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Agenda item 68 (a)

Promotion and protection of human rights: implementation of human rights instruments

Report of the Third Committee*

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I. Introduction

1. At its 3rd plenary meeting, on 16 September 2022, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-seventh session, under the item entitled “Promotion and protection of human rights”, the sub-item entitled “Implementation of human rights instruments” and to allocate it to the Third Committee.

2. The Third Committee considered the sub-item jointly with sub-item 68 (b), entitled “Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms”, sub-item 68 (c), entitled “Human rights situations and reports of special rapporteurs and representatives”, and sub-item 68 (d), entitled “Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action”, heard introductory statements, held interactive dialogues and a general discussion on item 68, entitled “Promotion and protection of human rights”, as a whole, considered proposals and took action on the sub-item at its 17th to 38th, 47th and 54th meetings, on 13 and 14 and from 17 to 21 and 25 to 28 October and on 10 and 17 November 2022. An account of the Committee’s consideration is contained in the relevant summary records.¹

3. For the documents before the Committee under this sub-item, see document [A/77/463](#).

* The report of the Committee on this item is being issued in five parts, under the symbols [A/77/463](#), [A/77/463/Add.1](#), [A/77/463/Add.2](#), [A/77/463/Add.3](#) and [A/77/463/Add.4](#).

¹ [A/C.3/77/SR.17](#), [A/C.3/77/SR.18](#), [A/C.3/77/SR.19](#), [A/C.3/77/SR.20](#), [A/C.3/77/SR.21](#), [A/C.3/77/SR.22](#), [A/C.3/77/SR.23](#), [A/C.3/77/SR.24](#), [A/C.3/77/SR.25](#), [A/C.3/77/SR.26](#), [A/C.3/77/SR.27](#), [A/C.3/77/SR.28](#), [A/C.3/77/SR.29](#), [A/C.3/77/SR.30](#), [A/C.3/77/SR.31](#), [A/C.3/77/SR.32](#), [A/C.3/77/SR.33](#), [A/C.3/77/SR.34](#), [A/C.3/77/SR.35](#), [A/C.3/77/SR.36](#), [A/C.3/77/SR.37](#), [A/C.3/77/SR.38](#), [A/C.3/77/SR.47](#) and [A/C.3/77/SR.54](#).



II. Consideration of proposals

A. Draft resolution [A/C.3/77/L.45](#)

4. At the 47th meeting, on 10 November 2022, the Committee had before it a draft resolution entitled “Torture and other cruel, inhuman or degrading treatment or punishment” ([A/C.3/77/L.45](#)), submitted by Albania, Andorra, Argentina, Armenia, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Côte d’Ivoire, Croatia, Cyprus, Czechia, Denmark, Ecuador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Marshall Islands, Mexico, Mongolia, Montenegro, Morocco, the Netherlands, North Macedonia, Norway, Paraguay, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tunisia, Ukraine and the United Kingdom of Great Britain and Northern Ireland. Subsequently, Australia, Bangladesh, Belize, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Cabo Verde, the Congo, Djibouti, the Dominican Republic, Ghana, Guinea-Bissau, Haiti, Jordan, Kazakhstan, Kiribati, Lebanon, Liberia, Micronesia (Federated States of), Monaco, Myanmar, Nepal, New Zealand, Panama, Samoa, San Marino, Serbia, Seychelles, South Africa, Türkiye, the United States of America and Uruguay joined in sponsoring the draft resolution.

5. At the same meeting, Angola, the Gambia, Malawi, the Niger, Senegal, Sierra Leone, Timor-Leste and Vanuatu joined in sponsoring the draft resolution.

6. Also at the same meeting, the representative of Denmark made a statement.

7. Also at the 47th meeting, the Committee adopted draft resolution [A/C.3/77/L.45](#) (see para. 14, draft resolution I).

8. After the adoption of the draft resolution, statements were made by the representatives of the Philippines, Nicaragua, the Russian Federation and Argentina.

