



# General Assembly

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## Seventy-second session

Agenda item 72 (a)

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

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

*Rapporteur:* Mr. Edgar Andrés **Molina Linares** (Guatemala)

#### **I. Introduction**

1. At its 2nd plenary meeting, on 15 September 2017, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-second 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 held a general discussion on the sub-item jointly with sub-item 72 (d), entitled “Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action”, at its 18th and 19th meetings, on 13 October 2017, and considered proposals and took action on the sub-item at its 44th and 53rd meetings, on 9 and 21 November. An account of the Committee’s discussion is contained in the relevant summary records.<sup>1</sup>
3. For the documents before the Committee under this sub-item, see document [A/72/439](#).
4. At the 18th meeting, on 13 October, the Assistant Secretary-General for Human Rights and Head of the Office of the United Nations High Commissioner for Human Rights in New York and the Director of the Division for Social Policy and Development at the Department of Economic and Social Affairs made introductory statements.
5. At the same meeting, the Chair of the Committee against Torture made an introductory statement and responded to the questions posed and the comments made by the representatives of Liechtenstein, the United Kingdom of Great Britain and Northern Ireland, the Russian Federation, the Republic of Korea, Ireland, Denmark, Egypt and Mexico, as well as by the observer for the European Union.

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\* The report of the Committee on this item is being issued in five parts, under the symbols [A/72/439](#), [A/72/439/Add.1](#), [A/72/439/Add.2](#), [A/72/439/Add.3](#) and [A/72/439/Add.4](#).

<sup>1</sup> [A/C.3/72/SR.18](#), [A/C.3/72/SR.19](#), [A/C.3/72/SR.44](#) and [A/C.3/72/SR.53](#).



6. Also at the same meeting, the Chair of the Subcommittee on Prevention of Torture made an introductory statement and responded to the questions posed and the comments made by the representatives of Maldives, the United Kingdom, Switzerland, Denmark and Mexico, as well as by the observer for the European Union.

7. Also at the 18th meeting, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment made an introductory statement and responded to the questions posed and the comments made by the representatives of the United States of America, Denmark, Switzerland, Czechia, South Africa, the United Kingdom, Maldives and the Russian Federation, as well as by the observer for the European Union.

8. At the 19th meeting, on 13 October, the Chair of the Human Rights Committee made an introductory statement and responded to the questions posed and the comments made by the representatives of Japan, the Russian Federation, the United Kingdom, and Maldives, as well as by the observer for the European Union.

9. At the same meeting, the Chair of the Committee on Economic, Social and Cultural Rights made an introductory statement and responded to the questions posed and comments made by the representatives of Mexico, South Africa, the Russian Federation and Morocco, as well as by the observer for the European Union.

## II. Consideration of proposals

### A. Draft resolution [A/C.3/72/L.18/Rev.1](#) and oral amendments thereto

10. At its 53rd meeting, on 21 November, the Committee had before it a draft resolution entitled “Implementation of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto: situation of women and girls with disabilities” ([A/C.3/72/L.18/Rev.1](#)), which replaced draft resolution [A/C.3/72/L.18](#) and was submitted by Albania, Antigua and Barbuda, Argentina, Armenia, Austria, Bangladesh, Belgium, Belize, Bulgaria, Chile, Croatia, Cyprus, Czechia, Denmark, Ecuador, El Salvador, Estonia, Finland, Georgia, Ghana, Greece, Honduras, Iceland, Ireland, Kazakhstan, Kenya, Liberia, Mexico, Mongolia, New Zealand, Papua New Guinea, Paraguay, Portugal, Romania, Spain, Sweden, the former Yugoslav Republic of Macedonia, Ukraine and the United Kingdom of Great Britain and Northern Ireland.

11. At the same meeting, the representative of New Zealand, also on behalf of Mexico and Sweden, made a statement and orally revised the ninth preambular paragraph and operative paragraph 14 (a) of the draft resolution.<sup>2</sup> Subsequently, Andorra, Australia, Bolivia (Plurinational State of), Brazil, Cabo Verde, Canada, Chad, Costa Rica, the Dominican Republic, France, Germany, Guatemala, Guinea, Haiti, Hungary, India, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Madagascar, Malta, Montenegro, Morocco, Namibia, the Netherlands, Norway, Panama, Peru, the Philippines, Poland, the Republic of Korea, the Republic of Moldova, Rwanda, Samoa, San Marino, Sao Tome and Principe, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, Switzerland, Thailand, Tunisia, Turkey, Uruguay, Venezuela (Bolivarian Republic of) and Zambia joined in sponsoring the draft resolution, as orally revised.

