

the International Committee may submit its observations to the General Assembly at its twenty-seventh session;

4. *Invites* Governments to transmit their observations on that part of the report of the Commission on Human Rights on its twenty-eighth session relating to this question;

5. *Requests* the Secretary-General to submit the replies received and an analytic report on those replies to the General Assembly at its twenty-seventh session;

6. *Decides* to examine this question as a matter of the highest priority at its twenty-seventh session, taking into consideration the recommendations transmitted to the General Assembly by the Economic and Social Council.

*2027th plenary meeting,
20 December 1971.*

2855 (XXVI). United Nations Children's Fund

The General Assembly,

Having considered the section of the report of the Economic and Social Council dealing with the United Nations Children's Fund,⁵⁰

Recognizing that, in countries assisted by the Fund, children and adolescents represent about half of the total population, and that their number will increase by nearly a third in the decade of the 1970s,

Convinced of the importance of ensuring that children and adolescents receive their due share of attention and investment in the developing process of developing countries,

Recognizing the valuable role the Fund is playing, in co-operation with Governments, the relevant technical and other agencies of the United Nations system and non-governmental organizations, in furthering the objectives of the Second United Nations Development Decade,

Welcoming the efforts of the Fund to bring the needs of children and adolescents in developing countries to world-wide attention and the practical aid the Fund gives to developing countries to enable them to provide services for children and adolescents within a unified approach to economic and social development,

Noting with approval the prompt and effective assistance that the Fund has provided in natural and other disasters to meet the urgent needs of mothers and children, who are particularly vulnerable and constitute the large majority of those affected by disasters,

1. *Commends* the United Nations Children's Fund for its very substantial and significant achievements during its twenty-five years of operation, and expresses its appreciation to all who helped contribute to those achievements;

2. *Endorses* the policies of the Fund;

3. *Requests* the Fund to continue and expand its co-operation with countries for the protection of the younger generation and their preparation for future responsibilities;

4. *Appeals* to Governments and other donors to make every effort to increase their contributions to the Fund, so as to enable it to reach its target figure of \$100 million by 1975.

*2027th plenary meeting,
20 December 1971.*

2856 (XXVI). Declaration on the Rights of Mentally Retarded Persons

The General Assembly,

Mindful of the pledge of the States Members of the United Nations under the Charter to take joint and separate action in co-operation with the Organization to promote higher standards of living, full employment and conditions of economic and social progress and development,

Reaffirming faith in human rights and fundamental freedoms and in the principles of peace, of the dignity and worth of the human person and of social justice proclaimed in the Charter,

Recalling the principles of the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Declaration of the Rights of the Child and the standards already set for social progress in the constitutions, conventions, recommendations and resolutions of the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the United Nations Children's Fund and other organizations concerned,

Emphasizing that the Declaration on Social Progress and Development has proclaimed the necessity of protecting the rights and assuring the welfare and rehabilitation of the physically and mentally disadvantaged,

Bearing in mind the necessity of assisting mentally retarded persons to develop their abilities in various fields of activities and of promoting their integration as far as possible in normal life,

Aware that certain countries, at their present stage of development, can devote only limited efforts to this end,

Proclaims this Declaration on the Rights of Mentally Retarded Persons and calls for national and international action to ensure that it will be used as a common basis and frame of reference for the protection of these rights:

1. The mentally retarded person has, to the maximum degree of feasibility, the same rights as other human beings.

2. The mentally retarded person has a right to proper medical care and physical therapy and to such education, training, rehabilitation and guidance as will enable him to develop his ability and maximum potential.

3. The mentally retarded person has a right to economic security and to a decent standard of living. He has a right to perform productive work or to engage in any other meaningful occupation to the fullest possible extent of his capabilities.

4. Whenever possible, the mentally retarded person should live with his own family or with foster parents and participate in different forms of community life. The family with which he lives should receive assistance. If care in an institution becomes necessary, it should be provided in surroundings and other circumstances as close as possible to those of normal life.

5. The mentally retarded person has a right to a qualified guardian when this is required to protect his personal well-being and interests.

6. The mentally retarded person has a right to protection from exploitation, abuse and degrading treatment. If prosecuted for any offence, he shall

⁵⁰ Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 3 (A/8403), chap. VIII, sect. F.

have a right to due process of law with full recognition being given to his degree of mental responsibility.

