁵⁸ G A resolution 40/137 of 13 December 1985.

⁷⁵⁹ See e.g., E S C decisions 1986/136 of 23 May 1986, 1987/151 of 29 May 1987, and 1988/136 of 27 May 1988.

El Salvador

318. Concerning the situation in El Salvador, the General Assembly considered the interim report submitted by the Special Representative on the situation of human rights in that country. In his interim report⁷⁶⁰ the Special Representative pointed out, *inter alia*, that a situation of generalized warlike violence continued to exist, that a number of attacks on life and the economic structure remained a cause for concern, and that the number of political prisoners and abductions had increased. The General Assembly,⁷⁶¹ consequently, expressed its deep concern at the fact that serious and numerous violations of human rights continued to take place in that country and therefore requested the Government of El Salvador and the insurgent forces to adopt measures conducive to the humanization of the conflict. The General Assembly also deeply deplored the fact that the capacity of the judicial system in El Salvador to investigate, prosecute and punish violations of human rights continued to be patently unsatisfactory and therefore urged the competent authorities to continue and strengthen the process of reform of the Salvadorian judicial system, in order to punish speedily and effectively those responsible for the serious human rights violations which had been committed and were being committed in that country. It also called upon the competent authorities to introduce changes in the laws and other measures incompatible with the provisions contained in the international instruments binding on the Government of El Salvador in respect of human rights. The Assembly renewed its appeal to that Government, as well as to the other parties concerned, to continue to co-operate with the Special Representative of the Commission on Human Rights.

319. The Economic and Social Council continued to approve the Commission's decisions to extend the mandate of the Special Representative on the situation of human rights in El Salvador

⁷⁶⁰ A/40/818, annex.

and to request him to submit his report on further developments in the situation of human rights of that country to the General Assembly.⁷⁶²

Guatemala

320. As regard the situation of human rights in Guatemala, the General Assembly⁷⁶³ took note of the interim report of the Special Rapporteur of the Commission and welcomed the co-operation of the Government of Guatemala with the Special Rapporteur as well as the invitation by the Government to several international human rights organizations to assess the situation of human rights and fundamental freedoms. It also, among other measures, strongly urged the Government of Guatemala to take all measures necessary to halt violations of human rights and fundamental freedoms, particularly enforced and involuntary disappearances, as well as to take effective measures, within the framework of the Guatemalan Constitution, to ensure that all its authorities and agencies, civilian as well as military, fully respect the human rights and fundamental freedoms of all Guatemalans, such as trade unionists, catechists and the predominantly indigenous rural and peasant population. It further urged the Government to establish the necessary conditions to ensure the independence of the judicial system and to enable the judiciary to uphold the rule of law, including the right of *habeas corpus*, and to prosecute and punish speedily and effectively those who are responsible for violations of human rights, including members of the military and security forces. It invited the Government and other parties concerned to continue co-operating with the Special Rapporteur of the Commission, and invited the Commission to study carefully the report of its Special Rapporteur, as well as other

⁷⁶¹ See e.g., G A resolution 40/139 of 13 December 1985.

⁷⁶² See e.g., E S C decisions 1985/145 of 30 May 1985, 1986/135 of 23 May 1986, and 1988/135 of 27 May 1988.

⁷⁶³ G A resolution 40/140 of 13 December 1985.

information pertaining to the human rights situation in that country. The Assembly, in addition, invited the Commission to consider further steps for securing effective respect for human rights and fundamental freedoms for all in that country including, if so requested by the Government, the provision of appropriate technical assistance under the programme of advisory services in the field of human rights.

321. At its forty-first session, the General Assembly⁷⁶⁴ welcomed the process of democratization and return to constitutionality, which it considered fundamental steps towards complete and effective enjoyment of human rights and fundamental freedoms. It encouraged the Government of Guatemala to continue to take measures for the effective implementation of the Constitution and other laws aimed at safeguarding those rights and freedoms. It also requested the Government to continue co-operating with the Commission by providing it with information about the situation of human rights and fundamental freedoms, in particular in regard to the application of the new legal order for the protection of those rights and freedoms.

322. The Council⁷⁶⁵ also continued to approve the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Guatemala to enable him to continue his thorough study of the human rights situation in that country, and requested him, in preparing his report, to continue to take into account information for all reliable sources, to assess in particular allegations of politically motivated killings, disappearances, acts of torture, extrajudicial executions and confinement in clandestine prisons, to draw conclusions from his findings and to make further recommendations designed to help bring about improvements in the situation of human rights in that country.

⁷⁶⁴ G A resolution 41/156 of 4 December 1986.

323. In its subsequent decision⁷⁶⁶ the Council approved the Commission's decision to appoint a special representative to receive and evaluate full and detailed information which the Government of Guatemala had expressed its willingness to provide on the implementation of the new legal order for the protection of human rights and its efforts to guarantee the full enjoyment of fundamental freedoms, as well as to solicit any other relevant information from reliable sources, and to submit a report to the Commission on Human Rights at its forty-third session.

324. By its decision 1987/149 of 29 May 1987, the Council approved the Commission's request to the Secretary-General to appoint an expert with a view to assisting the Government of Guatemala, through direct contacts, in taking the necessary action for the further restoration of human rights. It approved the Commission's request to the Secretary-General to provide such advisory services and other appropriate forms of assistance in the field of human rights as might be requested by the constitutional Government of Guatemala.⁷⁶⁷

Islamic Republic of Iran

325. Concerning the situation of human rights in the Islamic Republic of Iran, the General Assembly endorsed the conclusions contained in the interim report⁷⁶⁸ of the Special

⁷⁶⁵ E S C decision 1985/146 of 30 May 1985.

⁷⁶⁶ E S C decision 1986/140 of 23 May 1986.

⁷⁶⁷ E S C decision 1988/131 of 27 May 1988.

⁷⁶⁸ A/40/874.

Representative.⁷⁶⁹ The interim report called attention to specific and detailed allegations of grave and extensive violations of human rights, notably, violations related to the right to life such as arbitrary executions, the right to freedom from torture or cruel, inhuman or degrading treatment or punishment, the right to liberty and security of person and to freedom from arbitrary arrest or detention, the right to freedom of thought, conscience and religion and to freedom of expression, and the right of religious minorities to profess and practise their own religion. As a result, the General Assembly⁷⁷⁰ urged the Government of the Islamic Republic of Iran to respect and to ensure to all individuals within its territory and subjects to its jurisdiction the rights recognized in the International Covenant on Civil and Political Rights. It also urged that Government to extend its full co-operation to the Special Representative, in particular to permit him to visit the country.