12. Also at the same meeting, the representative of Nigeria, also on behalf of Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, the Central

<sup>2</sup> See [A/C.3/72/SR.53](#).

African Republic, Chad, the Comoros, the Congo, Côte d'Ivoire, the Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, the Gambia, Guinea, Guinea-Bissau, Lesotho, Libya, Madagascar, Mali, Mauritania, Morocco, Mozambique, the Niger, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Sudan, the Sudan, Swaziland, Togo, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe, made a statement and orally proposed an amendment to operative paragraph 18 of the draft resolution, as orally revised.<sup>2</sup>

13. Also at the 53rd meeting, the Secretary of the Committee made a statement in connection with the sponsorship by Chad, Guinea, Madagascar, Morocco, Sao Tome and Principe, Sierra Leone and Zambia of the draft resolution, as orally revised, and the proposed oral amendment. Subsequently, Chad, Guinea, Madagascar, Sierra Leone and Zambia withdrew their sponsorship of the draft resolution, as orally revised. The representative of Morocco made a statement. The Secretary of the Committee made a statement.

14. At the same meeting, the representative of New Zealand, also on behalf of Mexico and Sweden, requested a vote on the proposed oral amendment.

15. Also at the same meeting, the Committee adopted the oral amendment by a recorded vote of 82 to 78, with 9 abstentions. The voting was as follows:

*In favour:*

Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, China, Comoros, Congo, Côte d'Ivoire, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Ethiopia, Gabon, Gambia, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Libya, Madagascar, Mali, Mauritania, Mauritius, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nicaragua, Niger, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Sudan, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Togo, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Belgium, Belize, Bosnia and Herzegovina, Brazil, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, South Africa, Spain, Suriname, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

*Abstaining:*

Cambodia, Democratic Republic of the Congo, Ghana, Kazakhstan, Kenya, Malaysia, Maldives, Nepal, Tuvalu.

16. Before the vote, statements were made by the representatives of Estonia (on behalf of the European Union and Albania, Bosnia and Herzegovina and Montenegro), Switzerland (also on behalf of Australia, Canada, Iceland, Liechtenstein, New Zealand and Norway), Brazil, the Russian Federation, Nicaragua, Egypt, Uruguay and Argentina; after the vote, the observer for the Holy See made a statement.

17. Also at its 53rd meeting, the Committee adopted draft resolution [A/C.3/72/L.18/Rev.1](#), as orally revised and amended, by a recorded vote of 176 to none (see para. 29, draft resolution I). The voting was as follows:

*In favour:*

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czechia, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, South Sudan, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

None.

*Abstaining:*

None.

18. Before the vote, a statement was made by the representative of New Zealand, also on behalf of Mexico and Sweden; after the vote, statements were made by the representatives of the United States, Brazil, Yemen, Argentina, Australia, Libya, Uruguay, the Netherlands, Morocco, Colombia, Costa Rica and Denmark.

## **B. Draft resolution [A/C.3/72/L.20/Rev.1](#) and oral amendments thereto**

19. At its 44th meeting, on 9 November, the Committee had before it a draft resolution entitled "Torture and other cruel, inhuman or degrading treatment or punishment" ([A/C.3/72/L.20/Rev.1](#)), which replaced draft resolution [A/C.3/72/L.20](#)

and was submitted by Albania, Andorra, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, Georgia, Germany, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Mexico, Mongolia, Montenegro, Norway, Panama, Portugal, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Subsequently, Angola, Argentina, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Côte d'Ivoire, the Dominican Republic, Ecuador, France, Ghana, Greece, Guatemala, Guinea, Honduras, Israel, Liberia, Luxembourg, Malta, Micronesia (Federated States of), Morocco, the Netherlands, New Zealand, Nigeria, Paraguay, Peru, Poland, the Republic of Korea, San Marino, Serbia, Timor-Leste, Turkey and Uruguay joined in sponsoring the draft resolution.

20. At the same meeting, the representative of Denmark made a statement.

21. Also at the same meeting, the representative of the Sudan made a statement and orally proposed two amendments to the draft resolution by which the seventh preambular paragraph and operative paragraph 4 would be deleted.