B. Draft resolution [A/C.3/77/L.40](#)

9. At the 54th meeting, on 17 November 2022, the Committee had before it a draft resolution entitled “Human rights treaty body system” ([A/C.3/77/L.40](#)), submitted by Armenia, Austria, Belgium, Bolivia (Plurinational State of), Bulgaria, Canada, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, Georgia, Germany, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Morocco, the Netherlands, North Macedonia, Norway, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay. Subsequently, Albania, Andorra, Argentina, Australia, Bosnia and Herzegovina, Chile, Colombia, Côte d’Ivoire, the Dominican Republic, El Salvador, France, Greece, Honduras, Israel, Japan, Lebanon, the Marshall Islands, Mexico, New Zealand, Panama, Paraguay, Peru, Poland, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Serbia, Thailand, Tunisia and Türkiye joined in sponsoring the draft resolution.

10. At the same meeting, Bhutan, Guinea and Timor-Leste joined in sponsoring the draft resolution.

11. Also at the same meeting, the representative of Iceland made a statement (also on behalf of Belgium, Slovenia and the Nordic countries).

12. Also at the 54th meeting, the Committee adopted draft resolution [A/C.3/77/L.40](#) (see para. 14, draft resolution II).
13. After the adoption of the draft resolution, a statement was made by the representative of El Salvador.

III. Recommendations of the Third Committee

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

Draft resolution I

Torture and other cruel, inhuman or degrading treatment or punishment

The General Assembly,

Reaffirming its previous resolutions on torture and other cruel, inhuman or degrading treatment or punishment,

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

Recalling that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right under international law, including international human rights law and international humanitarian law, which must be respected and protected under all circumstances, including in times of international and non-international armed conflict or internal disturbances and tensions or any other public emergency, that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in relevant international instruments and that legal and procedural safeguards against such acts must not be subject to measures that would circumvent this right,

Recalling also that the prohibition of torture is a peremptory norm of international law without territorial limitation and that international, regional and domestic courts have recognized the prohibition of cruel, inhuman or degrading treatment or punishment as customary international law,

Recalling further the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment¹ and the obligation of States to abide strictly by the definition of torture contained in article 1, without prejudice to any international instrument or national legislation which contains or may contain provisions of wider application, and emphasizing the importance of properly interpreting and implementing the obligations of States with respect to torture and other cruel, inhuman or degrading treatment or punishment,

Recognizing that States must protect the rights of those facing criminal sentences, including the death penalty and life imprisonment without the possibility of parole, and of other affected persons in accordance with their international obligations,

Noting that, under the Geneva Conventions of 1949,² torture or inhuman treatment are a grave breach and that, under the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the statute of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring

¹ United Nations, *Treaty Series*, vol. 1465, No. 24841.

² *Ibid.*, vol. 75, Nos. 970–973.

States between 1 January and 31 December 1994 and the Rome Statute of the International Criminal Court,³ acts of torture can constitute crimes against humanity and, when committed in a situation of armed conflict, constitute war crimes,

Recognizing the importance of the implementation of the International Convention for the Protection of All Persons from Enforced Disappearance,⁴ which makes a significant contribution to the prevention and prohibition of torture, including by prohibiting secret places of detention and by ensuring legal and procedural safeguards for persons deprived of their liberty, and encouraging all States that have not done so to consider signing, ratifying or acceding to the Convention,

Recognizing also that the prevalence of corruption, including in law enforcement and justice systems, can have a negative impact on the fight against torture and other cruel, inhuman or degrading treatment or punishment, including by eroding fundamental safeguards and preventing victims of torture and other cruel, inhuman or degrading treatment or punishment from effectively seeking justice, redress and compensation through the justice system,

Recognizing further that police and other law enforcement officials play a vital role in the protection of the right to life, liberty and security of persons, and in serving the community and protecting all persons against acts of torture and other cruel, inhuman or degrading treatment or punishment, and that, in the performance of their duties, law enforcement officials are obligated to respect and protect the human rights of all persons, and in this regard, recognizing the importance of promptly and impartially investigating as well as employing non-coercive interviewing techniques and implementing associated legal safeguards to prevent torture and to effectively obtain accurate and reliable information,

Recognizing that the effective implementation of the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment promotes, inter alia, peaceful and inclusive societies for sustainable development, contributes to access to justice for all, builds effective, accountable and inclusive institutions at all levels and contributes to achieving the Sustainable Development Goals,⁵

Commending the persistent efforts of civil society organizations, including non-governmental organizations, as well as national human rights institutions and national preventive mechanisms, and the considerable network of centres for the rehabilitation of victims of torture, to prevent and combat torture and to alleviate the suffering of victims of torture,

Deeply concerned about all acts which can amount to torture and other cruel, inhuman or degrading treatment or punishment committed against persons exercising their rights to freedom of peaceful assembly and of association and freedom of expression in all regions of the world,

1. *Condemns* all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

2. *Also condemns* any action or attempt by States or public officials to legalize, instigate, authorize, consent to or acquiesce in torture and other cruel, inhuman or degrading treatment or punishment under any circumstances, including

³ Ibid., vol. 2187, No. 38544.

