

Recalling the principles associated with the right of individuals to own property described in the relevant articles of regional human rights instruments of the Organization of American States, the Organization of African Unity and the Council of Europe,

1. *Recognizes* that there exist in Member States many forms of legal property ownership, including private, communal, and state forms, each of which should contribute to ensuring effective development and utilization of human resources through the establishment of sound bases for political, economic and social justice;

2. *Emphasizes* the role of individual initiative as an invaluable resource in promoting economic and social development;

3. *Affirms*, in accordance with article 30 of the Universal Declaration of Human Rights, that nothing in the Declaration, including the right of everyone to own property alone as well as in association with others, may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth therein;

4. *Invites* the regional commissions to consider the relationship between the full enjoyment of the right of everyone to own property alone as well as in association with others, as set forth in article 17 of the Universal Declaration of Human Rights, and the economic and social development of Member States;

5. *Requests* 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, within existing resources, on:

(a) The relationship between the full enjoyment by individuals of human rights and fundamental freedoms, in particular the right of everyone to own property alone as well as in association with others, as set forth in article 17 of the Universal Declaration of Human Rights, and the economic and social development of Member States;

(b) The role of the right of everyone to own property alone as well as in association with others, as set forth in article 17 of the Universal Declaration of Human Rights, in ensuring the full and free participation of individuals in the economic and social systems of States;

6. *Invites* Member States to communicate to the Secretary-General their views on the subject of his report;

7. *Invites* the specialized agencies and other competent bodies of the United Nations system to communicate to the Secretary-General their views on the subject of his report;

8. *Requests* the Secretary-General to report his findings, through the Economic and Social Council, to the General Assembly at its forty-third session;

9. *Also requests* that a preliminary, oral report on this question be made to the General Assembly at its forty-second session;

10. *Invites* the Commission on Human Rights at its forty-third session to resume consideration of the right of everyone to own property alone as well as in association with others;

11. *Decides* to consider this question at its forty-second session under the item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

97th plenary meeting  
4 December 1986

#### 41/133. Right to development

*The General Assembly*

Declares that:

The achievement of the right to development requires 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 the Programme of Action on the Establishment of a New International Economic Order,<sup>66</sup> the International Development Strategy for the Third United Nations Development Decade<sup>116</sup> and the Charter of Economic Rights and Duties of States,<sup>65</sup>

To this end, international co-operation 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 co-operation.

97th plenary meeting  
4 December 1986

#### 41/134. Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

*The General Assembly,*

Recalling article 5 of the Universal Declaration of Human Rights<sup>2</sup> and article 7 of the International Covenant on Civil and Political Rights,<sup>22</sup> both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

Recalling further its resolution 39/46 of 10 December 1984, by which it 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, as well as its resolution 40/128 of 13 December 1985,

Mindful of the relevance, for the eradication of torture and other cruel, inhuman or degrading treatment or punishment, of the Code of Conduct for Law Enforcement Officials<sup>117</sup> and of the Principles of Medical Ethics,<sup>118</sup>

Convinced of the desirability of early finalization and subsequent adoption of the draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,<sup>119</sup>

Seriously concerned about the alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in various parts of the world,

Determined to promote the full implementation of the prohibition, under international and national law, of the

<sup>116</sup> Resolution 35/56, annex.

<sup>117</sup> Resolution 34/169, annex.

<sup>118</sup> Resolution 37/194, annex.

<sup>119</sup> A/34/146, annex.

practice of torture and other cruel, inhuman or degrading treatment or punishment,

*Welcoming* the decision of the Commission on Human Rights, in its resolution 1986/50 of 13 March 1986, to extend for one year the mandate of the Special Rapporteur to examine questions relevant to torture,<sup>31</sup>

1. *Takes note with appreciation* of the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;<sup>120</sup>

2. *Expresses its satisfaction* at the number of States that have signed or ratified the Convention since it was opened for signature, ratification and accession on 4 February 1985;

3. *Requests* all States that have not yet done so to become parties to the Convention as a matter of priority;

4. *Invites* all States, upon ratification of or accession to the Convention, to consider the possibility of making the declarations provided for in articles 21 and 22 of the Convention;

5. *Requests* the Secretary-General to submit to the Commission on Human Rights at its forty-third session and to the General Assembly at its forty-second session a report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

6. *Decides* to consider the report of the Secretary-General at its forty-second session under the item entitled "Torture and other cruel, inhuman or degrading treatment or punishment".

97th plenary meeting  
4 December 1986

#### 41/135. United Nations Voluntary Fund for Victims of Torture

*The General Assembly,*

*Recalling* article 5 of the Universal Declaration of Human Rights, which states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,<sup>2</sup>

*Again recalling* the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,<sup>121</sup>

*Recalling also* its resolution 39/46 of 10 December 1984, by which it adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

*Recalling further* its resolution 36/151 of 16 December 1981, in which it noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims of torture in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture,

*Convinced* that the struggle to eliminate torture includes the provision of assistance in a humanitarian spirit to the victims and members of their families,

*Taking note* of the report of the Secretary-General,<sup>122</sup>

1. *Expresses its gratitude and appreciation* to those Governments, organizations and individuals that have al-

ready contributed to the United Nations Voluntary Fund for Victims of Torture;

2. *Calls upon* all Governments, organizations and individuals in a position to do so to respond favourably to requests for initial as well as further contributions to the Fund;

3. *Expresses its appreciation* to the Board of Trustees of the Fund for the work it has carried out;

4. *Expresses its appreciation* to the Secretary-General for the support given to the Board of Trustees of the Fund;

5. *Requests* 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 contributions.

97th plenary meeting  
4 December 1986

#### 41/136. Assistance to student refugees in southern Africa

*The General Assembly,*

*Recalling* its resolution 40/138 of 13 December 1985, in which it, *inter alia*, requested the Secretary-General, in co-operation with the United Nations High Commissioner for Refugees, to continue to organize and implement an effective programme of educational and other appropriate assistance for student refugees from Namibia and South Africa who have been granted asylum in Botswana, Lesotho, Swaziland and Zambia,

*Having considered* the report of the High Commissioner on the assistance programme to student refugees from South Africa and Namibia,<sup>123</sup>

*Noting with appreciation* that some of the projects recommended in the report on assistance to student refugees in southern Africa have been successfully completed,

*Noting with concern* that the discriminatory and repressive policies which continue to be applied in South Africa and Namibia cause a continued and increasing influx of student refugees into Botswana, Lesotho, Swaziland and Zambia,

*Conscious* of the burden placed on the limited financial, material and administrative resources of the host countries by the increasing number of student refugees,

*Appreciating* the efforts of the host countries to deal with their student refugee populations, with the assistance of the international community,

1. *Takes note with satisfaction* of the report of the United Nations High Commissioner for Refugees;

2. *Expresses its appreciation* to the Governments of Botswana, Lesotho, Swaziland and Zambia for granting asylum and making educational and other facilities available to the student refugees, in spite of the pressure which the continuing influx of those refugees exerts on facilities in their countries;

3. *Also expresses its appreciation* to the Governments of Botswana, Lesotho, Swaziland and Zambia for the co-operation which they have extended to the High Commissioner on matters concerning the welfare of these refugees;

4. *Notes with appreciation* the financial and material support provided for the student refugees by Member

<sup>120</sup> A/41/511.

<sup>121</sup> Resolution 3452 (XXX), annex.

<sup>122</sup> A/41/706.

<sup>123</sup> A/41/553.