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326. In its decision 1986/137 of 23 May 1986, the Council approved the Commission's decision to extend for one year the mandate of the Special Representative on the situation of human rights in that country and requested the Chairman of the Commission to appoint an individual of recognized international standing to fill the vacancy created by the resignation of Mr Andrés Aguilar. It also approved the Commission's request to the newly appointed Special Representative to submit an interim report to the General Assembly at its forty-first session on the human rights situation in that country, including the situation of minority such minority groups as the Baha'is.

⁷⁶⁹ Appointed by CHR resolution 1984/54 of 14 March 1984.

⁷⁷⁰ G A resolution 40/141 of 13 December 1985.

⁷⁷¹ See also G A resolutions 41/159 of 4 December 1986, and 42/136 of 7 December 1987.

327. The Council by its subsequent decisions, extended annually the mandate of the Special Representative.⁷⁷²

Chile

328. As regard the situation of human rights in Chile, the General Assembly⁷⁷³ recognized the importance of the fact that the Chilean authorities had announced their intention to permit the entry into Chile of the Special Rapporteur, in the exercise of his mandate, to investigate the situation of human rights in that country, and took note of the preliminary report of the Special Rapporteur submitted in accordance with Commission resolution 1985/47.⁷⁷⁴ The General Assembly concluded, on the basis of that report and of other data at its disposal, that it was necessary to continue to monitor the human rights situation in Chile, and expressed its conviction that an unrestricted, *in situ* investigation of the human rights situation in Chile required that the Special Rapporteur, in fulfillment of that mandate, should have access to all the information and data which could be provided by those persons and bodies that are interested in the situation of human rights in Chile. In that regard, the Council requested Chilean authorities to co-operate more fully with the Special Rapporteur and to submit their comments on his report to the Commission on Human Rights at its forty-second session.⁷⁷⁵

329. The Council on the question of human rights situation in Chile continued to approve the decisions of the Commission to extend the mandate of the Special Rapporteur for one year.⁷⁷⁶

⁷⁷² E S C decisions 1987/150 of 29 May 1987 and 1988/137 of 27 May 1988.

⁷⁷³ G A resolution 40/145 of 13 December 1985.

⁷⁷⁴ A/40/647, annex.

⁷⁷⁵ See also G A resolution 42/147 of 7 December 1987.

⁷⁷⁶ See e.g., E S C decisions 1986/143 of 23 May 1986 and 1988/140 of 27 May 1988.

Haiti

330. Concerning the situation of human rights in Haiti, the Economic and Social Council, by its decision 1987/140 of 29 May 1987, decided that the report of the Special Representative on the situation of human rights in Haiti should be made public, as recommended by the Commission, so as to encourage assistance to the Government of that country in its endeavours to bring about full respect for human rights and fundamental freedoms in Haiti. It also approved the decision of the Commission requesting the Secretary-General to appoint an expert with a view to assisting the Government of Haiti, through direct contacts, in taking the necessary action for the full restoration of human rights in Haiti. By its decision 1988/132 the Council approved the decision⁷⁷⁷ of the Commission to extend for one year the mandate of the Expert.

Cuba

331. The Economic and Social Council⁷⁷⁸ approved the Commission's decision that the Chairman and five of its members, appointed on the basis of regional consultations, should accept the invitation of the Government of Cuba to visit that country in order to observe the human rights situation there and prepare a report to be submitted for consideration by the Commission.

South Africa

⁷⁷⁷ CHR resolution 1988/51 of 8 March 1988.

⁷⁷⁸ E S C decision 1988/139 of 27 May 1988.

332. The Economic and Social Council⁷⁷⁹ approved the Commission's decision to renew the mandate of the Working Group of Experts on southern Africa, and approved the authorization given by the Commission to the *Ad hoc* Working Group to participate in conferences, symposia, seminars or other events connected with action against *apartheid* organized under the auspices of the Special Committee against *apartheid*.

ii. Thematic mandates

New mandates

As in the past, the principal organs took steps on questions relating to human rights thematic issues such as administration of justice, torture and other cruel or degrading treatment, summary or arbitrary executions, enforced or involuntary disappearances, intolerance based on religion and use of mercenaries. The action taken consisted mainly in the appointment of Special Rapporteurs, members of the Sub-Commission, in the establishment of Working Groups entrusted to submit reports, in the examination of examine specific issues, and in the preparation of outlines of possible studies or to establish contact with certain authorities.

333. For example, the Council,⁷⁸⁰ on the question of the administration of justice and the human rights of detainees authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint a special rapporteur on an annual basis, to carry out the work referred to in paragraph 1 of Sub-Commission resolution 1983/30 of 6 September 1983⁷⁸¹ and

⁷⁷⁹ E S C decision 1985/140 of 30 May 1985.

⁷⁸⁰ E S C resolution 1985/37 of 30 May 1985.

⁷⁸¹ In paragraph 1, the Sub-Commission was requested to submit to the Commission on Human Rights general recommendations on the most effective means for eliminating enforced or involuntary disappearances of persons.

Commission resolution 1983/18 of 22 February 1983. It requested the special rapporteur to submit his first annual report to the Sub-Commission at its thirty-ninth session.

334. Concerning the question of torture and other cruel, inhuman or degrading treatment or punishment, the Council⁷⁸² approved the Commission's decision to appoint for one year a special rapporteur to examine questions relevant to torture. It also approved the Commission's request to the Special Rapporteur to submit a comprehensive report to the Commission at its forty-second session on his activities regarding the question of torture, including the occurrence and extent of its practice, together with his conclusions and recommendations.