⁴ Ibid., vol. 2716, No. 48088.

⁵ See resolution 70/1.

on grounds of national security and counter-terrorism or through judicial decisions, and urges States to ensure the accountability of those responsible for all such acts;

3. *Stresses* that States must neither punish personnel for not obeying orders to commit or conceal acts amounting to torture or other cruel, inhuman or degrading treatment or punishment nor allow pleas of *respondeat superior* as a criminal defence in cases in which such orders were obeyed;

4. *Emphasizes* that acts of torture or inhuman treatment are grave breaches of the Geneva Conventions of 1949, that acts of torture and cruel treatment in armed conflict are serious violations of international humanitarian law and in this regard constitute war crimes, that acts of torture can constitute crimes against humanity and that the perpetrators of all acts of torture must be prosecuted and punished, and in this regard notes the efforts of the International Criminal Court to end impunity by seeking to ensure accountability and punishment of perpetrators of such acts, in accordance with the Rome Statute, bearing in mind its principle of complementarity, and encourages States that have not yet done so to consider ratifying or acceding to the Rome Statute;

5. *Also emphasizes* that States must take persistent, determined and effective measures to prevent and combat all acts of torture and other cruel, inhuman or degrading treatment or punishment, stresses that all acts of torture must be made offences under national criminal law punishable by appropriate penalties that take into account their grave nature, and calls upon States to prohibit under national law acts constituting cruel, inhuman or degrading treatment or punishment;

6. *Stresses* that States must ensure that no statement or evidence that is established to have been obtained as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement or evidence was obtained, urges States to extend that prohibition to statements or evidence obtained as a result of cruel, inhuman or degrading treatment or punishment, and recognizes that adequate corroboration of statements, including confessions, used as evidence in any proceedings constitutes one safeguard for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

7. *Urges* States not to expel, return (“refouler”), extradite or in any other way transfer a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture, stresses the importance of effective legal and procedural safeguards in this regard, and recognizes that diplomatic assurances, where given, do not release States from their obligations under international human rights, humanitarian and refugee law, in particular the principle of non-refoulement;

8. *Recalls* that, for the purpose of determining whether there are substantial grounds for believing that a person would be in danger of being subjected to torture, the competent authorities shall take into account all relevant considerations, including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights;

9. *Urges* States to ensure that border control operations and reception centres fully comply with international human rights obligations and commitments, including the prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

10. *Calls upon* all States to adopt and implement effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment, in particular in the context of the use of force by law enforcement officials and in places of detention and other places where persons are deprived of their liberty, including legal and procedural safeguards, as well as to ensure that the competent judicial or

disciplinary authorities and, where relevant, the prosecution can effectively ensure compliance with such safeguards;

11. *Also calls upon* all States to take effective measures to ensure that the use of force by police and other law enforcement officials, including the use of less-lethal weapons, is in conformity with international obligations and the principles of legality, necessity, proportionality, accountability and non-discrimination, and that those using force account for each use of force, bearing in mind that lethal force may only be used as a last resort to protect against an imminent threat to life or grievous bodily harm, and recalls in this regard Human Rights Council resolution 46/15 of 23 March 2021;⁶

12. *Recalls* its resolution 43/173 of 9 December 1988 on the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and in this context stresses that ensuring that any individual arrested or detained is promptly brought before a judge or other independent judicial officer in person, facilitating access to legal counsel without delay, and permitting prompt and regular medical care including, where necessary, an age, disability- and gender-responsive medical and psychological examination that respects the inherent dignity of the person and upholds their full human rights throughout all stages of detention, as well as visits by family members and independent monitoring mechanisms, are effective measures for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

