



# General Assembly

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## Sixty-eighth session

Agenda item 69 (a)

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

#### **Report of the Third Committee\***

*Rapporteur:* Ms. Adriana **Murillo Ruin** (Costa Rica)

#### **I. Introduction**

1. At its 2nd plenary meeting, on 20 September 2013, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-eighth 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 at its 21st, 22nd, 33rd, 36th, 43rd, 44th and 46th meetings, on 22, 30 and 31 October and on 7, 12 and 14 November 2013. At its 21st, 22nd and 33rd meetings, on 22 and 30 October, the Committee held a general discussion on the sub-item jointly with sub-item 69 (d), entitled “Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action”. An account of the Committee’s discussion is contained in the relevant summary records ([A/C.3/68/SR.21](#), 22, 33, 36, 43, 44 and 46).

3. For the documents before the Committee under this sub-item, see document [A/68/456](#).

4. At the 21st meeting, on 22 October, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment made an introductory statement and responded to questions and comments made by the representatives of the United Kingdom of Great Britain and Northern Ireland, the European Union, Liechtenstein (also on behalf of Austria, the Czech Republic, Denmark, Iceland, Norway, Slovenia, Sweden and Switzerland), the Czech Republic, Bahrain, Switzerland, Denmark, Argentina, the Russian Federation, Costa Rica, the United States of America and Norway (see [A/C.3/68/SR.21](#)).

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\* The report of the Committee on this item is being issued in five parts, under the symbol [A/68/456](#) and Add.1-4.



5. At the same meeting, the Chair of the Committee against Torture made an introductory statement and responded to questions and comments made by the representatives of Chile, the European Union, Brazil and Mexico (see [A/C.3/68/SR.21](#)).

6. Also at the same meeting, the Chair of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment made an introductory statement and responded to interventions made by the representatives of Qatar, the United Kingdom of Great Britain and Northern Ireland, the European Union, Kuwait, Panama and the United Arab Emirates (see [A/C.3/68/SR.21](#)).

## II. Consideration of proposals

### A. Draft resolutions [A/C.3/68/L.31](#) and Rev.1

7. At the 43rd meeting, on 7 November, the representative of Finland, on behalf of Albania, Argentina, Armenia, Bosnia and Herzegovina, Bulgaria, Chile, Costa Rica, Cyprus, the Czech Republic, Denmark, El Salvador, Estonia, Finland, Guatemala, Iceland, Ireland, Israel, Latvia, Liechtenstein, Lithuania, Luxembourg, Morocco, the Netherlands, New Zealand, Norway, Peru, Portugal, Serbia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and Uruguay, introduced a draft resolution entitled “Human Rights Committee” ([A/C.3/68/L.31](#)), which read:

*“The General Assembly,*

*“Recalling* the International Covenant on Civil and Political Rights and the Optional Protocols thereto,

*“Welcoming* the work of the Human Rights Committee, and encouraging sustained efforts by the Committee to improve the efficiency of its working methods,

*“Regretting* the persistent backlog of communications under the first Optional Protocol to the Covenant awaiting consideration, which prevents the Committee from considering communications in a timely manner and without undue delay,

*“Recalling* its resolutions [66/254](#) of 23 February 2012, [66/295](#) of 17 September 2012 and [68/2](#) of 20 September 2013 on the intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system, and recognizing in this regard that a long-term solution to the problem of the increasing backlog of communications awaiting review by the Committee may be found in this context,

*“Noting* the request of the Committee that the General Assembly authorize an extension of its meeting time by one week in 2014 and one week in 2015,

*“Noting also* that document costs constitute the largest part of the budget for the Committee,

“1. *Expresses its appreciation* for the efforts made so far by the Human Rights Committee to improve the efficiency of its working methods, including with a view to further harmonizing the working methods of the treaty bodies, and urges the Committee to continue its activities in this regard;

“2. *Authorizes*, without prejudice to the intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system, the addition of one week of meeting time for the Committee per year in 2014 and 2015, including an adequate level of Secretariat resources, as a temporary measure with effect from March 2014 to October 2015, in order to address the backlog of communications under the first Optional Protocol to the International Covenant on Civil and Political Rights awaiting consideration.”