22. Also at the 44th meeting, the representative of Denmark made a statement and requested a recorded vote on the proposed oral amendments.

23. At the same meeting, the Committee rejected the oral amendment to delete the seventh preambular paragraph by a recorded vote of 101 to 21, with 32 abstentions. The voting was as follows:

*In favour:*

Algeria, Belarus, Burundi, China, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Iraq, Kuwait, Kyrgyzstan, Mauritania, Oman, Russian Federation, Saudi Arabia, South Sudan, Sudan, Suriname, Syrian Arab Republic, Yemen, Zimbabwe.

*Against:*

Afghanistan, Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Belize, Benin, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cabo Verde, Cambodia, Canada, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guyana, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Samoa, San Marino, Senegal, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

*Abstaining:*

Angola, Bahrain, Bhutan, Bolivia (Plurinational State of), Brunei Darussalam, Ethiopia, Guinea, India, Indonesia, Iran (Islamic Republic of), Jordan, Kazakhstan, Kenya, Lesotho, Libya, Malaysia, Mauritius, Morocco, Mozambique, Myanmar, Pakistan, Qatar, Rwanda, Singapore, Sri Lanka, Togo, Turkey, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam, Zambia.

24. Before the vote, statements were made by the representatives of Australia (also on behalf of Canada, Iceland, Liechtenstein, New Zealand, Norway and Switzerland), Estonia (on behalf of the European Union), Germany, Brazil (also on behalf of Argentina, Chile, Colombia, Costa Rica, Mexico, Paraguay, Peru and Uruguay) and France.

25. Also at the 44th meeting, the Committee rejected the oral amendment to delete operative paragraph 4 by a recorded vote of 102 to 21, with 32 abstentions. The voting was as follows:

*In favour:*

Algeria, Belarus, Burundi, China, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Gabon, Iraq, Kuwait, Kyrgyzstan, Mauritania, Oman, Russian Federation, Saudi Arabia, South Sudan, Sudan, Syrian Arab Republic, Yemen, Zimbabwe.

*Against:*

Afghanistan, Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Belize, Benin, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cabo Verde, Cambodia, Canada, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Niger, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Samoa, San Marino, Senegal, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

*Abstaining:*

Angola, Bahrain, Bhutan, Bolivia (Plurinational State of), Brunei Darussalam, Ethiopia, India, Indonesia, Iran (Islamic Republic of), Jordan, Kazakhstan, Kenya, Libya, Malaysia, Mauritius, Morocco, Mozambique, Myanmar, Nepal, Pakistan, Qatar, Rwanda, Singapore, Sri Lanka, Swaziland, Togo, Turkey, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam, Zambia.

26. Before the vote, a statement was made by the representative of Switzerland, also on behalf of Australia, Canada, Iceland, Liechtenstein, New Zealand and Norway; after the vote, a statement was made by the representative of the Sudan.

27. Also at the 44th meeting, the Committee adopted draft resolution [A/C.3/72/L.20/Rev.1](#) (see para. 29, draft resolution II).

28. Before the adoption of the draft resolution, the representative of the United States made a statement; after the adoption, the representative of Japan made a statement.

### III. Recommendation of the Third Committee

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

**Draft resolution I**  
**Implementation of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto: situation of women and girls with disabilities**

*The General Assembly,*

*Recalling* its previous relevant resolutions, the most recent of which was resolution [70/145](#) of 17 December 2015, as well as relevant resolutions of the Human Rights Council and of the Economic and Social Council and its functional commissions,

*Recalling also* the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed the full enjoyment of their rights and freedoms without discrimination,

*Reaffirming* the Universal Declaration of Human Rights,<sup>1</sup> the Convention on the Rights of Persons with Disabilities<sup>2</sup> and the Optional Protocol thereto,<sup>3</sup> the Convention on the Elimination of All Forms of Discrimination against Women,<sup>4</sup> the Convention on the Rights of the Child<sup>5</sup> and all other relevant international human rights instruments,

*Recalling* the Vienna Declaration and Programme of Action,<sup>6</sup> the Programme of Action of the International Conference on Population and Development,<sup>7</sup> the Beijing Declaration and Platform for Action<sup>8</sup> and the outcome documents of their review conferences,

*Welcoming* the adoption of the 2030 Agenda for Sustainable Development,<sup>9</sup> which is inclusive of persons with disabilities and in which Member States pledged to leave no one behind, and acknowledging that Member States, while implementing the 2030 Agenda, should, inter alia, respect, protect and promote human rights and fundamental freedoms for all, without discrimination of any kind,

*Welcoming also* the inclusion of gender equality and the empowerment of all women and girls as a stand-alone goal and in the implementation of all goals and targets of the 2030 Agenda for Sustainable Development, and the recognition that realizing gender equality and the empowerment of all women and girls is crucial to making progress across all the Sustainable Development Goals and targets which contribute to the empowerment of women and girls with disabilities,

<sup>1</sup> Resolution 217 A (III).

