

on the question of disappeared persons, with a view to finding solutions for cases of disappearance and eliminating enforced disappearances, duly taking into account the provisions of the Declaration,

*Convinced also* that further efforts are needed to promote wider awareness of and respect for the Declaration,

*Deeply concerned* about the persistence of the practice of enforced disappearances in the world,

*Concerned* about the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

*Bearing in mind* Commission on Human Rights resolution 1994/39 of 4 March 1994,<sup>32</sup>

1. *Reaffirms* that any act of enforced disappearance is an offence to human dignity and a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights<sup>11</sup> and reaffirmed and developed in other international instruments in this field, as well as a violation of the rules of international law;

2. *Recalls* that all acts of enforced disappearance are offences punishable by appropriate penalties which take into account their extreme seriousness under criminal law;

3. *Reiterates its invitation* to all Governments to take appropriate legislative or other steps to prevent and suppress the practice of enforced disappearances, in keeping with the Declaration on the Protection of All Persons from Enforced Disappearance, and to take action at the national and regional levels and in cooperation with the United Nations to that end;

4. *Calls upon* Governments to take steps to ensure that, when a state of emergency is introduced, the protection of human rights is ensured, particularly as regards the prevention of enforced disappearances;

5. *Reminds* Governments of the need to ensure that their competent authorities conduct prompt and impartial inquiries in all circumstances, whenever there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction;

6. *Recalls* that, if allegations are confirmed, perpetrators should be prosecuted;

7. *Once again urges* the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

8. *Encourages* States, as some have already done, to provide concrete information on measures taken to give effect to the Declaration, as well as obstacles encountered;

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

10. *Notes* the action taken by non-governmental organizations to encourage implementation of the Declaration, and invites them to continue to facilitate its dissemination and to contribute to the work of the Subcommission on Prevention of Discrimination and Protection of Minorities;

11. *Expresses its appreciation* to the Working Group on Enforced or Involuntary Disappearances for its humanitarian work;

12. *Requests* the Working Group, in the continued exercise of its mandate, to take into account the provisions of the Declaration and to modify its working methods if necessary;

13. *Invites* the Working Group to identify obstacles to the realization of the provisions of the Declaration and to recommend ways of overcoming those obstacles, taking into account the discussions of the Subcommission;

14. *Furthermore encourages* the Working Group to continue to consider the question of impunity, in close collaboration with the rapporteur appointed by the Subcommission and with due regard for the relevant provisions of the Declaration;

15. *Requests* the Working Group to pay the utmost attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned to search for and identify those children;

16. *Appeals* to the Governments concerned, particularly those which have not yet replied to the communications transmitted by the Working Group, to cooperate fully with it and, in particular, to reply promptly to its requests for information so that, while respecting its working methods based on discretion, it may perform its strictly humanitarian role;

17. *Encourages* the Governments concerned to give serious consideration to inviting the Working Group to visit their countries so as to enable it to fulfil its mandate even more effectively;

18. *Expresses its profound thanks* to the many Governments that have cooperated with the Working Group and replied to its requests for information and to the Governments that have invited the Working Group to visit their countries, asks them to give all necessary attention to the Working Group's recommendations, and invites them to inform the Working Group of any action they take on those recommendations;

19. *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 and to the follow-up of its recommendations when it considers the report to be submitted by the Working Group to the Commission at its fifty-first session;<sup>159</sup>

20. *Invites* the Commission on Human Rights at its fifty-first session to consider extending for three years the term of the mandate of the Working Group, as defined in Commission resolution 20 (XXXVI) of 29 February 1980,<sup>18</sup> while maintaining the principle of annual reporting, and requests the Working Group to continue to fulfil its mandate in a rigorous and constructive fashion;

21. *Renews its request* to the Secretary-General to continue to provide the Working Group with all the facilities it requires to perform its functions, especially in carrying out missions and following them up;

22. *Requests* the Secretary-General to keep it informed of the steps he takes to secure the widespread dissemination and promotion of the Declaration;

23. *Also requests* the Secretary-General to submit to it at its fifty-first session a report on the steps taken to implement the present resolution;

24. *Decides* to consider the question of enforced disappearances, and in particular the implementation of the Declaration, at its fifty-first session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

94th plenary meeting  
23 December 1994

#### 49/194. Strengthening of the rule of law

##### *The General Assembly,*

*Recalling* that, by adopting the Universal Declaration of Human Rights,<sup>11</sup> Member States have pledged themselves to

<sup>159</sup> E/CN.4/1995/36.

achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

*Firmly convinced* that, as stressed in the Universal Declaration of Human Rights, the rule of law is an essential factor in the protection of human rights,

*Also convinced* that through their own national legal and judicial systems States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

*Recognizing* the importance of the role that can be played by the Centre for Human Rights of the Secretariat in supporting national efforts to strengthen the institutions of the rule of law,

