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TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING
TREATMENT OR PUNISHMENT

Report of the Third Committee

Rapporteur: Mr. Fuad M. AL-HINAI (Oman)

I. INTRODUCTION

1. The item entitled "Torture and other cruel, inhuman or degrading treatment or punishment" was included in the provisional agenda of the thirty-second session of the General Assembly in accordance with Assembly resolution 31/85 of 13 December 1976.
2. At its 5th plenary meeting, on 23 September 1977, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Third Committee.
3. The Committee considered this item at its 34th to 39th, 41st and 42nd meetings, between 31 October and 9 November. The views expressed by the representatives of Member States, representatives of specialized agencies and observers are contained in the summary records of those meetings (A/C.3/32/SR.34-39, 41 and 42).
4. In connexion with this item, the Committee had before it the following documents:
 - (a) Report of the Economic and Social Council; 1/
 - (b) Note by the Secretary-General (A/32/138) containing the text of the draft resolution on a code of conduct for law enforcement officials submitted by the Economic and Social Council for adoption by the General Assembly;

1/ Official Records of the General Assembly, Thirty-second Session,
Supplement No. 3 (A/32/3), chap. VI, sect. A.

- (c) Note by the Secretary-General (A/32/180) containing a letter dated 15 July 1977 from the Director-General of the World Health Organization to the Secretary-General transmitting the resolution adopted by the thirtieth World Health Assembly on 18 May 1977 entitled "Development of codes of medical ethics";
- (d) Note by the Secretary-General (A/32/222) containing information on the action taken by the Commission on Human Rights and the Sub-Commission on the Prevention of Discrimination and Protection of Minorities regarding the question of torture and other cruel, inhuman or degrading treatment or punishment since the adoption by the General Assembly of resolution 31/85 of 13 December 1976;
- (e) Note verbale dated 19 September 1977 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General (A/32/225).

5. At the 34th meeting, on 31 October, the Director of the Division of Human Rights introduced the item. At the same meeting, the Assistant Director in charge of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs also made an introductory statement.

II. CONSIDERATION OF DRAFT RESOLUTIONS

A. Draft resolution recommended by the Economic and Social Council

6. The Committee had before it the text of a draft resolution (A/32/138, annex) submitted by the Economic and Social Council for adoption by the General Assembly which read as follows:

"Code of conduct for law enforcement officials

"The General Assembly,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recalling, in particular, the rights and freedoms proclaimed in the Universal Declaration of Human Rights 2/ and the International Covenant on Civil and Political Rights, 3/

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 in its resolution 3452 (XXX) of 9 December 1975,

2/ General Assembly resolution 217 A (III).

3/ General Assembly resolution 2200 A (XXI), annex.

Recalling further paragraph 3 of its resolution 3453 (XXX) of 9 December 1975, in which it requested the Committee on Crime Prevention and Control to elaborate a draft code of conduct for law enforcement officials,

Mindful that the nature of the functions of law enforcement and the manner in which these are exercised have a direct impact on the quality of life of individuals as well as of society as a whole,

Conscious of the difficult task which law enforcement officials are performing conscientiously and with dignity, in compliance with the principles of human rights,

Aware, nevertheless, of the potential of abuse which the exercise of such awesome duties entails,

Recognizing that the establishment of a code of conduct for law enforcement officials is only one of several important measures for providing the citizenry served by law enforcement officials with protection of all their rights and interests,

Aware that there are additional important principles and prerequisites for the humane performance of law enforcement functions, namely:

(a) That, like all agencies of the criminal justice system, every law enforcement agency should be representative of and responsive and accountable to the community as a whole;

(b) That the effective maintenance of ethical standards among law enforcement officials depends on the existence of a well-conceived, popularly accepted and humane system of laws;

(c) That every law enforcement official is part of the criminal justice system, the aim of which is to prevent and control crime, and that the conduct of every functionary within the system has an impact on the entire system;

(d) That every law enforcement agency, in fulfilment of the first premise of every profession, should be held to the duty of disciplining itself in complete conformity with the principles and standards herein provided and that the actions of law enforcement officials should be responsive to public scrutiny, whether exercised by a review board, a ministry, a procuracy, the judiciary, an ombudsman, a citizens' committee, or any combination thereof, or any other reviewing agency;

(e) That standards as such remain moot unless their content and meaning, through education and training, and through monitoring, become part of the creed of every law enforcement official;

Adopts the Code of Conduct for Law Enforcement Officials below, drafted by the Committee on Crime Prevention and Control at its fourth session, to serve as a body of principles for observance by law enforcement officials of all nations.