335. In its subsequent resolution,⁷⁸³ the Council took note of the report of the Special Rapporteur and welcomed his recommendations for the elimination of summary or arbitrary executions, notably that Governments should: ratify international human rights instruments such as the International Covenant on Civil and Political Rights, including the Optional Protocol thereto, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; review national laws and regulations with a view to strengthening the preventive measures against deaths caused by illegal or excessive use of force by security, law enforcement or other government officials; review the machinery for investigations of deaths under suspicious circumstances in order to secure an impartial, independent investigation of such deaths, including an adequate autopsy; review the trial procedures of tribunals, including those of special tribunals, in order to ensure that they embody adequate safeguards to protect the rights of the accused in the trial proceedings, as stipulated in the relevant international instruments; emphasize the importance of the right to life in the training of all law enforcement personnel and inculcate in

⁷⁸² E S C decision 1985/144 of 30 May 1985.

them respect for life. The Council also welcomed the Special Rapporteur's recommendations to International Organizations to strengthen their co-ordination in dealing with the immediate problems and the root causes of summary or arbitrary executions, in particular by sharing information, publications, studies and expertise, and to make a concerted effort to draft international standards designed to ensure proper investigation by appropriate authorities into all cases of suspicious death, including provisions for adequate autopsy.

336. The General Assembly, in resolution 40/147 of 13 December 1985 on enforced or involuntary disappearances underlined the importance of implementing the provisions of its resolution 33/173 of 20 December 1978 and of the United Nations resolutions dealing with those issues. It appealed to all Governments to provide the Working Group and the Commission on Human Rights with the full co-operation warranted by their strictly humanitarian objectives and their working methods based on discretion, and encouraged the Governments concerned to consider with special attention the wish of the Working Group, when such a wish was expressed, to visit their countries, thus enabling the Working Group to fulfil its mandate even more effectively. The General Assembly also appealed to them to take steps to protect the families of disappeared persons against any intimidation or any ill-treatment of which they may be the target.⁷⁸⁴ It welcomed the decision of the Commission to extend for two years, on an experimental basis, the term of the mandate of the Working Group, while maintaining the principle of annual reporting by the Group.⁷⁸⁵

⁷⁸³ E S C resolution 1987/60 of 29 May 1987.

⁷⁸⁴ G A resolutions 42/142 of 7 December 1987 and 43/159 of 8 December 1988.

⁷⁸⁵ G A resolution 41/145 of 4 December 1986.

337. As regards religious intolerance and discrimination based on religion or belief, the Council⁷⁸⁶ approved the Commission's decision to appoint for one year a special rapporteur to examine incidents and governmental actions in all parts of the world, which are inconsistent with the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and to recommend remedial measures, including, as appropriate, the promotion of a dialogue between communities of religion or belief and their Governments. The Council also approved the Commission's request to the Special Rapporteur to submit a report to the Commission at its forty-third session on his activities regarding questions involving implementation of the Declaration, including the occurrence and extent of incidents and actions inconsistent with the provisions of the Declaration, together with his conclusions and recommendations.
338. On questions relating to the use of mercenaries, the Council⁷⁸⁷ approved the Commission's decision to appoint for one year a special rapporteur to examine the question of the use of mercenaries as a means of violating human rights and of impeding the exercise of the right of people to self-determination.
339. Concerning human rights and fundamental freedoms of indigenous populations, the Council⁷⁸⁸ decided to authorize the appointment of Mr. Miguel Alfonso Martinez as Special Rapporteur of the Sub-Commission with the mandate 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

⁷⁸⁶ E S C decision 1986/134 of 23 May 1986.

⁷⁸⁷ E S C decision 1987/144 of 29 May 1987.

⁷⁸⁸ E S C decision 1988/134 of 27 May 1988.

Governments for the purpose of ensuring the promotion of the human rights and fundamental freedoms of indigenous populations.

340. On question dealing with the prevention of the disappearance of children, the Council⁷⁸⁹ endorsed the Commission's decision to approve the request of the Sub-Commission to its Chairman to appoint one or several members of the Sub-Commission to establish urgently and maintain contact with the competent authorities and institutions, including humanitarian organizations, which would report to him on the situation and ensure that there were no further risks of disappearance.

Renewal of mandates

341. The Council continued annually to renew the mandate of the Special Rapporteurs on the basis of the Commission on Human Rights decisions.⁷⁹⁰

342. By its decision 1988/129 of 27 May 1988, the Council took general measures relating to the extension of the mandates of special rapporteurs on thematic issues in the field of human rights. It decided that the mandates of those special rapporteurs dealing with thematic issues should be for a period of two years, that they should continue to report annually, and that that decision would apply to the mandate of the Special Rapporteur on mercenaries, the Special Rapporteur on the Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the Special Rapporteur on the question of torture, the Special Rapporteur on summary and arbitrary executions, and the Special Rapporteur of the

⁷⁸⁹ E S C decision 1988/138 of 27 May 1988.

Sub-Commission 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.

iii. Communications procedures

“1503 procedure”

343. As in the past, the Commission on Human Rights continued its practice of establishing a Working Group to examine such particular situations as might be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities under Council resolution 1503 (XLVIII) of 27 May 1970 and those situations which the Commission had decided to keep under review. On three occasions during the period under review, the Council decided to use the public part of the “1503” procedure. As regards the situation of human rights in Uruguay, the Economic and Social Council⁷⁹¹ encouraged the Government of that country to persist in its endeavours fully to restore respect for human rights and fundamental freedoms throughout the country and decided, as requested by the Government of Uruguay, that the material relating to Uruguay which had been before the Commission under Council resolution 1503 (XLVIII) of 27 May 1970 should no longer be restricted.

⁷⁹⁰ See e.g., E S C decisions 1986/138 of 23 May 1986; 1987/143 of 29 May 1987, and 1987/146 of 29 May 1987.

⁷⁹¹ E S C decision 1985/139 of 30 May 1985.

344. In a decision⁷⁹² adopted that same day, the Council decided to terminate the study with respect to the situation of human rights in Argentina, and in view of the full restoration of human rights in that country, decided that the material relating to Argentina which had been before the Commission under Economic and Social Council resolution 1503 (XLVIII) should cease to be confidential.

