

32/62. Draft convention against torture and other cruel, inhuman or degrading treatment or punishment

The General Assembly,

Having regard to article 5 of the Universal Declaration of Human Rights²⁴ and article 7 of the International Covenant on Civil and Political Rights,²⁵ both of which provide that no one may be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, contained in the annex to its 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 against 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 from 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.

*98th plenary meeting
8 December 1977*

32/63. 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, contained in the annex to 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,²⁶ which provides

that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Taking note of resolution 7 (XXVII) of 20 August 1974 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities²⁷ 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.

*98th plenary meeting
8 December 1977*

32/64. 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 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 of Human Rights²⁸ and article 7 of the International Covenant on Civil and Political Rights,²⁹ which stipulate that

²⁴ Resolution 217 A (III).

²⁵ Resolution 2200 A (XXI), annex.

²⁶ *Ibid.*

²⁷ See E/CN.4/1160, chap. XIX.

²⁸ Resolution 217 A (III).

²⁹ Resolution 2200 A (XXI), annex.

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 by 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 them 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.

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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.

32/65. Torture of political prisoners and detainees in southern Africa

The General Assembly,

Recalling the Universal Declaration of Human Rights,³⁰ in particular its 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, contained in the annex to its resolution 3452 (XXX) of 9 December 1975,

³⁰ Resolution 217 A (III).

Taking note of the report of the *Ad Hoc* Working Group of Experts on Southern Africa,³¹ established pursuant to resolution 2 (XXIII) of the Commission on Human Rights, concerning 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;

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 precondition;

(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.

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32/66. Status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights

The General Assembly,

Convinced that the International Covenants on Human Rights³² constitute the first all-embracing and

³¹ A/32/226, annex.

³² Resolution 2200 (XXI), annex.