

in the International Plan of Action on Aging⁴⁹ in accordance with their economic, social and cultural systems and social values and changes, taking into account the circumstances of each country,

Reaffirming its resolution 37/51 of 3 December 1982, in which it requested the Secretary-General to continue to use the United Nations Trust Fund for Aging⁵⁰ so as to assist countries, in particular developing countries and least developed countries, in formulating and implementing policies and programmes for aging in order to meet the rapidly increasing needs of older persons,

Recognizing the role played by the United Nations and the specialized agencies through their efforts in the field of aging and the need to strengthen this role, especially at the regional level, in order to ensure the implementation of the Plan of Action and the systematic and efficient functioning of the technical advisory and co-ordination services of the United Nations,

Recalling recommendation 58 of the recommendations for the further implementation of the World Population Plan of Action,⁵¹ adopted at the International Conference on Population, 1984, which urged Governments to make further efforts to analyse the issue of aging, particularly its implications for overall development, social services, medical care and other related fields,

Reconfirming that aging is a population issue which affects development and is affected by it,

Recognizing the increasing awareness in many countries of issues related to aging and of the need to provide national authorities, at their request, with technical and financial assistance in their efforts to implement policies and programmes,

Stressing the importance of the activities of the United Nations Trust Fund for Aging towards the realization of the goals and objectives of the Plan of Action,

Acknowledging that aging is an interdisciplinary issue and that the United Nations and the specialized agencies must ensure a well co-ordinated international response to this question,

Confident that the first review of the Plan of Action, to be undertaken by the Commission for Social Development at its twenty-ninth session in 1985, will be of considerable value in view of further measures with regard to the question of aging,

Noting with satisfaction that the question of older women will be considered at the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, to be held at Nairobi from 15 to 26 July 1985,

Noting that the Plan of Action recognizes the relationship between aging and youth, particularly as it relates to intergenerational matters,

Appreciating the role of non-governmental organizations in promoting international awareness of and action on the issues of aging,

1. *Takes note* of the report of the Secretary-General on the question of aging;⁵²

2. *Calls upon* Governments to consider the changing age structure of the population in their plans for economic and social development;

3. *Invites* Governments to retain or establish appropriate mechanisms at the national level to promote an effective

and co-ordinated response to the implementation of the principles and the recommendations contained in the International Plan of Action on Aging;

4. *Requests* the Secretary-General to continue his efforts for the implementation of the Plan of Action at the national, regional and international levels and to continue to promote the United Nations Trust Fund for Aging so as to assist countries in formulating and implementing policies and programmes for aging;

5. *Invites* Governments to continue, and increase when possible, their contributions to the Trust Fund and calls upon Governments that have not yet done so to consider contributing to the Fund;

6. *Requests* the Secretary-General to continue to promote the exchange of information and experience in order to stimulate progress in the field of aging, to encourage the adoption of measures to respond to the economic and social implications of aging and to meet the needs of older persons;

7. *Urges* the Secretary-General to include advisory services to developing countries that request them in technical co-operation programmes, to the extent feasible under the funding of those programmes;

8. *Also requests* the Secretary-General to continue to promote, in co-operation with the national committees concerned, joint activities in the field of aging and youth, particularly as they relate to intergenerational matters, especially during the International Youth Year, to be observed in 1985;

9. *Further requests* the Secretary-General to ensure a well co-ordinated system-wide response in implementing the provisions of the Plan of Action;

10. *Urges* the United Nations Fund for Population Activities, in co-operation with all organizations responsible for international population assistance, to continue its assistance, within its mandate, in the field of aging, particularly in developing countries;

11. *Invites* the regional commissions and specialized agencies to continue contributing to the realization of the objectives of the Plan of Action;

12. *Invites* the non-governmental organizations concerned to join in the co-operative effort to implement the Plan of Action and accomplish its objectives;

13. *Requests* the Secretary-General to report to the General Assembly at its fortieth session on the measures taken to implement the present resolution, taking into consideration the first review of the Plan of Action to be undertaken by the Commission for Social Development at its twenty-ninth session in 1985;

14. *Decides* to include in the provisional agenda of its fortieth session the item entitled "Question of aging".

71st plenary meeting
23 November 1984

39/26. United Nations Decade of Disabled Persons

The General Assembly.