345. By decision 1986/147 of 23 May 1986, the Council endorsed the Commission's decision at its forty-second session to discontinue consideration of the situation with respect to human rights in the Philippines, and in view of the strong commitment of the Government of that country to the full restoration and promotion of human rights, decided that the material relating to the Philippines which had been before the Commission under the Council resolution 1503 (XLVIII) should cease to be confidential.

c) Advisory services and technical co-operation

346. During the period under review, advisory services and technical co-operation have been implemented through different approaches, notably for the benefit of groups requiring the attention of the principal organs, such as: disabled persons, aged persons, juvenile delinquents, or for the benefit of States and Governments in need of technical assistance in the field of human rights such as courses or training for Governmental personnel or practical assistance for their reporting obligations under various International Conventions. Advisory services and technical

⁷⁹² E S C decision 1985/156 of 30 May 1985.

assistance in the field of human rights have been proposed in a variety of cases. For example, in resolution 40/140 of 13 December 1985, concerning the situation of human rights and fundamental freedoms in Guatemala, the General Assembly invited the Commission on Human Rights to consider steps for securing effective respect for human rights and fundamental freedoms for all in that country including, if so requested by the Government of Guatemala, the provision of appropriate technical assistance under the programme of advisory services in the field of human rights. In 1988, the Council, by its decision 1988/131 of 27 May 1988, approved the Commission's request to the Secretary-General to provide such advisory services and other appropriate forms of assistance in the field of human rights as might be requested by the constitutional Government of Guatemala.⁷⁹³

347. The programme of advisory services and technical assistance in the field of human rights was also used in the reporting system under the various international human rights instruments. For example, in resolution 40/116 of 13 December 1985, the General Assembly supported the request addressed to the Secretary-General by the Commission on Human Rights, in its resolution 1985/45, concerning the provision of practical assistance to States, under the programme of advisory services in the field of human rights, in the preparation of their reports under United Nations conventions. The Secretary-General was entrusted to send a note verbale to all States parties to the five United Nations conventions on human rights having more than two reports overdue, inviting them to indicate, if they so wish, the reasons for their difficulties in complying with the reporting obligations with regard to the conventions under which their reports are overdue and their interest, if any, in technical advice and assistance with a view to better fulfilling their reporting obligations.

⁷⁹³ See for this purpose the Secretary-General report on advisory services in the field of human rights. (E/CN.4/1988/40 and add.1.)

348. The General Assembly⁷⁹⁴ endorsed the recommendations of the Commission of Human Rights in its resolution 1982/52 that Governments in need of technical assistance in the field of human rights should be encouraged to make use of the possibility offered by the United Nations of organizing, under the programme of advisory services of experts in the field of human rights, information and/or training courses at the national level for appropriate government personnel on the application of international human rights standards and the experience of relevant international organs. In addition, the Assembly encouraged such Governments to avail themselves of the advisory services of experts in the field of human rights, for example for drafting basic legal texts in conformity with international conventions on human rights. It requested the Commission on Human Rights to continue to pay special attention to the most appropriate ways of assisting, at their request, countries of the different regions under the programme of advisory services and to make, where necessary, the relevant recommendations.

349. By decision 1987/147 of 29 May 1987, the Economic and Social Council endorsed Commission on Human Rights resolution 1987/38 of 10 March 1987 in which it established a voluntary fund for advisory services and technical assistance in the field of human rights.

d) National and regional institutions or mechanisms for the protection and promotion of human rights

National institutions

⁷⁹⁴ G A resolution 41/154 of 4 December 1986.

350. During the period under review, the General Assembly took steps on matters relating to national institutions for the protection of human rights, particularly for the elaboration of a United Nations handbook on National Institutions or the reinforcement of national machineries for the advancement of women and of national committees for disabled persons. The Assembly⁷⁹⁵ requested the Secretary-General to give due attention to the role of national institutions and non-governmental organizations concerned with the protection and promotion of human right. It welcomed and encouraged his efforts to prepare and submit to the General Assembly, through the Commission on Human Rights and the Council, a consolidated report, for eventual publication as a United Nations handbook, on national institutions for the use of Governments, including information on the various types and models of national and local institutions for the promotion and protection of human rights, taking into account differing social and legal systems.

351. By its subsequent resolution,⁷⁹⁶ the General Assembly welcomed the consolidated report of the Secretary-General on national institutions⁷⁹⁷ and requested the Secretary-General to bring the report up to date, bearing in mind the practical needs of those engaged in the development of national institutions. It invited him to include in his updated report all the information Governments might wish to provide, with particular emphasis on the functioning of various models of national institutions in implementing international standard on human rights, as well as a list of existing national institutions with contact points and a bibliography of relevant materials. The Secretary General was also requested to transmit the updated report, through the

⁷⁹⁵ Ibid.

⁷⁹⁶ G A resolution 42/116 of 7 December 1987.

⁷⁹⁷ E/CN.4/1987/37.

Commission and the Council, to the General Assembly at its forty-fourth session, for wide distribution as a United Nations handbook on national institutions.

National machinery for the advancement of women

352. The General Assembly⁷⁹⁸ called upon Governments to allocate adequate resources and to take effective appropriate measures to implement the Forward-looking Strategies as a matter of high priority, including the establishment or reinforcement, as appropriate, of national machineries to promote the advancement of women, and to monitor the implementation of those strategies with a view to ensuring the full integration of women in the political, economic, social and cultural life of their countries. It invited Governments, when preparing and evaluating national plans and programmes of action, to incorporate measurable targets for overcoming obstacles to the advancement of women and to include measures for the involvement of women in development, both as agents and beneficiaries, on an equal basis with men, and to review the impact of development policies and programmes on women.

353. The Council⁷⁹⁹ recalled the resolutions of the General Assembly in which it recommended that Member States establish appropriate national machinery to accelerate the integration of women in all spheres of national life. It requested the Secretary-General to convene an interregional seminar,⁸⁰⁰ including heads of national machinery and to make recommendations for consideration by the Commission on the Status of Women with a view to strengthening that machinery for the implementation of the Nairobi Forward-looking Strategies for the

⁷⁹⁸ G A resolution 40/108 of 13 December 1985.

⁷⁹⁹ E S C resolution 1986/31 of 23 May 1986.

⁸⁰⁰ For the recommendations of the seminar held at Vienna (28 September to 2 October 1987), see E/CN.6/1988/3.

Advancement of Women at national and regional and international levels. It also requested him to prepare a document for the seminar, on the basis of information provided by Member States and others concerned, on the current status on national machinery to promote the advancement of women, in order to identify issues for discussion and to develop for that purpose a number of case studies.

