

and legal advisers and the independence of lawyers, the status of the individual in present-day international law, the present dimensions of the problem of intolerance and discrimination based on religion or belief, the right to adequate food as a human right, and the right to leave any country, including one's own, and to return to one's country,

Convinced that it would be highly beneficial for the present members of the Sub-Commission to continue the work needed to complete those studies and to consider the final reports thereon at the forthcoming thirty-ninth session of the Sub-Commission, in 1987, since they have taken an active part in those studies and provided the necessary guidance to the special rapporteurs for the drafting of their reports,

Profoundly concerned by the fact that the thirty-ninth session of the Sub-Commission, which was to have been held in 1986, has been postponed until 1987 owing to the current financial situation of the United Nations,

Recalling that the Commission on Human Rights, in its resolution 1985/28 of 11 March 1985,³⁰ endorsed the desirability of better continuity in the work of the Sub-Commission,

Recalling further that the Economic and Social Council, in its resolution 1986/35 of 23 May 1986, established a new procedure for the election of the members of the Sub-Commission with the object of ensuring that continuity,

Bearing in mind that in 1949¹³¹ and 1956,¹³² as an exception, the mandates of the experts then serving on the Sub-Commission were extended,

Recommends that the Economic and Social Council, at its organizational session for 1987, decide:

(a) To extend the mandate of the present members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for one year in order to ensure their participation in the thirty-ninth session of the Sub-Commission, to be held in 1987;

(b) To postpone until the forty-fourth session of the Commission on Human Rights, in 1988, the election of new members of the Sub-Commission scheduled to be held during the forty-third session of the Commission, in 1987, and to ensure that the election is governed by the procedure established in Economic and Social Council resolution 1986/35;

(c) That the Sub-Commission resulting from the election referred to in subparagraph (b) above should begin to exercise its mandate, in accordance with present practice, immediately following that election.

97th plenary meeting
4 December 1986

41/144. Summary or arbitrary executions

The General Assembly,

Recalling the provisions of the Universal Declaration of Human Rights,² which states that every human being has the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights,²² 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 also its resolution 34/175 of 17 December 1979, in which it 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,

Recalling further its resolution 36/22 of 9 November 1981, in which it condemned the practice of summary or arbitrary executions, and its resolutions 37/182 of 17 December 1982, 38/96 of 16 December 1983, 39/110 of 14 December 1984 and 40/143 of 13 December 1985,

Deeply alarmed at the continued occurrence on a large scale of summary or arbitrary executions, including extra-legal executions,

Recalling resolution 1982/13 of 7 September 1982 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,¹³³ in which the Sub-Commission recommended that effective measures should be adopted to prevent the occurrence of summary or arbitrary executions,

Welcoming Economic and Social Council resolution 1984/50 of 25 May 1984, and the safeguards guaranteeing protection of the rights of those facing the death penalty annexed thereto, which resolution was endorsed by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in its resolution 15,¹³⁴ as well as the ongoing work on summary or arbitrary executions within the Committee on Crime Prevention and Control,

Recognizing the need for closer co-operation between the Centre for Human Rights and the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat and the Committee on Crime Prevention and Control in efforts to bring an end to summary or arbitrary executions,

Convinced of the need for appropriate action to combat and eventually eliminate the abhorrent practice of summary or arbitrary executions, which represents a flagrant violation of the most fundamental human right, the right to life,

1. *Strongly condemns once again* the large number of summary or arbitrary executions, including extra-legal executions, which continue to take place in various parts of the world;

2. *Demands* that the practice of summary or arbitrary executions be brought to an end;

3. *Welcomes* Economic and Social Council resolution 1982/35 of 7 May 1982, in which the Council decided to appoint for one year a special rapporteur to examine the questions related to summary or arbitrary executions;

4. *Also welcomes* Economic and Social Council resolution 1986/36 of 23 May 1986, in which the Council decided to continue the mandate of the Special Rapporteur, Mr. S. A. Wako, for a further year and requested the Commission on Human Rights to consider the question of summary or arbitrary executions as a matter of high priority at its forty-third session;

5. *Urges* all Governments and all others concerned to co-operate with and assist the Special Rapporteur of the

¹³³ See E/CN.4/1983/4-E/CN.4/Sub.2/1982/43 and Corr.1, chap. XXI, sect. A.

¹³⁴ 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. E.

¹³¹ E/1371, para. 13 (b).

¹³² E/2844, para. 122.

