

Rights,² under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment;

37. *Urges* all States, the specialized agencies, organizations of the United Nations system and other international organizations to extend their support to the Palestinian people through its sole and legitimate representative, the Palestine Liberation Organization, in its struggle to regain its right to self-determination and independence in accordance with the Charter;

38. *Expresses its appreciation* for the material and other forms of assistance that peoples under colonial rule continue to receive from Governments, organizations of the United Nations system and intergovernmental organizations, and calls for a substantial increase in this assistance;

39. *Urges* all States, the specialized agencies and other competent organizations of the United Nations system to do their utmost to ensure the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and to intensify their efforts to support peoples under colonial, foreign and racist domination in their just struggle for self-determination and independence;

40. *Requests* the Secretary-General to give maximum publicity to the Declaration on the Granting of Independence to Colonial Countries and Peoples and to give the widest possible publicity to the struggle of oppressed peoples for the achievement of their self-determination and national independence and to report periodically to the General Assembly on his activities in this regard;

41. *Decides* to consider this item at its forty-third session on the basis of the reports on the strengthening of assistance to colonial territories and peoples that Governments, organizations of the United Nations system and intergovernmental and non-governmental organizations have been requested to submit.

93rd plenary meeting
7 December 1987

42/96. Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination

The General Assembly,

Bearing in mind the need for strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples, as well as scrupulous respect for the principle of the non-use or threat of the use of force in international relations, enshrined in the Charter of the United Nations and developed in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,⁷⁵

Reaffirming the legitimacy of the struggle of peoples and their liberation movements for their independence, territorial integrity, national unity and liberation from colonial domination, *apartheid* and foreign intervention and occupation, and that their legitimate struggle can in no way be considered as or equated to mercenary activity,

Deeply concerned about the increasing menace that the activities of mercenaries represent for all States, particularly African, Central American and other developing States,

Recognizing that mercenarism is a threat to international peace and security,

Recognizing also that the activities of mercenaries are contrary to fundamental principles of international law, such as non-interference in the internal affairs of States, territorial integrity and independence, and seriously impede the process of self-determination of peoples struggling against colonialism, racism and *apartheid* and all forms of foreign domination,

Recalling all of its relevant resolutions, particularly resolution 41/102 of 4 December 1986, in which it denounced the practice of using mercenaries, in particular against developing countries and national liberation movements,

Recalling also Security Council resolutions 239 (1967) of 10 July 1967, 405 (1977) of 14 April 1977, 419 (1977) of 24 November 1977, 496 (1981) of 15 December 1981 and 507 (1982) of 28 May 1982, in which the Council, *inter alia*, condemned any State that persisted in permitting or tolerating the recruitment of mercenaries, and the provision of facilities to them, with the objective of overthrowing the Governments of States Members of the United Nations,

Welcoming the adoption by the Economic and Social Council of resolution 1987/61 of 29 May 1987, in which the Council condemned the increased recruitment, financing, training, assembly, transit and use of mercenaries,

Reaffirming its decision, in its resolution 32/130 of 16 December 1977, to accord priority to the search for solutions to the mass and flagrant violations of human rights of peoples and persons affected by situations such as those resulting, *inter alia*, from aggression and threats against national sovereignty, national unity and territorial integrity,

Recalling the relevant resolutions of the Organization of African Unity and the convention adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its fourteenth ordinary session, held at Libreville from 2 to 5 July 1977,⁷⁶ condemning and outlawing mercenarism and its adverse effects on the independence and territorial integrity of African States,

Deeply concerned at the loss of life, the substantial damage to property and the short-term and long-term negative effects on the economy of southern African countries resulting from mercenary aggression,

1. *Condemns* the increased recruitment, financing, training, assembly, transit and use of mercenaries, as well as all other forms of support to mercenaries for the purpose of destabilizing and overthrowing the Governments of southern Africa and Central America and of other developing States and fighting against the national liberation movements of peoples struggling for the exercise of their right to self-determination;

2. *Strongly condemns* the racist régime of South Africa for its increasing use of groups of armed mercenaries against national liberation movements and for the destabilization of the Governments of southern African States;

3. *Denounces* any State that persists in the recruitment, or permits or tolerates the recruitment, of mercenaries and provides facilities to them for launching armed aggression against other States;

4. *Calls upon* all States to exercise the utmost vigilance against the menace posed by the activities of mercenaries

⁷⁵ Resolution 2625 (XXV), annex.

