

1987/58. Question of a convention on the rights of the child

The Economic and Social Council.

Recalling General Assembly resolution 41/116 of 4 December 1986, by which the Assembly requested the Commission on Human Rights to give the highest priority to, and to make every effort at its forty-third session to complete, the draft convention on the rights of the child and to submit it, through the Economic and Social Council, to the General Assembly at its forty-second session,

Considering that it was not found possible to complete the work on the draft convention during the forty-third session of the Commission on Human Rights,

Taking note of Commission on Human Rights resolution 1987/48 of 11 March 1987,

1. *Authorizes* a meeting of an open-ended working group for a period of one week prior to the forty-fourth session of the Commission on Human Rights, with a view to completing the work on the draft convention on the rights of the child at that session;

2. *Requests* the Secretary-General to extend all facilities to the working group for its meeting prior to and during the forty-fourth session of the Commission to enable it to fulfil its task successfully, and notes the usefulness of providing the working group, in advance of its session, with such working documents as a compilation of all amendments and new proposals and relevant provisions of other international instruments;

3. *Draws attention* to the need for new proposals to be submitted early in the session of the working group.

*18th plenary meeting
29 May 1987*

1987/59. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Economic and Social Council.

Recalling Commission on Human Rights resolution 1987/52 of 11 March 1987,

1. *Authorizes* an open-ended working group to meet for a period of one week prior to the forty-fourth session of the Commission on Human Rights, with a view to continuing the elaboration of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;

2. *Requests* the Secretary-General to extend all facilities to the working group for its meeting prior to and during the forty-fourth session of the Commission and, to enable the group to continue its work on the elaboration of the draft declaration, to transmit to all member States in advance of the meeting the report of the working group that met prior to and during the forty-third session, together with the annexes thereto.

*18th plenary meeting
29 May 1987*

1987/60. Summary or arbitrary executions

The Economic and Social Council.

Recalling the Universal Declaration of Human Rights,⁵ which guarantees the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights,¹ in which it is stated 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 General Assembly resolution 34/175 of 17 December 1979, in which the Assembly reaffirmed that mass and flagrant violations of human rights were 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,

Mindful of General Assembly resolutions 36/22 of 9 November 1981, 37/182 of 17 December 1982, 38/96 of 16 December 1983, 39/110 of 14 December 1984, 40/143 of 13 December 1985 and 41/144 of 4 December 1986,

Taking note of resolution 1982/13 of 7 September 1982 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,⁸² in which the Sub-Commission recommended that effective measures should be adopted to prevent the occurrence of summary or arbitrary executions,

Recalling Council resolution 1984/50 of 25 May 1984 and the safeguards guaranteeing protection of the rights of those facing the death penalty set out in the annex thereto, which were endorsed by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in its resolution 15,⁶⁷ and welcoming the ongoing work on summary and arbitrary executions done by the Committee on Crime Prevention and Control,

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

Deeply alarmed at the occurrence on a large scale of summary or arbitrary executions, including extra-legal 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. *Appeals urgently* to Governments, United Nations bodies, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to take effective action to combat and eliminate summary or arbitrary executions, including extra-legal executions;

3. *Takes note with appreciation* of the report of the Special Rapporteur, Mr. S. Amos Wako,⁸³ and welcomes his recommendations for the elimination of summary or arbitrary executions, in particular the recommendations that Governments

(a) Ratify international human rights instruments, such as the International Covenant on Civil and Political Rights, including the Optional Protocol thereto,¹ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;⁸⁴

⁵ See E/CN.4/1985/4 and Corr.1, chap. XXI, sect. A.

⁸² E/CN.4/1987/20.

⁸³ General Assembly resolution 39/46, annex.

(b) Review national laws and regulations with a view to strengthening the preventive measures against deaths caused by illegal or excessive use of force by security, law enforcement or other government officials;

(c) Review the machinery for investigation of deaths under suspicious circumstances in order to secure an impartial, independent investigation of such deaths, including an adequate autopsy;

(d) Review the trial procedures of tribunals, including those of special tribunals, in order to ensure that they embody adequate safeguards to protect the rights of the accused in the trial proceedings, as stipulated in the relevant international instruments;

(e) Emphasize the importance of the right to life in the training of all law enforcement personnel and inculcate in them respect for life;

that international organizations:

(a) Strengthen their co-ordination in dealing with the immediate problems and the root causes of summary or arbitrary executions, in particular by sharing information, publications, studies and expertise;

(b) Make a concerted effort to draft international standards designed to ensure proper investigation by appropriate authorities into all cases of suspicious death, including provisions for adequate autopsy;

and that, in addition, Governments, individually and through the international community, should support and encourage peace initiatives and political solutions to situations of armed conflict; they should be encouraged to take appropriate and effective measures, at the national, regional and international levels, to combat terrorism and/or terrorist acts; they should also be encouraged to enter into bilateral or regional agreements with a view to extending mutual assistance and co-operation to enhance the capacity of their authorities to safeguard the individual's right to life; at the international level, organs within the United Nations system should take action with a view to assisting Governments to reconstruct the infrastructure that would enable the authorities concerned to carry out effectively their basic obligation to protect the right to life of individuals in their societies;

4. *Decides* to renew the mandate of the Special Rapporteur, Mr. S. Amos Wako, for another year, in order to enable him to submit further conclusions and recommendations to the Commission;

5. *Requests* the Special Rapporteur in carrying out his mandate to continue to examine situations of summary or arbitrary executions;

6. *Also 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 occurred;

7. *Endorses* the recommendation of the Special Rapporteur on the need to develop international standards designed to ensure effective legislation and other domestic measures so that proper investigations, including provisions for adequate autopsy, are conducted by appropriate authorities into all cases of suspicious death;

8. *Invites* again 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 on progress made in this respect;

9. *Requests* the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur;

10. *Urges* all Governments and all others concerned to co-operate with and assist the Special Rapporteur so that he may carry out his mandate effectively;

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 Rights appears not to be respected;

12. *Requests* the Commission on Human Rights to consider the question of summary or arbitrary executions as a matter of high priority at its forty fourth session under the item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

*18th plenary meeting
29 May 1987*

1987/61. Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination

The Economic and Social Council,

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,⁸⁰

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 relevant General Assembly resolutions, particularly resolution 41/102 of 4 December 1986, in which the General Assembly 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

⁸⁰ General Assembly resolution 2625 (XXV), annex