

**General Assembly**Distr.
GENERALA/40/981
5 December 1985

ORIGINAL: ENGLISH

Fortieth session
Agenda item 142**DRAFT BODY OF PRINCIPLES FOR THE PROTECTION OF ALL PERSONS
UNDER ANY FORM OF DETENTION OR IMPRISONMENT****Report of the Sixth Committee****Rapporteur: Mr. Molefi PHOLO (Lesotho)**

1. The item entitled "Draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment: report of the Secretary-General" was included in the provisional agenda of the fortieth session of the General Assembly pursuant to Assembly decision 39/418 of 13 December 1984.
2. By that decision the General Assembly decided to establish at its fortieth session an open-ended working group with a view to expediting the finalization of the draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (A/34/146, annex).
3. On the recommendation of the General Committee, the General Assembly at its 3rd plenary meeting, on 20 September 1985, decided to include the item in its agenda and to allocate it to the Sixth Committee.
4. In connection with the item, the Sixth Committee had before it the following documents:
 - (a) Note by the Secretary-General (A/34/146), to which was annexed the draft Body of Principles adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities;
 - (b) Report of the Secretary-General (A/35/401 and Add.1 and 2), which reproduced the comments received from Governments in reply to a note verbale addressed to them in accordance with Economic and Social Council resolution 1979/34 of 10 May 1979;

(c) Report of the Secretary-General (A/38/388 and Add.1 and 2) submitted pursuant to paragraph (c) of decision 37/427 containing comments submitted by Member States under the same paragraph;

(d) Report of the open-ended Working Group established by the Third Committee at the thirty-fifth session of the General Assembly (A/C.3/35/14 and Corr.1);

(e) Reports of the open-ended Working Group established by the Sixth Committee at the thirty-sixth, thirty-seventh, thirty-eighth and thirty-ninth sessions of the General Assembly (A/C.6/36/L.16, A/C.6/37/L.16, A/C.6/38/L.8 and Corr.1 and A/C.6/39/L.10).

5. At its 3rd meeting, on 25 September 1985, the Sixth Committee established an open-ended Working Group, to which it entrusted the task of continuing the consideration of the draft Body of Principles, and reappointed Mr. Tullio Treves (Italy) as Chairman-Rapporteur of the Working Group.

6. At the 48th meeting of the Sixth Committee, on 27 November, the Chairman-Rapporteur of the Working Group on the Draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment introduced the report of the Working Group (A/C.6/40/L.18).

7. The Sixth Committee considered the item, as well as the report of the Working Group, at the same meeting.

8. Also at the same meeting, the representative of Sweden introduced a draft decision (A/C.6/40/L.22) which the Sixth Committee adopted without a vote (see para. 9).

RECOMMENDATION OF THE SIXTH COMMITTEE

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft decision:

The General Assembly

(a) Takes note with appreciation of the report of the Working Group on the Draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 1/ established in accordance with General Assembly decision 36/426 of 10 December 1981 to elaborate a final version of the draft Body of Principles, a task which it has not been able to conclude;

(b) Decides that an open-ended working group of the Sixth Committee will be established at its forty-first session with a view to expediting the finalization of the draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment;

1/ A/C.6/40/L.18.

(c) Requests the Secretary-General to circulate to Member States the report of the open-ended Working Group established at the fortieth session; 1/

(d) Decides to include in the provisional agenda of its forty-first session the item entitled "Draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment".