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Annex

Code of Conduct for Law Enforcement Officials

Article 1

Law enforcement officials must at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.

Commentary:

(a) The term law enforcement official includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest and detention;

(b) In countries where police powers are exercised by military authorities, whether uniformed or not, or by state security forces, the definition of law enforcement officials shall be regarded as including officers of such services;

(c) Service to the community is intended to include particularly the rendition of services of assistance to those members of the community who by reason of personal, economic, social or other emergencies are in need of immediate aid;

(d) This provision is intended to cover not only all violent, predatory and harmful acts, but extends to the full range of prohibitions under penal statutes. It extends to conduct by persons not capable of incurring criminal liability.

Article 2

In the performance of their duty, law enforcement officials should respect and protect human dignity and maintain and uphold the human rights of all persons.

Commentary:

(a) The human rights in question derive from national and international law. The human rights under international law are guaranteed under the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Standard Minimum Rules for the Treatment of Prisoners, the Vienna Convention on Consular Relations, and other international instruments.

(b) National commentaries to this provision should identify regional or national provisions identifying these rights.

Article 3

Law enforcement officials may never use more force than necessary in the performance of their duty.

Commentary:

(a) This provision emphasizes that the use of force by law enforcement officials should be exceptional;

(b) While it implies that law enforcement officials may be authorized to use such force as is reasonable under the circumstances for the prevention of crime or in effecting or assisting in the lawful arrest of offenders or suspected offenders, any force used beyond what is essential for these purposes is not tolerable;

(c) National law ordinarily restricts the use of force by law enforcement officials in accordance with a principle of proportionality. It is to be understood that such national principles of proportionality are to be respected in the interpretation of this provision. In no case, however, should this provision be interpreted to authorize the use of force which is disproportionate to the legitimate objective to be achieved.

Article 4

Matters of a confidential nature in the possession of law enforcement officials should be kept confidential, unless the performance of duty, or the needs of justice, require otherwise.

Commentary:

By the nature of their duties, law enforcement officials obtain information which may be potentially harmful to the interests, and especially the reputation, of others. By law, such information can be utilized only for the conduct of legal proceedings. Any divulgence not made in the performance of duty and not serving the needs of justice is improper.

Article 5

No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke exceptional circumstances such as

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a state of war or a threat of war, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

Commentary:

(a) This prohibition derives from 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, according to which:

'Such acts' are an offence to human dignity and shall be condemned as a denial of the purposes of the Charter of the United Nations and as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and other international human rights instruments';

(b) The Declaration defines torture as follows:

'... torture means any act by which severe pain or suffering whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners';

(c) The terms 'cruel, inhuman or degrading treatment or punishment' have not been defined by the General Assembly, but should be interpreted to extend the widest possible protection against abuses, whether physical or mental;

(d) The provision is intended to cover all persons who are in any way involved in conduct covered by this provision.

Article 6

Law enforcement officials having custody of persons needing medical attention should secure such attention and take immediate action to meet the needs of the person in custody.

Commentary:

(a) 'Medical attention' refers to services rendered by any medical personnel, including certified medical practitioners and paramedics. While in practice the medical personnel referred to is likely to be

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attached to the law enforcement operation, the provision should be understood to require law enforcement officials to take into account the judgement of medical personnel from outside the law enforcement operation. This envisages that the person in question has access to medical attention from other medical personnel, including that person's own physician;

(b) All medical personnel must act in conformity with principles of medical ethics.

Article 7

Law enforcement officials must refrain from and rigorously oppose and pursue all acts of corruption.

Commentary:

(a) Corruption is intolerable in all phases of life, particularly in the public service agencies. Governments cannot expect to enforce the law among their citizens if they cannot, or will not, enforce their law against their own agents and within their own agencies;

(b) While the definition of corruption must be subject to national law, it should be understood to encompass the commission or omission of an act in the performance of or in connexion with one's duties, in response to gifts, promises or incentives demanded or accepted, or the wrongful receipt of these once the act has been committed or omitted.