354. By resolution 1988/30 of 26 May 1988, the Council urged countries that had not yet done so to establish national machinery for the advancement of women, or its equivalent, including such machinery at a highest political level. It also encouraged Governments, in accordance with their own administrative systems, to make every effort in establishing or strengthening national machinery for the advancement of women, or its equivalent, to do so, as appropriate, on the basis of the recommendations of the Seminar on National Machinery for Monitoring and improving the Status of Women and the Seminar on Information Systems for the Advancement of Women for National Machinery. It urged the national machinery for the advancement of women or its equivalent in each Government to participate actively in the preparation of and follow-up to the work of the Commission on the Status of Women by co-ordinating the collection of all forms of information for the comprehensive reporting system to review and appraise the implementation of the Nairobi Forward-looking Strategies⁸⁰¹ and for reports for the Commission's consideration and priority themes.

355. Concerning disabled persons, the General Assembly⁸⁰² requested the Secretary-General to consider convening during the second half of the United Nations Decade of Disabled Persons an interregional meeting of representatives of national committees for disabled persons with a view

⁸⁰¹ United Nations publications, Sales N° E .85.IV.10.

to enhancing the capabilities of such committees through an exchange of views and information. It requested the Secretary-General to take a set of measures at the United Nations level, *inter alia*, to disseminate widely in 1981 the text of the World Programme of Action, all manuals and special publications prepared by the United Nations for the International Year of Disabled Persons, and the Decade, to assist Member States in establishing and strengthening national committees on disability issues and similar co-ordinating bodies, and to promote and support the establishment of strong national organizations of disabled persons.⁸⁰³

Regional arrangements for the promotion and protection of human rights

356. The General Assembly⁸⁰⁴ reaffirmed that regional arrangements for the promotion and protection of human rights might make a major contribution to the effective enjoyment of human rights and fundamental freedoms and that the exchange of information and experience in that field among the regions, within the United Nations, might be improved. It noted with interest that contacts of various kinds, between representatives of regional bodies and United Nations bodies entrusted with the promotion of human rights, with a view to exchanging information and experience in that field, had become a regular practice and had been further strengthened through advisory services and technical assistance activities.

357. Concerning regional arrangements in the Asian and Pacific region, the General Assembly⁸⁰⁵ renewed its invitation to States members of the Economic and Social Commission for Asia and

⁸⁰² G A resolution 42/58 of 30 November 1987.

⁸⁰³ See also the annex of G A resolution 43/98 concerning the priorities for global activities and programmes during the second half of the Decade of Disabled Persons.

⁸⁰⁴ G A resolution 41/154 of 4 December 1986.

⁸⁰⁵ G A resolution 41/153 of 4 December 1986.

the Pacific that had not yet done so to communicate to the Secretary-General as soon as possible their comments on the report of the Seminar on National, Local and Regional Arrangements for the Promotion and Protection of Human Rights in the Asian Region⁸⁰⁶ and, in particular, to address themselves to the conclusions and recommendations in the report concerning the development of regional arrangements in Asia and the Pacific.

358. It also requested the Secretary-General to assist and encourage the Executive Secretary of the Economic and Social Commission for Asia and the Pacific to pursue the establishment of a depositary centre for United Nations human rights materials within the Commission at Bangkok, the function of which would include the collection, processing and dissemination of such materials in the Asian and Pacific region.

e) Assistance to victims of human rights violations

Racism and racial discrimination

359. During the period under review, the General Assembly with regard to its commitment to eradicate racism in all its forms, racial discrimination and *apartheid* appealed, *inter alia*, to all Governments and to International and non-governmental organizations to increase and intensify their activities to combat racism, racial discrimination and *apartheid* and to provide relief assistance to the victims of these evils. In the same vein, the General Assembly⁸⁰⁷ emphasized the importance of adequate recourse procedures for victims of racism and racial discrimination

⁸⁰⁶ (Colombo 21 June-2 July 1982), A/37/422, annex.

and therefore requested the Secretary-General, in the light of the results of the seminars held on this topic, to prepare and finalize, with the appropriate assistance of qualified experts if possible, a handbook of recourse procedures. It also considered that voluntary contributions to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination are indispensable for the implementation of the plan of activities for the period 1990-1993.

Mass exodus and displaced persons

360. The General Assembly took steps during the period, on matters relating to the prevention of massive flow of refugees, and particularly on the establishment of an early-warning system. For this purpose, the General Assembly⁸⁰⁸ stressed the need to improve international co-operation aimed at the prevention of new massive flows of refugees in parallel with the provision of adequate solution to actual refugee situations. It welcomed the steps taken so far by the United Nations to examine the problem of massive outflow of refugees and displaced persons in all its aspects, including its root causes, invited Governments and international organizations to intensify their co-operation and assistance in world-wide efforts to address the problem, and encouraged the Secretary-General in his effort to enable the United Nations to anticipate and react more adequately and speedily to cases requiring humanitarian assistance.

361. At its forty-first session, the General Assembly welcomed the steps taken by the Secretary-General to establish an early warning system,⁸⁰⁹ and requested all Governments to ensure the effective implementation of the relevant international instruments, in particular in the field of

⁸⁰⁷ G A resolution 41/94 of 4 December 1986.

⁸⁰⁸ G A resolution 40/149 of 13 December 1985

⁸⁰⁹ G A resolution 41/148 of 4 December 1986.

human rights, as that would contribute to averting new massive flows of refugees and displaced persons.⁸¹⁰

362. In addition, during the period under review, the General Assembly⁸¹¹ noted the establishment by the Secretary-General of the Office for Research and the Collection of Information to coordinate information-gathering and analysis with United Nations bodies so as to provide early warning on developing situations requiring the Secretary-General's attention, as well as to provide a focal point within the United Nations system for policy responses.

Voluntary Fund for Victims of Torture

363. During the period under review, the General Assembly,⁸¹² recalling its resolution 36/151 of 16 December 1981, establishing the United Nations Voluntary Fund for Victims of Torture, declared that the struggle to eliminate torture included the provision of assistance in a humanitarian spirit to the victims and members of their families. It requested the Secretary-General to make use of all existing possibilities, including the preparation, production and dissemination of information materials, to assist the Board of Trustees of the Fund in its efforts to make the Fund and its humanitarian work better known and in its appeal for contribution. The General Assembly⁸¹³ invited Governments to make contributions to the Fund, if possible on a regular basis, in order to enable the Fund to provide continuous support to projects that depend on recurrent grants.

