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THIRD COMMITTEE
Agenda item 107

TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Argentina, Australia, Austria, Belgium, Brazil, Bulgaria,
Cameroon, Canada, Colombia, Costa Rica, Cyprus, Denmark,
France, Germany, Federal Republic of, Greece, Iceland, Italy,
Luxembourg, Netherlands, New Zealand, Norway, Panama, Senegal,
Spain, Sweden and United Kingdom of Great Britain and Northern
Ireland; draft resolution

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 1/ and article 7 of the International Covenant on Civil and Political Rights, 2/ 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

1/ Resolution 217 A (III).

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

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 its resolutions 40/128 of 13 December 1985 and 41/134 of 4 December 1986,

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 3/ and of the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, 4/

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, 5/

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 1987/29 of 10 March 1987, to extend for one year the mandate of the Special Rapporteur to examine questions relevant to torture and noting other important provisions of the Commission in the same resolution, including those relating to practical measures to deal with this abhorrent phenomenon recommended by the Special Rapporteur,

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; 6/

2. Welcomes with deep satisfaction the entry into force on 26 June 1987 of the Convention as a major step in international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

3/ Resolution 34/169, annex.

4/ Resolution 37/194, annex.

5/ A/34/146, annex.

6/ A/42/451.

3. Recognizes the importance of the establishment by States parties of appropriate administrative and financial arrangements to enable the Committee against Torture to carry out in an effective and efficient manner the functions entrusted to it under the Convention, and to ensure the long-term viability of the Committee as an essential mechanism for overseeing the effective implementation of the provisions of the Convention;

4. Also recognizes the need for the Committee against Torture to give early attention to the development of an effective reporting system on implementation by States parties to the Convention, taking due account of the Secretary-General's draft guidelines on reporting and the activities of the Human Rights Committee, as well as of the other human rights treaty bodies, established under the relevant international instruments in the field of human rights;

5. Requests the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee against Torture;

6. Again requests all States to become parties to the Convention as a matter of priority;

7. Invites once again all States, upon ratification of, or accession to, the Convention, or subsequently to consider the possibility of making the declaration provided for in articles 21 and 22 of the Convention;

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

9. Decides to consider the report of the Secretary-General at its forty-third session under the item entitled "Torture and other cruel, inhuman or degrading treatment or punishment".