13. *Stresses* the obligation of States to ensure that all persons who are arrested or detained are informed at the time of arrest or detention of the reasons for the arrest or detention and are promptly informed of any charges against them, in accessible forms of communication, including in a language that they understand, and are provided with information about, and an explanation of, their rights and are provided with consular notification and access, as appropriate, and calls upon States to take steps to notify the fact of the detention to a relative or another third party;

14. *Calls upon* States to include education and information regarding the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment in the training of law enforcement personnel and other personnel authorized to resort to force or who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment, which may include training on the use of force, all available modern scientific methods for the investigation of crimes and the critical importance of reporting instances of torture or other cruel, inhuman or degrading treatment or punishment to superior authorities;

15. *Emphasizes* that States shall keep under systematic review interrogation rules, instructions, methods and practices, as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under their jurisdiction, and stresses the importance of the development of domestic guidelines on the conduct of interrogations, with a view to preventing any cases of torture and other cruel, inhuman or degrading treatment or punishment;

16. *Takes note with appreciation* of the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles), and encourages States to use them as appropriate through the implementation of national measures, including non-coercive interviewing methods and procedural safeguards, thereby operationalizing the presumption of innocence, ensuring that no person is subjected to torture or other cruel, inhuman or degrading treatment or punishment

⁶ See *Official Records of the General Assembly, Seventy-sixth Session, Supplement No. 53 (A/76/53)*, chap. V., sect. A.

during questioning, as well as improving effective policing, criminal justice investigations, prosecutions, convictions and other forms of information-gathering processes;

17. *Encourages* all States to take appropriate effective legislative, administrative, judicial and other measures to apply the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);⁷

18. *Reminds* all States that prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and dignity of the person and to ensure that prolonged incommunicado detention and secret places of detention and interrogation are abolished;

19. *Emphasizes* that conditions of detention must respect the dignity and human rights of persons deprived of their liberty, highlights the importance of reflecting on this in efforts to promote respect for and protection of the rights of persons deprived of their liberty, calls upon States to address and prevent detention conditions amounting to torture or other cruel, inhuman or degrading treatment or punishment, notes in this regard concerns about solitary confinement, and encourages States to take effective measures to address overcrowding in detention facilities, which may have an impact on the dignity and human rights of persons deprived of their liberty;

20. *Welcomes* the establishment of national preventive mechanisms to prevent torture and other cruel, inhuman or degrading treatment or punishment, urges States to consider establishing, appointing, maintaining or enhancing independent and effective mechanisms that have experts with the required capabilities and professional knowledge to undertake monitoring visits to places of detention and other places under State jurisdiction and control where persons are or may be deprived of their liberty, inter alia, with a view to preventing acts of torture or other cruel, inhuman or degrading treatment or punishment, and calls upon States parties to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment⁸ to fulfil their obligation to designate or establish national preventive mechanisms at the latest one year after the entry into force of the Protocol or of its ratification or accession, that are truly independent, composed of experts with the required capabilities and professional knowledge, properly resourced and further, to consider the recommendations of such mechanisms, to encourage public debate and to engage in constructive dialogue with such mechanisms on possible implementation measures;

21. *Calls upon* all States to take appropriate effective legislative, administrative, judicial and other measures to prevent and prohibit the production, trade, export, import and use of equipment that has no practical use other than for the purpose of torture or other cruel, inhuman or degrading treatment or punishment, and in this regard takes note of the report of the Group of Governmental Experts, pursuant to resolution [73/304](#) of 28 June 2019;

22. *Urges* States, as an important element in preventing and combating torture and other cruel, inhuman or degrading treatment or punishment, to ensure that no authority or official orders, applies, permits or tolerates any sanction, reprisal, intimidation or other prejudice against any person, group or association, including persons deprived of their liberty, for contacting, seeking to contact or having been in contact with any national or international monitoring or preventive body or other

⁷ Resolution [70/175](#), annex.