⁸¹⁰ G A resolution 42/144 of 7 December 1987.

⁸¹¹ G A resolution 43/154 of 8 December 1988.

⁸¹² G A resolution 40/127 of 13 December 1985.

Voluntary Fund for Indigenous Populations

364. The General Assembly⁸¹⁴ affirmed that the establishment of a voluntary trust fund for indigenous populations would constitute a significant development for the future promotion and protection of the human rights of indigenous populations. By the same resolution, it thus decided to establish a voluntary trust fund in accordance with a series of criteria, notably that: (a) the name of the fund should be the United Nations Voluntary Fund for Indigenous Populations; (b) the purposes of the Fund should be (and only be) to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations by providing them with financial assistance, funded by means of voluntary contributions from Governments, non-governmental organizations and other private or public entities; (c) the only beneficiaries of assistance from the Fund should be representatives of indigenous peoples' organizations and communities considered by the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations described below, who would not, in the opinion of the Board, be able to attend the sessions of the Working Group without the assistance provided by the Fund, and who would be able to contribute to a deeper knowledge on the part of the Working Group of the problems affecting indigenous populations and who would secure a broad geographical representation, and; (d) the Fund should be administered in accordance with the Financial Regulations and Rules of the United Nations and other relevant provisions set forth in the annex to the note by the Secretary-General⁸¹⁵ with the advice of a Board of Trustees composed of five persons with relevant experience on issues affecting indigenous populations, who would serve in their individual capacity. The members of the

⁸¹³ G A resolution 42/122 of 7 December 1987.

⁸¹⁴ G A resolution 40/131 of 13 December 1985.

⁸¹⁵ E/CN.4/Sub.2/1983/20.

Board of Trustees, the Assembly continued, should be appointed by the Secretary-General for a three-year term renewable in consultation with the current Chairman of the Sub-Commission, and at least one member of the Board should be a representative of a widely-recognized organization of indigenous people.

f) Public awareness-raising and human rights teaching

365. In order to fulfil the purposes of the Charter of the United Nations, the United Nations Organs took several decisions and recommendations during the period under review in connection with public information in the field of human rights. To this end, these organs made a number of recommendations on different areas such as, for example, public information activities, publication of United Nations materials on human rights in different languages, publicity of the United Nations activities related to human rights, and a world public campaign on human rights. In this regard, the General Assembly recognized⁸¹⁶ the fundamental importance of national and regional public information activities in the field of human rights and the catalytic effect that initiatives of the United Nations could have on those activities, as well as the central role that the programmes of teaching, education and information in the field of human rights serve for the achievement of lasting respect for human rights and fundamental freedoms. The General Assembly noted the importance of making available United Nations materials on human rights in national and local languages, including in simplified form, and of making more effective use of the mass media and of new technologies in order to reach a wider audience, especially the less-educated and those in isolated areas. In that regard, by the same resolution, the General

⁸¹⁶ G A resolution 40/125 of 13 December 1985.

Assembly requested all Member States to take appropriate steps, by all available means, including the mass media, to give publicity to the activities of the United Nations in the field of human rights. The Assembly also requested Member States to accord priority to the dissemination, in their respective national and local languages, of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international conventions, and to consider including in their educational curricula, material relevant to a comprehensive understanding of human rights issues. Recommendations were also made to all relevant bodies of the United Nations system, including the specialized agencies and the regional commissions, as well as Member States and non-governmental organizations, to assist further in the dissemination of United Nations material on human rights.⁸¹⁷

366. In a subsequent resolution,⁸¹⁸ the Assembly requested the Secretary-General to prepare a report for presentation to the General Assembly at its forty-third session 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. It further requested him to establish collections of basic reference works and United Nations materials at each United Nations information centre by the end of 1988, taking into account the list of basic human rights materials. He was requested, in addition, to finalize the draft teaching booklet on human rights without delay and to draw the attention of Member States to the booklet, which could serve as a broad and flexible framework within which teaching could be structured and developed in accordance with national circumstances and to arrange for the reprinting as soon as practicable of the publication entitled *Human Rights: A Compilation of international Instruments*.

⁸¹⁷ G A resolution 41/130 of 4 December 1986.

367. By resolution 43/128 of 8 December 1988, the General Assembly decided, *inter alia*, to launch on 10 December 1988, the fortieth anniversary of the Universal Declaration of Human Rights, a World Public Information Campaign on Human Rights, under which the activities of the Organization in that field should be developed and strengthened in a global and practically-oriented fashion, engaging the complementary activities of concerned bodies of the United Nations system, Member States and non-governmental organizations.

The improvement of public knowledge in the field of human rights was also explored by the principal organs in several thematic issues of human rights, such as, freedom of religion or belief, racism and racial discrimination, administration of justice, right to food or for the benefit of certain vulnerable group like disabled persons, elderly persons or youth.

368. In this way, the importance of human rights education with regard to religious freedom was recalled in several resolutions of the General Assembly and the Economic and Social Council. For example, in resolution 40/109 of 13 December 1985, the General Assembly recognized that it was desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief, and that both Governments and non-governmental organizations had an important role to play in that domain. It also urged states to take all appropriate measures to combat intolerance and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief. In that context, it urged all States to examine where necessary the supervision and training of their civil servants, educators and other public officials to ensure that, in the course of their official duties, they respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs.

⁸¹⁸ G A resolution 42/118 of 7 December 1987.