Commission on Human Rights in order that he may carry out his mandate effectively;

6. *Requests* the Special Rapporteur, in carrying out his mandate, to respond effectively to information that comes before him, in particular when a summary or arbitrary execution is imminent or threatened, or when such an execution has recently occurred;

7. *Endorses* the recommendation of the Special Rapporteur in his report¹³⁵ to the Commission on Human Rights at its forty-second session on the need to develop international standards to ensure that proper investigations are conducted by appropriate authorities into all cases of suspicious death, including provisions for adequate autopsy;

8. *Invites* the Special Rapporteur to receive information from appropriate United Nations bodies and other international organizations and to examine the elements to be included in such standards and to report to the Commission on Human Rights at its forty-third session on progress made in this respect;

9. *Considers* that the Special Rapporteur, in carrying out his mandate, should continue to seek and receive information from Governments, United Nations bodies, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council;

10. *Requests* the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur so that he may effectively carry out his mandate;

11. *Again requests* the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights²² appear not to be respected;

12. *Requests* the Commission on Human Rights at its forty-third session, on the basis of the report of the Special Rapporteur to be prepared in conformity with Economic and Social Council resolutions 1982/35, 1983/36, 1984/35, 1985/40 and 1986/36, to make recommendations concerning appropriate action to combat and eventually eliminate the abhorrent practice of summary or arbitrary executions.

*97th plenary meeting
4 December 1986*

41/145. Question of enforced or involuntary disappearances

The General Assembly,

Recalling its resolution 33/173 of 20 December 1978 concerning disappeared persons, and its resolution 40/147 of 13 December 1985 on the question of enforced or involuntary disappearances,

Deeply concerned about the persistence, in certain cases, of the practice of enforced or involuntary disappearances,

Expressing its profound emotion at the anguish and sorrow of the families concerned, who are unsure of the fate of their relatives,

Convinced of the need to continue implementing the provisions of its resolution 33/173 and of the other United Nations resolutions on the question of enforced or involuntary disappearances, with a view to finding solutions

for cases of disappearances and helping to eliminate such practices,

Bearing in mind Commission on Human Rights resolution 1986/55 of 13 March 1986,³¹ in which the Commission decided to extend for two years, on an experimental basis, the term of the mandate of the Working Group on Enforced or Involuntary Disappearances, and Economic and Social Council decision 1986/139 of 23 May 1986, in which the Council approved the Commission's decision,

1. *Expresses its appreciation* to the Working Group on Enforced or Involuntary Disappearances for its humanitarian work and to those Governments that have co-operated with it;

2. *Welcomes* the decision of the Commission on Human Rights to extend for two years, on an experimental basis, the term of the mandate of the Working Group, as defined in Commission resolution 20 (XXXVI), of 29 February 1980,²⁵ while maintaining the principle of annual reporting by the Group;

3. *Also welcomes* the provisions made by the Commission on Human Rights in its resolution 1986/55 to enable the Working Group to fulfil its mandate with even greater efficiency;

4. *Appeals* to all Governments, particularly those which have not yet replied to the communications addressed to them by the Working Group, to co-operate fully with the Group so as to enable it, with respect for its working methods based on discretion, to perform its strictly humanitarian role;

5. *Encourages* the Governments concerned to consider the wish of the Working Group, when such a wish is expressed, to visit their countries, thus enabling the Group to fulfil its mandate even more effectively;

6. *Calls upon* the Commission on Human Rights to continue to study this question as a matter of priority and to take any step it may deem necessary to the pursuit of the task of the Working Group when it considers the report to be submitted by the Group to the Commission at its forty-third session;

7. *Renews its request* to the Secretary-General to continue to provide the Working Group with all necessary facilities.

*97th plenary meeting
4 December 1986*

41/146. Realization of the right to adequate housing

The General Assembly,

Recalling its resolution 37/221 of 20 December 1982, in which it proclaimed the year 1987 International Year of Shelter for the Homeless,

Recognizing the objectives of the International Year of Shelter for the Homeless,

Bearing in mind that the Universal Declaration of Human Rights² and the International Covenant on Economic, Social and Cultural Rights²² provide that all persons have the right to an adequate standard of living for themselves and their families, including adequate housing, and that States should take appropriate steps to ensure the realization of this right,

Noting that the objectives of the International Year of Shelter for the Homeless are closely related to the realization of the economic, social and cultural rights set forth in the Universal Declaration of Human Rights and the Inter-

¹³⁵ E/CN.4/1986/21.