Article 8

Law enforcement officials must refrain from and prevent and rigorously oppose all violations of this code by taking appropriate action, to the best of their capability. When violations have occurred, or can be expected to occur, law enforcement officials should report the matter within the chain of command, or take such other actions as are lawfully open to them, including, when necessary, the reporting to any agency with reviewing or remedial power.

Commentary:

(a) The provision seeks to preserve the balance between the need for internal discipline of the agency on which the public safety is largely dependent, on the one hand, and the need for dealing with violations of basic human rights, on the other. A law enforcement official should report violations within the chain of command and take legal action outside the chain of command only when no other remedies are available;

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(b) The term 'agency with reviewing or remedial power' refers to any agency existing under national law, whether internal to the law enforcement agency, or independent thereof, with statutory, customary or other power to review grievances and complaints arising out of violations within the purview of this code;

(c) While in most countries such agencies are statutory bodies, in some countries the mass media may be regarded as performing similar complaint review functions so that a law enforcement official, on his own initiative, may be justified in bringing his report to public attention by such means, as a last resort, consistent with the laws and customs of the country in question.

Article 9

A law enforcement official who, in fulfilling the obligation of this code, erroneously exceeds the limits of law despite honest and conscientious assessment, is entitled to the full protection afforded by national law.

Article 10

A law enforcement official who complies with the provisions of this code deserves the respect, the full support and the collaboration of the community and of the law enforcement agency in which such official serves, as well as the support of the law enforcement profession."

7. At the 42nd meeting, on 9 November, the Committee, upon the proposal of the Chairman, adopted without a vote a draft decision on this subject (see para. 22 below).

B. Draft resolution A/C.3/32/L.13

8. At the 35th meeting, on 1 November, the representative of Sweden introduced a draft resolution (A/C.3/32/L.13), which was sponsored by Austria, Cuba, Denmark, Ecuador, Egypt, Ghana, Greece, India, Iran, Jamaica, Kenya, Morocco, Mexico, the Netherlands, New Zealand, Portugal, Spain, Sweden and Yugoslavia, subsequently joined by Angola, Australia, Colombia, Costa Rica, Cyprus, the German Democratic Republic, Hungary, Iraq, Ireland, Italy, Lesotho, Mali, Mozambique, Nigeria, Norway, Panama, Poland, the United Republic of Cameroon, the United Republic of Tanzania, the Upper Volta and Zambia.

9. At the 38th meeting, on 3 November, the representative of Peru introduced an oral amendment to insert a new preambular paragraph between the fourth and fifth preambular paragraphs which read as follows:

"Also having regard to the code of conduct for law enforcement officials drafted by the Committee on Crime Prevention and Control,".

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10. At the 42nd meeting, on 9 November, the representative of Peru withdrew the amendment.

11. At the same meeting, the Committee adopted draft resolution A/C.3/32/L.13 without a vote (see para. 21 below, draft resolution I).

C. Draft resolution A/C.3/32/L.14

12. At the 35th meeting, on 1 November, the representative of the Netherlands introduced a draft resolution (A/C.3/32/L.14), which was sponsored by Australia, Austria, Canada, Colombia, Costa Rica, Denmark, Ecuador, Germany, Federal Republic of Mexico, the Netherlands, New Zealand, Norway, Portugal and Sweden, subsequently joined by Belgium, Ireland, Italy and Nigeria.

13. At the 42nd meeting, on 9 November, the representative of Argentina proposed an oral amendment to delete the last operative paragraph of the draft resolution which read as follows:

"3. Decides to include in the provisional agenda of its thirty-third session the item entitled 'Torture and other cruel, inhuman or degrading treatment or punishment'."

The sponsors of the draft resolution agreed to the amendment proposed.

14. At the same meeting, the Committee adopted draft resolution A/C.3/32/L.14, as amended, without a vote (see para. 21 below, draft resolution II).

D. Draft resolution A/C.3/32/L.15

15. At the 37th meeting, on 2 November, the representative of India introduced a draft resolution (A/C.3/32/L.15), which was sponsored by Australia, Bangladesh, Cyprus, Ecuador, Egypt, Finland, India, Iran, Jordan, Kenya, the Libyan Arab Jamahiriya, New Zealand, Papua New Guinea, Senegal, Sweden, Yugoslavia and Zambia, subsequently joined by Austria, Belgium, Germany, Federal Republic of Italy, Nigeria and Tunisia.