⁸ United Nations, *Treaty Series*, vol. 2375, No. 24841.

relevant stakeholders active in the prevention and combating of torture and other cruel, inhuman or degrading treatment or punishment;

23. *Also urges* States to ensure accountability for any act of sanction, reprisal, intimidation or other form of unlawful prejudicial conduct against any person, group or association, including persons deprived of their liberty, for cooperating, seeking to cooperate or having cooperated with any national or international monitoring or preventive body active in the prevention and combating of torture and other cruel, inhuman or degrading treatment or punishment, by ensuring impartial, prompt, independent and thorough investigations of any alleged act of sanction, reprisal, intimidation or other form of unlawful prejudicial conduct; to bring the perpetrators to justice; to provide access to effective remedies for victims, in accordance with their international human rights obligations and commitments; and to prevent any recurrence;

24. *Calls upon* States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to fulfil their obligation to submit for prosecution or extradite those alleged to have committed acts of torture, regardless of where such acts were committed, if the alleged offender is present in any territory under their jurisdiction, and encourages other States also to do so, bearing in mind the need to fight impunity;

25. *Encourages* States to consider establishing or maintaining appropriate national processes to record allegations and cases of torture and other cruel, inhuman or degrading treatment or punishment, including through efficient and secure data collection, processing and management systems, and to ensure that such information is accessible in accordance with applicable law;

26. *Stresses* that an independent, competent domestic authority must promptly, effectively and impartially investigate all allegations of torture or other cruel, inhuman or degrading treatment or punishment, as well as wherever there is reasonable ground to believe that such an act has been committed, and that those who encourage, instigate, order, tolerate, acquiesce in, consent to or perpetrate such acts must be held responsible, brought to justice and punished in a manner commensurate with the severity of the offence, including the officials in charge of any place of detention or other place where persons are deprived of their liberty where the prohibited act is found to have been committed;

27. *Recalls*, in this respect, the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Principles)⁹ as a valuable tool in efforts to prevent and combat torture and the updated set of principles for the protection and promotion of human rights through action to combat impunity;¹⁰

28. *Takes note with appreciation*, in this respect, of the updated Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) as a valuable tool to address impunity for torture and ill-treatment by setting out international standards for the conduct of effective legal and medico-legal investigations into allegations of torture or ill-treatment;

29. *Emphasizes* that it is important for law enforcement officials to be able to play their role in safeguarding the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment, and for States to ensure the proper functioning of the criminal justice system, in particular by taking effective measures

⁹ Resolution 55/89, annex.

¹⁰ E/CN.4/2005/102/Add.1.

to combat corruption, establish proper legal aid programmes and to provide for the adequate selection, training and remuneration of law enforcement officials while fully respecting the principles of non-discrimination, and taking measures to improve the representation of women and persons belonging to minorities within law enforcement ranks whenever possible;

30. *Encourages* all States to ensure that persons charged with torture or other cruel, inhuman or degrading treatment or punishment have no involvement in the custody, interrogation or treatment of any person under arrest, detention, imprisonment or other deprivation of liberty while such charges are pending and, if such persons are convicted, after the conviction;

31. *Calls upon* all States to adopt a victim-oriented approach¹¹ in the fight against torture and other cruel, inhuman or degrading treatment or punishment, paying special attention to the views and needs of victims in policy development and other activities relating to rehabilitation, prevention and accountability for torture;

32. *Also calls upon* all States to adopt a gender-responsive approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, including by taking into consideration the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),¹² and to pay special attention to sexual and gender-based violence;

33. *Calls upon* States to ensure that the rights of persons who are marginalized and in vulnerable situations, including persons with disabilities, bearing in mind the Convention on the Rights of Persons with Disabilities,¹³ are fully integrated into torture prevention and protection, and welcomes the efforts of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment in this regard;

34. *Stresses* that national legal systems must ensure that victims of torture or other cruel, inhuman or degrading treatment or punishment have effective access to justice and obtain redress, and that the complainants and witnesses are protected against all ill-treatment or intimidation as a consequence of making a complaint or giving evidence;

35. *Calls upon* States to provide redress for victims of torture or other cruel, inhuman or degrading treatment or punishment, encompassing effective remedy and adequate, effective and prompt reparation, which should include restitution, fair and adequate compensation, rehabilitation, satisfaction and guarantees of non-repetition, taking into full account the specific needs of the victim;

36. *Urges* States to ensure that appropriate rehabilitation services are promptly available to all victims without discrimination of any kind and without limitation in time, until the fullest rehabilitation possible has been achieved, and are provided either directly by the public health system or through the funding of private rehabilitation facilities, including those administered by civil society organizations, and to consider making rehabilitation services available to the immediate families or dependants of the victims and to persons who have suffered harm while intervening to assist victims in distress or to prevent victimization;

37. *Also urges* States to establish, maintain, facilitate or support rehabilitation centres or facilities where victims can receive such treatment and where effective measures for ensuring the safety of their staff and patients are taken;

¹¹ See [A/HRC/16/52](#).

