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COMMISSION ON HUMAN RIGHTS  
Fifty-second session  
Agenda item 8 (d)

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY  
FORM OF DETENTION OR IMPRISONMENT

- (d) Question of a draft optional protocol to the Convention against  
Torture and Other Cruel, Inhuman or Degrading Treatment or  
Punishment

Argentina\*, Armenia\*, Austria, Bosnia and Herzegovina\*, Brazil, Bulgaria,  
Canada, Cameroon, Chile, Colombia, Costa Rica\*, Côte d'Ivoire, Cyprus\*,  
Czech Republic\*, Denmark, Dominican Republic, Ecuador, El Salvador,  
Finland\*, former Yugoslav Republic of Macedonia\*, Germany, Guatemala\*,  
Haiti\*, Honduras\*, Hungary, Italy, Latvia\*, Liechtenstein\*, Luxembourg\*,  
Madagascar, Malta\*, Netherlands, Norway\*, Paraguay\*, Peru, Poland,  
Portugal\*, Romania\*, Russian Federation, Senegal\*, Slovakia\*, Slovenia\*,  
South Africa\*, Spain\*, Sweden\*, Switzerland\*, Ukraine, United Kingdom  
of Great Britain and Northern Ireland, Uruguay\*,  
and Venezuela: draft resolution

1996/... 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, by 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 Torture and

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

Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1991/66) intended to establish a preventive system based on 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 discussion 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 1995/33 of 25 July 1995, by which it authorized the working group to hold new meetings in order to continue its work and to submit a report,

Considering that the members of the working group agreed that some progress had been made which permitted the conclusion of the first reading of the draft at the fourth 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 that the World Conference on Human Rights firmly declared that efforts to eradicate torture should, first and foremost, be concentrated on prevention and called for the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, which would be 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.4/1996/28) and warmly welcomes the conclusion of the first reading of the draft during the working group's fourth session;

2. Requests the open-ended working group to meet for a period of two weeks prior to the fifty-third session of the Commission in order to continue its work and to begin the second reading on the basis of the results

of the first reading, as contained in document E/CN.4/1996/28, as well as on the basis of the original text (E/CN.4/1991/66), with a view to the expeditious completion of a final and substantive text; it also requests the working group to submit a new report to it;

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 the intergovernmental and non-governmental organizations concerned, 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-third session of the Commission;

6. Decides to examine the report of the working group at its fifty-third session under the sub-item "Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" of 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 resolution to the Economic and Social Council for adoption:

"The Economic and Social Council,

Recalling Commission on Human Rights resolution 1996/...

of ... April 1996,

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the fifty-third 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;

2. Requests the Secretary-General to extend to the working group all the necessary facilities for its meetings and to transmit the report of the working group (E/CN.4/1996/28) to Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and the intergovernmental and non-governmental organizations concerned".

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