⁷⁶ See A/32/310, annex II.

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 the 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;

5. *Urges* all States to take the necessary measures under their respective domestic laws to prohibit the recruitment, financing, training and transit of mercenaries on their territory;

6. *Calls upon* all States to extend humanitarian assistance to victims of situations resulting from the use of mercenaries, as well as from colonial or alien domination or foreign occupation;

7. *Considers* it inadmissible to use channels of humanitarian and other assistance to finance, train and arm mercenaries;

8. *Welcomes with satisfaction* the appointment by the Commission on Human Rights, in its resolution 1987/16 of 9 March 1987,²⁶ of a special rapporteur to study the matter with a view to preparing a report for consideration by the Commission at its forty-fourth session and requests that the report be transmitted to the General Assembly at its forty-third session;

9. *Decides* to pay due attention to the matter at its forty-third session under the item entitled "Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights".

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42/97. Elimination of all forms of religious intolerance

The General Assembly,

Conscious of the need to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling its resolution 41/112 of 4 December 1986, in which it requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration,

Encouraged by the efforts being made by the Commission on Human Rights and by the Sub-Commission on Prevention of Discrimination and Protection of Minorities to study relevant developments affecting the implementation of the Declaration,

Taking note of Commission on Human Rights resolution 1987/15 of 4 March 1987²⁶ and Economic and Social Council decision 1987/143 of 29 May 1987, whereby the mandate of the Special Rapporteur appointed to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate, was extended for one year,

Noting with satisfaction that the Sub-Commission on Prevention of Discrimination and Protection of Minorities examined at its thirty-ninth session the study concluded by the Special Rapporteur,⁷⁷ in accordance with Sub-Commission resolution 1983/31 of 6 September 1983,⁷⁸ on the current dimensions of the problems of intolerance and of discrimination on the grounds of religion or belief and laid the foundation in its resolution 1987/33 of 4 September 1987⁷⁹ for future in-depth study of aspects of the issues raised in the study,

Emphasizing that non-governmental organizations and religious bodies and groups at every level have an important role to play in the promotion of tolerance and the protection of freedom of religion or belief,

Seriously concerned that intolerance and discrimination on the grounds of religion or belief continue to exist in many parts of the world,

Believing that further efforts are therefore required to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of intolerance and discrimination based on religion or belief,

1. *Reaffirms* that freedom of thought, conscience, religion and belief is a right guaranteed to all without discrimination;

2. *Urges* States, therefore, in accordance with their respective constitutional systems and with such internationally accepted instruments as the Universal Declaration of Human Rights,² the International Covenant on Civil and Political Rights¹³ and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief to provide, where they have not already done so, adequate constitutional and legal guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies where there is intolerance or discrimination based on religion or belief;

3. *Stresses*, in this connection, the value of the work in progress in the Commission on Human Rights on the preparation of a compendium of national legislation and regulations on the question of freedom of religion or belief and invites States to provide the necessary information to the Secretary-General, with particular regard to the measures taken to combat intolerance or discrimination in this field;

4. *Urges* 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 and, in this 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 religions and beliefs and do not discriminate against persons professing other religions or beliefs;

5. *Invites* 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;

6. *Considers* it desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief;

7. *Invites* the Secretary-General to continue to give high priority to the dissemination of the text of the Decla-

⁷⁷ E/CN.4/Sub.2/1987/26.

⁷⁸ See E/CN.4/1984/3-E/CN.4/Sub.2/1983/43 and Corr.1 and 2, chap. XXI, sect. A.

⁷⁹ See E/CN.4/1988/37-E/CN.4/Sub.2/1987/42 and Corr.1, chap. I, sect. B.