

pede 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 42/96 of 7 December 1987, 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 Commission on Human Rights resolution 1988/7 of 22 February 1988,⁷⁵ in which the Commission 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 1977,⁷⁵ condemning and outlawing the use of mercenaries and its adverse effects on the independence and territorial integrity of African States,

Deeply concerned about 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,

Taking note with appreciation of the reports of the Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination,⁷⁶

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 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 the provisions of Commission on Human Rights resolution 1988/7 aimed at giving the Special Rapporteur on the question of the use of mercenaries the full opportunity to carry out his mandate most effectively;

9. Expresses its appreciation to the Special Rapporteur for his reports and especially for his preliminary conclusions and recommendations;

10. Decides to examine at its forty-fourth session the question of the use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination 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";

11. Emphasizes the importance of having the Special Rapporteur present his report during the consideration of 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", and requests the Secretary-General to make the same report available to the *Ad Hoc* Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries, for its information.

75th plenary meeting
8 December 1988

43/108. 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 42/97 of 7 December 1987, in which it requested the Commission on Human Rights to

⁷⁵ See A/32/310, annex II.

⁷⁶ A/43/632, annex, and A/43/735, annex.

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 1988/55 of 8 March 1988⁷⁷ and Economic and Social Council decision 1988/142 of 27 May 1988, 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 two years,

Noting with satisfaction that the Commission on Human Rights decided, by that resolution, that the study of the current dimensions of the problems of intolerance and discrimination based on religion or belief by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities⁷⁷ should be published in all official languages of the United Nations and should be widely distributed, and that the Sub-Commission has been invited to continue its in-depth consideration of the issue and to report to the Commission at its forty-fifth session,

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 Rights²⁰ 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. *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;

4. *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;

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

6. *Invites* the Secretary-General to continue to give high priority to the dissemination of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, in all the official languages of the United Nations, and to take all appropriate measures to make the text available for use by United Nations information centres, as well as by other interested bodies;

7. *Requests* the Secretary-General in this context to invite interested non-governmental organizations to consider what further role they could envisage playing in the implementation of the Declaration and in its dissemination in national and local languages;

8. *Urges* all States to consider disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in national and local languages;

9. *Welcomes* the renewal for two years of 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;

10. *Notes* that the Commission on Human Rights also intends to consider at its forty-fifth session the question of a binding international instrument in this field and emphasizes, in this connection, the relevance of General Assembly resolution 41/120 of 4 December 1986 entitled "Setting international standards in the field of human rights";

11. *Requests* the Commission on Human Rights to continue its consideration of measures to implement the Declaration and to report, through the Economic and Social Council, to the General Assembly at its forty-fourth session;

12. *Decides* to include in the provisional agenda of its forty-fourth session the item entitled "Elimination of all forms of religious intolerance" and to consider the report of the Commission on Human Rights under that item.

75th plenary meeting
8 December 1988

43/109. Implications of scientific and technological developments for human rights

The General Assembly,

Recalling its resolution 33/53 of 14 December 1978, in which it requested the Commission on Human Rights to urge the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake, as a matter of priority, a study of the question of the protection of those detained on the grounds of mental ill-health, with a view to formulating guidelines,

Mindful of the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment,⁷⁸

Recalling also its resolution 42/98 of 7 December 1987, in which it again urged the Commission and the Sub-Commission to expedite their consideration of this question, so that the Commission could submit its views and

⁷⁷ E/CN.4/Sub.2/1987/26.

⁷⁸ Resolution 37/194, annex.