<sup>2</sup> United Nations, *Treaty Series*, vol. 2515, No. 44910.

<sup>3</sup> *Ibid.*, vol. 2518, No. 44910.

<sup>4</sup> *Ibid.*, vol. 1249, No. 20378.

<sup>5</sup> *Ibid.*, vol. 1577, No. 27531.

<sup>6</sup> [A/CONF.157/24 \(Part I\)](#), chap. III.

<sup>7</sup> *Report of the International Conference on Population and Development, Cairo, 5–13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

<sup>8</sup> *Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

<sup>9</sup> Resolution [70/1](#).

*Welcoming* the fact that, since the opening for signature of the Convention and the Optional Protocol thereto on 30 March 2007, 160 States have signed and 174 States and 1 regional integration organization have ratified or acceded to the Convention and 92 States have signed and 92 States have ratified the Optional Protocol,

*Noting with appreciation* the work and activities that have been and continue to be undertaken in support of the Convention and towards the fulfilment and mainstreaming of the rights of all persons with disabilities, particularly through, inter alia, the Conference of States Parties to the Convention, the Committee on the Rights of Persons with Disabilities, other human rights treaty bodies, the Special Rapporteur on the rights of persons with disabilities, the Special Envoy of the Secretary-General on Disability and Accessibility, the Inter-Agency Support Group to the Convention and the Inter-Agency Standing Committee Task Team on Inclusion of Persons with Disabilities in Humanitarian Action,

*Expressing concern* that women and girls with disabilities are subject to multiple and intersecting forms of discrimination, which limit their enjoyment of all human rights and fundamental freedoms on an equal basis with others, particularly with regard to the equal access of persons with disabilities to education and employment, access to health-care services, including for sexual and reproductive health, access to justice and equal recognition before the law, the ability to participate in political and public life, live independently and be included in the community and have the freedom to make their own choices,

*Expressing concern also* that structural or systemic discrimination is reflected in hidden or overt patterns of discriminatory institutional behaviour, discriminatory cultural traditions, discriminatory and negative social norms and attitudes and unequal power relations that view women and girls, in particular women and girls with disabilities, as subordinate to men and boys, and underscoring that States should take all appropriate measures aimed at accelerating de facto equality between men and women,

*Expressing concern further* that stereotypes, stigmatization and discrimination heighten the risk of violence, exploitation and abuse, including sexual violence and abuse, against women and girls with disabilities compared to women and girls without disabilities, as well as men and boys with disabilities,

*Expressing concern* about the low labour force participation rate of women with disabilities, who face multiple and intersecting forms of discrimination and encounter structural, physical, communicational and attitudinal barriers hindering their access to and participation in the workplace on an equal basis with others,

*Recognizing* the contribution of family members towards ensuring the full enjoyment by women and girls with disabilities of all human rights and fundamental freedoms on an equal basis with others,

*Concerned* that the continuing lack of reliable statistics, data and information on the situation of persons with disabilities at the national, regional and global levels contributes to their exclusion in official statistics, policies and programmes, and in this regard recognizing the need to intensify efforts to build the capacity of Member States, and to strengthen data collection and analysis and disaggregate data by disability, sex and age to support the development of evidence-based policies and programmes inclusive of women and girls with disabilities,

*Recognizing* the need for States to accelerate the development, implementation and mainstreaming of strategies that respect, protect and fulfil the rights of all persons with disabilities, including women and girls, to the enjoyment of civil, political, economic, cultural and social rights without discrimination by adopting legislation,



policies and programmes that are inclusive of all women and girls with disabilities, and affirming that realizing their human rights requires their full, effective and meaningful participation and inclusion in all aspects of public, political, economic, cultural, social and family life, on an equal basis with all others,

*Recognizing also* that information and communications technologies have shown their potential to strengthen the exercise of human rights, and that they can create conditions enabling women and girls with disabilities to fully enjoy their human rights and can also contribute to their empowerment,

