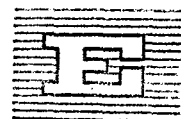


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COMMISSION ON HUMAN RIGHTS  
Thirty-fifth session  
Item 10 of the provisional agenda

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS  
SUBJECTED TO ANY FORM OF DETENTION OR  
IMPRISONMENT, IN PARTICULAR: (a) DRAFT  
CONVENTION ON TORTURE AND OTHER CRUEL,  
INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Summary prepared by the Secretary-General  
in accordance with resolution 18 (XXXIV)  
of the Commission on Human Rights

Addendum

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## INTRODUCTION

1. This report, which is the second addendum to the summary prepared by the Secretary-General in implementation of Commission on Human Rights resolution 18 (XXXIV), summarizes further information received up to 31 January 1979.
2. As of this date, the only additional comments received are those of the Government of the Federal Republic of Germany on the Swedish draft international convention on the protection of all persons from torture and other cruel, inhuman or degrading treatment or punishment.

### I. GENERAL REMARKS (continued)

1. The Federal Republic of Germany has welcomed the Swedish initiative, considers the draft convention submitted by Sweden to be a good basis for debate and will therefore support it during subsequent discussions at the Commission on Human Rights and the General Assembly.

### II. COMMENTS ON THE DRAFT ARTICLES (continued)

#### Article 1

2. Since the draft convention establishes legal obligations for States, the term torture should be defined and distinguished as precisely as possible from the marginally different term of cruel, inhuman and degrading treatment or punishment. The Federal Government felt that, in particular, it should be made clear that the term "public official" contained in paragraph 1 refers not only to persons who, regardless of their legal status, have been assigned public authority by State organs on a permanent basis or in an individual case, but also to persons who, in certain regions or under particular conditions, actually hold and exercise authority over others and whose authority is comparable to government authority or - be it only temporarily - has replaced government authority or whose authority has been derived from the aforementioned persons.
  3. The Federal Government believes it is recommendable not to refer to the Standard Minimum Rules for the Treatment of Prisoners in the definition contained in paragraph 1, sentence 2. They are lower-ranking regulations which can be altered by non-legislative means and can therefore directly modify the contents of the convention. Consequently, it proposed that the words "to the extent ..." to "Treatment of Prisoners" be deleted.
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