

1989/27. 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, by 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 1986/55 of 13 March 1986, 1987/27 of 10 March 1987 and 1988/34 of 8 March 1988,

Recalling General Assembly resolutions 42/142 of 7 December 1987 and 43/159 of 8 December 1988, in which the Assembly welcomed the decision of the Commission on Human Rights to extend for two years, on an experimental basis, the term of the mandate of the Working Group on Enforced or Involuntary Disappearances, while maintaining the principle of annual reporting by the Group,

Profoundly concerned at the fact that the practice of enforced or involuntary disappearances continues in various regions of the world, and at the fact that in some cases the families of disappeared persons have suffered intimidation and ill-treatment,

Having considered the report of the Working Group (E/CN.4/1989/18 and Add.1),

1. Expresses its appreciation to the Working Group on Enforced or Involuntary Disappearances for the way in which it has done its work, and thanks the Working Group for submitting to the Commission at its forty-fifth session a report in accordance with its resolution 1988/34;
2. Takes note of the report of the Working Group and thanks it for continuing to improve its methods of work and for recalling the humanitarian spirit underlying its mandate;
3. Requests the Working Group to report on its work to the Commission at its forty-sixth session and reminds the Working Group of the obligation to discharge its mandate with discretion;

4. Requests the Working Group, in its efforts to help eliminate the practice of enforced or involuntary disappearances, to present to the Commission all appropriate information it deems necessary and all concrete suggestions and recommendations regarding the fulfilment of its tasks;

5. 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 transmittal to Governments and their evaluation;

6. Notes with interest that the Working Group intends to submit to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its forty-first session, observations concerning the draft declaration on enforced or involuntary disappearances;

7. Notes with concern that, as the Working Group points out in its report, some Governments have never provided substantive replies concerning disappearances alleged to have occurred in their countries;

8. Urges the Governments concerned, particularly those which have not yet responded to communications transmitted to them by the Working Group, to co-operate with and assist the Working Group so that it may carry out its mandate effectively, and in particular to answer expeditiously requests for information addressed to them by the Working Group;

9. 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 subject;

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

11. Expresses its profound thanks to the Governments which have invited the Working Group, and asks them to give all necessary attention to its recommendations;

12. Requests the Secretary-General to consider ways and means of better publicizing the objectives, procedures and methods of the Working Group, more particularly within the framework of the information activities of the Centre for Human Rights;

13. Also 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 or holding sessions in countries which would be prepared to receive them;

14. Decides to consider this question at its forty-sixth session under the sub-item of the agenda entitled "Question of enforced or involuntary disappearances".

51st meeting

6 March 1989

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

1989/28. Staff Members of the United Nations and  
the specialized agencies in detention

The Commission on Human Rights,

Recalling General Assembly resolutions 42/219 of 21 December 1987 and 43/225 of 21 December 1988, in which the Assembly deplored the increase in the number of cases where the functioning, safety and well-being of officials had been adversely affected, including cases of detention in Member States and abduction by armed groups and individuals, and the increasing number of cases in which the lives and well-being of officials had been placed in jeopardy during the exercise of their official functions,

Recalling its resolution 1988/41 of 8 March 1988, in which it requested the Secretary-General to continue his efforts to ensure that the human rights and privileges and immunities of the United Nations staff members and their families were fully respected,

Taking note of the report (E/CN.4/1989/19) by the Secretary-General submitted to the Commission at its current session as an updated version of the report on detention of staff members of the United Nations and its specialized agencies presented to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its fortieth session (E/CN.4/Sub.2/1988/17),

Noting Sub-Commission resolution 1988/9 of 31 August 1988, in which the Sub-Commission recognized that the violations of the fundamental rights of staff members of the United Nations system and the threats against their security and independence could only have negative effects on the implementation of the mandates of the organs and agencies of the United Nations system,

Welcoming the Sub-Commission's decision to entrust one of its members with the task of undertaking an examination, without financial implications, of the aforesaid violations of human rights of staff members of the United Nations system, their families and experts as well as of the repercussions of those violations on the functioning of United Nations organs and agencies,