*Stressing* the importance of closely consulting and actively involving persons with disabilities, in particular women and girls, through their representative organizations in the development and implementation of legislation and policies that impact their lives and in other decision-making processes concerning issues relating to persons with disabilities,

*Acknowledging* the importance of taking measures to raise awareness of the rights of women and girls with disabilities in order to eliminate stereotypes, prejudices and violence, including harmful practices which seriously violate and impair or nullify the enjoyment of all human rights and fundamental freedoms by women and girls with disabilities and which constitute a major impediment to their full, equal and effective participation in society, the economy and political decision-making,

1. *Calls upon* those States that have not yet done so to consider signing and ratifying the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto as a matter of priority;

2. *Encourages* States that have ratified the Convention and submitted one or more reservations to it to review regularly the effect and continued relevance of such reservations and to consider the possibility of withdrawing them;

3. *Requests* United Nations agencies and organizations, and invites intergovernmental and non-governmental organizations, to continue to strengthen efforts undertaken to disseminate accessible and easy to understand information on the Convention and the Optional Protocol thereto, including to children and young people to promote their understanding, and to assist States parties in implementing their obligations under those instruments;

4. *Takes note* of the report of the Secretary-General on the situation of women and girls with disabilities and the status of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto<sup>10</sup> and the report of the Special Rapporteur on the rights of persons with disabilities;<sup>11</sup>

5. *Emphasizes* the importance of mainstreaming disability issues as an integral part of relevant sustainable development strategies, and encourages States to apply a human rights-based approach and to intensify their efforts to advance the rights of persons with disabilities in the implementation of the 2030 Agenda for Sustainable Development, consistent with their international obligations;

6. *Urges* States to take steps to eliminate multiple and intersecting forms of discrimination against women and girls with disabilities through repealing discriminatory laws, policies and practices and to take all effective measures to ensure the full and equal enjoyment of all rights stipulated in the Convention;

7. *Calls upon* States to adopt effective measures to provide women and girls with disabilities access to the support they may require to exercise their legal capacity

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<sup>10</sup> A/72/227.

<sup>11</sup> A/72/133.

to have the freedom to make their own choices on an equal basis with others in all aspects of life;

8. *Also calls upon* States to strengthen efforts to empower women and girls with disabilities and enhance their participation and promote leadership in society through taking measures to address all barriers that prevent or restrict the full and equal participation of women and girls with disabilities, including in the government and public sector, the private sector, civil society and all branches and bodies of the national monitoring system of the Convention, and working to ensure that women and girls with disabilities are closely consulted and actively involved, through their representative organizations, in the design, implementation and monitoring of all legislation, policies and programmes which have an impact on their lives;

9. *Encourages* States to review and repeal any law or policy that restricts persons with disabilities, including women with disabilities, from their effective and full participation in political and public life on an equal basis with others, including forming and joining organizations and networks of women in general and of women with disabilities;

10. *Also encourages* States to provide support to existing organizations and promote the creation of organizations, including civil society organizations, and networks of women and girls with disabilities, and to promote and support women with disabilities in taking leadership roles in public decision-making bodies at all levels, recognizing the importance for States of having an open, inclusive and transparent engagement with civil society in the implementation of measures on women and girls with disabilities;

11. *Calls upon* States to strengthen and intensify efforts to take deliberate, concrete and targeted steps to fully realize the equal enjoyment of the right to education, including ensuring access to an inclusive education system at all levels for all women and girls with disabilities, eliminating legal, administrative, financial, structural, social and cultural barriers that hinder their equal enjoyment of the right to education on an equal basis with others, and to facilitate their full and equal participation in education by taking appropriate steps through the provision of information in accessible and alternative communication formats, reasonable accommodation and other support as required;

12. *Also calls upon* States to develop policy and measures that promote access to education for persons with disabilities and to strengthen education systems that are fully inclusive of girls with disabilities to reduce the risk of social exclusion and poverty, which could have long-term implications for their capacity and opportunity to participate in labour markets;

13. *Further calls upon* States to implement effective measures to protect the right of women with disabilities to work on an equal basis with others in the public and private sectors, to ensure that labour markets and work environments are open, inclusive and accessible to persons with disabilities, and in this regard to take positive measures to increase the employment opportunities of women with disabilities and eliminate discrimination on the basis of disability with regard to all matters concerning all forms of employment, including recruitment, retention and promotion, and the provision of accessible, safe, secure and healthy working conditions, in consultation with relevant national mechanisms and organizations of persons with disabilities;

