

national standards for proper investigation of all cases of death in suspicious circumstances, including provision for adequate autopsy;

11. *Endorses* the proposals of the Special Rapporteur concerning the elements to be included in such international standards;

12. *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, non-governmental organizations in consultative status with the Economic and Social Council, as well as medical and forensic experts;

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

14. *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 Rights²⁰ appear not to have been respected;

15. *Requests* the Commission on Human Rights at its forty-fifth 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, 1986/36, 1987/60 and 1988/38, to make recommendations concerning appropriate action to combat and eventually eliminate the abhorrent practice of summary or arbitrary executions.

*75th plenary meeting
8 December 1988*

43/152. Regional arrangements for the promotion and protection of human rights

The General Assembly,

Recalling its resolution 32/127 of 16 December 1977 and all its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights, in particular resolutions 41/153 and 41/154 of 4 December 1986,

Recalling that, in its resolution 41/154, the General Assembly invited the Secretary-General to submit to the Assembly at its forty-third session a report on the state of regional arrangements for the promotion and protection of human rights, and to include therein the results of action taken in pursuance of that resolution,

Recalling Commission on Human Rights resolution 1987/37 of 10 March 1987⁶¹ and taking note of Commission resolution 1988/54 of 8 March 1988²⁷ concerning advisory services in the field of human rights,

Recalling also Commission on Human Rights resolution 1987/41 of 10 March 1987⁶¹ and taking note of Commission resolution 1988/73 of 10 March 1988²⁷ concerning regional arrangements for the promotion and protection of human rights in the Asian-Pacific region,

Having considered the report of the Secretary-General on regional arrangements for the promotion and protection of human rights,¹⁷⁰

Noting with satisfaction the progress achieved so far in the promotion and protection of human rights at the regional level under the auspices of the United Nations, the

specialized agencies and the regional intergovernmental organizations,

Reaffirming that regional arrangements for the promotion and protection of human rights may make a major contribution to the effective enjoyment of human rights and fundamental freedoms and that the exchange of information and experience in this field among the regions, within the United Nations system, may be improved,

1. *Takes note* of the report of the Secretary-General;

2. *Notes with interest* that various contacts between regional bodies and commissions and the United Nations have continued to be pursued and strengthened through advisory services and technical assistance activities, particularly those relating to the organization of regional and subregional training courses in the field of human rights;

3. *Requests* the Secretary-General to continue to consider the possibility of encouraging these developments;

4. *Invites* States in areas where regional arrangements in the field of human rights do not yet exist to consider concluding agreements with a view to the establishment within their respective regions of suitable regional machinery for the promotion and protection of human rights;

5. *Welcomes* the fact that subprogramme 5 of the medium-term plan of activities concerning advisory services and technical assistance activities in the field of human rights, to which the Secretary-General refers in his report, provides for the establishment of regional arrangements where they are still lacking;

6. *Notes* the announcement by the Secretary-General in his report that, for the advancement of the above-mentioned objective, it is useful to hold seminars in the regions concerned which will draw upon the knowledge and experience of the United Nations development agencies in those regions, as well as upon the experience gained through established arrangements in other regions;

7. *Endorses* the appeal made to all Governments, in Commission on Human Rights resolution 1988/54, to consider making use of the possibility offered by the United Nations of organizing, under the programme of advisory services in the field of human rights, information and/or training courses at the national level for appropriate government personnel on the application of international human rights standards and the experience of relevant international bodies;

8. *Requests* the Commission on Human Rights to continue to pay special attention to the most appropriate ways of assisting, at their request, countries of the different regions under the programme of advisory services and to make, where necessary, the relevant recommendations;

9. *Invites* the Secretary-General to submit to the General Assembly at its forty-fifth session a report on the state of regional arrangements for the promotion and protection of human rights and to include therein the results of action taken in pursuance of the present resolution;

10. *Decides* to consider this question further at its forty-fifth session.

