

1992/32. Torture and other cruel, inhuman or degrading treatment or punishment

The Commission on Human Rights,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall 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 or Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

Noting with appreciation that the number of States which have become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is steadily increasing,

Welcoming the establishment at the regional level, in accordance with the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment,

Seriously concerned, however, about the persistence of an alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in various parts of the world,

Recalling its resolution 1985/33 of 13 March 1985, in which it decided to appoint for one year a special rapporteur to examine questions relevant to torture, and all its subsequent resolutions in which that mandate was regularly extended, most recently for another two years in resolution 1990/34 of 2 March 1990, while maintaining the annual reporting cycle,

Welcoming the continuing exchange of views between the Special Rapporteur and the Committee against Torture, established under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment, as well as his contacts with the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture,

Recognizing that a continuing exchange of information between the various mechanisms and bodies entrusted with the task of combating torture will enhance their effectiveness,

Aware that torture constitutes a criminal obliteration of the human personality which can never be justified under any circumstances, by any ideology or by any overriding interest, and convinced that a society that tolerates torture can never claim to respect human rights,

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,

Convinced that efforts to eradicate torture should first and foremost be concentrated on prevention,

Noting, in this regard, the importance of the provision of advisory services and technical assistance as forms of practical assistance to interested States with a view to enabling them to develop the necessary infrastructure to meet international human rights standards,

Recalling the Standard Minimum Rules for the Treatment of Prisoners, approved by the Economic and Social Council in its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, 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, adopted by the General Assembly in its resolution 37/194 of 18 December 1982, and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Recalling also the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, approved by the General Assembly in its resolution 43/173 of 9 December 1988,

Recalling further the conclusions and recommendations of the Special Rapporteur underlined in its resolutions 1987/29 of 10 March 1987, 1988/32 of 8 March 1988, 1989/33 of 6 March 1989, 1990/34 of 2 March 1990 and 1991/38 of 5 March 1991,

1. Commends the Special Rapporteur on his report (E/CN.4/1992/17 and Add.1);
2. Stresses once again the repeated conclusions and recommendations of the Special Rapporteur concerning the importance of instituting a system of periodic visits by independent experts to places of detention;
3. Stresses the recommendation of the Special Rapporteur that the judiciary should play an active role in guaranteeing to detainees the rights they have in accordance with international and national standards;
4. Recalls that incommunicado detention is highly conducive to torture practices and that in the Special Rapporteur's view incommunicado detention should be declared illegal;
5. Stresses again the recommendation of the Special Rapporteur that the right to have access to a lawyer is one of the basic rights of a person who is deprived of his liberty and restrictions on this right should therefore be exceptional and always subject to judicial control;
6. Also stresses the recommendation of the Special Rapporteur that each person should have the right to initiate promptly after his arrest proceedings before a court on the lawfulness of his detention, in conformity with the International Covenant on Civil and Political Rights;
7. Recalls the recommendations of the Special Rapporteur that Governments and professional and medical associations should take strict measures against members of the medical profession who play a role in the practice of torture;
8. Stresses the repeated recommendations of the Special Rapporteur that interrogation of detainees should take place only at official interrogation centres, that each interrogation should be duly recorded and start with the identification of all the persons present and that the blindfolding or holding of detainees during interrogation should be absolutely forbidden;
9. Also stresses the repeated recommendations of the Special Rapporteur pertaining to the establishment at the national level of an independent authority able to receive complaints by individuals about torture or other severe maltreatment;
10. Endorses the recommendation of the Special Rapporteur that whenever a complaint of torture is found to be justified, the perpetrators should be severely punished, especially the official in charge of the place of detention where the torture is found to have taken place;



11. Calls upon all States that have not yet done so to sign and to accede to or ratify as soon as possible the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and requests the Special Rapporteur to continue to promote universal accession to that Convention and to encourage all States to fulfil its provisions strictly;

12. Emphasizes the importance of training programmes for law enforcement and security personnel and draws the attention of interested Governments to the possibilities offered in this connection by the United Nations programme of advisory services in the field of human rights;

13. Decides to extend the mandate of the Special Rapporteur for three years, while maintaining the annual reporting cycle, in order to enable him to submit further conclusions and recommendations to the Commission;

14. Also decides that the Special Rapporteur, in carrying out his mandate, shall continue to seek and receive credible and reliable information from Governments, the specialized agencies and intergovernmental and non-governmental organizations;

15. Considers it desirable that the Special Rapporteur should continue to have periodic consultations with the Committee against Torture, as well as with the Working Group on Arbitrary Detention, in particular with a view to establishing the procedures for cooperation and avoiding any overlapping in the activities of the United Nations in combating torture;

16. Invites the Special Rapporteur, in carrying out his mandate, to bear in mind the need to be able to respond effectively to credible and reliable information that comes before him and to carry out his work with discretion;

17. Appeals to all Governments to cooperate with and assist the Special Rapporteur in the performance of his tasks and to supply all information requested, including by reacting properly to his urgent appeals;

18. Urges those Governments which have not yet responded to communications transmitted to them by the Special Rapporteur to answer expeditiously;

19. Expresses its thanks to the Governments that invited the Special Rapporteur and requests them to give due consideration to his recommendations and to keep him informed without delay of action taken thereon;

20. Calls upon the Special Rapporteur to continue to include information in his report on the follow-up by Governments to his recommendations, visits and communications;

21. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

22. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to cover all of his activities in order to enable him to submit his report to the Commission at its forty-ninth session.

48th meeting

28 February 1992

[Adopted without a vote. See chap. X.]