14. *Calls upon* States to take effective action to prevent and eliminate all forms of violence, exploitation and abuse, including sexual violence and abuse, against women and girls with disabilities without delay, including by:

(a) Adopting, strengthening and implementing legislation on violence against women to ensure that it expressly prohibits violence and provides adequate protection for women and girls with disabilities against all forms of violence, including violence perpetrated by support providers, health-care providers and others in positions of authority, as well as domestic violence, including intimate partner violence, and ends impunity and adequately penalizes offences involving physical, sexual, psychological and economic violence occurring in families, in institutions and carried out by support providers;

(b) Taking all appropriate measures to eliminate discrimination on the basis of gender and/or impairment by any person, organization or private enterprise, ensuring access to justice and accountability mechanisms and remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating discrimination and violence against women and girls with disabilities, taking into account the multiple, intersecting and aggravating forms of discrimination, and protecting victims and witnesses from violence while investigating, prosecuting and punishing those responsible, including private actors, and providing access to redress and reparations where human rights violations or abuses occur;

(c) Ensuring that services and programmes designed to protect women and girls from violence are accessible to women and girls with disabilities, in particular those living in institutionalized settings, who are the most vulnerable to violence, including by ensuring that facilities are accessible and mainstreaming disability in materials and training courses addressed at professionals working on violence against women;

(d) Ensuring that women and girls with disabilities and their families have access to a range of support services, information in accessible formats and education on how to prevent, recognize and report instances of exploitation, violence and abuse against women and girls with disabilities, as well as how to ensure that children with disabilities have a safe and supportive family environment;

15. *Also calls upon* States to accelerate efforts to eliminate harmful practices, including child, early and forced marriage and female genital mutilation, and to repeal legislation and regulatory provisions that allow the administration of forced medical procedures such as forced sterilization, forced abortion and forced contraception and to ensure that any medical procedure or intervention is not performed prior to the free and informed consent of women and girls with disabilities;

16. *Urges* States to take all appropriate measures to eliminate discrimination against persons with disabilities, in particular women and girls in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, to address violence against women and girls, providing timely and appropriate reintegration and rehabilitation assistance to persons with disabilities while ensuring that their specific needs are addressed, such as access to health-care services, psychosocial support and educational programmes;

17. *Calls upon* States to realize the right to the enjoyment of the highest attainable standard of physical and mental health, including sexual and reproductive health, for women and girls with disabilities on an equal basis with all others, in particular by providing access to inclusive and accessible disability-, gender- and age-appropriate information, support and reasonable accommodation so that they can access quality and affordable and universally designed health facilities, and urges Governments to promote and protect the human rights of all women and girls, including the right of women to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and to adopt and accelerate the implementation

of laws, policies and programmes that protect and enable their enjoyment of all human rights and fundamental freedoms, including reproductive rights, in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome documents of their review conferences, on an equal basis with others;

18. *Also calls upon* States to accelerate efforts to scale up scientifically accurate age-appropriate comprehensive education that provides adolescent girls and young women with disabilities, in and out of schools, in a manner consistent with their evolving capacities, with appropriate direction and guidance from parents and legal guardians, with information in accessible and alternative communication formats on sexual and reproductive health, gender equality and women's empowerment, human rights, physical, psychological and pubertal development and power in relationships between women and men, to enable them to build self-esteem and informed decision-making, communication and risk reduction skills and develop respectful relationships, in full partnership with young people, parents, legal guardians, caregivers, educators and health-care providers;

19. *Further calls upon* States to collect and analyse data disaggregated by income, sex, race, age, ethnicity, migratory status, disability, geographic location and other characteristics relevant to national contexts to assist with the identification and eradication of barriers and all forms of discrimination, especially multiple and intersecting forms of discrimination, that prevent women and girls with disabilities from enjoying all the rights stipulated in the Convention, and to guide policy planning and improve data collection systems for adequate monitoring and evaluation frameworks on the implementation of the Convention and the Sustainable Development Goals in relation to women and girls with disabilities;

