

3. Decides to transmit the draft declaration to the General Assembly at its forty-seventh session, through the Economic and Social Council;

4. Recommends that, after adoption by the General Assembly, the full text of the Declaration on the protection of all persons from enforced disappearance should be disseminated as widely as possible;

5. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution III.]

47th meeting

28 February 1992

[Adopted without a vote. See chap. X.]

1992/30. Question of enforced or involuntary disappearances

The Commission on Human Rights,

Bearing in mind General Assembly resolution 33/173 of 20 December 1978, in which the Assembly requested the Commission on Human Rights to consider the question of disappeared persons with a view to making appropriate recommendations, and all other United Nations resolutions concerning missing or disappeared persons,

Convinced of the need to continue the implementation of the provisions of General Assembly resolution 33/173 and of the other United Nations resolutions on the question of enforced or involuntary disappearances,

Recalling its resolution 20 (XXXVI) of 29 February 1980, in which it decided to establish a working group consisting of five of its members, to serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances, and its resolutions 1988/34 of 8 March 1988, 1989/27 of 6 March 1989, 1990/30 of 2 March 1990 and 1991/41 of 5 March 1991,

Recalling also its resolution 1990/76 of 7 March 1990 on cooperation with representatives of United Nations human rights bodies,

Recalling further General Assembly resolution 46/125 of 17 December 1991,

Profoundly concerned that the practice of enforced or involuntary disappearances is continuing in various regions of the world,

Concerned also at reports concerning harassment of witnesses of disappearances or relatives of disappeared persons,

Having considered the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1992/18 and Add.1),

1. Expresses its appreciation to the Working Group on Enforced or Involuntary Disappearances at the way in which it has done its work, and thanks the Working Group for submitting a report to the Commission at its forty-eighth session in accordance with its resolution 1991/41;
2. Takes note of the report of the Working Group and thanks the Working Group for continuing to improve its methods of work and for recalling the humanitarian spirit underlying its mandate;
3. Decides to extend for three years the mandate of the Working Group as defined in Commission resolution 20 (XXXVI), 'in order to enable it to take into consideration all such information as may be communicated to it on cases brought to its attention, while retaining the principle of the submission of annual reports by the Group;
4. Requests the Working Group to report on its work to the Commission at its forty-ninth session, and reminds the Working Group of the obligation to discharge its mandate in a discreet and conscientious manner;
5. Also requests the Working Group, in its efforts to help eliminate the practice of enforced or involuntary disappearances, to submit to the Commission all appropriate information it deems necessary and all concrete suggestions and recommendations regarding the fulfilment of its task;
6. Further requests the Working Group to draw attention to cases concerning children of disappeared parents;
7. Reminds the Working Group of the need to observe, in its humanitarian task, United Nations standards and practices regarding the receipt of communications, their consideration, their evaluation, their transmittal to Governments and the consideration of Government replies;
8. Notes with concern that some Governments have never provided substantive replies concerning disappearances alleged to have occurred in their countries;
9. Deplores the fact that, as the Working Group points out in its report, some Governments have not acted on the recommendations contained in the Working Group's reports concerning them nor replied to its requests for information on those matters, and requests the Working Group to continue to provide the Commission with all information on action taken further to its recommendations;
10. Urges the Governments concerned, particularly those which have not yet responded to communications transmitted to them by the Working Group, to cooperate with and assist the Working Group so that it may carry out its mandate effectively, and in particular to reply expeditiously to its requests for information;

11. Also urges the Governments concerned to intensify their cooperation with the Working Group in regard to any measure taken in pursuance of recommendations addressed to them by the Working Group;

12. 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;

13. Urges all Governments to take legislative or other steps to prevent and punish acts of enforced disappearance;

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

15. Urges Governments to take steps to ensure that, when a state of emergency is introduced, the protection of human rights is guaranteed, particularly as regards the prevention of enforced or involuntary disappearances;

16. Reminds Governments of the need to ensure that their competent authorities conduct prompt and impartial inquiries when there is reason to believe that an enforced or involuntary disappearance has occurred in territory under their jurisdiction;

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

18. Requests the Secretary-General to ensure that the Working Group receives all necessary assistance, in particular the staff and resources it requires to perform its functions, especially in carrying out missions, following them up and holding sessions in countries that would be prepared to receive it.

47th meeting

28 February 1992

[Adopted without a vote. See chap. X.]

1992/31. Human rights in the administration of justice

The Commission on Human Rights,

Guided by the principles embodied in articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights, as well as the relevant provisions of the International Covenant on Civil and Political Rights,