Recalling its resolutions 37/52 of 3 December 1982, by which it adopted the World Programme of Action concerning Disabled Persons,⁵³ and 37/53 of 3 December 1982 by which, *inter alia*, it proclaimed the period 1983-

⁴⁹ See Report on the World Assembly on Aging, Vienna, 26 July-6 August 1982 (United Nations publication, Sales No. E.82.I.16), chap. VI, sect. A.

⁵⁰ Previously known as the United Nations Trust Fund for the World Assembly on Aging.

⁵¹ See Report of the International Conference on Population, 1984, Mexico City, 6-14 August 1984 (United Nations publication, Sales No. E.84.XIII.8 and corrigenda), chap. I, sect. B.

⁵² A/39/147.

⁵³ A/37/351/Add.1 and Add.1 Corr.1, annex, sect. VIII, recommendation 1 (IV).

1992 United Nations Decade of Disabled Persons as a long-term plan of action,

Recalling its resolution 38/28 of 22 November 1983, in which it recognized the desirability of the continuation of the United Nations Trust Fund for the International Year of Disabled Persons throughout the Decade,

Noting Economic and Social Council resolution 1983/19 of 26 May 1983, in which the Secretary-General was requested to monitor and support the implementation of the World Programme of Action concerning Disabled Persons by enlisting extrabudgetary resources,

Noting with satisfaction Commission on Human Rights resolution 1984/31 of 12 March 1984⁵⁴ and the draft resolution of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,⁵⁵ concerning violations of human rights and fundamental freedoms and disability, and the appointment of a special rapporteur to study this issue in collaboration with the Centre for Social Development and Humanitarian Affairs of the Secretariat,

Noting with great appreciation the generous voluntary contributions and pledges made by Governments and other donors to the Trust Fund, as well as other voluntary contributions to support activities concerning disabled persons,

Noting also with appreciation the results achieved so far through funding from the Trust Fund during the International Year of Disabled Persons and its follow-up activities, as well as through other voluntary contributions,

Desirous of ensuring effective implementation of the World Programme of Action, and aware that, if this is to be achieved, Member States, organs, organizations and bodies of the United Nations system, non-governmental organizations and organizations of disabled persons must be encouraged to continue the activities already undertaken and to initiate new programmes and activities,

Stressing that the primary responsibility for the realization of the objectives of the World Programme of Action rests with individual countries and that international action should be directed towards assisting and supporting national efforts in this regard,

Noting the emergence of organizations of disabled persons in all parts of the world and their importance to the implementation of the World Programme of Action,

Convinced that high priority must continue to be assigned to the planning, management and financing of the activities and programmes relating to the United Nations Decade of Disabled Persons,

Convinced that the Decade will give a meaningful and forceful impetus to the implementation of the World Programme of Action and to a broader understanding of its importance,

Concerned that developing countries are experiencing increasing difficulties in mobilizing adequate resources for meeting pressing needs in the field of disability prevention, rehabilitation and equalization of opportunities for the millions of persons with disabilities, particularly in the face of pressing demands from other high-priority sectors concerned with basic needs,

Recalling that in paragraph 157 of the World Programme of Action concerning Disabled Persons⁵³ it is stated that the Trust Fund should be used to meet requests for assistance from developing countries and organizations of disabled persons and to further the implementation of the World Programme of Action and, in paragraph 158, it

is indicated that there is a need to increase the flow of resources to developing countries to implement the objectives of the World Programme of Action, and that, therefore, the Secretary-General should explore new ways and means of raising funds and take the necessary follow-up measures for mobilizing resources, and that voluntary contributions from Governments and from private sources should be encouraged,

Stressing the importance of an effective system for collection and dissemination of technical information on disability,

Stressing further the importance of public information and education activities in the field of prevention, rehabilitation and equalization of opportunities,

Having considered the report of the Secretary-General on the implementation of the World Programme of Action concerning Disabled Persons,⁵⁶

1. *Expresses its appreciation* to all Member States which elaborated national policies and programmes for the implementation of the World Programme of Action concerning Disabled Persons and for the United Nations Decade of Disabled Persons, and urges those which have not yet formulated such programmes to do so;

2. *Notes with appreciation* the activities relating to the implementation of the World Programme of Action undertaken by the United Nations system and by relevant non-governmental organizations;

3. *Urges* Member States to make every effort to attain the objectives of the World Programme of Action in co-operation with non-governmental organizations concerned and to involve disabled persons in planning and decision-making related to the implementation of the Programme;

