

Annex A: van Boven's Vision Statement, 1977: Problems and Strategies in the Area of Human Right¹

Introduction

1. The promotion and encouragement of respect for human rights for all is explicitly stated in the Charter as one of the basic purposes of the United Nations. It was placed in direct relationship with the maintenance of international peace and security and the creation of conditions for economic and social progress and development. The inter-dependence between human rights, peace and development means that freedom from fear and freedom from want belong as much to the heart of the concept of human rights as political freedoms. This same inter-dependence assumes and requires that the wider recognition and acceptance of the human factor be made the central theme in all human endeavours. One of the most important challenges is for the elaboration and implementation of human rights approaches to problems and strategies for solving them, which are based on respect for human rights. Along with the New International Economic order, the United Nations has to work for a new social and human order enabling peoples and individuals to enjoy the rights which are basic to their existence and development.
2. The entry into force in 1976 of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the latter Covenant has given new impetus to the United Nations action in this field. These instruments build upon the principles contained in the Universal Declaration of Human Rights adopted by the *General Assembly* in 1948. With the creation of the Human Rights Committee, which was established under the provisions of the International Covenant on Civil and Political Rights, new and significant methods are now available to review, on the basis of reports submitted by States Parties, progress and to identify problems in the territories of States parties to this Covenant. In addition, the Optional Protocol provides a channel to consider communications from individuals alleging human rights violations by States Parties to the Optional Protocol. Under the International Covenant on

¹Original in the possession of the author.

Economic, Social and Cultural Rights, a system of regular reports by States parties on measures they have adopted and progress they have made in achieving the rights recognized in the Covenant will be supervised by the Economic and Social Council.

3. Notwithstanding the success of its standard-setting activities the international community still has not developed enough ways and means of responding adequately to allegations of violations of human rights. This remains one of the basic challenges of the United Nations in the field of human rights. Gross violations of human rights, notably practices of racial discrimination and *apartheid*, shock the conscience of peoples throughout the world. It is the duty of the international community to strengthen its efforts with a view to bringing such violations to an end wherever they occur. Efforts are also needed at all levels to devise and develop ways and means directed at a more effective monitoring of human rights implementation. A variety of approaches and of ways and means are called for in order to respond adequately to the exigencies of different situations. In this respect also the exercise of the good offices of the Secretary-General in the field of human rights assumes special significance.
4. Gross violations of human rights are often symptoms of deeper causes of injustice. It is necessary to work for just structures of society and for the elimination of the root causes of violations of human rights. Bearing in mind that unjust structures create conditions under which human rights are denied, it is highly important that such adverse phenomena be identified and analysed in order to develop and apply remedial measures. At the same time and for the same purpose, research, education and information are indispensable means. It is essential to make people aware of all their rights by way of education and information and to create the necessary preconditions for the wider knowledge, acceptance and application of international human rights standards and for the combatting of attitudes of prejudice and discrimination.
5. Work for an international and social order in which human rights will prevail can only succeed if the efforts of the international community are supported by the minds and hearts of all the people and by their active participation and commitment. Popular participation in the promotion and protection of human rights is vital. It is therefore suggested that emphasis be laid on strengthening teaching, education, research, study, publications and the dissemination of information in the field of human rights. The increased international attention and concern which is being focused nowadays on human rights and on United Nations activities in this field may be utilized to full advantage in this respect.
6. In spite of vigorous efforts through the years by the United Nations to eliminate the practices of racism, racial discrimination and *apartheid*, large groups of human beings still suffer from the scourges of this evil phenomenon. The Decade for Action to Combat Racism and Racial Discrimination will come to an end during the period covered by this medium-term plan. It will be necessary to assess the progress made and the problems outstanding and to devise ways and means for continuing action in this field.
7. During the medium-term period, particular attention will be focused on the following broad aspects of United Nations activity:

Implementation of International Instruments and Established United Nations in the Field of Human Rights