*75th plenary meeting
8 December 1988*

43/153. Human rights in the administration of justice

The General Assembly,

Guided by the principles embodied in articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights,² as well as the relevant provisions of the International Cove-

¹⁷⁰ A/43/328.

nant on Civil and Political Rights,²⁰ in particular article 6, which explicitly states that no one shall be arbitrarily deprived of his life and prohibits the imposition of the death penalty for crimes committed by persons below eighteen years of age,

Guided also by the relevant principles embodied in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment¹³⁷ and in the International Convention on the Elimination of All Forms of Racial Discrimination,³

Calling attention to the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power¹⁷¹ and the safeguards guaranteeing protection of the rights of those facing the death penalty,¹⁷² as well as to the Basic Principles on the Independence of the Judiciary,¹⁷³ the Code of Conduct for Law Enforcement Officials¹³² and the Standard Minimum Rules for the Treatment of Prisoners,¹⁷⁴

Convinced of the importance of the finalization and adoption of the draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,

Reaffirming the importance of the principles contained in its resolution 41/120 of 4 December 1986 on setting international standards in the field of human rights,

Recalling its resolutions 40/146 of 13 December 1985, 41/149 of 4 December 1986 and 42/143 of 7 December 1987 on human rights in the administration of justice,

Recognizing the important contribution of the Commission on Human Rights in the field of human rights in the administration of justice, as reflected in its resolutions 1988/33 of 8 March 1988 on human rights in the administration of justice, 1988/40 of 8 March 1988 on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, 1988/45 of 8 March 1988 on administrative detention without charge or trial and 1988/68 of 10 March 1988 on summary or arbitrary executions,²⁷

Acknowledging the important work accomplished in this field by the United Nations within the framework of its programme of work in crime prevention and criminal justice, as reaffirmed, *inter alia*, by the Economic and Social Council in its resolution 1988/44 of 27 May 1988 and the results of the Committee on Crime Prevention and Control at its tenth session,¹⁷⁵

Convinced of the need for further co-ordinated and concerted action in promoting respect for human rights in the administration of justice,

1. *Reaffirms* the importance of the full implementation of United Nations norms and standards on human rights in the administration of justice;

2. *Urges* Member States to develop strategies for the practical implementation of these standards, in particular:

(a) To adopt in national legislation and practice existing international standards relating to human rights in the

administration of justice, and to make them available to all persons concerned;

(b) To design realistic and effective mechanisms for the full implementation of these standards and to provide the necessary administrative and judicial structures for their continuous monitoring;

(c) To devise measures to promote the observance of these standards, as well as public awareness about their important role, in particular through their widespread dissemination and through educational and promotional activities;

(d) To include, where appropriate, references to the implementation of these standards in their reports under the various international human rights instruments;

(e) To increase, as far as possible, their support to technical co-operation and advisory services at all levels for the more effective implementation of these standards, either directly or through international funding agencies such as the United Nations Development Programme, when developing countries include specific projects in their country programmes;

3. *Notes with appreciation* that the United Nations system continues to give special attention to the elaboration of standards in this field, as mandated by the Economic and Social Council in its resolution 1986/10 of 21 May 1986, including on the use of force and firearms by law enforcement officials as well as with regard to unacknowledged detention of persons and on the independence and impartiality of the judiciary, jurors and assessors and independence of lawyers;

4. *Encourages* the relevant bodies within the United Nations pursuing the setting of new standards in this field to continue their efforts with regard to subjects such as extra-legal, summary or arbitrary executions, or the question of states of emergency;

5. *Urges* all bodies working on these issues to take fully into account the provisions of its resolution 41/120;

6. *Emphasizes* the importance of education and public information programmes in this field for law students, the legal profession and all those responsible for the administration of justice;

7. *Stresses* the significant role of the regional commissions concerned, the specialized agencies, the United Nations institutes in the area of human rights and crime prevention and criminal justice and other organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field;

8. *Welcomes* the steps initiated by 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 to ensure closer co-operation, with regard to the prevention of crime and the treatment of offenders, on all matters of human rights in the administration of justice, especially with respect to criminal violations of human rights and mass victimization;

9. *Requests* the Secretary-General:

(a) To continue to provide all necessary support to United Nations bodies working on the setting of standards in this field;

(b) To continue to assist Member States, at their request, in implementing existing international human rights standards in the administration of justice, in particular under the programme of advisory services;

¹⁷¹ Resolution 40/34, annex.

¹⁷² Economic and Social Council resolution 1984/50, annex.

¹⁷³ 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. D.2

¹⁷⁴ *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders*, Geneva, 22 August-3 September 1955: report prepared by the Secretariat (United Nations publication, Sales No. 1956.IV.4), annex I.A.

¹⁷⁵ *Official Records of the Economic and Social Council, 1988, Supplement No. 10 (E/1988/20)*.