20. *Urges* States and other relevant stakeholders, including national human rights institutions, to continue to support the inclusion of persons with disabilities in the implementation of the 2030 Agenda for Sustainable Development by, inter alia, supporting the disaggregation of data by disability, sex and age for specific indicators, on the basis of the Washington Group short set of questions and other data collection methodologies, where relevant, to assist States in measuring the achievement of the 17 Sustainable Development Goals and 169 associated targets and programming policies in the context of the Goals;

21. *Encourages* States, United Nations entities and relevant international organizations, inter alia:

(a) To ensure that international cooperation is disability and gender sensitive and inclusive, including through the implementation of disability markers to monitor the implementation of programmes, and the collection of data and statistics on persons with disabilities in the implementation of the 2030 Agenda and the Sustainable Development Goals, targets and indicators, as well as other international frameworks;

(b) To support and promote international cooperation and assistance and enhance partnerships and coordination, including South-South cooperation, among themselves and the active participation of civil society organizations, including women's organizations and organizations of women and girls with disabilities and other key stakeholders in strengthening means of implementation, including mobilization of financial resources and technical cooperation for the implementation of the Convention and the goals of the 2030 Agenda for Sustainable Development focusing on women and girls with disabilities;

22. *Invites* the Chair of the Committee on the Rights of Persons with Disabilities and the Special Rapporteur of the Human Rights Council on the rights of

persons with disabilities to address and engage in an interactive dialogue with the General Assembly annually, under the item entitled “Promotion and protection of human rights”, as a way to enhance communication between the Assembly and the Committee on the Rights of Persons with Disabilities;

23. *Requests* the Secretary-General to submit to the General Assembly at its seventy-fourth session a report on the rights of persons with disabilities with a focus on the issue of accessibility and the challenges to the implementation of the Convention in that regard, in consultation with relevant United Nations agencies, including the Office of the United Nations High Commissioner for Human Rights, the Special Envoy on Disability and Accessibility, the Committee on the Rights of Persons with Disabilities and the United Nations Children’s Fund, taking into account the views of relevant stakeholders and using existing available materials, and to include a segment on the status of the Convention and the Optional Protocol thereto;

24. *Also requests* the Secretary-General to continue to ensure that the Office of the High Commissioner has adequate resources for the fulfilment of its tasks with respect to its work on the rights of persons with disabilities.

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

*The General Assembly,*

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

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

*Recalling* that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right under international law, including international human rights law and international humanitarian law, 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 without territorial limitation and that international, regional and domestic courts have recognized the prohibition of cruel, inhuman or degrading treatment or punishment as customary international law,

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

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

*Noting* that, under the Geneva Conventions of 1949,<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 against humanity and, when committed in a situation of armed conflict, constitute war 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.

*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,

*Taking note* of the launching of the Alliance for Torture-Free Trade,

*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. *Also 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 the accountability of those responsible for all such acts;

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

4. *Emphasizes* that acts of torture or inhuman treatment are grave breaches of the Geneva Conventions of 1949,<sup>2</sup> that acts of torture and cruel treatment in armed conflict are serious violations of international humanitarian law and in this regard constitute war crimes, that acts of torture can constitute crimes against humanity and that the perpetrators of all acts of torture must be prosecuted and punished, and in this regard notes the efforts of the International Criminal Court to end impunity by seeking to ensure accountability and punishment of perpetrators of such acts, in accordance with the Rome Statute,<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;

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

6. *Stresses* that States must ensure that no statement that is established to have been made as a result of torture is invoked as evidence in any proceedings,

<sup>4</sup> Ibid., vol. 2716, No. 48088.

except against a person accused of torture as evidence that the statement was made, urges 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;

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

8. *Recalls* that, for the purpose of determining whether there are 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;

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

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

11. *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 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;

12. *Stresses* the obligation of States to ensure that anyone who is arrested is informed at the time of arrest of the reasons for the arrest and is promptly informed of any charges against him or her, in accessible forms of communication, including in a language that he or she understands, and is provided with information about, and an explanation of, his or her rights;

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



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

15. *Encourages* all States to take appropriate effective legislative, administrative, judicial and other measures to apply the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);<sup>5</sup>

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

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

18. *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>6</sup> to fulfil their obligation to designate or establish national preventive mechanisms that are truly independent, properly resourced and effective;

19. *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;

20. *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;

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<sup>5</sup> Resolution 70/175, annex.

<sup>6</sup> United Nations, *Treaty Series*, vol. 2375, No. 24841.