8. At its 46th meeting, on 14 November, the Committee had before it a revised draft resolution ([A/C.3/68/L.31/Rev.1](#)), submitted by the sponsors of draft resolution [A/C.3/68/L.31](#) and Croatia, the Dominican Republic, Georgia, Hungary, Madagascar, Malta, Mauritius, Montenegro, Panama, Poland, the Republic of Moldova, Romania, Slovakia, Suriname and Turkey. Subsequently, Côte d’Ivoire, Tunisia and Ukraine joined in sponsoring the draft resolution.

9. At the same meeting, the attention of the Committee was drawn to the statement of programme budget implications of the draft resolution contained in document [A/C.3/68/L.73](#).

10. Also at the 46th meeting, the Committee adopted draft resolution [A/C.3/68/L.31/Rev.1](#) (see para. 20, draft resolution I).

11. Before the adoption of the draft resolution, statements were made by the representatives of the United States of America and Belarus; after the adoption of the draft resolution, statements were made by the representatives of Canada, Japan, the United Kingdom of Great Britain and Northern Ireland, France and Australia (see [A/C.3/68/SR.46](#)).

## **B. Draft resolution [A/C.3/68/L.32](#)**

12. At the 36th meeting, on 31 October, the representative of Finland, on behalf of Albania, Argentina, Armenia, Australia, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, Chile, Côte d’Ivoire, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Monaco, Montenegro, the Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, the Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled “International Covenants on Human Rights” ([A/C.3/68/L.32](#)).

13. At the 43rd meeting, on 7 November, the representative of Finland announced that Costa Rica, Georgia, India, Mexico, the Republic of Moldova, Suriname, Timor-Leste and Ukraine had joined in sponsoring the draft resolution. Subsequently, Brazil and the Dominican Republic joined in sponsoring the draft resolution.

14. At the same meeting, the Committee adopted draft resolution [A/C.3/68/L.32](#) (see para. 20, draft resolution II).

15. After the adoption of the draft resolution, statements were made by the representatives of the United States of America and Canada (see [A/C.3/68/SR.43](#)).

### C. Draft resolutions [A/C.3/68/L.33](#) and Rev.1

16. At the 36th meeting, on 31 October, the representative of Denmark, on behalf of Albania, Andorra, Argentina, Armenia, Austria, Australia, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Maldives, Mali, Malta, Mexico, Micronesia (Federated States of), the Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Qatar, the Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, the United Kingdom of Great Britain and Northern Ireland and Uruguay, introduced a draft resolution entitled “Torture and other cruel, inhuman or degrading treatment or punishment” ([A/C.3/68/L.33](#)), which read:

*“The General Assembly,*

*“Reaffirming 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, that must be respected and protected under all circumstances, including in times of international or internal armed conflict or disturbance 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 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 Punishment, without prejudice to any international instrument or national legislation which contains or may contain provisions of wider application,*

*“Recognizing that redress depends upon and is obtained through prompt, effective and impartial investigations of torture and other cruel, inhuman or degrading treatment or punishment and acknowledgement of the violations, and that the provision of redress has an inherent preventive and deterrent effect in relation to future violations,*

*“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 and of abiding strictly by the definition of torture contained in article 1 of the Convention,

*“Noting* that, under the Geneva Conventions of 1949, torture and 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 States between 1 January and 31 December 1994 and the Rome Statute of the International Criminal Court, 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, 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,

*“Commending* the persistent efforts of civil society organizations, including non-governmental organizations, 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 of peaceful assembly 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. 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 domestic criminal law punishable by appropriate penalties that take into account their grave nature, and calls upon States to prohibit under domestic law acts constituting cruel, inhuman or degrading treatment or punishment;

*“3. 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, 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 Punishment to fulfil their obligation to designate or establish national preventive mechanisms that are truly independent, properly resourced and effective;

