

tled "Human rights and scientific and technological developments", to the question of the implementation of the provisions of the Declaration;

6. *Invites* the Commission on Human Rights to assist the Sub-Commission on Prevention of Discrimination and Protection of Minorities in preparing the study requested by the Commission in its resolutions 1982/4 of 19 February 1982,¹⁰¹ 1984/29 of 12 March 1984,¹⁰³ 1986/11 of 10 March 1986¹⁰⁴ and 1988/61 of 9 March 1988;⁴⁵

7. *Decides* to include in the provisional agenda of its forty-fifth session the item entitled "Human rights and scientific and technological developments".

*82nd plenary meeting
15 December 1989*

44/134. Human rights and scientific and technological developments

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 persons detained on the grounds of mental ill-health, with a view to formulating guidelines,

Bearing in mind the obligation of all States to promote and respect the human rights and fundamental freedoms of everyone, including disadvantaged people, such as those suffering from mental illness,

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,¹²¹

Recalling also its resolution 43/109 of 8 December 1988, in which it welcomed the progress made by the Working Group of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and invited the Commission on Human Rights to consider the subject at its forty-fifth session, in the light of the Sub-Commission's recommendations,

Taking note of Commission on Human Rights resolution 1989/40 of 6 March 1989² and Economic and Social Council resolution 1989/76 of 24 May 1989, by which the Council authorized an open-ended working group of the Commission to examine, revise and simplify as necessary the draft body of principles and guarantees for the protection of mentally ill persons and for the improvement of mental health care submitted by the Sub-Commission,¹²² with a view to submitting it to the Commission at its forty-sixth session,

Expressing its belief that all mentally ill persons should be treated with humanity and the respect due the inherent dignity of the human person,

Reaffirming its conviction that the misuse of psychiatry to detain persons in mental institutions on account of their political views or on other non-medical grounds, as reflected in the report of the Special Rapporteur of the Sub-Commission,¹²³ is a violation of their human rights,

1. *Reiterates* the urgent need for principles and guarantees to protect persons suffering from mental disorder or detained on the grounds of mental ill-health;

2. *Welcomes* the establishment of the open-ended working group of the Commission on Human Rights, and urges that group to examine expeditiously the draft body of principles and guarantees for the protection of mentally ill persons and for the improvement of mental health care;

3. *Requests* the Commission on Human Rights to consider the subject at its forty-sixth session, in the light of the deliberations and recommendations of the open-ended working group, with a view to submitting the draft body of principles and guarantees to the General Assembly at its forty-fifth session, through the Economic and Social Council.

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15 December 1989*

44/135. Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The General Assembly,

Recalling its resolution 43/115 of 8 December 1988, as well as its other relevant resolutions,

Taking note of Commission on Human Rights resolutions 1989/46 and 1989/47 of 6 March 1989,²

Reaffirming that the effective implementation of United Nations instruments on human rights is of major importance to the efforts made by the Organization, pursuant to the Charter of the United Nations and to the Universal Declaration of Human Rights,⁴ to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of treaty bodies established pursuant to United Nations instruments on human rights is indispensable for the effective implementation of such instruments,

Reaffirming its responsibility to ensure the proper functioning of the treaty bodies established pursuant to instruments adopted by the General Assembly and, in this connection, further reaffirming the importance of:

(a) Ensuring the effective functioning of systems of periodic reporting by States parties to these instruments;

(b) Addressing the problem of securing sufficient financial resources, which continues to hamper the proper functioning of human rights treaty bodies, and of providing sufficient resources to ensure their effective functioning;

(c) Addressing the question of reporting obligations and that of financial implications whenever considering the possibility of establishing any further instruments on human rights,

Recognizing that the effective implementation of instruments on human rights, involving periodic reporting by States parties to the relevant treaty bodies and the efficient functioning of the treaty bodies themselves, not only enhances international accountability in relation to the promotion and protection of human rights, but also provides States parties with a valuable opportunity to review policies and programmes affecting the promotion and protection of human rights and to make any appropriate adjustments,

¹²¹ Resolution 37/194, annex.

¹²² See E/CN.4/Sub.2/1988/23, sect. IV.

¹²³ E/CN.4/Sub.2/1983/17.

