



## General Assembly

Distr.  
GENERALA/44/827  
5 December 1989

ORIGINAL: ENGLISH

Forty-fourth session  
Agenda item 112TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT  
OR PUNISHMENTReport of the Third CommitteeRapporteur: Mr. Wilfried GROLIG (Federal Republic of Germany)

## I. INTRODUCTION

1. At its 3rd plenary meeting, on 22 September 1989, the General Assembly, on the recommendation of the General Committee, decided to include in its agenda the item entitled "Torture and other cruel, inhuman or degrading treatment or punishment" and to allocate it to the Third Committee.
2. The Committee considered the item jointly with items 95, 98, 106, 107, 108, 114 and 115 at its 36th to 43rd, 50th and 52nd meetings, on 8 to 10, 13 to 15, 21 and 22 November 1989. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/44/SR.36-43, 50 and 52).
3. For its consideration of the item, the Committee had before it the following documents:
  - (a) Report of the Committee against Torture; 1/
  - (b) Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/44/443);

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

(c) Report of the Secretary-General on torture and inhuman treatment of children in detention in South Africa and Namibia (A/44/623);

(d) Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/44/708);

(e) Letter dated 8 March 1989 from the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations addressed to the Secretary-General (A/44/171);

(f) Letter dated 24 April 1989 from the Permanent Representative of the Byelorussian Soviet Socialist Republic to the United Nations addressed to the Secretary-General (A/44/238 and Corr.1);

(g) Letter dated 22 August 1989 from the Permanent Representative of Grenada to the United Nations addressed to the Secretary-General (A/44/477);

(h) Letter dated 2 November 1989 from the Chargé d'affaires a.i. of the Permanent Mission of Panama to the United Nations addressed to the Secretary-General (A/44/706).

4. At the 36th meeting, on 8 November, the Under-Secretary-General for Human Rights made an introductory statement (see A/C.3/44/SR.36).

## II. CONSIDERATION OF PROPOSALS

### A. Draft resolution A/C.3/44/L.51

5. At the 50th meeting, on 21 November, the representative of Zambia, on behalf of Afghanistan, Algeria, Angola, Botswana, Burkina Faso, the Congo, Costa Rica, Côte d'Ivoire, Cuba, Egypt, Ethiopia, Guinea, Kenya, the Libyan Arab Jamahiriya, Madagascar, Mongolia, Morocco, Nicaragua, Nigeria, the Philippines, Rwanda, the Sudan, Swaziland, Togo, Tunisia, Uganda, the United Republic of Tanzania, Zaire, Zambia and Zimbabwe introduced a draft resolution (A/C.3/44/L.51) entitled "Torture and inhuman treatment of children in detention in South Africa and Namibia". Subsequently, Mali, Somalia, Guatemala and Burundi joined in sponsoring the draft resolution.

6. At its 52nd meeting, on 22 November, the Committee adopted draft resolution A/C.3/44/L.51 without a vote (see para. 12, draft resolution I).

### B. Draft resolution A/C.3/44/L.52

7. At the 50th meeting, on 21 November, the representative of the Netherlands, on behalf of Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Colombia, Costa Rica, Cyprus, Denmark, Ecuador, Finland, France, Germany, Federal Republic of, Greece, Guinea, Hungary, Italy, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Peru, Portugal, Senegal, Spain, Sweden, the United Kingdom of

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Great Britain and Northern Ireland, Uruguay and Venezuela introduced a draft resolution (A/C.3/44/L.52) entitled "Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment". Subsequently, Guatemala, El Salvador and Paraguay joined in sponsoring the draft resolution.

8. At its 52nd meeting, on 22 November, the Committee adopted draft resolution A/C.3/44/L.52 without a vote (see para. 12, draft resolution II).

#### C. Draft resolution A/C.3/44/L.53

9. At the 50th meeting, on 21 November, the representative of Sweden, on behalf of Australia, Austria, Brazil, Denmark, Finland, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Kenya, Luxembourg, the Netherlands, New Zealand, Norway, Senegal, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America introduced a draft resolution (A/C.3/44/L.53) entitled "United Nations Voluntary Fund for Victims of Torture". Subsequently, Guatemala joined in sponsoring the draft resolution.

10. At its 52nd meeting, on 22 November, the Committee adopted draft resolution A/C.3/44/L.53 without a vote (see para. 12, draft resolution III).