16. At the 42nd meeting, on 9 November, the representative of the Union of Soviet Socialist Republics proposed an oral amendment to delete the last operative paragraph of the draft resolution which read as follows:

"3. Decides to include in the provisional agenda of its thirty-third session the item entitled 'Torture and other cruel, inhuman or degrading treatment or punishment'."

The sponsors of the draft resolution agreed to the amendment.

17. At the same meeting, the Committee adopted draft resolution A/C.3/32/L.15, as amended, without a vote (see para. 21 below, draft resolution III).

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E. Draft resolution A/C.3/32/L.23

18. At the 41st meeting, on 9 November, the representative of Togo introduced a draft resolution (A/C.3/32/L.23) sponsored by Democratic Yemen, Hungary, Iraq, Italy, Jamaica, Jordan, Kuwait, Norway, Pakistan, the Philippines, Sweden, the Syrian Arab Republic, Togo, 4/ Trinidad and Tobago and Viet Nam, subsequently joined by Costa Rica, Cuba, Cyprus, India, Mexico and Yugoslavia.

19. At the 42nd meeting, on 9 November, the Committee adopted draft resolution A/C.3/32/L.23 without a vote (see para. 21 below, draft resolution IV).

III. DECISION OF THE THIRD COMMITTEE

20. In view of the deletion of operative paragraph 3 in draft resolutions A/C.3/32/L.14 and A/C.3/32/L.15 (see paras. 13 and 16 above), the Committee agreed that the annotations on this item at the thirty-third session of the General Assembly should make it clear that the reports to be prepared by the Secretary-General under this item would take account of all the resolutions adopted at the present session under the item and that the discussion on this item at the thirty-third session of the Assembly would include the item in all its aspects as well as the specific issues mentioned in the various resolutions adopted by the Committee.

IV. RECOMMENDATIONS OF THE THIRD COMMITTEE

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

DRAFT RESOLUTION I

Draft convention on torture and other cruel, inhuman or degrading treatment or punishment

The General Assembly,

Having regard to article 5 of the Universal Declaration of Human Rights 5/ and article 7 of the International Covenant on Civil and Political Rights, 6/ both of which provide that no one may be subjected to torture or cruel, inhuman or degrading treatment or punishment,

4/ On behalf of the Member States members of the African Group.

5/ General Assembly resolution 217 A (III).

6/ General Assembly resolution 2200 A (XXI).

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

Believing that further international efforts are needed to ensure adequate protection for all against torture and other cruel, inhuman or degrading treatment or punishment,

Welcoming in that regard the work that has been done, or is being done, on the basis of General Assembly resolution 3453 (XXX) of 9 December 1975,

Considering that a further significant step would be the adoption of an international convention against torture and other cruel, inhuman or degrading treatment or punishment,

1. Requests the Commission on Human Rights to draw up a draft convention on torture and other cruel, inhuman or degrading treatment or punishment, in the light of the principles embodied in the Declaration on the Protection of All Persons Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

2. Further requests the Commission on Human Rights to submit a progress report on its work to the General Assembly at its thirty-third session;

3. Decides to include in the provisional agenda of its thirty-third session the item entitled "Torture and other cruel, inhuman or degrading treatment or punishment" for the purpose of reviewing the progress achieved in accordance with the present resolution.

DRAFT RESOLUTION II

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

The General Assembly,

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

Recalling its resolutions 3453 (XXX) of 9 December 1975 and 31/85 of 13 December 1976,

Having regard to article 7 of the International Covenant on Civil and Political Rights ^{7/} which provides that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

^{7/} Ibid.

Taking note of resolution 7 (XXVII) of 20 August 1974 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities regarding its annual review of developments in the field of human rights of persons subjected to any form of detention or imprisonment,

Reiterating that the Declaration should serve as a guideline for all States and other entities exercising effective power,

Gravely concerned over continued reports from which it appears that in some countries state authorities are systematically resorting to torture and other cruel, inhuman or degrading treatment or punishment,

1. Requests the Secretary-General to draw up and circulate among Member States a questionnaire soliciting information concerning steps they have taken, including legislative and administrative measures, to put into practice the principles of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment while giving special attention to the following subjects:

(a) Publicity given to the Declaration, not only in governmental bodies and services but also among the public at large;

(b) Effective measures for the prevention of torture;

(c) Training of law enforcement personnel and other public officials responsible for persons deprived of their liberty;

(d) Any pertinent legislative or administrative action taken since the adoption of the Declaration;

(e) Effective legal remedies for victims of torture or cruel, inhuman or degrading treatment or punishment;

2. Requests the Secretary-General to submit the information provided in response to the questionnaire to the General Assembly at its thirty-third session, and furthermore to submit such information to the Commission on Human Rights and to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-second session.