8. The elaboration and formulation of standards over the past 30 years have culminated in the adoption of a number of Conventions, notably the International Covenants on Human Rights, which are binding on a large number of States Members of the United Nations. In addition to the regular supervisory procedures instituted under international treaties, special procedures to deal with allegations of violations of human rights have been established, either through international instruments or resolutions of policy-making organs. Investigatory or fact-finding bodies have also been created on an *ad hoc* basis by policy-making organs in order to examine specific situations where violations of human rights are reported.
9. The obligations accepted by States under the International Covenants and other conventions on human rights such as the International Convention on the Elimination of Racial Discrimination [ICERD] provide a framework for obtaining compliance with international standards elaborated by the United Nations in this field. During the period of the medium-term plan, States which have not yet become parties to United Nations instruments will be encouraged to ratify or accede to them as soon as possible, while those which are parties to such instruments will be encouraged, with the assistance of the supervisory bodies, to fulfil their obligations so as to give effect to the provisions of these instruments at the national and international level. These efforts are necessary and significant steps in the persistent efforts by the United Nations to translate the aims and principles of human rights into binding obligations respected everywhere.
10. It is to be expected that during the period of the medium-term plan these procedures of regular review by supervisory organs will gain in breadth and depth inasmuch as more States will accept the various relevant international instruments and the dialogue with States parties will become more intense and more directed.
11. Other procedures of a more specific nature have been established by the United Nations for the consideration of violations of human rights. They are designed to ensure that the bodies established thereunder may examine situations which reveal a consistent pattern of gross violations of human rights or violations of the rights of individuals in contravention of international human rights norms. Application of these United Nations procedures is essential in order to influence Governments to ameliorate serious human rights situations within their jurisdiction. As a result of these procedures, Governments may also be encouraged to take remedial action in individual cases.
12. In cases where United Nations policy-making organs have decided to establish with respect to certain human rights situations, fact-finding and investigatory bodies, established on an *ad hoc* basis, the objective of United Nations fact-finding and investigatory bodies, established on an *ad hoc* basis, is to establish the facts in the situations concerned; to alleviate the suffering of those whose rights are infringed upon and to contribute to the restoration of human rights. In order to be regularly informed of developments in each situation under

investigation, a system for gathering information from relevant sources has been developed. This information, together with documentation submitted to the investigatory bodies by governmental or non-governmental bodies, is classified and analysed. On the basis of all of the information gathered by the investigatory bodies, official reports called for policy-making organs are prepared.

Standard-Setting, Research, Studies and Prevention of Discrimination

13. Authoritative material is essential to the international community in order: (i) to identify human rights problems calling for possible United Nations action; (ii) to assist in the development of international norms relating to human rights or in the elaboration of new standards; (iii) to assist in the application and further elaboration of international implementation procedures; (iv) to formulate and coordinate the programmes and methods of work of policy-making organs dealing with human rights questions. These activities often relate to problems of a global and structural character, having a potential impact upon large groups of people. They may have a special role in the prevention of discrimination and the protection of minorities. The practical effect of these activities is to be measured in long-term perspectives. Their importance is precisely in their structural and long-term nature.
14. Major studies in the medium term period which have been requested by policy-making organs will include matters of crucial importance to the international community, such as : Human rights and scientific and technological developments, slavery and related practices, adverse consequences for the enjoyment of human rights of assistance given to colonial and racist regimes in southern Africa, rights or persons belonging to ethnic, religious and linguistic minorities, rights of indigenous populations, the international dimensions of the right to development, the impact on human rights of states of 'emergency' or 'siege'. It may also be expected that new standards will be elaborated in some of these, as well as in other areas.

Advisory Services and Publications

15. The objectives of the advisory services and publications activities in the field of human rights are to instil respect for human rights in the minds of people; promote the application of universal standards as defined by the United Nations, through seminar, training courses, education, public information and action by non-governmental organizations, and to contribute to eliminating the root causes of violations by, for example, striving to combat prejudice and stereotypes in the minds of individuals.
16. The standards set by the United Nations should be widely known and should serve as guidelines for those who draft or adopt legislation or give effect to such legislation either in the executive or juridical branches of government. The teaching of these standards will be promoted and their incorporation in educational systems encouraged. Wide-spread knowledge of these standards will allow them to be invoked by those concerned.

17. United Nations action in this field within the medium-term period will include the organisation of seminars (international or regional), regional training courses, awarding of fellowships, participation in educational and information programmes, especially as regards the rights of children, youth and disabled persons, and preparation of publications in the field of human rights, including the Yearbook on Human Rights, the Human Rights Bulletin and compilations of human rights instruments and standards.

Decade for Action to Combat Racism and Racial Discrimination

18. The Decade, which was launched in 1973, will reach its full momentum in the medium-term period. The implementation of the programme of the Decade will be promoted and monitored on a continuous basis. It may also be expected that additional programmes and activities in this field to be carried out in the medium-term period will be recommended by the World Conference to Combat Racism and Racial Discrimination to be held in 1978.

Executive Direction and Management and Programme Support

19. The tasks of Executive Direction and Management, and of the administrative and common services will be to ensure that the above-mentioned goals and activities are carried out effectively and efficiently with the necessary staff and financial resources required.

Annex B: van Boven Breaks the Ban on NGOs Raising Gross Violations Before the Commission on Human Rights

Policy Paper of 1977

*Oral Statements by Non-Governmental Organizations Before the Commission on Human Rights*²

Issue

The question has arisen whether non-governmental organizations in making oral statements before the Commission on Human Rights can refer to information suggesting that human rights are not being fully respected in particular countries.