Expressing concern about the continuing and increasing backlog of reports on implementation by States parties of United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies,

Taking note of the report of the Secretary-General¹²⁴ on progress achieved in enhancing the effective functioning of the treaty bodies, pursuant, *inter alia*, to the conclusions and recommendations of the meeting of persons chairing the human rights treaty bodies, held at Geneva from 10 to 14 October 1988,¹²⁵

Taking note with appreciation of the study¹²⁶ on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations instruments on human rights, prepared by an independent expert pursuant to the above-mentioned resolutions,

1. *Endorses* the recommendations of the meeting of persons chairing the human rights treaty bodies aimed at streamlining, rationalizing and otherwise improving reporting procedures, and supports the continuing efforts in this connection by the treaty bodies and the Secretary-General within their respective spheres of competence;

2. *Welcomes* the appointment by the Secretary-General of a task force to prepare a study on computerizing, as far as possible, the work of the treaty-monitoring bodies, with a view to increasing efficiency and facilitating compliance by States parties with their reporting obligations and the examination of reports by the treaty bodies;

3. *Takes note* of the report of the Secretary-General¹²⁷ to the Committee on Economic, Social and Cultural Rights showing the extent of overlapping of issues dealt with in international instruments on human rights, which will assist efforts to reduce, as appropriate, duplication in the supervisory bodies of issues raised with respect to any given State party;

4. *Encourages* the Secretary-General to proceed with the planned finalization of the draft detailed reporting manual to assist States parties in the fulfilment of their reporting obligations, as well as with its circulation to the various treaty bodies by the end of 1989;

5. *Again urges* States parties to make every effort to meet their reporting obligations and to assist, individually and through meetings of States parties, in identifying and implementing ways of further streamlining and improving reporting procedures as well as enhancing co-ordination and information flow between the treaty bodies and with relevant United Nations bodies, including specialized agencies;

6. *Welcomes* the emphasis placed by the meeting of persons chairing the human rights treaty bodies and by the Commission on Human Rights on the importance of technical assistance and advisory services and, therefore:

(a) *Endorses* the request of the Commission that the Secretary-General report regularly to it on possible technical assistance projects identified by the treaty bodies;

(b) *Invites* the treaty bodies to give priority attention to identifying such possibilities in the regular course of their work of reviewing the periodic reports of States parties;

7. *Endorses* the recommendations of the meeting of persons chairing the human rights treaty bodies on the need to ensure financing and adequate staffing resources

for the operations of the treaty bodies and, with this in mind:

(a) *Reiterates* its request that the Secretary-General review the need for adequate staffing resources in regard to the various treaty bodies;

(b) *Requests* that he report on this question to the Commission on Human Rights at its forty-sixth session and to the General Assembly at its forty-fifth session;

8. *Calls upon* all States parties to meet fully and without delay their financial obligations under the relevant instruments on human rights, and requests the Secretary-General to consider ways and means of strengthening collection procedures and making them more effective;

9. *Requests* the Secretary-General, as a matter of priority, to consider administrative and budgetary measures to alleviate the current financial difficulties of the treaty bodies and thus guarantee their regular functioning, and to report on these measures to the Commission on Human Rights at its forty-sixth session;

10. *Emphasizes* that the adoption of such administrative and budgetary measures shall not prejudice the duty of States parties under United Nations human rights instruments to meet all their financial obligations pursuant to such instruments;

11. *Invites* the persons chairing the human rights treaty bodies to maintain communication and dialogue with each other on common issues and problems and, to this end, requests the Secretary-General, within existing resources, to convene a meeting of the persons chairing the treaty bodies in 1990;

12. *Expresses its satisfaction* with the study by the independent expert on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations instruments on human rights, which contains several recommendations on reporting and monitoring procedures, servicing and financing of supervisory bodies and long-term approaches to human rights standard-setting and implementation mechanisms, and which will be presented to the Commission on Human Rights for detailed consideration at its forty-sixth session;

13. *Decides* to give priority consideration at its forty-fifth session to the conclusions and recommendations of the independent expert, in the light of the deliberations of the Commission on Human Rights and those of the meeting of persons chairing the treaty bodies, under an item entitled "Effective implementation of United Nations instruments on human rights and effective functioning of bodies established pursuant to such instruments".

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44/136. International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa

The General Assembly,

Recalling its resolution 43/116 of 8 December 1988 on the International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa,

Gravely concerned about the constant deterioration of the situation in southern Africa arising from the domination and oppression of the people of South Africa by the minority racist régime of South Africa,

¹²⁴ A/44/539.

¹²⁵ See A/44/98, annex.

¹²⁶ See A/44/668.

¹²⁷ E/C.12/1989/3.