“4. *Emphasizes* the importance of States ensuring proper follow-up to the recommendations and conclusions of the relevant treaty bodies and mechanisms, including the Committee against Torture, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, national preventive mechanisms and the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment, 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;

“5. *Condemns* any action or attempt by States or public officials to legalize, authorize or acquiesce in torture and other cruel, inhuman or degrading treatment or punishment under any circumstances, including on grounds of national security and counter-terrorism or through judicial decisions, and urges States to ensure accountability of those responsible for all such acts;

“6. *Encourages* States to consider establishing or maintaining appropriate national processes to record allegations of torture and other cruel, inhuman or degrading treatment or punishment and ensure that such information is accessible in accordance with applicable law;

“7. *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;

“8. *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) 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;

“9. *Calls upon* all States to implement effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment, particularly in places of detention and other places where persons are deprived of their liberty, including legal and procedural safeguards, as well as education

and training of personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment;

“10. *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 form of prejudicial conduct against any person, including persons deprived of their liberty, group or association for contacting, seeking to contact or having been in contact 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;

“11. *Also urges* States to ensure accountability for any act of sanction, reprisal, intimidation or other form of prejudicial conduct against any person, including persons deprived of their liberty, group or association for contacting, seeking to contact or having been in contact 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 and thorough investigations of any such alleged act, to bring the perpetrators to justice, and to provide access to effective remedies for victims, in accordance with international human rights obligations and commitments, as well as to prevent any recurrence;

“12. *Calls upon* all States to adopt a victim-oriented approach 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;

“13. *Also calls upon* all States to adopt a gender-sensitive approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, paying special attention to gender-based violence;

“14. *Further calls upon* States to ensure that the rights of persons with disabilities, bearing in mind the Convention on the Rights of Persons with Disabilities, are fully integrated into torture prevention and protection, and welcomes the efforts of the Special Rapporteur in this regard;

“15. *Encourages* all States to ensure that persons convicted of torture or other cruel, inhuman or degrading treatment or punishment have no subsequent involvement in the custody, interrogation or treatment of any person under arrest, detention, imprisonment or other deprivation of liberty and 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;

“16. *Emphasizes* that acts of torture 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 welcomes 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;

“17. *Strongly urges* States to ensure that no statement that is established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made, encourages States to extend that prohibition to statements made 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;

“18. *Stresses* that States must not punish personnel for not obeying orders to commit or conceal acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

“19. *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;

“20. *Recalls* that, for the purpose of determining whether there are such grounds, 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;

“21. *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, and encourages other States to do likewise, bearing in mind the need to fight impunity;

“22. *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 without suffering any retribution for bringing complaints or giving evidence;

“23. *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;

“24. *Urges* States to ensure that appropriate rehabilitation services are promptly available to all victims without discrimination of any kind, 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 available to the immediate family or dependants of the victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization;

“25. *Recognizes* the importance of full, holistic and specialized rehabilitation services, which include any necessary coordinated combination of medical and psychological care, as well as legal, social, community- and family-based, vocational and educational services and interim economic support, and that are performed by specialists with a view to establishing the restoration of functions or the acquisition of new skills required by the changed circumstances of a victim in the aftermath of torture or other cruel, inhuman or degrading treatment or punishment;

“26. *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;

“27. *Encourages* States to make rehabilitation services available at the earliest possible stage and without limitation in time until as full rehabilitation as possible is achieved;

“28. *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 and permitting prompt and regular medical care and legal counsel throughout all stages of the 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;

“29. *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 secret places of detention and interrogation are abolished;

“30. *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, and calls upon States to address and prevent detention conditions that amount to torture or cruel, inhuman or degrading treatment or punishment, and notes in this regard concerns about solitary confinement, which can amount to torture or other cruel, inhuman or degrading treatment or punishment;