¹² Resolution [65/229](#), annex.

¹³ United Nations, *Treaty Series*, vol. 2515, No. 44910.

38. *Urges* all States that have not yet done so to become parties to the Convention against Torture and the Optional Protocol thereto as a matter of priority;

39. *Urges* all States parties to the Convention that have not yet done so to make the declarations provided for in articles 21 and 22 of the Convention concerning inter-State and individual communications, to consider the possibility of withdrawing their reservations to article 20, to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18, with a view to enhancing the effectiveness of the Committee against Torture as soon as possible, and to comply strictly with their obligations under the Convention, including, in view of the high number of reports not submitted in time, their obligation to submit reports in accordance with article 19 of the Convention, and invites States parties to incorporate a gender perspective and information concerning persons who are marginalized and in vulnerable situations, including children and juveniles and persons with disabilities, when submitting reports to the Committee;

40. *Welcomes* the work and the reports of the Committee and of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, recommends that their reports continue to include information on the follow-up by States parties to their recommendations, invites States to make the Subcommittee's reports public, and supports the Committee and the Subcommittee in their efforts to further improve the effectiveness of their working methods;

41. *Emphasizes* the importance of the Committee and the Subcommittee having due regard to the principle of non-discrimination, paying particular attention to the rights of those who are marginalized or in vulnerable situations, including through a victim-oriented and gender-responsive approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment;

42. *Calls upon* the United Nations High Commissioner for Human Rights, in conformity with his mandate established by the General Assembly in its resolution [48/141](#) of 20 December 1993, and other relevant United Nations entities, in accordance with their mandates and existing resources, to continue to provide, at the request of States, advisory services for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, including for the preparation of national reports to the Committee, for the implementation of recommendations of the Committee, and for the establishment and operation of national preventive mechanisms, as well as technical assistance, including for the development, production and distribution of teaching materials for this purpose, and further calls upon the United Nations High Commissioner for Human Rights to continue to provide the support necessary to enable the Subcommittee to provide advice and assistance to States parties to the Optional Protocol;

43. *Emphasizes* the importance of States ensuring proper follow-up to the recommendations and conclusions of the relevant treaty bodies and mechanisms, including the Committee, the Subcommittee, national preventive mechanisms and the Special Rapporteur, while recognizing the important role of the universal periodic review, national human rights institutions and other relevant national or regional bodies in preventing torture and other cruel, inhuman or degrading treatment or punishment;

44. *Takes note with appreciation* of the report of the newly-appointed Special Rapporteur, presenting her priorities with respect to eradicating torture and other ill-treatment, encourages her to include, in her recommendations, proposals on the prevention and investigation of torture and other cruel, inhuman or degrading treatment or punishment, including its gender-based manifestations, requests her to consider including in her reports information on the follow-up by States to her

recommendations, visits and communications, including progress made and problems encountered, and on other official contacts, and further encourages future collaboration between practitioners, experts and other relevant stakeholders towards these goals;

45. *Calls upon* all States to cooperate with and assist the Special Rapporteur in the performance of her tasks, to supply all necessary information requested by her, to fully and expeditiously respond to and follow up on her urgent appeals, to give serious consideration to responding favourably to requests by her to visit their countries and to enter into a constructive dialogue with her on requested visits to their countries as well as with respect to the follow-up to her recommendations;

46. *Stresses* the need for the continued regular exchange of views among the Committee, the Subcommittee, the Special Rapporteur and other relevant United Nations mechanisms and bodies, as well as for the pursuit of cooperation with relevant United Nations programmes, notably the United Nations crime prevention and criminal justice programme, with regional organizations and mechanisms, as appropriate, and with civil society organizations, including non-governmental organizations, with a view to enhancing further their effectiveness and cooperation on issues relating to the prevention and eradication of torture by, inter alia, improving coordination;