7. Whenever mentally retarded persons are unable, because of the severity of their handicap, to exercise all their rights in a meaningful way or it should become necessary to restrict or deny some or all of these rights, the procedure used for that restriction or denial of rights must contain proper legal safeguards against every form of abuse. This procedure must be based on an evaluation of the social capability of the mentally retarded person by qualified experts and must be subject to periodic review and to the right of appeal to higher authorities.

*2027th plenary meeting,
20 December 1971.*

2857 (XXVI). Capital punishment

The General Assembly,

Recalling its resolution 2393 (XXIII) of 26 November 1968 concerning the application of the most careful legal procedures and the greatest possible safeguards for the accused in capital cases as well as the attitude of Member States to possible further restriction of the use of capital punishment or to its total abolition,

Taking note of the section of the report of the Economic and Social Council⁵¹ concerning the consideration by the Council of the report on capital punishment⁵² submitted by the Secretary-General in implementation of the aforementioned resolution,

Taking note of Economic and Social Council resolution 1574 (L) of 20 May 1971,

Expressing the desirability of continuing and extending the consideration of the question of capital punishment by the United Nations,

1. *Notes with satisfaction* the measures already taken by a number of States in order to ensure careful legal procedures and safeguards for the accused in capital cases in countries where the death penalty still exists;

2. *Considers* that further efforts should be made to ensure such procedures and safeguards in capital cases everywhere;

3. *Affirms* that, in order fully to guarantee the right to life, provided for in article 3 of the Universal Declaration of Human Rights, the main objective to be pursued is that of progressively restricting the number of offences for which capital punishment may be imposed, with a view to the desirability of abolishing this punishment in all countries;

4. *Invites* Member States which have not yet done so to inform the Secretary-General of their legal procedures and safeguards as well as of their attitude to possible further restriction of the use of the death penalty or its total abolition, by providing the information requested in paragraphs 1 (c) and 2 of General Assembly resolution 2393 (XXIII);

5. *Requests* the Secretary-General to circulate as soon as possible to Member States all the replies already received from Member States to the queries contained in paragraphs 1 (c) and 2 of resolution 2393 (XXIII) and those to be received after the adoption of the present resolution, and to submit a

⁵¹ *Ibid.*, chap. XVIII, sect. C.

⁵² E/4947 and Corr.1.

supplementary report to the Economic and Social Council at its fifty-second session;

6. *Further requests* the Secretary-General, on the basis of material furnished in accordance with paragraph 4 above by Governments of Member States where capital punishment still exists, to prepare a separate report regarding practices and statutory rules which may govern the right of a person sentenced to capital punishment to petition for pardon, commutation or reprieve, and to submit that report to the General Assembly.

*2027th plenary meeting,
20 December 1971.*

2858 (XXVI). Human rights in the administration of justice

The General Assembly,

Recalling articles 5, 10 and 11 of the Universal Declaration of Human Rights,

Recalling Economic and Social Council resolution 663 C (XXIV), section I, of 31 July 1957, by which the Council approved the Standard Minimum Rules for the Treatment of Prisoners,⁵³

Convinced of the need for further concerted action in promoting respect for and implementation of the principles embodied in the aforementioned articles of the Universal Declaration of Human Rights,

1. *Solemnly reaffirms* the principles concerning human rights in the administration of justice as embodied in articles 5, 10 and 11 of the Universal Declaration of Human Rights, namely, those referring to the right not to be subjected to inhuman treatment or punishment, the right to a fair and public hearing by an independent and impartial tribunal in any civil or criminal proceedings, the right, if charged with a penal offence, to be presumed innocent until proved guilty and the right not to be subjected to retrospective criminal sanctions;

2. *Invites* the attention of Member States to the Standard Minimum Rules for the Treatment of Prisoners and recommends that they shall be effectively implemented in the administration of penal and correctional institutions and that favourable consideration shall be given to their incorporation in national legislation;

3. *Takes note with satisfaction* of the establishment within the work programme of the Commission for Social Development of the Working Group on Standard Minimum Rules for the Treatment of Prisoners to advise on methods of strengthening the implementation of the Rules and of improving the reporting procedures thereon;

4. *Endorses* the recommendation contained in Economic and Social Council resolution 1594 (L) of 21 May 1971 that the Commission on Human Rights should, at its twenty-eighth session, examine the draft principles relating to equality in the administration of justice adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and take a decision on further action;

5. *Expresses the hope* that the Economic and Social Council at its fifty-second session will be able to consider final proposals of the Commission on Human Rights on these principles.

*2027th plenary meeting,
20 December 1971.*

⁵³ See *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report prepared by the Secretariat* (United Nations publication, Sales No.: 1956.IV.4), annex I, A.