*Recalling* the recommendation of the World Conference on Human Rights that a comprehensive programme be established within the United Nations and under the coordination of the Centre for Human Rights with a view to helping States in the task of building and strengthening adequate national structures which have a direct impact on the overall observance of human rights and the maintenance of the rule of law,<sup>160</sup>

*Recalling also* its resolution 48/132 of 20 December 1993, and taking note of Commission on Human Rights resolution 1994/50 of 4 March 1994,<sup>32</sup>

1. *Welcomes* the report of the Secretary-General<sup>161</sup> submitted in conformity with resolution 48/132;

2. *Takes note with interest* of the proposals submitted in the report of the Secretary-General for strengthening the programme of advisory services and technical assistance of the Centre for Human Rights of the Secretariat in order to comply fully with the recommendations of the World Conference on Human Rights concerning assistance to States in strengthening their institutions in the rule of law;

3. *Praises* the efforts made by the Centre to accomplish its ever-increasing tasks with the limited financial and personnel resources at its disposal;

4. *Expresses its deep concern* at the scarcity of means at the disposal of the Centre for the fulfilment of its tasks;

5. *Notes* that the programme of advisory services and technical assistance does not have assistance funds sufficient to provide any substantial financial assistance to national projects that have a direct impact on the realization of human rights and the maintenance of the rule of law in countries that are committed to those ends, but which face economic hardship;

6. *Requests* the Secretary-General to explore the possibilities of obtaining from all relevant institutions of the United Nations system, including financial institutions, acting within their mandates, technical and financial assistance to strengthen the realization of human rights and the maintenance of the rule of law;

7. *Also requests* the Secretary-General to submit a report to the General Assembly at its fiftieth session on the results of the contacts he may establish in accordance with paragraph 6 above, as well as on any other developments pertaining to the implementation of the above-mentioned recommendation of the World Conference on Human Rights.<sup>160</sup>

94th plenary meeting  
23 December 1994

#### 49/195. Strengthening of the Centre for Human Rights of the Secretariat

*The General Assembly,*

*Recalling* its resolutions 44/135 of 15 December 1989, 45/180 of 21 December 1990, 46/111 and 46/118 of 17 December 1991, 47/127 of 18 December 1992 and 48/129 and 48/141 of 20 December 1993, and bearing in mind all relevant resolutions of the Economic and Social Council and the Commission on Human Rights,

*Considering* that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the United Nations enshrined in the Charter of the United Nations and a priority activity of the Organization,

*Bearing in mind* that the Secretary-General, in his reports on the work of the Organization for 1992 and 1994, stated that the Charter of the United Nations placed the promotion of human rights as a priority objective, along with promoting development and preserving international peace and security,<sup>162</sup> and that the continuous increase in requests is increasing the workload of the Centre for Human Rights of the Secretariat and placing ever greater demands on its resources,<sup>163</sup>

*Taking into account* that in the Vienna Declaration and Programme of Action,<sup>3</sup> the World Conference on Human Rights, held in June 1993, concerned by the growing disparity between the activities of the Centre and the human, financial and other resources available to carry them out, and bearing in mind the resources needed for other important United Nations programmes, requested the Secretary-General and the General Assembly to take immediate steps to increase substantially the resources for the human rights programme from within the existing and future regular budgets of the United Nations, and to take urgent steps to seek increased extrabudgetary resources,<sup>164</sup>

*Taking into account also* the establishment of the post of the United Nations High Commissioner for Human Rights, as well as the mandate for the post, including its coordinating role and its overall supervision of the Centre, as well as the request by the General Assembly in resolution 48/141 for appropriate staff and resources to enable the High Commissioner to fulfil his mandate,

*Taking into account further* the fact that the responsibilities of the High Commissioner include, *inter alia*, engaging in a dialogue with all Governments in the implementation of his mandate with a view to the promotion and protection of all human rights, and rationalizing, adapting, strengthening and streamlining the United Nations machinery in the field of human rights with a view to improving its efficiency and effectiveness,

*Noting* that in the Vienna Declaration and Programme of Action, the World Conference on Human Rights stressed the importance of strengthening the Centre,<sup>165</sup>

*Noting also* that the difficult financial situation of the Centre has created considerable obstacles to the implementation of the various procedures and mechanisms and has negatively influenced the servicing by the Secretariat of the human rights bodies concerned,

<sup>162</sup> *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 1 (A/47/1)*, para. 100.

<sup>163</sup> *Ibid.*, *Forty-ninth Session, Supplement No. 1 (A/49/1)*, para. 387.

<sup>164</sup> See A/CONF.157/24 (Part I), chap. III, sect. II, para. 9.

<sup>165</sup> *Ibid.*, para. 13.

<sup>160</sup> A/CONF.157/24 (Part I), chap. III, sect. II, para. 69.

<sup>161</sup> A/49/512.