Applicable Provisions

- Article 71 of the Charter.
- Rules 74–76 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council.
- Ecosoc resolutions 1296 (XLIV) and 1919 (LVIII).

Applicable Principles

1. Para. 14 of Council resolution 1296 (XVIV), which falls under Part II dealing with “Principles Governing the Nature of the Consultative Arrangements”, provides the basic point of departure: “Decisions on arrangements for consultation should be guided by the principle that consultative arrangements are to be made on the one hand, for the purpose of enabling the Council or one of its bodies to secure information or advice from organizations having special competence in the subjects for which consultative arrangements are made, and, on the other hand, to

²van Boven (1977). Policy Paper. Oral Statements by Non-Governmental Organizations Before the Commission on Human Rights. Original in the possession of the author.

enable organizations which represent important elements of public opinion in a large number of countries to express their views”

2. Para. 17 of the same resolution provides that “special consideration shall be given to the applications of organizations in this field whose aims place stress on combating colonialism, *apartheid*, racial intolerance and other gross violations of human rights and fundamental freedoms.”
3. Rules have been established in the past concerning the circulation of written communications containing complaints of violations of human rights but not as regards oral statements. It is therefore necessary to refer to the practice of the Commission. In this connexion, it is generally accepted that if the Commission is considering in public sessions situations where human rights are alleged to be violated, the Commission should hear relevant information in the possession of NGOs. The Commission has heard of information in the possession of NGOs regarding the three situations which are the object of public examination, namely South Africa, Chile and the Israeli-occupied territories. There is support for this view in the relevant precedents. Thus, when the Economic and Social Council considered the arrangements for the handling of written communications in 1952, it was stated that “it was not intended that the procedures proposed (for dealing with written communications by non-governmental organizations) should supersede the special procedures laid down by the Council for the handling of special types of violations of basic rights. Thus, the proposal would not affect in any way the right of non-governmental organizations. . . to present complaints regarding violations of trade union rights and to have them publicised. The proposal also left intact the procedures established by the procedures established by the Council. . . regarding the treatment of forced labour issues, which constituted violations of human rights. . .” (Mr Kotschnig (USA), E/SR/661, para. 55). The Commission itself acted on this view when it decided to recommend to the Economic and Social Council to refer certain communications being considered under resolution 1503 to the Working Group on Chile and to the Special Committee on human rights in the Israeli-occupied territories.
4. There is also a long practice in the Commission that non-governmental organizations in possession of information which can assist the Commission in carrying out its functions should be allowed to present these in oral statements to the Commission. In pursuance of this principle, the Commission has, over the years, allowed non-governmental organizations to include in their statements information to the effect that human rights are not being fully respected in particular countries. At the present session of the Commission, for example, such statements were made by the Indian Treaty Council, the Anti-Slavery Society and others.
5. This practice represents a desirable policy which should be continued by the Commission. The Commission should be prepared to allow the greatest possible information to reach it, always bearing in mind that it is for the Commission alone to decide whether to accept or to act on such information. Para. 14 of Council resolution 1296 includes among the principles governing consultative arrangements, “enabling the Council or one of its bodies to secure expert information or advice from organizations. . .” and to “enable organizations which represent

important elements of public opinion. . .to express their views.” These principles were also present in the ECOSOC Committee on Non-Governmental Organizations in 1946 when it took the view that to restrict non-governmental organizations “would constitute a form of censorship more objectionable than the ill which it sought to cure”. (E/1619, para. 19).

6. Economic and Social Council resolution 1919 (LVIII) asserted in the preamble that some non-governmental organizations have occasionally failed to observe fully the terms of para. 36(b) of Council resolution 1296 (XLIV) and decided in its second operative paragraph that in the future “non-governmental organizations in consultative status (a) must comply without exception as regards their submissions both in written and oral form”, in so far as they relate to allegations or complaints on human rights, with the provisions of paragraph 36(b) of Council resolution 1296 (XLIV)”.
 7. Para. 36(b) of Council resolution 1296 refers to an organization which “clearly abuses its consultative status by systematically engaging in unsubstantiated or politically-motivated acts against Member States of the United Nations contrary to and incompatible with the principles of the Charter.” Para. 36(b) defines certain types of acts which would amount to abuse of consultative status and provides a sanction in such cases. Para. 36(b) is not applicable to a non-governmental organization which, in good faith, presents information to the Commission that human rights are not being fully respected in particular countries. This is not per-se a politically motivated act contrary to or incompatible with the principles of the Charter. Rather, it can be said that it aims at giving effect to the principle of respect for human rights which is contained in the Charter. Whether a statement is substantiated or not is for the Commission to decide and it can only do so after it has listened to the statement. Everything, therefore points in favour of the view that the Commission should listen to such statements, always bearing in mind, as said above, that it is for the Commission to decide whether to accept or to act on such statements.
 8. The Commission is always in possession of a safeguard against statements which it considers go beyond the bounds of propriety. The Chairman of the Commission can at any time stop an observer of a non-governmental organization whom he thinks to have gone beyond the limits of propriety.
 9. It may be said that to allow non-governmental organizations to include in their oral statements information suggesting that human rights are not being fully respected in particular countries contrasts with the rule that written statements containing complaints of violations must be handled in accordance with the procedure established under Council resolution 1503. There is, however, a case for distinguishing between oral and written statements:
 - (i) A written complaint under resolution 1503 invokes the specific procedure provided thereunder. An oral statement provides information to the Commission which is free to decide whether or not to act on it and if yes, in what manner.
 - (ii) Written statements provide a procedure between sessions. Oral statements at sessions provide an opportunity for bringing to the attention of the Commission the most recent information or drawing attention to urgent cases.

