

33/103. Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid

The General Assembly,

Recalling its resolution 3068 (XXVIII) of 30 November 1973, by which it adopted and opened for signature and ratification the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, and its resolutions 3380 (XXX) of 10 November 1975, 31/80 of 13 December 1976 and 32/12 of 7 November 1977 as well as Commission on Human Rights resolutions 13 (XXXIII) of 11 March 1977⁵³ and 7 (XXXIV) of 22 February 1978,⁵⁴

Welcoming the Declaration and the Programme of Action adopted by the World Conference to Combat Racism and Racial Discrimination,⁵⁵

Reaffirming its firm conviction that *apartheid* constitutes a total negation of the purposes and principles of the Charter of the United Nations and is a gross violation of human rights and a crime against humanity seriously disturbing and threatening international peace and security,

Underlining that ratification of and accession to the Convention on a universal basis and implementation of its provisions are necessary for its effectiveness and would be a useful contribution towards implementing the programme for the International Anti-*Apartheid* Year and achieving the goals of the Decade for Action to Combat Racism and Racial Discrimination,

Welcoming Security Council resolution 418 (1977) of 4 November 1977 as a useful step towards achieving the purposes of the Convention,

Firmly convinced that the legitimate struggle of the oppressed peoples in southern Africa against *apartheid*, colonialism and racial discrimination and for the effective realization of their inalienable and legitimate rights, including their right to self-determination, and for human rights, thirty years after the adoption of the Universal Declaration of Human Rights, demands more than ever all necessary support by the international community, and, in particular, further action by the Security Council,

1. Takes note of the report of the Secretary-General⁵⁶ on the status of the International Convention on the Suppression and Punishment of the Crime of *Apartheid*;

2. Expresses its satisfaction with the increase in the number of States which have ratified the Convention or acceded thereto;

3. Commends the States parties to the Convention that have submitted their reports under article VII of the Convention and urges other States to do so as soon as possible, taking fully into account the guidelines⁵⁷ prepared by the Working Group on the Implementation of the International Convention on the Suppression

and Punishment of the Crime of *Apartheid* established in accordance with article IX of the Convention;

4. Appeals once again to all States which have not yet become parties to the Convention to ratify it or accede to it without delay;

5. Welcomes the efforts of the Commission on Human Rights to undertake the functions set out in article X of the Convention and invites the Commission to continue its efforts, especially with a view to preparing a list of individuals, organizations, institutions and representatives of States which are alleged to be responsible for crimes enumerated in article II of the Convention, as well as of those against which legal proceedings have been undertaken;

6. Calls upon the competent United Nations organs to provide the Commission on Human Rights, through the Secretary-General, with information relevant to the preparation of the above-mentioned list according to article X of the Convention as well as with information concerning the obstacles which prevent the effective suppression and punishment of the crime of *apartheid*;

7. Requests the Secretary-General to include in his next annual reports under General Assembly resolution 3380 (XXX) a special section concerning the implementation of the Convention.

*86th plenary meeting
16 December 1978*

33/104. Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms, including the creation of a post of United Nations High Commissioner for Human Rights

The General Assembly,

Recalling its resolution 32/130 of 16 December 1977,

Recalling also that, in its resolution 32/130, it requested the Commission on Human Rights to undertake an over-all analysis of the alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms in the light of the concepts enumerated in that resolution,

Noting Economic and Social Council decision 1978/20 of 5 May 1978, in which the Council authorized the establishment of an open-ended working group of the Commission on Human Rights to meet for one week immediately before the Commission's thirty-fifth session to continue this over-all analysis,

Taking note of relevant parts of the Declaration of the Conference of Ministers for Foreign Affairs of Non-Aligned Countries, held at Belgrade from 25 to 30 July 1978, in which, *inter alia*, the Ministers pointed out that the human rights and fundamental freedoms of the individual and of peoples are inalienable and, proceeding from the inseparability of economic, social, cultural, civil and political rights, stressed the need to create conditions, at the national and international levels, for the full promotion and protection of human rights of the individual and peoples,⁵⁸

⁵³ See *Official Records of the Economic and Social Council, Sixty-second Session, Supplement No. 6 (E/5927)*, chap. XXI, sect. A.

⁵⁴ See *Official Records of the Economic and Social Council, 1978, Supplement No. 4 (E/1978/34)*, chap. XXVI, sect. A.

⁵⁵ *Report of the World Conference to Combat Racism and Racial Discrimination, Geneva, 14-25 August 1978* (United Nations publication, Sales No. E.79.XIV.2), chap. II.