47. *Requests* the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and facilities for the bodies and mechanisms involved in preventing and combating torture and assisting victims of torture or other cruel, inhuman or degrading treatment or punishment, including, in particular, the Committee, the Subcommittee and the Special Rapporteur, commensurate with the strong support expressed by Member States for preventing and combating torture and assisting victims of torture, in order to enable them to discharge their mandates in a comprehensive, sustained and effective manner, and taking fully into account the specific nature of their mandates;

48. *Recognizes* the global need for international assistance to victims of torture, stresses the importance of the work of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, appeals to all States and organizations to contribute annually to the Fund, preferably with a substantial increase in the level of contributions, and welcomes the establishment of and encourages contributions to the Special Fund established by the Optional Protocol to support the implementation of the recommendations made by the Subcommittee and of educational programmes by the national preventive mechanisms;

49. *Requests* the Secretary-General to continue to transmit to all States the appeals of the General Assembly for contributions to the Funds, to include the Funds, on an annual basis, among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities, and to submit to the Human Rights Council, and to the General Assembly at its seventy-eighth, seventy-ninth and eightieth sessions, a report on the operations of the Funds, and encourages the Chair of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture to continuously raise awareness among States and relevant stakeholders about the overall trends and developments in its operations;

50. *Welcomes and acknowledges* the work of the Convention against Torture Initiative, launched in March 2014 on the thirtieth anniversary of the adoption of the Convention, to achieve the universal ratification and improved implementation of the Convention by 2024, as well as related regional initiatives on the prevention and eradication of torture;

51. *Calls upon* all States, the Office of the United Nations High Commissioner for Human Rights and other United Nations bodies and agencies, as well as relevant intergovernmental and civil society organizations, including non-governmental organizations, to commemorate, on 26 June, the United Nations International Day in Support of Victims of Torture;

52. *Decides* to consider at its seventy-eighth, seventy-ninth and eightieth sessions the reports of the Secretary-General, including the report on the United Nations Voluntary Fund for Victims of Torture and the Special Fund established by the Optional Protocol, the report of the Committee, the report of the Subcommittee and the interim report of the Special Rapporteur;

53. *Also decides* to give its full consideration to the subject matter at its eightieth session.

Draft resolution II

Human rights treaty body system

The General Assembly,

Recalling the International Covenant on Civil and Political Rights,¹ the International Covenant on Economic, Social and Cultural Rights,² the Convention on the Rights of Persons with Disabilities,³ the International Convention for the Protection of All Persons from Enforced Disappearance,⁴ the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,⁵ the Convention on the Elimination of All Forms of Discrimination against Women,⁶ the Convention on the Rights of the Child,⁷ the International Convention on the Elimination of All Forms of Racial Discrimination,⁸ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment⁹ and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,¹⁰

Recalling also Economic and Social Council resolution [1985/17](#) of 28 May 1985,

Recalling further its resolution [68/268](#) of 9 April 2014 on strengthening and enhancing the effective functioning of the human rights treaty body system,

Recalling its resolution [75/174](#) of 16 December 2020 on the human rights treaty body system,

Reaffirming that the full and effective implementation of international human rights instruments by States parties is of major importance to the efforts of the United Nations to promote universal respect for and observance of human rights and fundamental freedoms, and that the effective functioning of the human rights treaty body system is indispensable for the full and effective implementation of such instruments,

Recognizing the important, valuable and unique role and contribution of each of the human rights treaty bodies in the promotion and protection of human rights and fundamental freedoms, including through their examination of the progress made by States parties to the respective human rights treaties in fulfilling their relevant obligations and their provision of recommendations to States parties on the implementation of such treaties,

Expressing concern over the effect that the coronavirus disease (COVID-19) pandemic and COVID-19-related restrictions had on the work of the treaty bodies and efforts to address the backlog of State party reports pending review, including full suspension or postponement of sessions between 13 March 2020 and 6 September 2021,

Emphasizing the importance of multilingualism in the activities of the United Nations, including those linked to the promotion and protection of human rights, and

¹ See resolution [2200 A \(XXI\)](#), annex.

² Ibid.

³ United Nations, *Treaty Series*, vol. 2515, No. 44910.

⁴ Ibid., vol. 2716, No. 48088.

⁵ Ibid., vol. 2220, No. 39481.

⁶ Ibid., vol. 1249, No. 20378.

⁷ Ibid., vol. 1577, No. 27531.

⁸ Ibid., vol. 660, No. 9464.