DRAFT RESOLUTION III

Unilateral declarations by Member States against torture
and other cruel, inhuman or degrading treatment or
punishment

The General Assembly,

Bearing in mind that the principles proclaimed in the Charter of the United Nations concerning the dignity and worth of the human person place upon Member

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States the obligation to promote universal respect for, and observance of, human rights and fundamental freedoms for all,

Recalling article 5 of the Universal Declaration on Human Rights 8/ and article 7 of the International Covenant on Civil and Political Rights 9/ which stipulate 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, unanimously adopted in its resolution 3452 (XXX) of 9 December 1975, as well as its resolution 31/85 of 13 December 1976,

Recognizing the necessity for further international action in the form of a convention for the elimination of torture and other cruel, inhuman or degrading treatment or punishment,

Recognizing also the importance of action by Member States to develop and utilize their national machinery to eliminate torture and other cruel, inhuman or degrading treatment or punishment,

1. Calls upon all Member States to reinforce their support of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by making unilateral declarations against torture and other cruel inhuman or degrading treatment or punishment, along the lines of the text which is annexed to the present resolution, and depositing it with the Secretary-General;

2. Urges all Member States to give maximum publicity to their unilateral declarations against torture and other cruel, inhuman or degrading treatment or punishment;

3. Requests the Secretary-General to inform the General Assembly, in annual reports, of such unilateral declarations against torture and other cruel, inhuman or degrading treatment or punishment as may be deposited by Member States.

8/ General Assembly resolution 217 A (III).

9/ General Assembly resolution 2200 A (XXI).

ANNEX

Model unilateral declaration against torture and other
cruel, inhuman or degrading treatment or punishment

The Government of hereby declares its intention:

- (a) To comply with the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 3452 (XXX), annex);
- (b) To implement, through legislation and other effective measures, the provisions of the said Declaration.

DRAFT RESOLUTION IV

Torture of political prisoners and detainees
in southern Africa

The General Assembly,

Recalling the Universal Declaration of Human Rights, 10/ in particular article 5,

Bearing in mind the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by resolution 3452 (XXX) of 2 November 1975,

Taking note of the report of the Ad Hoc Working Group of Experts on Southern Africa, 11/ established pursuant to resolution 2 (XXIII) of the Commission on Human Rights, on the deaths of detainees and police brutality in South Africa since the Soweto massacre of 16 June 1976,

Gravely concerned about the reports regarding the torture of political prisoners and the deaths of a number of detainees and about the growing wave of acts of repression against individuals, organizations and information media in South Africa,

Deeply shocked by the cowardly and dastardly murder in detention of Stephen Biko,

1. Condemns the South African régime for its continuing violation of the Universal Declaration of Human Rights and the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

10/ General Assembly resolution 217 A (III).

11/ A/32/226, annex.

2. Reiterates its deep aversion to the practice whereby the South African régime persistently subjects all opponents of apartheid to summary banning, detention, imprisonment and sometimes murder;

3. Strongly condemns the practice of subjecting political detainees and other victims of apartheid in South Africa to torture and other cruel, inhuman or degrading treatment or punishment;

4. Strongly condemns in particular the arbitrary arrest, detention and torture which led to the murder of Stephen Biko by agents of the racist minority régime of South Africa;

5. Demands that the minority apartheid régime of South Africa:

(a) Release all political prisoners without pre-condition;

(b) Lift all banning and house arrest orders imposed on opponents of apartheid;

(c) Put an immediate end to the indiscriminate use of violence against peaceful demonstrators against apartheid and to the persistent recourse to torture of political detainees;

6. Expresses its conviction that the martyrdom of Stephen Biko and all other nationalists murdered in South African prisons and the ideals for which they fought will continue to enrich the faith of the peoples of southern Africa and other parts of the world in their struggle against apartheid and for racial equality and the dignity of the human person.

22. The Third Committee also recommends that the General Assembly should request the Secretary-General to transmit to all Governments the draft Code of Conduct for Law Enforcement Officials for their examination and comments and to examine this draft Code, together with the replies received from Governments, at its thirty-third session.
