



General Assembly

Distr.  
GENERAL

A/38/6e7  
10 December 1983  
ENGLISH  
ORIGINAL: ENGLISH/FRENCH

Thirty-eighth session  
Agenda item 97

TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING  
TREATMENT OR PUNISHMENT

Report of the Third Committee

Rapporteur: Mrs. Moussokoro SANGARE-KABA (Guinea)

1. INTRODUCTION

1. At its 3rd plenary meeting, on 23 September 1983, the General Assembly decided to include in its agenda the item entitled "Torture and other cruel, inhuman or degrading treatment or punishment". At its 4th plenary meeting, on the same day, the Assembly decided to allocate the item to the Third Committee.
2. The Committee considered this item jointly with items 93, 94, 95 and 96 at its 49th to 52th, 57th and 59th meetings, on 21, 23, and 25 November and from 28 November to 1 December 1983. An account of the Committee's discussions is contained in the relevant summary records (A/C.3/38/SR.49-54, 57 and 59).
3. The Committee had before it the report of the Economic and Social Council, chapter V, section A (A/38/3 (Part II)). <sup>1/</sup>
4. At the 49th meeting on 21 November, the Assistant Secretary-General, Centre for Human Rights, made an introductory statement.

<sup>1/</sup> To be issued as Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 3 (A/38/3).

## II. CONSIDERATION OF PROPOSALS

### A. Draft resolution A/C.3/38/L.31

5. At the 54th meeting, on 28 November, the representative of the Netherlands introduced a draft resolution (A/C.3/38/L.31), entitled "Principles of Medical Ethics", sponsored by Australia, Austria, Greece and the Netherlands as well as Belgium, Canada, Fiji, Italy, New Zealand, Norway, Samoa and the United States of America, subsequently joined by Denmark and Ireland.

6. At its 57th meeting, on 30 November, the Committee adopted draft resolution A/C.3/38/L.31 without a vote (see para. 9, draft resolution I).

### B. Draft resolution A/C.3/38/L.32

7. At the 54th meeting, on 28 November, the representative of Sweden introduced a draft resolution (A/C.3/38/L.32), entitled "Torture and other cruel, inhuman or degrading treatment or punishment", sponsored by Austria, Costa Rica, Denmark, Finland, Greece, Iceland, the Netherlands, Norway, Portugal, Spain and Sweden as well as Bolivia and Senegal, subsequently joined by Canada, Cuba, Iraq and Italy.

8. At its 57th meeting, on 30 November, the Committee adopted draft resolution A/C.3/38/L.32 without a vote (see para. 9, draft resolution II).

## III. RECOMMENDATIONS OF THE THIRD COMMITTEE

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

### DRAFT RESOLUTION I

#### Principles of Medical Ethics

The General Assembly,

Recalling its resolution 37/194 of 18 December 1982, by which it adopted 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, 2/

Alarmed that not infrequently members of the medical profession or other health personnel are engaged in activities which are difficult to reconcile with the Principles of Medical Ethics,

Recognising the need for the full application of the Principles of Medical Ethics and desiring that the principles be given wide publicity,

---

2/ Resolution 37/194, annex.

1. Urges all Governments to take measures with a view to promoting the application by all health personnel and Government officials, in particular those employed in institutions of detention or imprisonment, 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;
2. Requests the Secretary-General to disseminate widely and in as many languages as possible the Principles of Medical Ethics and to issue a pamphlet containing the text of the Principles in the six official languages of the United Nations;
3. Calls upon all Governments to give the Principles of Medical Ethics the widest possible distribution, in particular among medical and paramedical associations, and institutions of detention or imprisonment, in an official language of the State;
4. Invites all relevant intergovernmental organizations, in particular the World Health Organization, and non-governmental organizations concerned to bring the Principles of Medical Ethics to the attention of the widest possible group of individuals, especially those active in the medical and paramedical field;
5. Requests the Secretary-General to report to the General Assembly at its thirty-ninth session on the steps taken by the United Nations and the relevant specialized agencies as well as by Governments for the dissemination and implementation of the Principles of Medical Ethics.

#### DRAFT RESOLUTION II

##### 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, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

Bearing in mind article 7 of the International Covenant on Civil and Political Rights, <sup>3/</sup>

Recalling further its resolutions 32/62 of 8 December 1977, in which it requested the Commission on Human Rights to draw up a draft convention on torture and other cruel, inhuman or degrading treatment or punishment in the light of the principles embodied in the Declaration, and 32/63 of 8 December 1977,

---

<sup>3/</sup> See Resolution 2200 A (XXI), annex.

Recalling that, in its resolution 11 of 5 September 1980, the Sixth United Nations Congress on the Prevention of Crime and Treatment of Offenders expressed the belief that the draft convention should be finalized at the earliest possible time,

Considering that it was not possible to complete the work on the draft convention during the thirty-ninth session of the Commission on Human Rights,

1. welcomes Economic and Social Council resolution 1983/38 of 27 May 1983, by which the Council authorized a meeting of an open-ended working group of the Commission on Human Rights for a period of one week prior to the fortieth session of the Commission in order to complete the work on a draft convention;

2. Requests the Commission on Human Rights to complete, at its fortieth session, as a matter of highest priority, the drafting of a convention on torture and other cruel, inhuman or degrading treatment or punishment, with a view to submitting a draft, including provisions for the effective implementation of the future convention, to the General Assembly at its thirty-ninth session;

3. Decides to include in the provisional agenda of its thirty-ninth session the item entitled "Torture and other cruel, inhuman or degrading treatment or punishment".

-----