



## General Assembly

Distr.  
GENERAL

A/37/701  
7 December 1982

ORIGINAL: ENGLISH

Thirty-seventh session  
Agenda item 129

### DRAFT BODY OF PRINCIPLES FOR THE PROTECTION OF ALL PERSONS UNDER ANY FORM OF DETENTION OR IMPRISONMENT

#### Report of the Sixth Committee

Rapporteur: Miss Salwa Gabriel BERBERI (Sudan)

1. The item entitled "Draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment" was included in the provisional agenda of the thirty-seventh session of the General Assembly pursuant to Assembly decision 36/426 of 10 December 1981.
2. By that decision the General Assembly decided to establish at its thirty-seventh session an open-ended working group to conclude the consideration of the draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (A/37/146, annex) with a view to its adoption by the General Assembly.
3. On the recommendation of the General Committee, the General Assembly, at its 4th plenary meeting, on 24 September 1982, decided to include the item in the 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; 1/
  - (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 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);

(d) Report of the open-ended Working Group established by the Sixth Committee at the thirty-sixth session of the General Assembly (A/C.6/36/L.16).

5. At its 10th meeting, on 6 October, the Sixth Committee established an open-ended Working Group, to which it entrusted the task of concluding consideration of the draft Body of Principles and, as in the preceding year, appointed Mr. Luigi Ferrari Bravo (Italy) as Chairman-Rapporteur of the Working Group.

6. At the 61st meeting, on 2 December, 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.6/37/L.16).

7. The Sixth Committee considered the item, as well as the report of the Working Group, at its 61st and 62nd meetings, on 2 and 3 December 1982.

8. At the 61st meeting, the representative of Sweden introduced, on behalf of Egypt and Sweden, a draft decision (A/C.6/37/L.22), which was orally revised at the 62nd meeting through the insertion in subparagraph (b) of the words "of the Sixth Committee" after the words "working group".

9. At the 62nd meeting, the Sixth Committee adopted the draft decision without a vote (see para. 10).

#### RECOMMENDATION OF THE SIXTH COMMITTEE

10. 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, established in accordance with General Assembly decision 36/426 of 10 December 1981 to elaborate a final version of the draft Body of Principles, 1/ 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 the outset of its thirty-eighth 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;

(c) Requests the Secretary-General to circulate to Member States the reports of the open-ended Working Group established at the thirty-fifth, 2/ thirty-sixth 3/ and thirty-seventh 1/ sessions and to invite them to update the comments they submitted in accordance with Economic and Social Council resolution 1979/34 of 10 May 1979 4/ or submit new comments on the basis of the above-mentioned reports;

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

Notes

- 1/ A/C.6/37/L.16.
- 2/ A/C.3/35/14.
- 3/ A/C.6/36/L.16.
- 4/ A/35/401 and Add.1 and 2.

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