

**49/177. Report of the Committee against Torture and 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,<sup>118</sup> and article 7 of the International Covenant on Civil and Political Rights,<sup>119</sup> 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 and contained in the annex to that resolution,

*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, contained in the annex to that resolution, and called upon all Governments to consider signing, ratifying and acceding to the Convention as a matter of priority, its subsequent resolutions on the status of the Convention, most recently resolution 47/113 of 16 December 1992, and its decisions 46/428 and 46/430 of 17 December 1991, as well as the Commission on Human Rights resolutions on the subject, most recently resolution 1994/38 of 4 March 1994,<sup>120</sup>

*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<sup>119</sup> 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,<sup>120</sup>

*Recalling* the adoption of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,<sup>121</sup>

*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, and concerned by the stagnation in the number of ratifications to the Convention received during the past year,

*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* Commission on Human Rights resolution 1992/32 of 28 February 1992,<sup>120</sup> in which the Commission decided to extend for three years the mandate of the Special Rapporteur to examine questions relevant to torture,

*Noting with appreciation* the activities of the open-ended working group of the Commission on Human Rights, while expressing its concern at the pace of its progress in elaborating a draft optional protocol to the Convention,

1. *Commends* the Committee against Torture for its excellent report, in its modified presentation,<sup>122</sup> and for the improvement in its working methods;

2. *Notes* the status of submission of reports by States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;<sup>123</sup>

3. *Emphasizes* the importance of the strictest compliance by States parties with their obligations under the Convention;

4. *Urges* all States parties to the Convention to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

5. *Encourages* the open-ended working group of the Commission on Human Rights on the elaboration of a draft optional protocol to the Convention to intensify its deliberations with a view to an early conclusion of its work;

6. *Stresses* the importance of strict adherence by States parties to their 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 urges States parties whose arrears predate the provisions made by the Secretary-General for financing the Committee from the regular budget to fulfil their obligations forthwith;

7. *Invites* States parties to consider contributing to the United Nations Voluntary Fund for Victims of Torture as a gesture reflecting the determination of States to promote human rights;

8. *Welcomes* the attention that the Committee against Torture has given to the development of an effective system of reporting on the implementation of the Convention by States parties, and especially its revision of its general guidelines for the submission of reports by States parties, as well as its practice of formulating concluding observations after the consideration of such reports;

9. *Commends* the Centre for Human Rights of the Secretariat for the advisory services and technical assistance it provides to States, at their request, in preparing national reports to the Committee;

10. *Welcomes* the continuing close contacts and exchange of information, reports and documents between the Committee against Torture and the Special Rapporteur of the Commission on Human Rights on questions relating to torture;

11. *Invites* donor countries and developing countries that so agree to consider the inclusion in their bilateral development cooperation of programmes and projects relating to the training of armed forces and police personnel in matters relating to the protection of human rights and the prevention of torture;

12. *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;

13. *Urges* all States that have not yet done so to become parties to the Convention as a matter of priority;

14. *Invites* all States ratifying or acceding to the Convention and those States which are parties to the Convention and which have not yet done so to make the declarations provided for in articles 21 and 22 of the Convention, and to consider the possibility of withdrawing their reservations to article 20;

<sup>118</sup> See resolution 2200 A (XXI), annex.

<sup>119</sup> Resolution 34/169, annex.

<sup>120</sup> Resolution 37/194, annex.

<sup>121</sup> Resolution 43/173, annex.

<sup>122</sup> *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 44 (A/49/44).*

<sup>123</sup> *Ibid.*, annex III.

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

16. *Decides* to consider the reports of the Secretary-General and the Committee against Torture at its fifty-first session under the sub-item entitled "Implementation of human rights instruments".

94th plenary meeting  
23 December 1994

**49/178. Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights**

*The General Assembly,*

*Recalling* its resolution 48/120 of 20 December 1993, as well as other relevant resolutions,

*Reaffirming* that the effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights,<sup>124</sup> to promote universal respect for and observance of human rights and fundamental freedoms,

*Conscious* of the importance of coordination of human rights promotion and protection activities of United Nations bodies whose activities deal with human rights,

*Reaffirming its responsibility* to ensure the proper functioning of treaty bodies established pursuant to instruments adopted by the General Assembly and, in this connection, reaffirming the importance of:

(a) Ensuring the effective functioning of systems of periodic reporting by States parties to these instruments,

(b) Securing sufficient financial and human resources to overcome existing difficulties with their effective functioning,

(c) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

*Taking note* of the conclusions and recommendations of the fifth meeting of persons chairing the human rights treaty bodies,<sup>125</sup> held at Geneva from 19 to 23 September 1994,

*Noting with appreciation* the initiatives taken by a number of treaty bodies to elaborate early warning measures and urgent procedures with a view to preventing the occurrence, or recurrence, of serious human rights violations,

*Expressing concern* about the increasing backlog of reports on implementation by States parties to United Nations instruments on human rights and about delays in the consideration of reports by the treaty bodies,

*Expressing concern also* about the non-fulfilment by many States parties of their financial obligations under the relevant United Nations instruments on human rights,

*Recalling* the reports of the meetings of persons chairing the human rights treaty bodies from 1988 to 1993 and the endorsement of the recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures by the General Assembly in its resolution 48/120,

*Taking note* of the relevant paragraphs of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,<sup>126</sup>

*Taking note also* of the reports of the Secretary-General<sup>125</sup> on progress achieved in enhancing the effective functioning of the treaty bodies, and of the note by the Secretary-General,<sup>126</sup>

*Welcoming* the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies,

1. *Welcomes* the submission of the report of the fifth meeting of persons chairing the human rights treaty bodies,<sup>127</sup> and takes note of the conclusions and recommendations in the report;

2. *Welcomes also* the continuing efforts by the treaty bodies and the Secretary-General, within their respective spheres of competence, aimed at streamlining, rationalizing and otherwise improving reporting procedures;

3. *Again urges* States parties to make every effort to meet their reporting obligations and to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining and improving reporting procedures;

4. *Urges* the treaty bodies to examine ways of reducing the duplication of reporting required under the different instruments and of generally reducing the reporting burden on Member States, including through:

(a) Identifying where cross-referencing can be used in report writing;

(b) Recommending, where appropriate, the designation of specific national administrative units to coordinate reports to all treaty bodies;

(c) Establishing coordination between the treaty bodies and the International Labour Organization to identify overlap between respective instruments and conventions;

(d) Considering the utility of single comprehensive reports and of replacing periodic reports with specifically tailored reports and thematic reports;

5. *Welcomes* the emphasis placed by the meeting of persons chairing the human rights treaty bodies and by the Commission on Human Rights on the importance of technical assistance and advisory services and, further to this end:

(a) Requests that the United Nations High Commissioner for Human Rights report regularly to the Commission on possible technical assistance projects identified by the treaty bodies;

(b) Invites the treaty bodies to give priority attention to identifying such possibilities in the regular course of their work of reviewing the periodic reports of States parties;

(c) Invites States parties that have been unable to comply with the requirements to submit their initial report to avail themselves of technical assistance;

<sup>125</sup> A/44/539, A/46/503 and A/48/508 and Corr.1.

<sup>126</sup> A/49/537.

<sup>127</sup> Ibid., annex.

<sup>124</sup> A/49/537, annex, sect. IV.