“31. *Also emphasizes* that overcrowding in detention facilities may affect the dignity and human rights of persons deprived of their liberty, and encourages States to take effective measures to address overcrowding in detention facilities, including through enhancing the use of alternatives to pretrial detention and custodial sentences and reducing pretrial detention, by,

inter alia, adopting legislative and administrative measures and policies on preconditions, limitations, duration and alternatives with regard to pretrial detention, by taking measures aimed at the implementation of existing legislation and by ensuring access to justice and legal advice and assistance;

“32. *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;

“33. *Urges* all States that have not yet done so to become parties to the Convention and to give early consideration to signing and ratifying the Optional Protocol thereto as a matter of priority;

“34. *Urges* all States parties to the Convention that have not yet done so to make the declarations provided for in articles 21 and 22 concerning inter-State and individual communications, to consider the possibility of withdrawing their reservations to article 20 and 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 as soon as possible;

“35. *Urges* States parties 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 children and juveniles and persons with disabilities when submitting reports to the Committee;

“36. *Welcomes* the work of the Committee and of the Subcommittee and their reports, recommends that they continue to include information on the follow-up by States parties to their recommendations, and supports the Committee and the Subcommittee in their efforts to further improve the effectiveness of their working methods;

“37. *Invites* the Chairs of the Committee and of the Subcommittee to present oral reports on the work of the committees and to engage in an interactive dialogue with the General Assembly at its sixty-ninth and seventieth sessions under the sub-item entitled ‘Implementation of human rights instruments’;

“38. *Calls upon* the United Nations High Commissioner for Human Rights, in conformity with her mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, 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 and for the establishment and operation of national preventive mechanisms, as well as technical assistance for the development, production and distribution of teaching material for this purpose, and to provide the support necessary to enable the Subcommittee to provide advice and assistance to States parties to the Optional Protocol;

“39. *Welcomes* the interim report of the Special Rapporteur on the review of the Standard Minimum Rules for the Treatment of Prisoners, and

encourages the Special Rapporteur to continue to include in his recommendations proposals on the prevention and investigation of torture and other cruel, inhuman or degrading treatment or punishment, including its gender-based manifestations;

“40. *Stresses* that the review of the Standard Minimum Rules for the Treatment of Prisoners should not result in the lowering of any existing standards but should reflect recent advances in correctional science and best practices as well as international human rights obligations and commitments of States, and in this regard invites the open-ended intergovernmental expert group on the revision of the Standard Minimum Rules for the Treatment of Prisoners to continue to benefit from the expertise of the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Human Rights and other relevant stakeholders;

“41. *Requests* the Special Rapporteur to continue to consider including in his report information on the follow-up by States to his recommendations, visits and communications, including progress made and problems encountered, and on other official contacts;

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

“43. *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 pursuance 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, inter alia, by improving their coordination;

“44. *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, 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 as well as education programmes of the national preventive mechanisms;

“45. *Requests* the Secretary-General to continue to transmit to all States the appeals of the General Assembly for contributions to the Funds and 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;

“46. *Also requests* the Secretary-General to submit to the Human Rights Council and to the General Assembly at its sixty-ninth and seventieth sessions a report on the operations of the Funds;

“47. *Further 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. *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;

“49. *Decides* to consider at its sixty-ninth and seventieth 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 against Torture, the report of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment;

“50. *Decides* to give its full consideration to the subject matter at its seventieth session.”

17. At its 44th meeting, on 12 November, the Committee had before it a revised draft resolution ([A/C.3/68/L.33/Rev.1](#)), submitted by the sponsors of draft resolution [A/C.3/68/L.33](#) and Angola, Azerbaijan, Belize, Benin, Bolivia (Plurinational State of), Canada, Chile, Côte d’Ivoire, the Dominican Republic, Ecuador, Georgia, Haiti, Israel, Jordan, Latvia, Montenegro, Mongolia, Morocco, Nicaragua, the Republic of Moldova, Spain, Timor-Leste, Ukraine, the United States of America, Vanuatu and Venezuela (Bolivarian Republic of). Subsequently, Gabon and Tunisia joined in sponsoring the draft resolution.