- (iii) Non-governmental organizations which have taken the effort to be present at the Commission should, in principle, be given the opportunity to express their views. The Commission has over-all control inasmuch as it decides in each case whether or not to grant the floor and the Chairman can at any time stop an observer who is going beyond the limits of propriety.

Reference

van Boven (1977). Policy Paper. Oral Statements by Non-Governmental Organizations Before the Commission on Human Rights. Original in the possession of the author.

Annex C: Effective Action Against Mass and Flagrant Violations of Human Rights

*(General Assembly Resolution 34/175)*³

(Drafted in the Division of Human Rights)

The General Assembly

Mindful of the importance given in the Charter of the United Nations to promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing that in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can be achieved only if conditions are created whereby everybody may enjoy his civil and political rights as well his economic, social and cultural rights,

Conscious of the responsibility of the United Nations, expressed inter alia in *General Assembly* resolution 32/130 of 16 December, 1977, in dealing with situations of mass and flagrant violations of human rights,

Believing that disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind,

Recalling the statements made at the current session of the *General Assembly* by representatives of countries which have recently experienced mass and flagrant violations of human rights,

1. Expresses satisfaction that during the current year several situations of mass and flagrant violations of human rights have ceased, though many serious situations remain to be resolved.

³Drafted in the *Division of Human Rights*.

2. Notes with appreciation the assistance being offered by the Secretary-General and by various United Nations bodies to countries which have recently experienced situations of mass and flagrant violations of human rights.
3. Reaffirms that mass and flagrant violations of human rights are of special concern to the United Nations.
4. Urges the appropriate United Nations bodies, within their mandates, particularly the Commission on Human Rights, to take timely and effective action in existing and future cases of mass and flagrant violations of human rights.
5. Stresses the important role that the Secretary-General can play in situations of mass and flagrant violations of human rights.⁴

⁴Emphases added.

Annex D: Good Offices Role of the Secretary-General in the Field of Human Rights

Commission on Human Rights Resolution 27 (XXXVI)— 1980⁵

(Drafted in the Division of Human Rights)

The Commission on Human Rights

Bearing in mind *General Assembly* resolution 34/175 of 17 December, 1979 on the need for effective action by the United Nations against mass and flagrant violations of human rights which, *inter alia*, stressed the important role that the Secretary-General can play in such situations,

Recalling that the Economic and Social Council in its resolution 1979/36 of 10 May, 1979, expressed its appreciation to the Secretary-General for his efforts to continue rendering the good offices envisaged in the Charter of the United Nations in the field of human rights,

Welcoming the statement of the Secretary-General in his Report on the Work of the Organization submitted to the *General Assembly* at its thirty-fourth session that he has continued to exert his best endeavours on behalf of human rights whenever he considers that his actions may be of assistance to the persons or groups concerned,

1. Requests the Secretary-General to continue and intensify the good offices envisaged in the Charter of the United Nations in the field of human rights⁶;

...

⁵Drafted in the *Division of Human Rights*.

⁶Emphasis added.

Annex E: Draft Resolution on the Establishment of the Post of UN High Commissioner for Human Rights (1977)⁷

Draft Resolution Prepared with the Advice of the *Division of Human Rights*

The General Assembly,

Recalling that Member States under the Charter of the United Nations have pledged themselves to take joint and separate action in cooperation with the Organization for the achievement of universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion,

Bearing in mind the entry into force of a number of international instruments in the field of human rights, the implementation of which has involved the establishment of new procedures and new committees or other organs,

Recalling that important work is being carried out in the field of human rights by a number of United Nations specialized agencies and other United Nations bodies and organs,

Noting the importance of the role of the Secretary-General in providing good offices and other assistance and services at the request of States and United Nations organs,

Noting that there is a need to make full and more effective use of all United Nations resources in the field of human rights and also that there is a need to facilitate the cooperative fulfilment by Member States of their Charter commitments to human rights,

Convinced that these functions could be most usefully combined and carried out by a permanent mechanism mandated with the resources to enhance and coordinate human rights activities within the United Nations system and to act in a consultative capacity providing advice and assistance in human rights questions at the specific request of States,

⁷Drafted with the advice of the *Division of Human Rights*.