(c) To develop further the recently created focal points within the Centre for Human Rights and the Centre for Social Development and Humanitarian Affairs to monitor the human rights aspects of the administration of justice within the various elements of United Nations programmes in this field, as well as the work of specialized agencies, regional organizations and non-governmental organizations in consultative status, and to provide, as appropriate, advice on co-ordination and other relevant issues in this field;

(d) To co-ordinate the various technical advisory services carried out by the Centre for Human Rights and the Crime Prevention and Criminal Justice Branch with a view to undertaking joint programmes and strengthening existing mechanisms for the protection of human rights in the administration of justice;

(e) To draw the attention of special rapporteurs and working groups in the field of human rights to the importance of questions relating to the effective protection of human rights in the administration of justice, in particular with regard to states of emergency;

10. *Encourages* the development of diversified funding strategies, including recourse to voluntary and mixed multilateral and bilateral contributions for specific projects on human rights in the administration of justice, and the increasing involvement of United Nations development agencies, in particular the United Nations Development Programme;

11. *Draws the attention* of the Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities, as well as of the regional preparatory meetings for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to the issues raised in the present resolution;

12. *Decides* to consider at its forty-fourth session the question of human rights in the administration of justice.

*75th plenary meeting
8 December 1988*

43/154. Human rights and mass exoduses

The General Assembly,

Mindful of its general humanitarian mandate under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Deeply disturbed by the continuing scale and magnitude of exoduses of refugees and displacements of population in many regions of the world and by the human suffering of millions of refugees and displaced persons,

Conscious of the fact that human rights violations are one of the multiple and complex factors causing mass exoduses of refugees and displaced persons, as indicated in the study of the Special Rapporteur of the Commission on Human Rights on this subject¹⁷⁶ and also in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees,⁹⁸

Aware of the recommendations concerning mass exoduses made by the Commission on Human Rights to its Sub-Commission on Prevention of Discrimination and Protection of Minorities and to special rapporteurs to be taken into account when they are studying violations of human rights in any part of the world,

Deeply preoccupied by the increasingly heavy burden being imposed, particularly upon developing countries with limited resources of their own and upon the international community as a whole, by these sudden mass exoduses and displacements of population,

Stressing the need for international co-operation aimed at averting new massive flows of refugees in parallel with the provision of durable solutions to actual refugee situations,

Reaffirming its resolution 41/70 of 3 December 1986, in which it endorsed the conclusions and recommendations contained in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees,⁹⁸

Recalling its resolutions 35/196 of 15 December 1980, 37/186 of 17 December 1982, 38/103 of 16 December 1983, 39/117 of 14 December 1984, 40/149 of 13 December 1985, 41/70, 41/148 of 4 December 1986 and 42/144 of 7 December 1987, and Commission on Human Rights resolutions 30 (XXXVI) of 11 March 1980,³⁴ 29 (XXXVII) of 11 March 1981,⁵⁵ 1982/32 of 11 March 1982,⁵⁶ 1983/35 of 8 March 1983,⁵⁷ 1984/49 of 14 March 1984,⁵⁸ 1985/40 of 13 March 1985,⁵⁹ 1986/45 of 12 March 1986,⁶⁰ 1987/56 of 11 March 1987⁶¹ and 1988/70 of 10 March 1988,²⁷

Welcoming the steps taken so far by the United Nations to examine the problem of massive outflows of refugees and displaced persons in all its aspects, including its root causes,

1. *Recalls* the recommendation of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees that the principal organs of the United Nations should make fuller use of their respective competencies under the Charter of the United Nations for the prevention of new massive flows of refugees and displaced persons;

2. *Invites* all Governments and intergovernmental and humanitarian organizations concerned to intensify their co-operation and assistance in world-wide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and also the causes of such exoduses;

3. *Requests* all Governments to ensure the effective implementation of the relevant international instruments, in particular in the field of human rights, as this would contribute to averting new massive flows of refugees and displaced persons;

4. *Invites* the Commission on Human Rights to keep the question of human rights and mass exoduses under review with a view to making appropriate recommendations concerning further measures to be taken in this matter;

5. *Takes note* of the report of the Secretary-General on human rights and mass exoduses;¹⁷⁷

6. *Encourages* the Secretary-General to continue to take the necessary steps to discharge the function and responsibilities described in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees;

7. *Notes* the establishment by the Secretary-General of the Office for Research and the Collection of Information to co-ordinate information-gathering and analysis with United Nations bodies so as to provide early warning on developing situations requiring the Secretary-General's

¹⁷⁶ E/CN.4/1503.

¹⁷⁷ A/43/743 and Add.1.