369. Further, in General Assembly resolution 43/108 of 8 December relating to the elimination of all forms of religious intolerance, the Assembly recommended that the study of the Special Rapporteur on the current dimensions of the problems of intolerance and discrimination based on religion or belief, should be published in all official languages of the United Nations and should widely distributed. It urged all States to take all appropriate measures to combat intolerance and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief. It further urged States, in that context, to examine where necessary the supervision and training of their civil servants, educators and other public officials to ensure that, in the course of their official duties, they respect different religion and beliefs and do not discriminate against persons professing other religions or beliefs. It also invited the United Nations University and other academic research institutions to undertake programmes and studies on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief.⁸¹⁹

370. The General Assembly⁸²⁰ emphasized that non-governmental organizations and religious bodies and groups at every level had an important role to play in the promotion of tolerance and the protection of freedom of religion or belief; it invited them to consider, in particular, what further role they could envisage playing regarding the dissemination of the text of the Declaration in national and local languages. It invited the United Nations University and other academic and research institutions to undertake programmes and studies on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief, and urged all States to consider disseminating the text of the Declaration in their respective national

⁸¹⁹ See also resolutions adopted on the implementation of the various international instruments on human rights which provide the need to disseminate the text to the relevant instruments.

⁸²⁰ G A resolution 42/197 of 7 December 1987. See also, G A resolution 41/112 of 4 December 1986.

languages and to facilitate its dissemination in national and local languages. It also requested the Commission on Human Rights to consider the study of the current dimensions of the problems of intolerance and discrimination on the grounds of religion or belief in the light of the observations transmitted to it by the Sub-Commission.

371. With regard to racism and racial discrimination, the General Assembly⁸²¹ appealed to all States, United Nations organs, the specialized agencies and international and national non-governmental organizations to step up their activities in enhancing public awareness by denouncing the crimes committed by the racist regime of South Africa. In resolution 1988/6 of 24 May 1988, the Economic and Social Council emphasized the importance of public information activities in combating racism and racial discrimination and in mobilizing public support for the objectives of the Second Decade.

372. The General Assembly in resolution 43/153 of 8 December 1988 on human rights in the administration of justice emphasized the importance of education and public information programmes in this field for law students, the legal profession and all those responsible for the administration of the justice.

373. With regard to the rights of disabled persons, the Economic and Social Council⁸²² appealed to Member States, organizations of the United Nations and non-governmental organizations to help make the United Nations Decade of Disabled Persons more widely known as a time frame for the implementation of the World Programme of Action concerning Disabled Persons, and to continue to take action to implement the World Programme of Action. It requested the Secretary-

⁸²¹ G A resolutions 40/26 of 29 November 1985 and 43/95 of 8 December 1988.

General, among other requests, to enlist and utilize the resources of the United Nations Trust Fund for the International Year of Disabled Persons to meet growing requests for assistance, advisory services and technical co-operation programmes submitted by developing countries and organizations of disabled persons for the implementation of the World Programme of Action.

374. The General Assembly⁸²³ invited Member States to reinforce national committees as focal points for the United Nations Decade of Disabled Persons, to stimulate activities at the national level, to mobilize public opinion on behalf of the Decade, to participate in the implementation of disability projects with regard to the International Year and to assist in monitoring and evaluating the implementation of the World Programme of Action concerning Disabled Persons. It also invited all States to give high priority to consideration of projects concerning the prevention of disabilities, rehabilitation and the equalization of the opportunities of disabled persons within the framework of bilateral assistance.

375. As for human rights of elderly persons, the General Assembly⁸²⁴ recognized that the dramatic increase in the numbers and proportion of older adults had serious socio-economic implications, resulting in an increasing need for research and training at all levels. It called upon Governments to ensure that the question of aging was incorporated into their national development plans in accordance with the culture and traditions of their countries and, also encouraged Governments to consider convening regional and sub-regional meetings on the applicability of the International Plan of Action on Aging to their particular need and conditions. It requested the Secretary-General to continue to promote the exchange of information and experience in order to stimulate

⁸²² E S C resolution 1985/35 of 29 May 1985.

⁸²³ G A resolution 40/31 of 29 November 1985.

⁸²⁴ G A resolution 40/29 of 29 November 1985.

progress on the question of aging, to encourage the adoption of measures to respond to the economic and social implications of aging and to meet the needs of older persons, and requested him also, in implementing the programme on aging, to pay special attention to the question of elderly women.

376. In its subsequent resolution⁸²⁵ the General Assembly requested the Secretary-General, in compliance with the recommendations contained in the Plan of Action, to promote and encourage, training centres to train required personnel in the field of aging, especially personnel from developing countries, who would in turn train others. It urged the Secretary-General to renew his efforts to give priority attention to the provision of advisory services to developing countries that request them, to the extent feasible under the regular funding of the programmes on aging, and to encourage the exchange of information through the expansion of the existing United Nations network.

377. With regard to youth, the Economic and Social Council⁸²⁶ drew attention to the exceptional importance of all forms of assistance in the large-scale integration of young people into the social and economic development of their respective countries on the basis of ensuring the economic, social, cultural, political and civil rights of youth, in particular, the right to life, education and work, in condition of peace. Thus, concerning the International Youth Year, the General Assembly,⁸²⁷ considered necessary to disseminate among youth the ideals of peace, respect for human rights and fundamental freedoms, human solidarity and dedication to the objectives of progress and development. It bore in mind that that International Year had served to mobilize

⁸²⁵ G A resolution 41/96 of 4 December 1986.

⁸²⁶ E S C resolution 1985/27 of 29 May 1985.

⁸²⁷ G A resolution 40/14 of 18 November 1985.

efforts at the local, national, regional and international levels in order to promote the best educational, professional and living conditions for young peoples, to ensure their active participation in the overall development of society and to encourage their participation in the preparation of new national and local policies and programmes in accordance with the experience and priorities of each country.

378. By resolution 1986/38 of 23 May 1986 the Council expressed its appreciation to the special rapporteur of the Sub-Commission, Mr Louis Joinet, for his report⁸²⁸ on the study on amnesty laws and their role in the safeguard and promotion of human rights, and decided that the study should be disseminated as widely as possible in all the official languages of the United Nations.

379. The Economic and Social Council⁸²⁹ noted with satisfaction that a comprehensive study on the right to adequate food was presented by the Special Rapporteur,⁸³⁰ and decided that the study should be published by the United Nations and given the widest possible circulation and to take steps to ensure better co-ordination between specialized agencies and bodies dealing with food-related matters and human rights bodies of the United Nations, if possible through inter-agency arrangements.

g) International days, years and decades.

380. The General Assembly and the Economic and Social Council in conformity with their previous practice continued during the period under review, to celebrate days, anniversaries,

⁸²⁸ E/CN.4/Sub.2/1985/16.

⁸²⁹ E S C resolution 1988/33 of 27 May 1988.