18. At the same meeting, the Committee adopted draft resolution [A/C.3/68/L.33/Rev.1](#) (see para. 20, draft resolution III).

19. After the adoption of the draft resolution, the representative of the Sudan made a statement (see [A/C.3/68/SR.44](#)).

### III. Recommendations of the Third Committee

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

#### **Draft resolution I Human Rights Committee**

*The General Assembly,*

*Recalling* the International Covenant on Civil and Political Rights and the Optional Protocols thereto,

*Welcoming* the work of the Human Rights Committee, and encouraging sustained efforts by the Committee to improve the efficiency of its working methods,

*Regretting* the persistent backlog of communications under the first Optional Protocol to the Covenant awaiting consideration, which prevents the Committee from considering communications in a timely manner and without undue delay,

*Recalling* its resolutions [66/254](#) of 23 February 2012, [66/295](#) of 17 September 2012 and [68/2](#) of 20 September 2013 on the intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system, and recognizing in this regard that a long-term solution to the problem of the increasing backlog of communications awaiting review by the Committee may be found in this context,

*Noting* the request of the Committee that the General Assembly authorize an extension of its meeting time by one week in 2014 and one week in 2015,

*Noting also* that document costs constitute the largest part of the budget for the Committee,

1. *Expresses its appreciation* for the efforts made so far by the Human Rights Committee to improve the efficiency of its working methods, including with a view to further harmonizing the working methods of the treaty bodies, and urges the Committee to continue its activities in this regard;

2. *Authorizes*, without prejudice to the intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system, the addition of one week of meeting time for the Committee in 2014, including an adequate level of Secretariat resources, as a temporary measure, in order to address the backlog of communications under the first Optional Protocol to the International Covenant on Civil and Political Rights awaiting consideration.

## **Draft resolution II International Covenants on Human Rights**

*The General Assembly,*

*Recalling* its resolution [66/148](#) of 19 December 2011,

*Welcoming* the entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on 5 May 2013,

1. *Welcomes* the annual reports of the Human Rights Committee submitted to the General Assembly at its sixty-seventh<sup>1</sup> and sixty-eighth<sup>2</sup> sessions;

2. *Also welcomes* the reports of the Committee on Economic, Social and Cultural Rights on its forty-sixth and forty-seventh sessions<sup>3</sup> and on its forty-eighth and forty-ninth sessions;<sup>4</sup>

3. *Invites* the Chairs of the Committees to address and engage in an interactive dialogue with the General Assembly at its sixty-ninth and seventieth sessions under the item entitled “Promotion and protection of human rights”, within existing resources;

4. *Requests* the Secretary-General to keep the General Assembly informed of the status of the International Covenants on Human Rights and the Optional Protocols thereto, including all reservations and declarations, through the United Nations websites.

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<sup>1</sup> *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 40 (A/67/40), vols. I and II.*

<sup>2</sup> *Ibid., Sixty-eighth Session, Supplement No. 40 (A/68/40), vols. I and II.*

<sup>3</sup> *Official Records of the Economic and Social Council, 2012, Supplement No. 2 (E/2012/22).*

<sup>4</sup> *Ibid., 2013, Supplement No. 2 (E/2013/22).*

### **Draft resolution III**

## **Torture and other cruel, inhuman or degrading treatment or punishment**

*The General Assembly,*

*Reaffirming* 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, that must be respected and protected under all circumstances, including in times of international or internal armed conflict or disturbance 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 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 Punishment,<sup>1</sup> without prejudice to any international instrument or national legislation which contains or may contain provisions of wider application,

*Recognizing* that redress depends upon and is obtained through prompt, effective and impartial investigations of torture and other cruel, inhuman or degrading treatment or punishment and acknowledgement of the violations, and that the provision of redress has an inherent preventive and deterrent effect in relation to future violations,

*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 and of abiding strictly by the definition of torture contained in article 1 of the Convention,

*Noting* that, under the Geneva Conventions of 1949,<sup>2</sup> torture and 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 States between 1 January and 31 December 1994 and the Rome Statute of the International Criminal Court,<sup>3</sup> acts of torture can constitute crimes

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<sup>1</sup> United Nations, *Treaty Series*, vol. 1465, No. 24841.