Having considered the report of the Working Group to study the proposal to create the institution of a United Nations High Commissioner for Human Rights contained in document E/CN.4/AC.21/L.1 of 30 December 1966 and the recommendation contained in Economic and Social Council resolution 1237 (XLII) of 6 June, 1967,

1. Decides to establish, under the authority of the Secretary-General, a United Nations High Commissioner for Human Rights, who will possess the degree of personal independence, prestige and integrity required for the discreet and impartial performance of his functions;
2. Decides that the High Commissioner shall act within the framework of the Charter of the United Nations in order to:
 - (a) Promote and strengthen universal and effective understanding and respect for human rights and fundamental freedoms for all without distinction as to race, religion, sex or language, as set forth in the Charter of the United Nations, the Universal Declaration of Human Rights and other instruments of the United Nations and in particular:
 - (i) Consider as areas of special concern and attention such massive violations of human rights as *apartheid*, racism and racial discrimination, colonial domination, foreign occupation and alien subjugation;
 - (ii) Give special attention to the critical importance of ensuring the effective enjoyment by all of their civil and political rights and their economic, social and cultural rights and such other rights as are recognized by the Charter of the United Nations and by the *General Assembly*, bearing in mind that all human rights and fundamental freedoms are indivisible and interdependent;
 - (iii) Actively promote the understanding of the basic human rights inherent in the establishment of a new international economic order and of the necessity to link the traditional concept of human rights with the rights of all to have their economic, social and cultural needs met;
 - (a) Render, at the specific request of any State, assistance and services, including good offices, to that State; the High Commissioner may submit a report on such assistance and services and on its results with the consent of the State concerned;
 - (b) Maintain close relations with the Secretary-General and all other organs of the United Nations, specialized agencies and other intergovernmental organizations concerned with human rights, and give advice and assistance in order to ensure coordination of their activities in the human rights field;
 - (c) Report annually to the *General Assembly* on his activities and on developments in the field of human rights;
1. Stresses that the High Commissioner will have to exercise his functions in full compliance with the provisions of the Charter of the United Nations, and that the authority given to the High Commissioner by this resolution shall prejudice or authorize interference in the functions and powers of organs already in existence

or which may be established for the promotion or protection of human rights and fundamental freedoms, in particular those bodies within the United Nations system entrusted with a specific mandate and competence in the areas listed in paragraph 2, subparagraph (a) (i) of the present resolution;

2. Emphasizes that in the accomplishment of his task, the High Commissioner will have to give the most careful consideration to the economic and social situation and the cultural and religious values of the different countries;
3. Requests the High Commissioner to keep in close contact with the Secretary-General in order to be informed of the work of all organs of the United Nations and specialized agencies concerned with human rights, including the struggle against colonialism, apartheid, racism and racial discrimination, colonial domination, foreign occupation and alien subjugation, and for the supply of facilities and information required for carrying out his functions;
4. Decides that:
 - (a) The High Commissioner shall be appointed by the Secretary-General and confirmed by the *General Assembly* for a term of 5 years and that his emoluments shall not be less favourable than those of an Under-Secretary-General;
 - (b) The emoluments of the High Commissioner shall be financed under the regular budget of the United Nations;
1. Requests the Secretary-General to submit at its thirty-third session concrete proposals on the organization of the UNHC's office, taking into account the need to make full use of the existing resources;
2. Decides to hold, at its thirty-eighth session, a comprehensive review of the question of the United Nations High Commissioner for Human Rights in the light of the activities undertaken and the results achieved by the High Commissioner.