⁹ Ibid., vol. 1465, No. 24841.

¹⁰ Ibid., vol. 2375, No. 24841.

reaffirming the paramount importance of the equality of the six official languages of the United Nations for the effective functioning of the human rights treaty bodies,

Welcoming the ongoing process of the consideration of the state of the human rights treaty body system and taking note of the 2020 report of the co-facilitators, the Permanent Representatives of Morocco and Switzerland, to the President of the General Assembly,¹¹

Noting the human rights treaty bodies' continuing efforts, within their respective mandates, towards achieving greater efficiency, transparency, effectiveness, predictability, coordination and harmonization through their working methods, outlined in the report of the chairs of the human rights treaty bodies on their thirty-fourth annual meeting,¹²

1. *Takes note* of the report of the Secretary-General on the status of the human rights treaty body system;¹³

2. *Welcomes* the annual reports of the human rights treaty bodies submitted to the General Assembly at its seventy-sixth¹⁴ and seventy-seventh¹⁵ sessions and to the Economic and Social Council at its 2021¹⁶ and 2022 sessions;¹⁷

3. *Invites* the Chairs of the human rights treaty bodies to address and engage in an interactive dialogue with the General Assembly at its seventy-eighth and seventy-ninth sessions under the item relevant to the work of the treaty body;

4. *Encourages* all stakeholders to continue their efforts for the full implementation of resolution 68/268;

5. *Reaffirms* paragraphs 26 to 28 of its resolution 68/268, in which it set out how the allocation of meeting time to the treaty bodies would be identified and requested the Secretary-General to provide the corresponding financial and human resources, decided that the meeting time allocated would be reviewed biennially and amended on that basis at the request of the Secretary-General in line with established budgetary procedures, and requested the Secretary-General accordingly to take into account the meeting time needed by the human rights treaty body system in his future biennial programme budget;

6. *Notes* that the COVID-19 pandemic showed the need to strengthen the capacity of the treaty bodies to engage and interact online, also notes the considerable potential of digitalization for improved efficiency, transparency and accessibility of the treaty bodies and the interaction with all relevant stakeholders, and encourages the treaty bodies to continue their efforts to further the use of digital technologies in their work, while stressing that in-person interaction remains a crucial component of the work of the treaty bodies;

7. *Expresses appreciation* for the organization of discussions on matters related to the implementation of each human rights treaty at meetings of the States

¹¹ A/75/601, annex.

¹² A/77/228.

¹³ A/77/279.

¹⁴ Official Records of the General Assembly, Seventy-sixth Session, Supplement No. 18 (A/76/18); *ibid.*, Supplement No. 38 (A/76/38); *ibid.*, Supplement No. 40 (A/76/40); *ibid.*, Supplement No. 44 (A/76/44); *ibid.*, Supplement No. 48 (A/76/48); *ibid.*, Supplement No. 55 (A/76/55); and *ibid.*, Supplement No. 56 (A/76/56); see also A/76/254.

¹⁵ Official Records of the General Assembly, Seventy-seventh Session, Supplement No. 18 (A/77/18); *ibid.*, Supplement No. 38 (A/77/38); *ibid.*, Supplement No. 40 (A/77/40); *ibid.*, Supplement No. 41 (A/77/41); *ibid.*, Supplement No. 44 (A/77/44); *ibid.*, Supplement No. 48 (A/77/48); and *ibid.*, Supplement No. 56 (A/77/56).

¹⁶ Official Records of the Economic and Social Council, 2021, Supplement No. 2 (E/2021/22).

¹⁷ *Ibid.*, 2022, Supplement No. 2 (E/2022/22).

parties thereto, and requests the Secretary-General to continue to support such practices;

8. *Also expresses appreciation* for the opportunity to interact with the Chairs of the treaty bodies during their annual meetings, and requests the Secretary-General to continue to support such opportunities;

9. *Further expresses appreciation* for the advisory services, capacity-building and technical assistance provided by the Secretary-General to support States parties in building their capacity to implement their treaty obligations, and requests the Secretary-General to continue his efforts in this regard;

10. *Reiterates its request*, made in paragraph 40 of its resolution [68/268](#), that the Secretary-General submit to the General Assembly at its seventy-ninth session a report on the status of the human rights treaty body system.
