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TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT
OR PUNISHMENT

Report of the Third Committee

Rapporteur: Mr. Ibrahim BADAWI (Egypt)

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-first session of the General Assembly in accordance with Assembly resolutions 3452 (XXX) and 3453 (XXX) of 9 December 1975.
2. At its 4th plenary meeting, on 24 September 1976, 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 62nd to 67th meetings, between 29 November and 3 December. The views expressed by the representatives of Member States and representatives of the specialized agencies are contained in the summary records of those meetings (A/C.3/31/SR.62-67).
4. In connexion with item 74, the Committee had before it a note by the Secretary-General (A/31/234) giving information on relevant developments in the United Nations and the World Health Organization since the adoption by the General Assembly of resolutions 3452 (XXX) and 3453 (XXX).
5. At the 62nd meeting, on 29 November, the Director of the Division of Human Rights introduced the item. At the same meeting, the representative of the World Health Organization made a statement.

II. CONSIDERATION OF DRAFT RESOLUTION A/C.3/31/L.38

6. At the 63rd meeting, on 30 November, the representative of Portugal introduced a draft resolution (A/C.3/31/L.38) on behalf of Australia, Austria, Colombia, Costa Rica, Cyprus, Ecuador, Germany, Federal Republic of, Ghana, Greece, Ireland, Kenya, Mexico, the Netherlands, Papua New Guinea, Portugal, Sweden, the United Republic of Cameroon and Venezuela, subsequently joined by Barbados, Belgium, Canada, Fiji, Italy, New Zealand and the United Kingdom of Great Britain and Northern Ireland.

7. At the 67th meeting, on 3 December, the Committee adopted the draft resolution without a vote (see para. 8, below).

III. RECOMMENDATION OF THE THIRD COMMITTEE

8. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

Torture and other cruel, inhuman or degrading treatment or punishment in relation to detention and imprisonment

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

Recalling also its resolution 3453 (XXX) of 9 December 1975, in which it requested the competent bodies to conduct further work on the elaboration of:

(a) A body of principles for the protection of all persons under any form of detention or imprisonment,

(b) A draft code of conduct for law enforcement officials,

(c) Principles of medical ethics relevant to the protection of persons subjected to any form of detention or imprisonment against torture and other cruel, inhuman or degrading treatment or punishment;

Noting Economic and Social Council resolution 1993 (LX) of 12 May 1976 and resolution 10 (XXXII) adopted by the Commission on Human Rights on 5 March 1976,

Welcoming the work of the Committee on Crime Prevention and Control at its fourth session, in particular with respect to a draft code of conduct for law enforcement officials as well as the range of application and the implementation of the Standard Minimum Rules for the Treatment of Prisoners,

Noting further the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its twenty-ninth session to appoint

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a Rapporteur to prepare the first draft of a body of principles for the protection of all persons under any form of detention or imprisonment, and its resolution 3 (XXIX) of 31 August 1976, recommending the appointment of a working group to analyse the materials received in connexion with its annual review of developments relating to the question of the human rights of persons subjected to any form of detention or imprisonment, 1/

Reiterating its belief that further efforts are needed to help ensure adequate protection for all against torture and other cruel, inhuman or degrading treatment or punishment,

1. Calls upon Governments, as well as intergovernmental and non-governmental organizations concerned with human rights, to give maximum publicity to the Declaration on the Protection of All Persons from being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

2. Invites the Economic and Social Council to give due priority to the examination of the draft code of conduct for law enforcement officials proposed by the Committee on Crime Prevention and Control, in order that the Council at its sixty-second session and the General Assembly at its thirty-second session take further steps with a view to the adoption of this instrument;

3. Also invites the Economic and Social Council to consider with due priority the recommendation of the Committee on Crime Prevention and Control at its fourth session contained in new draft rule 95 of the Standard Minimum Rules seeking to assure the applicability of the Standard Minimum Rules to all persons arrested or imprisoned with or without charge and conviction, as well as to the draft procedures for the effective implementation of the Rules;

4. Requests the Commission on Human Rights, through the Economic and Social Council, to present a comprehensive report on the elaboration of a body of principles for the protection of all persons under any form of detention or imprisonment to the General Assembly at its thirty-third session;

5. Invites the World Health Organization to prepare a draft Code on Medical Ethics relevant to the protection of persons subjected to any form of detention or imprisonment against torture and other cruel, inhuman or degrading treatment or punishment, and to bring it to the attention of the General Assembly at its thirty-second session;

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

1/ See E/CN.4/1218.