Annex F: *Division of Human Rights* Draft Resolution, 1980, on Enforced and Involuntary Disappearances Leading to the Establishment of the First Global Investigative Group, Marking the Advent of Universal Protection

Disappeared Persons

The Commission on Human Rights,

Recalling *General Assembly* resolution 22/173 of 20 December, 1978 in which the Assembly was deeply concerned over reports from various parts of the world relating to enforced or involuntary disappearances of persons,

Mindful of resolution 1979/38 of the Economic and Social Council, as well as resolution 5B(XXXII) of the Sub-Commission on Prevention of Discrimination and protection of Minorities which proposed the establishment of a group of experts to consider the question of disappeared persons,

Recommends to the Economic and Social Council to adopt the following resolution:

Disappeared Persons

The Economic and Social Council,

Recalling *General Assembly* resolution 33/173 and resolution 5B(XXXII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, as well as its own resolution 1979/38 on the question of disappeared persons,

Conscious of its responsibilities under the Charter to foster international cooperation for the promotion and protection of human rights,

Deeply concerned that reports persist of involuntary disappearances in widespread proportions

Mindful of *General Assembly* resolution 34/178 on the right of *amparo*, habeas corpus or other legal remedies to the same effect,

1. Decides to appoint M. as experts in their individual capacity to study and examine reports or information which may come to their attention concerning involuntary disappearances of persons, to ascertain their whereabouts and to take all appropriate action in order to ensure the well-being of such persons.

2. Further decides that the activities of the experts shall be carried out bearing in mind the following provisions:
 - (a) The experts shall decide upon their working methods, bearing in mind the need for urgency and promptness as well as for flexibility of action.
 - (b) The experts shall choose a Chairman who shall be competent to act between meetings.
 - (c) Upon receipt of information concerning the involuntary disappearance of any person or persons, the Chairman or his designate shall immediately contact the Government concerned with a view to clarifying the situation or whereabouts of the person or persons, and to safeguard the well-being of such person or persons.
 - (d) The experts may initiate such investigations as they consider necessary and may also, in cases where they consider it appropriate, request a Government to investigate the situation of a person or persons and to report within a specified time.
 - (e) The experts, or one or more of them on their behalf, may, with the cooperation of the Government concerned, undertake visits on the spot in order to examine cases or situations of disappearances.
 - (f) The experts shall submit annual reports to the Commission together with their findings and recommendations. Their reports and, if they deem it appropriate, any other subsequent material relating thereto, shall also be presented to the Sub-Commission on Prevention of Discrimination and Protection of Minorities annually.
1. Requests all Governments, specialized agencies, regional inter-governmental organizations and non-governmental organizations to cooperate and assist the experts in the performance of their tasks.
2. Urges the Secretary-General to provide all necessary assistance to the experts, particularly by providing the staff and resources necessary for performing their functions in an effective and expeditious manner.
3. Decides to consider this question further at its thirty-seventh session.

Annex G: *Division of Human Rights* Draft Resolution, 1980, on the Protection of Human Rights Defenders, Leading to the Adoption of a Declaration and Establishment of a Global Protective Mechanism

The Commission on Human Rights,

Recalling that the Universal Declaration of Human Rights was adopted by the *General Assembly* to the end that every individual and every organ of society, keeping the Declaration constantly in mind, shall strive by teaching and education to promote respect for the rights and freedoms contained therein,

Noting that the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights affirm that the individual having duties to the other individuals and to the community to which he or she belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the Covenants,

Recalling also that the Economic and Social Council and the Commission on Human Rights have repeatedly and consistently emphasized the importance of the role of individuals and groups in the promotion and protection of human rights,

Bearing in mind its resolution 23 (XXXV) of 14 March 1979 in which it expressed the belief that progress in the promotion and protection of human rights is assisted by a favourable world public opinion, and that a prerequisite for such a development is a high level of knowledge, understanding and acceptance of the requirements of the Charter of the United Nations, of the Universal Declaration of Human Rights and the relevant covenants and conventions,

1. Re-emphasizes the call of the Universal Declaration of Human Rights to all individuals and all groups to strive by teaching and education to promote respect for the rights and freedoms contained in the Universal Declaration of Human Rights;
2. Appeals to all Governments to encourage and support individuals and groups exercising their rights and responsibilities to promote the effective observance of human rights;
3. Emphasizes that restrictions and obstacles or persecution of individuals and groups striving for the promotion and protection of human rights is at variance

with the obligations of States under the Charter to work for the full and effective enjoyment of human rights and fundamental freedoms;

4. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to examine at its thirty-third session the question of restrictions of various kind imposed on individuals and groups engaged in the promotion of human rights and to report to the Commission its conclusions and recommendations;
5. Decides to consider at its thirty-seventh session during its examination of the question of ways and means for further promoting and protecting human rights, methods by which the international community can support the activities of Governments in encouraging the implementation of the right and duty of individuals and groups for the promotion and protection of all human rights.