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

22. *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, regardless of where such acts were committed, if the alleged offender is present in any territory under their jurisdiction, and encourages other States also to do so, bearing in mind the need to fight impunity;

23. *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 to ensure that such information is accessible in accordance with applicable law;

24. *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;

25. *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>7</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>8</sup>

26. *Emphasizes* that it is important, for law enforcement officials to be able to play their role in safeguarding the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment, that States ensure the proper functioning of the criminal justice system, in particular by taking effective measures for combating corruption, establishing proper legal aid programmes and providing for adequate selection, training and remuneration of law enforcement officials;

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

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<sup>7</sup> Resolution 55/89, annex.

<sup>8</sup> E/CN.4/2005/102/Add.1.

28. *Calls upon* all States to adopt a victim-oriented approach<sup>9</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;

29. *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;

30. *Calls upon* States to ensure that the rights of persons who are marginalized and most vulnerable, including persons with disabilities, bearing in mind the Convention on the Rights of Persons with Disabilities,<sup>10</sup> are fully integrated into torture prevention and protection, and welcomes the efforts of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment in this regard;

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

32. *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;

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

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

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

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

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<sup>9</sup> See [A/HRC/16/52](#).

<sup>10</sup> United Nations, *Treaty Series*, vol. 2515, No. 44910.

children and juveniles and persons with disabilities, when submitting reports to the Committee;

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

38. *Calls upon* the United Nations High Commissioner for Human Rights, in conformity with his mandate established by the General Assembly in its resolution [48/141](#) of 20 December 1993, 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 materials 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. *Emphasizes* the importance of States ensuring proper follow-up to the recommendations and conclusions of the relevant treaty bodies and mechanisms, including the Committee, the Subcommittee, national preventive mechanisms and the Special Rapporteur, while recognizing the important role of the universal periodic review, national human rights institutions and other relevant national or regional bodies in preventing torture and other cruel, inhuman or degrading treatment or punishment;

40. *Takes note with appreciation* of the interim report of the Special Rapporteur on the legal, ethical, scientific and practical arguments against the use of torture, other ill-treatment and coercive methods during interviews of suspects, victims, witnesses and other persons in various investigative contexts<sup>11</sup> and the report of the Special Rapporteur on whether and in which circumstances the extra-custodial use of force by State agents amounts to torture or other cruel, inhuman or degrading treatment or punishment and how the prohibition of torture and other cruel, inhuman or degrading treatment or punishment applies to the development, acquisition, trade and use of weapons in law enforcement,<sup>12</sup> encourages him 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, requests him to continue to consider including in his reports information on the follow-up by States to his recommendations, visits and communications, including progress made and problems encountered, and on other official contacts, and further encourages future collaboration between practitioners, experts and other relevant stakeholders towards these goals;

41. *Takes note*, in particular, of the collaboration between practitioners, experts and other relevant stakeholders on the elaboration of a set of universal standards for non-coercive interviewing methods and procedural safeguards aiming to operationalize the presumption of innocence, improve effective policing and ensure that no person is subjected to torture, ill-treatment or coercion during questioning;

42. *Calls upon* all States to cooperate with and assist the Special Rapporteur in the performance of his tasks, to supply all necessary information requested by him, to fully and expeditiously respond to and follow up on his urgent appeals, to give serious consideration to responding favourably to requests by him to visit their

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<sup>11</sup> [A/71/298](#).

<sup>12</sup> [A/72/178](#).

countries and to enter into a constructive dialogue with him 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 pursuit of cooperation with relevant United Nations programmes, notably the United Nations crime prevention and criminal justice programme, with regional organizations and mechanisms, as appropriate, and with civil society organizations, including non-governmental organizations, with a view to enhancing further their effectiveness and cooperation on issues relating to the prevention and eradication of torture by, inter alia, improving coordination;

44. *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;

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

46. *Requests* the Secretary-General to continue to transmit to all States the appeals of the General Assembly for contributions to the Funds, to include the Funds, on an annual basis, among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities, and to submit to the Human Rights Council, and to the General Assembly at its seventy-third and seventy-fourth sessions, a report on the operations of the Funds;

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

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 seventy-third and seventy-fourth sessions the reports of the Secretary-General, including the report on the United Nations Voluntary Fund for Victims of Torture and the Special Fund established by the Optional Protocol, the report of the Committee, the report of the Subcommittee and the interim report of the Special Rapporteur;

50. *Also decides* to give its full consideration to the subject matter at its seventy-fourth session.