<sup>2</sup> *Ibid.*, vol. 75, Nos. 970-973.

<sup>3</sup> *Ibid.*, vol. 2187, No. 38544.

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,<sup>4</sup> 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,

*Commending* the persistent efforts of civil society organizations, including non-governmental organizations, 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 of peaceful assembly 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. *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 domestic criminal law punishable by appropriate penalties that take into account their grave nature, and calls upon States to prohibit under domestic law acts constituting cruel, inhuman or degrading treatment or punishment;

3. *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, 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 Punishment<sup>5</sup> to fulfil their obligation to designate or establish national preventive mechanisms that are truly independent, properly resourced and effective;

4. *Emphasizes* the importance of States ensuring proper follow-up to the recommendations and conclusions of the relevant treaty bodies and mechanisms, including the Committee against Torture, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, national

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<sup>4</sup> Resolution 61/177, annex.

<sup>5</sup> United Nations, Treaty Series, vol. 2375, No. 24841.



preventive mechanisms and the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment, 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;

5. *Condemns* any action or attempt by States or public officials to legalize, authorize or acquiesce in torture and other cruel, inhuman or degrading treatment or punishment under any circumstances, including on grounds of national security and counter-terrorism or through judicial decisions, and urges States to ensure accountability of those responsible for all such acts;

6. *Encourages* States to consider establishing or maintaining appropriate national processes to record allegations of torture and other cruel, inhuman or degrading treatment or punishment and ensure that such information is accessible in accordance with applicable law;

7. *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;

8. *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)<sup>6</sup> 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;<sup>7</sup>

9. *Calls upon* all States to implement effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment, particularly in places of detention and other places where persons are deprived of their liberty, including legal and procedural safeguards, as well as education and training of personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment;

10. *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 active in the prevention and combating of torture and other cruel, inhuman or degrading treatment or punishment;

11. *Also urges* States to ensure accountability for any act of sanction, reprisal, intimidation or other form of unlawful prejudicial conduct against any

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<sup>6</sup> Resolution 55/89, annex.

<sup>7</sup> See E/CN.4/2005/102/Add.1.

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;

12. *Calls upon* all States to adopt a victim-oriented approach<sup>8</sup> 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;

13. *Also calls upon* all States to adopt a gender-sensitive approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, paying special attention to gender-based violence;

14. *Further calls upon* States to ensure that the rights of persons with disabilities, bearing in mind the Convention on the Rights of Persons with Disabilities,<sup>9</sup> are fully integrated into torture prevention and protection, and welcomes the efforts of the Special Rapporteur in this regard;

15. *Encourages* all States to ensure that persons convicted of torture or other cruel, inhuman or degrading treatment or punishment have no subsequent involvement in the custody, interrogation or treatment of any person under arrest, detention, imprisonment or other deprivation of liberty and 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;

16. *Emphasizes* that acts of torture 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,<sup>3</sup> 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;

17. *Strongly urges* States to ensure that no statement that is established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made, encourages States to extend that prohibition to statements made 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;

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<sup>8</sup> See A/HRC/16/52.

<sup>9</sup> United Nations, *Treaty Series*, vol. 2515, No. 44910.