Annex H: *Division of Human Rights* Draft Resolution, 1981, on the Establishment of the Working Group on Indigenous Populations, a Global Protective Mechanism

Draft Resolution Proposed by the Sub-Commission for Adoption by the Commission on Human Rights

Study of the Problem of Discrimination Against Indigenous Populations

The Commission on Human Rights

Recalling its resolution 22(XXXVII) in which it recognized the great importance of the subject of the human rights of indigenous peoples and expressed its hope that the Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its thirty-fifty session, would be in a position to make recommendations to the Commission at its thirty-eighth session on the subject of the promotion and protection of the human rights of indigenous peoples, in the light of the study on the problem of discrimination against indigenous peoples,

Mindful of resolution 2 (XXXIV) of the Sub-Commission, which drew the attention of the Commission to the serious and pressing plight of indigenous populations and emphasized the need for special measures to be taken in order to promote and protect the human rights of indigenous populations,

Bearing in mind the work carried out by the Special Rapporteur, Mr Jose R. Martinez-Cobo,

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

The Economic and Social Council,

Recalling its resolution 1589 (L), Commission on Human Rights resolutions 22 (XXXVII) and ____ (XXXVIII) and resolutions 8 (XXIV), 5 (XXXIII) and

2 (XXXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recognizing the urgent need to promote and to protect the human rights and fundamental freedoms of indigenous populations,

Bearing in mind the concerns expressed in this regard at the World Conference to Combat Racism and Racial Discrimination in 1978,

Believing that special attention should be given to appropriate avenues of recourse at the national, regional and international levels in order to advance the promotion and protection of the human rights and fundamental freedoms of indigenous populations,

Mindful of the conclusion of the Sub-Commission on prevention of Discrimination and Protection of Minorities and of the Commission on Human Rights that the plight of indigenous peoples is of a serious and pressing nature and that special measures are urgently needed in order to promote and protect the human rights and fundamental freedoms of indigenous populations,

1. Decides to authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a Working Group on Indigenous Populations which shall meet for up to five working days before the annual sessions of the Sub-Commission in order to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations, including information requested by the Secretary-General annually from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status, particularly those of indigenous peoples, to analyse such materials, and to submit its conclusions to the Sub-Commission bearing in mind the report of the Special Rapporteur of the Sub-Commission;
2. Further decides that the Working Group shall give special attention to the evolution of standards concerning the rights of indigenous populations, taking account both of the similarities and of the differences in the situations and aspirations of indigenous populations throughout the world.
3. Requests the Secretary-General to assist the Working Group on Indigenous Populations and make all necessary arrangements to enable it to carry out its functions.

Annex I: *Division of Human Rights* Draft Resolution, 1982, on Arbitrary and Summary Executions Leading to the Establishment of a Global Protective Mechanism

Question of the Violation of Human Rights and Fundamental Freedoms in Any Part of the World, with Particular Reference to Colonial and Other Dependent Countries and Territories

Summary or Arbitrary Executions

The Commission on Human Rights,

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

The Economic and Social Council,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person,

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

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

Further recalling Commission on Human Rights resolution 8 (XXIII) of 16 March, 1967 on the question of violations of human rights and fundamental freedoms in any part of the world,

Mindful of *General Assembly* resolution 36/22 of 9 November 1981, which condemns the practice of summary and arbitrary executions,

Bearing in mind resolution 5 on extra-legal executions of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

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

Convinced of the need to deal urgently with the question of summary or arbitrary executions,

1. Strongly deplores the increasing number of summary or arbitrary executions taking place in various parts of the world;
2. Decides therefore to appoint for 1 year a special rapporteur to examine the questions related to summary or arbitrary executions;
3. Requests the Chairman of the Commission, after consultations within the Bureau, to appoint an individual or recognized international standing as special rapporteur;
4. Considers that the special rapporteur in carrying out his mandate may seek and receive information from Governments as well as specialized agencies, inter-governmental organizations and non-governmental organizations in consultative status with the Economic and Social Council;
5. Requests the Special Rapporteur to submit a comprehensive report to the Commission at its thirty-ninth session on the occurrence and extent of the practice of such executions together with his conclusions and recommendations;
6. Urges all Governments to cooperate with and assist the special rapporteur in the preparation of his report.
7. Requests the Secretary-General to provide all necessary assistance to the special rapporteur;
8. Requests the Commission on Human Rights to consider the question of summary or arbitrary executions as a matter of high priority at its thirty-ninth session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

Annex J: *Division of Human Rights* Draft Resolution, 1980, on the Development of Public Information Activities in the Field of Human Rights (Leading to a World Campaign)

Development of Public Information Activities in the Field of Human Rights

The Commission on Human Rights,

Recalling its resolution 23 (XXXV) on the development of public information activities in the field of human rights,

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

Development of Public Information Activities in the Field of Human Rights

The Economic and Social Council,

Mindful of resolution 34/182 of the *General Assembly* on questions relating to information,

Recalling resolution 23 (XXXV) of the Commission on Human Rights on the development of public information activities in the field of human rights,

Taking note of the report of the Secretary-General on this subject which was submitted to the Commission on Human Rights (E/CN.4/1368)

