



General Assembly

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Forty-fourth session
THIRD COMMITTEE
Agenda item 112TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING
TREATMENT OR PUNISHMENT

Argentina, Australia, Austria, Belgium, Brazil, Bulgaria,
Canada, Colombia, Costa Rica, Denmark, Ecuador, Finland,
France, Germany, Federal Republic of, Greece, Guinea,
Hungary, Italy, Luxembourg, Mexico, Netherlands, New Zealand,
Norway, Peru, Portugal, Spain, Sweden, United Kingdom of
Great Britain and Northern Ireland, Uruguay and Venezuela:
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 its resolution 39/46 of 10 December 1984, by which it adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and called

1/ Resolution 217 A (III).

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

upon all Governments to consider signing, ratifying and acceding to the Convention as a matter of priority, as well as its resolutions 40/128 of 13 December 1985, 41/134 of 4 December 1986, 42/123 of 7 December 1987 and 43/132 of 8 December 1988, as well as Commission on Human Rights resolutions 1987/30 of 10 March 1987, 3/1988/36 of 8 March 1988, 4/ and 1989/29 of 6 March 1989, 5/

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 6/ 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, 7/

Recalling the adoption of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 8/

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,

Recalling the decision of the Commission on Human Rights, in its resolution 1988/32 of 8 March 1988, 4/ to extend for two years the mandate of the Special Rapporteur to examine questions relevant to torture,

1. Welcomes the report of the Committee against Torture; 9/

3/ Official Records of the Economic and Social Council, 1987, Supplement No. 5 and corrigenda (E/1987/18 and Corr.1 and 2), chap. II, sect. A.

4/ Ibid., 1988, Supplement No. 2 and corrigendum (E/1988/12 and Corr.1), chap. II, sect. A.

5/ Ibid., 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

6/ Resolution 34/169, annex.

7/ Resolution 37/194, annex.

8/ A/34/146, annex.

9/ Official Records of the General Assembly, Forty-fourth Session, Supplement No. 46 (A/44/46).

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2. Takes note of the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; 10/

3. Stresses the importance of strict adherence by States parties to the obligations under the Convention regarding the financing of the Committee against Torture, thus enabling it to carry out in an effective and efficient manner all the functions entrusted to it under the Convention, and appeals to all States parties not to take any measures which might impair the financing of all the functions of the Committee under the Convention, so as 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. Welcomes the attention which the Committee against Torture has given to the development of an effective reporting system on implementation by States parties to the Convention, and especially its decision to revise its general guidelines for the submission of initial reports by States parties;

5. Takes note with appreciation of the adoption by the Committee against Torture of its rules of procedure;

6. Welcomes the exchange of views that has taken place between the Committee against Torture and the Special Rapporteur of the Commission on Human Rights on questions relating to torture and requests that this exchange be continued;

7. 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;

8. Reiterates its request to all States to become parties to the Convention as a matter of priority;

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

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

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