11. At the same meeting, the representative of Japan made a statement.

### III. RECOMMENDATIONS OF THE THIRD COMMITTEE

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

#### DRAFT RESOLUTION I

##### Torture and inhuman treatment of children in detention in South Africa and Namibia

The General Assembly,

Recalling its resolution 43/134 of 8 December 1988 and taking note of Commission on Human Rights resolution 1989/4 of 23 February 1989,

Recalling also the relevant provisions of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 2/ the Convention against

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2/ Resolution 3452 (XXX), annex.

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 3/ and the Declaration on the Rights of the Child, 4/

Taking note of the report of the Secretary-General 5/ and in particular its conclusion that torture and other forms of inhuman and degrading treatment of children and young people have continued unabated during the period under review,

1. Expresses its profound outrage at evidence of detention, torture and inhuman treatment of children in South Africa;
2. Vigorously condemns the apartheid racist régime for the increasing detention, torture and inhuman treatment of children in South Africa;
3. Reiterates its demand for the immediate and unconditional release of children held in detention by the apartheid régime in South Africa;
4. Demands the immediate dismantlement of the so-called "rehabilitation camps" and "re-education centres" in South Africa, since they only serve the racist régime's strategy of physically and mentally abusing black South African children;
5. Reiterates its appeal to all relevant United Nations bodies, specialized agencies and non-governmental organizations to intensify the world-wide campaign aimed at drawing attention to, monitoring and exposing these inhuman practices;
6. Requests the Commission on Human Rights to continue to pay special attention to the question of detention, torture and other inhuman treatment of children in South Africa;
7. Also requests the Commission on Human Rights to pay special attention to the children of Namibia who have been victims of torture, detention and other inhuman treatment by the apartheid régime, with a view to rehabilitating them;
8. Requests the Secretary-General to submit a report to the General Assembly at its forty-fifth session on the implementation of the present resolution;
9. Decides to consider this question at its forty-fifth session under the item entitled "Torture and other cruel, inhuman or degrading treatment or punishment".

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3/ Resolution 39/46, annex.

4/ Resolution 1386 (XIV).

5/ A/44/623.

DRAFT RESOLUTION II

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 6/ and article 7 of the International Covenant on Civil and Political Rights, 7/ 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 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, 8/ 1988/36 of 8 March 1988, 9/ and 1989/29 of 6 March 1989, 10/

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 11/ and of the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of

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6/ Resolution 217 A (III).

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

8/ See 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.

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

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

11/ Resolution 34/169, annex.

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prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, 12/

Recalling the adoption of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 13/

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, 9/ 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; 14/

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; 15/

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 that 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 that 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;

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12/ Resolution 37/194, annex.

13/ A/34/146, annex.

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

15/ A/44/443.

5. Notes with appreciation 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. Once again invites all States, upon ratification of or accession to the Convention, or subsequently, to consider the possibility of making the declarations 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".

### DRAFT RESOLUTION III

#### United Nations Voluntary Fund for Victims of Torture

##### The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights, 16/ which states 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, 17/

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16/ Resolution 217 A (III).

17/ Resolution 3452 (XXX), annex.

Recalling with satisfaction the entry into force on 26 June 1987 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 18/

Recalling its resolution 36/151 of 16 December 1981, in which it noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims of torture in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture,

Convinced that the struggle to eliminate torture includes the provision of assistance in a humanitarian spirit to the victims and members of their families,

Taking note of the report of the Secretary-General, 19/

1. Expresses its gratitude and appreciation to the Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;
2. Calls upon all Governments, organizations and individuals in a position to do so to respond favourably to requests for initial as well as further contributions to the Fund;
3. Invites Governments to make contributions to the Fund, if possible on a regular basis, in order to enable the Fund to provide continuous support to projects that depend on recurrent grants;
4. Requests the Secretary-General to include, on an annual basis, the Voluntary Fund for Victims of Torture among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;
5. Expresses its appreciation to the Board of Trustees of the Fund for the work it has carried out;
6. Expresses its appreciation to the Secretary-General for the support given to the Board of Trustees of the Fund;
7. Requests the Secretary-General to make use of all existing possibilities, including the preparation, production and dissemination of information materials, to assist the Board of Trustees of the Fund in its efforts to make the Fund and its humanitarian work better known and in its appeal for contributions.

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18/ Resolution 39/46, annex.

19/ A/44/708.