Conscious of the importance of teaching, education, research, training and information in the promotion and protection of human rights (Emphasis added)

Reiterating its belief that progress in the promotion of respect for and protection of human rights is assisted by a favourable world public opinion,

1. Urges the Secretary-General, once again, to take all appropriate steps further to develop public information activities in the field of human rights and, for this purpose, to consider the establishment or designation of an information service within the human rights sector of the Secretariat;
2. Requests the Secretary-General to report to the Commission at its thirty-seventh session on the measures taken to enhance public information activities in the field of human rights, and to include in his report information on the implementation of the plans mentioned in document E/CN.4/1368;
3. Requests the Secretary-General to inform the United Nations Committee on Public Information Activities of the strong hopes of the Council and of the Commission on Human Rights that the Committee will make suitable recommendations for developing public information activities in the field of human rights;
4. Draws the attention of Governments, the specialized agencies, particularly ILO, UNESCO, WHO, FAO, regional intergovernmental organizations and non-governmental organizations, as well as the United Nations Department of Public Information to the importance of disseminating the basic international instruments on human rights as widely as possible, including in local languages and **invites the Secretary-General, in cooperation with the above-mentioned organizations, to draw up and implement a World-wide Programme for the Dissemination of the Basic International Instruments on human rights in as many languages as possible** and to report on the implementation of this programme to the Commission on Human Rights at its thirty-seventh session. (Emphasis added)

Annex K: *Division of Human Rights Draft Declaration on the Right to Development, 1979*

The Human Right to Development The Commission on Human Rights,

Conscious of the need to create the conditions necessary for the full enjoyment of human rights,

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

The Human Right to Development The Economic and Social Council,

Recognizing that the means necessary for the full development of the human personality and for the full enjoyment of human rights should be made available to the all peoples and persons,

Recommends the following draft declaration on the human right to development for adoption by the *General Assembly*

Declaration on the Human Right to Development

WHEREAS under the Charter of the United Nations, the peoples of the world have embarked upon the task of establishing a new global order in which every human being may be able to develop his or her personality to the fullest possible extent and to enjoy his or her inalienable human rights,

WHEREAS it is mandatory upon all organs of society, whether at the national, regional or international levels to contribute towards enabling every individual to develop his or her personality to the fullest possible extent and to enjoy his or her inalienable human rights,

WHEREAS the interdependence and solidarity of all peoples and persons, nationally, regionally or universally have been emphasized by the international community and the rights and duties of the international community have been reaffirmed,

WHEREAS the existing international instruments on human rights promulgated within the United Nations system have made great strides in defining human rights but the right of access to the means necessary for the full development of the human personality needs to be further defined,

WHEREAS the efforts of the international community to establish a New International Economic Order must be supplemented by consolidating the human right to development,

IT IS HEREBY DECLARED AND PROCLAIMED AS FOLLOWS:

Article 1

Every individual is entitled to access to the means necessary for the full development of his or her personality and for the enjoyment of his or human rights.

Article 2

It is the duty of the international community, of every State and of every organ of society to contribute towards the realization of the right to development stated in article 1.

Article 3

States are under a duty to achieve international cooperation necessary to enable every individual to develop his or her personality to the fullest possible extent and to assist one another in a spirit of solidarity, equity and justice.

Article 4

Every people is entitled to determine its own model of development, mindful of the need to respect fundamental human rights. Popular participation in the choice of development models shall be assured, as well as in the implementation of development plans and policies.

Article 5

Wide disparities in access to the means of development among peoples or persons is unjust and unacceptable.

Article 6

The resources of the earth and its appurtenances are the common patrimony of all mankind. The exercise of the right to permanent sovereignty over natural resources should be carried out in accordance with the principles of equity and justice and mindful of the imperative principle of world public order that every individual should be able to enjoy his or her human rights in full amplitude, and mindful also of the need to conserve the world's resources for future generations.

Article 7

Special attention is necessary to the right to development of individuals or groups having special needs, either by reason of natural causes, historical circumstances or other cause. The international community and all organs of society shall strive to enable such persons or groups to realise their full potential and rights.

Article 8

All economic or social policies, whether at the national, regional or international levels, shall be inspired in their formation and guided in their implementation by the fundamental need of enabling all peoples and persons to enjoy access to the means of

development and for the promotion and protection of human rights and fundamental freedoms for all.

Article 9

The responsibilities of States to contribute towards the realization of the right to development shall be periodically determined by the international community, bearing in mind the needs of the world's peoples and persons and the resources of particular communities.

Article 10

The distribution of the earth's wealth and resources among the world's peoples and persons shall be governed at all times by the principles of equity and justice and by the imperative principle of world public order that every individual should be entitled to the fullest enjoyment of his or her inalienable human rights.

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