⁵⁶ A/33/148.

⁵⁷ E/CN.4/1286, annex.

⁵⁸ A/33/206, annex I, para. 155.

Welcoming the Ministers' expressed readiness to work towards the implementation of General Assembly resolution 32/130 through the United Nations system,

1. *Takes note with appreciation* of the progress report on the over-all analysis⁵⁹ which was submitted to the General Assembly by the Commission on Human Rights, through the Economic and Social Council, in accordance with Assembly resolution 32/130;

2. *Requests* the Commission on Human Rights to continue with high priority this over-all analysis, which will contribute to the implementation of resolution 32/130;

3. *Expresses the hope* that all Member States, the specialized agencies concerned and United Nations organs in the field of human rights will continue to support the ongoing process of over-all analysis being carried out by the Commission on Human Rights;

4. *Looks forward* to discussing at its thirty-fourth session the conclusions and recommendations of the Commission on Human Rights which will result from its over-all analysis;

5. *Requests* the Secretary-General to transmit the present resolution to the specialized agencies concerned and all United Nations organs in the field of human rights;

6. *Decides* to include in the provisional agenda of its thirty-fourth session an item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

*86th plenary meeting
16 December 1978*

33/105. Alternative approaches and ways and means within the United Nations system for promoting the effective enjoyment of human rights and fundamental freedoms, including the creation of a post of United Nations High Commissioner for Human Rights

The General Assembly,

Bearing in mind its resolution 32/130 of 16 December 1977, in which it requested an over-all analysis of the United Nations approach to human rights in the light of the concepts enumerated in that resolution,

Recalling the decision of the Third Committee at the thirty-second session of the General Assembly to refer the proposal for the establishment of a post of United Nations High Commissioner for Human Rights for consideration by the Commission on Human Rights at its thirty-fourth session in the context of the over-all analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms,⁶⁰

Recalling also Commission on Human Rights resolution 26 (XXXIV) of 8 March 1978,⁶¹ in which

⁵⁹ *Official Records of the Economic and Social Council, 1978, Supplement No. 4 (E/1978/34), chap. IX.*

⁶⁰ *Official Records of the General Assembly, Thirty-second Session, Annexes, agenda item 76, document A/32/423, para. 23.*

⁶¹ See *Official Records of the Economic and Social Council, 1978, Supplement No. 4 (E/1978/34), chap. XXVI, sect. A.*

the Commission considered advisable the establishment, which the Economic and Social Council authorized on 5 May 1978 in its decision 1978/20, of an open-ended working group of the Commission that would meet for one week before its thirty-fifth session to undertake the necessary work relating to the over-all analysis,

1. *Requests* the Commission on Human Rights to take into account, in continuing its work on the over-all analysis mentioned above, the views expressed on the various proposals during the general debate on the present item at the current session, as well as during the thirty-second session of the General Assembly, including a post of United Nations High Commissioner for Human Rights;

2. *Decides* to consider these questions again after the Commission on Human Rights has completed and/or reported on the over-all analysis.

*86th plenary meeting
16 December 1978*

33/106. Elimination of all forms of religious intolerance

The General Assembly,

Recalling article 18 of the Universal Declaration of Human Rights,⁶² proclaiming that everyone has the right to freedom of thought, conscience and religion,

Noting that during the thirty years of its existence many portions of the Declaration have been expanded into various international instruments, while article 18 has thus far not been so elaborated,

Still desirous to see article 18 followed by a declaration on the elimination of all forms of religious intolerance,

Recalling its resolution 3027 (XXVII) of 18 December 1972, in which it decided to accord priority to the completion of the Declaration on the Elimination of All Forms of Religious Intolerance before resuming consideration of the draft international convention on this subject,

Recalling also its resolution 3267 (XXIX) of 10 December 1974, in which it requested the Commission on Human Rights to submit to the General Assembly, through the Economic and Social Council, a single draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and its resolutions 31/138 of 16 December 1976 and 32/143 of 16 December 1977, in which it urged the Commission to speed up its work so that the draft Declaration might be finalized,

Noting with regret that the Commission on Human Rights has reported, through the Economic and Social Council, that it has as yet not completed the draft Declaration,

Noting further the efforts undertaken by the informal working group set up by the Commission on Human Rights in elaborating a generally acceptable text of the Declaration, taking into account the relevant United Nations documents,

Taking account of the fact that, since the Commission on Human Rights has undertaken to draft the

⁶² Resolution 217 A (III).