⁸³⁰ E/CN.4/Sub.2/1987/23.

years or decades, in whole or in part, to the promotion of human rights and fundamental freedoms.

381. By its resolution 41/150 of 4 December 1986, the General Assembly decided to celebrate in 1988 the fortieth anniversary of the Universal Declaration of Human Rights. It invited Member States, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to support appropriate activities aimed at encouraging the promotion of the universal observance and enjoyment of civil and political rights, as well as economic, social and cultural rights. It requested the Department of Public Information of the Secretariat to disseminate appropriate public information, broadcasting and audio-visual material, to celebrate the fortieth anniversary of the Declaration.

382. The Economic and Social Council⁸³¹ invited States to commemorate the twentieth anniversary of the adoption of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights by continuing and strengthening measures designed to conform with the provisions of the Covenants. The anniversary, the Council stated, presented the occasion to appeal all States that had not done so to become parties to those instruments, so that the Covenants acquire genuine universality, to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights and making the declaration provided for in article 41 of the Covenant. It also encouraged all Governments to publish the texts of that Covenants in as many languages as possible and to distribute them and make them known as widely as possible in their territories.

⁸³¹ E S C resolution 1986/5 of 21 May 1986.

383. By resolution 42/48 of 30 November 1987, the General Assembly decided to observe in 1989 the twentieth anniversary of the Declaration on Social Progress and Development, and in that regard, it invited all States, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to support appropriate activities aimed at encouraging the promotion and the protection of human rights and social justice.

384. The General Assembly⁸³² recalled that the widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society and expressed the necessity of consolidating the efforts of all States in carrying out specific programmes concerning the family, in which the United Nations might have an important role to play. It invited all States to make their views known concerning the possible proclamation of an international year of the family and to offer their comments and proposals thereon to the Secretary-General before 30 April 1988 and also, requested the Secretary-General to submit to the General Assembly at its forty-third session a compressive report, based on the comments and proposals of Member States, on the possible proclamation of such a year and other ways and means to improve the position and well-being of the family and intensify international co-operation as part of global efforts to advance social progress and development.

385. In resolution 43/135 of 8 December 1988, the General Assembly took note of the report of the Secretary-General on the possible proclamation of an international year of the family, and also the responses to the Secretary-General inquiry as to the desirability of proclaiming such a year. It requested in this regard, the Secretary-General to submit to the General Assembly at its

⁸³² G A resolution 42/134 of 7 December 1987.

forty-fourth session a report containing the proposed date and a comprehensive outline of a possible programme for an international year of the family.

386. The Council⁸³³ recalled the General Assembly resolution proclaiming the year 1987 International Year of Shelter for Homeless and that the objective of activities before and during the Year was to improve the shelter and neighbourhoods of some the poor and disadvantaged by the end of 1987, according to national priorities, and to demonstrate by the year 2000 ways and means of improving the shelter and neighbourhoods of the shelter and disadvantaged. It reaffirmed the right of all persons to an adequate standard of living for themselves and their families, including adequate housing.

387. The Economic and Social Council⁸³⁴ recommended the General Assembly to adopt the guidelines for international decades in which it defined the basic principles: for the selection of subjects for and timing; the requirements for the proclamation; the procedures to follow; and the review and appraisal of the implementation of the programme of action of the decade.

388. At its forty-first session, the General Assembly,⁸³⁵ mindful of the fact that the eradication of illiteracy was one of the paramount objectives of the International Development Strategy for the Third United Nations Development Decade,⁸³⁶ invited the Economic and Social Council to consider in 1987 the question of declaring 1989 as the international literacy year, and to inform the Assembly of its recommendations at its forty-second session. It also encouraged the

⁸³³ E S C resolution 1986/41 of 23 May 1986.

⁸³⁴ E S C resolution 1988/63 of 27 July 1988.

⁸³⁵ G A resolution 41/118 of 4 December 1986.

⁸³⁶ G A resolution 35/56 of 5 December 1980 of 27 May 1988, annex, Sect. II.

UNESCO to prepare a plan of action designed to assist all States in eradicating illiteracy by the year 2000, whereby the impetus given by the international year would be duly furthered.

389. The Council⁸³⁷ reiterated the importance of paragraph 164 of the Nairobi Forward-looking Strategies for the Advancement of Women,⁸³⁸ which identifies the need for priority programmes to overcome the special obstacles that have led to higher illiteracy rates among women, and, invited the General Assembly to proclaim 1990 International Literacy Year.

390. The Economic and Social Council⁸³⁹ expressed the need to observe the International Year of Disabled Persons and to keep alive the momentum generated by the Year, using it, in particular, as a time frame for the implementation of the World Programme of Action. It noted that the Centre for Social Development and Humanitarian Affairs of the Department of International Economic and Social Affairs of the United Nations Secretariat had been designated as the focal point within the United Nations system for co-ordinating and monitoring the implementation of the World Programme of Action, including its review and appraisal.

391. The General Assembly⁸⁴⁰ endorsed the terms of reference proposed in the report of the Secretary-General⁸⁴¹ for the United Nations Trust Fund for the International Year of Disabled Persons, henceforth to be called the Voluntary Fund for the United Nations Decade of Disabled Persons. It reaffirmed, in this context, that the resources of the Trust Fund should be used to support catalytic and innovative activities in order to implement further the objectives of the

⁸³⁷ E S C resolution 1987/80 of 8 July 1987.

⁸³⁸ United Nations publication, sales N°. E.85.IV.10.

⁸³⁹ E S C resolution 1985/35 of 29 May 1985.

⁸⁴⁰ G A resolution 40/31 of 29 November 1985.

⁸⁴¹ A/40/728 and Corr.1.

World Programme of Action within the framework of the United Nations Decade of Disabled Persons, with priority given, as appropriate, to programmes and projects of the least developed countries.

****4. THE QUESTION OF THE MEANING OF THE EXPRESSION “FOR ALL WITHOUT
DISTINCTION AS TO RACE, SEX, LANGUAGE, OR RELIGION”**

****5. THE QUESTION OF THE MEANING OF THE TERM “UNIVERSAL”; THE
TERRITORIAL SCOPE OF THE PROVISIONS RELATING TO HUMAN RIGHTS**