18. *Stresses* that States must not punish personnel for not obeying orders to commit or conceal acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

19. *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;

20. *Recalls* that, for the purpose of determining whether there are such grounds, 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;

21. *Calls upon* States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>1</sup> to fulfil their obligation to submit for prosecution or extradite those alleged to have committed acts of torture, and encourages other States to do likewise, bearing in mind the need to fight impunity;

22. *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 without suffering any retribution for bringing complaints or giving evidence;

23. *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;

24. *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 is achieved, 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 available to the immediate family or dependants of the victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization;

25. *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;

26. *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 and permitting prompt and regular medical care and legal counsel throughout all stages of the 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;

27. *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 secret places of detention and interrogation are abolished;

28. *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, and calls upon States to address and prevent detention conditions that amount to torture or cruel, inhuman or degrading treatment or punishment, and notes in this regard concerns about solitary confinement, which may amount to torture or other cruel, inhuman or degrading treatment or punishment;

29. *Encourages* States to take effective measures to address overcrowding in detention facilities, which may impact the dignity and human rights of the persons deprived of their liberty, including through enhancing the use of alternatives to pretrial detention and custodial sentences and reducing pretrial detention, by, inter alia, adopting and effectively implementing both new and existing legislative and administrative measures and policies on its preconditions, limitations, duration and alternatives and by taking measures aimed at the implementation of existing legislation, as well as by ensuring access to justice and legal advice and assistance; and invites States to make use of technical assistance offered by the relevant United Nations entities and programmes in order to strengthen national capacities and infrastructures in this regard;

30. *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;

31. *Urges* all States that have not yet done so to become parties to the Convention and to give early consideration to signing and ratifying the Optional Protocol thereto as a matter of priority;

32. *Urges* all States parties to the Convention that have not yet done so to make the declarations provided for in articles 21 and 22 concerning inter-State and individual communications, to consider the possibility of withdrawing their reservations to article 20 and 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 as soon as possible;

33. *Urges* States parties 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 children and juveniles and persons with disabilities when submitting reports to the Committee;

34. *Welcomes* the work of the Committee and of the Subcommittee and their reports, recommends that they continue to include information on the follow-up by

States parties to their recommendations, and supports the Committee and the Subcommittee in their efforts to further improve the effectiveness of their working methods;

35. *Invites* the Chairs of the Committee and the Subcommittee to present oral reports on the work of the committees and to engage in an interactive dialogue with the General Assembly at its sixty-ninth and seventieth sessions under the sub-item entitled “Implementation of human rights instruments”;

36. *Calls upon* the United Nations High Commissioner for Human Rights, in conformity with her mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, 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 and for the establishment and operation of national preventive mechanisms, as well as technical assistance for the development, production and distribution of teaching material for this purpose, and to provide the support necessary to enable the Subcommittee to provide advice and assistance to States parties to the Optional Protocol;

37. *Welcomes* the interim report of the Special Rapporteur,<sup>10</sup> and encourages the Special Rapporteur to continue to include in his recommendations proposals on the prevention and investigation of torture and other cruel, inhuman or degrading treatment or punishment, including its gender-based manifestations;

38. *Notes* the work of the open-ended intergovernmental expert group on the revision of the United Nations Standard Minimum Rules for the Treatment of Prisoners, reiterating that any changes should not lower any existing standards but should improve them so that they reflect recent advances in correctional science and best practices as well as international human rights obligations and commitments, and in this regard acknowledges that the expert group can benefit from the expertise of United Nations entities and other relevant stakeholders;

39. *Requests* the Special Rapporteur to continue to consider including in his report information on the follow-up by States to his recommendations, visits and communications, including progress made and problems encountered, and on other official contacts;

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

41. *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 pursuance 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

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<sup>10</sup> See A/68/295.

organizations, with a view to enhancing further their effectiveness and cooperation on issues relating to the prevention and eradication of torture, inter alia, by improving their coordination;

42. *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, 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 as well as education programmes of the national preventive mechanisms;

43. *Requests* the Secretary-General to continue to transmit to all States the appeals of the General Assembly for contributions to the Funds and 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;

44. *Also requests* the Secretary-General to submit to the Human Rights Council and to the General Assembly at its sixty-ninth and seventieth sessions a report on the operations of the Funds;

45. *Further 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;

46. *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;

47. *Decides* to consider at its sixty-ninth and seventieth 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 against Torture, the report of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment;

48. *Decides* to give its full consideration to the subject matter at its seventieth session.