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### TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

#### Report of the Third Committee

Rapporteur: Mr. Francis Eric AGUILAR-HECHT (Guatemala)

#### I. INTRODUCTION

1. At its 3rd plenary meeting, on 20 September 1986, the General Assembly, on the recommendations of the General Committee, decided to include in the agenda of its forty-first session the item entitled "Torture and other: cruel, inhuman or degrading treatment or punishment: report of the Secretary-General" and to allocate it to the Third Committee.
2. The Third Committee considered the item jointly with items 94, 95, 96, 97 and 98 at its 43rd to 49th and 51st meetings on 12 to 14, 17, 18 and 20 November. An account of the discussion of the Committee is contained in the relevant summary records (A/C.3/41/SR.43-49 and 51).
3. The Committee had before it the following documentation:
  - (a) Report of the Economic and Social Council for the year 1986, chapter V, section A (A/41/3); 1/

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1/ Official Records of the General Assembly, Forty-first Session, Supplement No. 3 (A/41/3).

(b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: report of the Secretary-General (A/41/511);

(c) United Nations Voluntary Fund for Victims of Torture: report of the Secretary-General (A/41/706);

(d) Letter dated 12 September 1986 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General (A/41/607);

(e) Letter dated 10 October 1986 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/41/701-S/18394).

4. At the 43rd meeting, on 12 November, the Assistant Secretary-General of the Centre for Human Rights made an introductory statement (see A/C.3/41/SR.43).

## II. CONSIDERATION OF DRAFT RESOLUTIONS

### A. Draft resolution A/C.3/41/L.74

5. At the 49th meeting, on 18 November, the representative of the Netherlands introduced a draft resolution (A/C.3/41/L.74) entitled "Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment", sponsored by Argentina, Austria, Belgium, Bolivia, Canada, Colombia, Costa Rica, Cyprus, Denmark, the Dominican Republic, Ecuador, Finland, France, the Gambia, Greece, Iceland, Italy, Luxembourg, the Netherlands, New Zealand, Nicaragua, Norway, Panama, Peru, the Philippines, Senegal, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and Uruguay, subsequently joined by Australia and Portugal.

6. At the 51st meeting, on 20 November, the Committee adopted draft resolution A/C.3/41/L.74 without a vote (see para. 9, draft resolution I).

7. After the adoption of the draft resolution, the representative of Japan made a statement (see A/C.3/41/SR.51).

### B. Draft resolution A/C.3/41/L.75

8. At the 51st meeting, on 20 November, the representative of Sweden introduced a draft resolution (A/C.3/41/L.75), entitled "United Nations Voluntary Fund for Victims of Torture", sponsored by Australia, Austria, Belgium, Bolivia, Canada, Denmark, Finland, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Japan, Kenya, Luxembourg, Mexico, the Netherlands, Norway, Spain, Sweden and the United States of America.

9. At the same meeting, the Committee adopted draft resolution A/C.3/41/L.75 without a vote (see para. 10, draft resolution II).

### III. RECOMMENDATIONS OF THE THIRD COMMITTEE

10. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

#### DRAFT RESOLUTION I

##### Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

###### The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights 2/ and article 7 of the International Covenant on Civil and Political Rights, 3/ both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

Recalling further General Assembly resolution 39/46 of 10 December 1984, by which it adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and called upon all Governments to consider signing and ratifying the Convention as a matter of priority, as well as General Assembly resolution 40/128 of 13 December 1985,

Mindful of the relevance, for the eradication of torture and other cruel, inhuman or degrading treatment or punishment, of the Code of Conduct for Law Enforcement Officials 4/ and of the Principles of Medical Ethics, 5/

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2/ Resolution 217 A (III).

3/ See resolution 2200 A (XXI), annex.

4/ Resolution 34/169, annex.

5/ Resolution 37/194, annex.

Convinced of the desirability of early finalization and subsequent adoption of the draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 6/

Seriously concerned about the alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in various parts of the world,

Determined to promote the full implementation of the prohibition, under international and national law, of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

Welcoming the decision of the Commission on Human Rights, in its resolution 1986/50 of 13 March 1986, to extend for one year the mandate of the Special Rapporteur to examine questions relevant to torture, 7/

1. Takes note with appreciation of the report of the Secretary-General on the Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; 8/

2. Expresses its satisfaction at the number of States that have ratified or signed the Convention since it was opened for signature, ratification and accession on 4 February 1985;

3. Requests all States that have not yet done so to become parties to the Convention as a matter of priority;

4. Invites all States, upon ratification of, or accession to, the Convention, to consider the possibility of making the declarations provided for in articles 21 and 22 of the Convention;

5. Requests the Secretary-General to submit to the Commission on Human Rights at its forty-third session and to the General Assembly at its forty-second session a report on the Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

6. Decides to consider the report of the Secretary-General at its forty-second session under the item entitled "Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment".

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6/ A/34/146, annex.

7/ See Official Records of the Economic and Social Council, 1986, Supplement No. 2 (E/1986/22), chap. II.A.

8/ A/41/511.

## DRAFT RESOLUTION II

United Nations Voluntary Fund for Victims of TortureThe General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights, 9/ which states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Again recalling the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10/

Recalling also its resolution 39/46 of 10 December 1984, by which it adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Recalling further its resolution 36/151 of 16 December 1981, in which it noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims of torture in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture,

Convinced that the struggle to eliminate torture includes the provision of assistance in a humanitarian spirit to the victims and members of their families,

Taking note of the report of the Secretary-General, 11/

1. Expresses its gratitude and appreciation to those Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;
2. Calls upon all Governments, organizations and individuals in a position to do so to respond favourably to requests for initial as well as further contributions to the Fund;
3. Expresses its appreciation to the Board of Trustees of the Fund for the work it has carried out;

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9/ Resolution 217 A (III).

10/ Resolution 3452 (XXX), annex.

11/ A/41/706.

4. Expresses its appreciation to the Secretary-General for the support given to the Board of Trustees of the Fund;

5. Requests the Secretary-General to make use of all existing possibilities, including the preparation, production and dissemination of information materials, to assist the Board of Trustees of the Fund in its efforts to make the Fund and its humanitarian work better known and in its appeal for contributions.

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