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COMMISSION ON HUMAN RIGHTS
Fifty-first session
Agenda item 10 (d)

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM
OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION
AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING
TREATMENT OR PUNISHMENT

Albania*, Argentina*, Armenia*, Austria, Belgium*, Brazil,
Bulgaria, Cameroon, Canada, Chile, Colombia, Costa Rica*,
Côte d'Ivoire, Cyprus*, Czech Republic*, Denmark*,
Dominican Republic, Ecuador, El Salvador, Finland,
France, Germany, Haiti*, Hungary, Iceland*, Italy,
Liechtenstein*, Luxembourg*, Madagascar*, Malta*,
Netherlands, Norway*, Peru, Poland, Portugal*, Romania,
Russian Federation, Senegal*, Slovakia*, Slovenia*,
Spain*, Sweden*, Switzerland*, United Kingdom of
Great Britain and Northern Ireland, Uruguay* and
Venezuela: draft resolution

1995/... Question of a draft optional protocol to the Convention
against Torture and Other Cruel, Inhuman or Degrading
Treatment or Punishment

The Commission on Human Rights,

Recalling its decision 1991/107 of 5 March 1991, in which it decided
to consider at its forty-eighth session the text, proposed by the Government
of Costa Rica, of a draft optional protocol to the Convention against

* In accordance with rule 69, paragraph 3, of the rules of procedure of
the functional commissions of the Economic and Social Council.

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1991/66), intended to establish a preventive system of visits to places of detention,

Recalling also its resolution 1992/43 of 3 March 1992, by which it established an open-ended working group to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, using as a basis for its discussions the draft text proposed by the Government of Costa Rica, and decided to consider the question at its forty-ninth session,

Recalling further Economic and Social Council resolution 1992/6 of 20 July 1992, by which the Council authorized an open-ended working group to meet for a period of two weeks prior to the forty-ninth session of the Commission,

Recalling subsequent resolutions, in particular resolution 1994/40 of 4 March 1994, in which it authorized the working group to hold new meetings in order to continue its work and to submit a report,

Considering that the working group agreed in general that some progress had been made at the third session and that a continuation of the work in the same way offered the prospect of the elaboration, within a reasonable period, of a text which could be of great value in the field of the prevention of torture,

Recalling the firm declaration of the World Conference on Human Rights that efforts to eradicate torture should, first and foremost, be concentrated on prevention and which called for the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which is intended to establish a preventive system of regular visits to places of detention,

1. Takes note of the report of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1995/38) and welcomes the substantial progress made by the working group during its third session;

2. Requests the open-ended working group to meet between sessions, for a period of two weeks prior to the fifty-second session of the Commission in order to pursue its work and to submit a new report to the Commission;

3. Requests the Secretary-General to transmit the report of the working group to all Governments, the specialized agencies, the chairpersons

of the human rights treaty bodies and to intergovernmental and non-governmental organizations, and to invite them to submit their comments to the working group;

4. Also requests the Secretary-General to invite Governments, the specialized agencies and non-governmental organizations, as well as the Chairperson of the Committee against Torture and the Special Rapporteur on the question of torture, to participate in the activities of the working group;

5. Further requests the Secretary-General to extend all the necessary facilities to the working group for its meetings prior to the fifty-second session of the Commission;

6. Decides to examine the report of the working group at its fifty-second session under the sub-item entitled "Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment";

7. Recommends the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council,
Taking note of Commission on Human Rights resolution 1995/... of ... March 1995,

(a) Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the fifty-second session of the Commission in order to continue the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(b) Requests the Secretary-General to extend all the necessary facilities to the working group for its meetings, and to transmit the report of the working group (E/CN.4/1995/38) to Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and the intergovernmental and non-governmental organizations concerned."