4. *Invites* Member States as a matter of priority to reinforce or establish national committees or similar bodies for the Decade at the highest level with participation of organizations of disabled persons to plan, coordinate and encourage the execution of activities in support of the objectives of the Decade at the national and local levels;

5. *Requests* the Secretary-General to elaborate the guidelines for priority actions during the Decade based on his report to the current session⁵⁶ and on the replies received from Member States and organizations including those of disabled persons;

6. *Reiterates its request* that the Secretary-General strengthen the Centre for Social Development and Humanitarian Affairs of the Secretariat through a reallocation of existing resources to enable the Centre to continue to serve as the focal point in the field of disability, particularly for purposes of paragraph 5 above;

7. *Requests* the Secretary-General and relevant organizations of the United Nations system to develop specific programmes to publicize the Decade and the goals of the World Programme of Action, and invites Member States and non-governmental organizations to assist in this undertaking;

8. *Invites* Member States, organizations of the United Nations system, as well as non-governmental organizations to make available resources in the form of funds and personnel for the purpose of planning, managing and financing the Decade at the national, regional and inter-regional levels;

9. *Urges* all organizations of the United Nations system to take into consideration the interests of disabled per-

⁵⁴ See *Official Records of the Economic and Social Council, 1984, Supplement No. 4* (E/1984/4 and Corr.1), chap. II, sect. A.

⁵⁵ E/CN.4/Sub.2/1984 L.24.

⁵⁶ A/39/191 and Corr.1

sons as well as the effective implementation of the World Programme of Action in the pursuance of their overall objectives in their respective areas of competence;

10. *Decides* that, pending completion of the elaboration and the adoption of the guidelines referred to in paragraph 5 above, the United Nations Trust Fund for the International Year of Disabled Persons should continue to support activities in accordance with paragraph 157 of the World Programme of Action⁵³ and paragraph 4 of General Assembly resolution 38/28;

11. *Calls upon* Member States and other donors to continue to contribute generously to the Trust Fund;

12. *Requests* the Secretary-General to promote the recruitment of more disabled persons within the United Nations system;

13. *Again requests* the Secretary-General to convene in 1987 a meeting of experts, consisting largely of disabled persons, to evaluate progress at the mid-point of the Decade and to prepare a report that would enable him to help the General Assembly at its forty-second session to evaluate the implementation of the World Programme of Action, as provided for in paragraph 3 of resolution 37/52;

14. *Requests* the Secretary-General to report on the implementation of the present resolution, including detailed information on the activities relating to the Trust Fund, to the General Assembly at its fortieth session and decides to include in the provisional agenda of that session an item entitled "Implementation of the World Programme of Action concerning Disabled Persons and the United Nations Decade of Disabled Persons".

*71st plenary meeting
23 November 1984*

39/46. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The General Assembly,

Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

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

Recalling further that, in its resolution 38/119 of 16 December 1983, it requested the Commission on Human Rights to complete, at its fortieth session, as a matter of highest priority, the drafting of such a convention, with a view to submitting a draft, including provisions for the effective implementation of the future convention, to the General Assembly at its thirty-ninth session,

Taking note with satisfaction of Commission on Human Rights resolution 1984/21 of 6 March 1984,⁵⁴ by which the Commission decided to transmit the text of a draft convention against torture and other cruel, inhuman or degrading treatment or punishment, contained in the annex to the report of the Working Group,⁵⁷ to the General Assembly for its consideration,

Desirous of achieving a more effective implementation of the existing prohibition under international and

national law of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

1. *Expresses its appreciation* for the work achieved by the Commission on Human Rights in preparing the text of a draft convention against torture and other cruel, inhuman or degrading treatment or punishment;

2. *Adopts* and opens for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment contained in the annex to the present resolution;

3. *Calls upon* all Governments to consider signing and ratifying the Convention as a matter of priority.

*93rd plenary meeting
10 December 1984*

ANNEX

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The States Parties to this Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that those rights derive from the inherent dignity of the human person,

Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Having regard to article 5 of the Universal Declaration of Human Rights⁵⁸ and article 7 of the International Covenant on Civil and Political Rights,⁵⁹ both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975,⁶⁰

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world,

Have agreed as follows:

PART I

Article 1

1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Article 2

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

⁵⁷ E/CN.4/1984/72.

⁵⁸ Resolution 217 A (III).

⁵⁹ See resolution 2200 A (XXI), annex.

⁶⁰ Resolution 3452 (XXX), annex.