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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-sixth session
Agenda item 2

**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF
RACIAL DISCRIMINATION AND SEGREGATION, IN ALL
COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL
AND OTHER DEPENDENT COUNTRIES AND TERRITORIES:
REPORT OF THE SUB-COMMISSION UNDER COMMISSION
ON HUMAN RIGHTS RESOLUTION 8 (XXIII)**

**Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Bossuyt,
Mr. Chen, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Mr. Guissé,
Ms. Hampson, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor,
Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles,
Ms. Wadibia-Anyanwu, Ms. Warzazi and Mr. Yokota: draft resolution**

**2004/... Absolute prohibition of torture and other cruel, inhuman or
degrading treatment or punishment**

The Sub-Commission on the Promotion and Protection of Human Rights,

Bearing in mind article 5 of the Universal Declaration of Human Rights, which states that
no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

* Re-issued for technical reasons.

Recalling the provisions of article 7 of the International Covenant on Civil and Political Rights as well as other relevant international instruments, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol adopted by the General Assembly in its resolution 57/199 of 18 December 2002,

Recalling also its resolution 2002/2 of 12 August 2002 on the current situation and future of human rights adopted under agenda item 2,

Stressing that the prohibition of torture and cruel, inhuman or degrading treatment is absolute and is applicable in all circumstances, in time of war and in time of peace,

Alarmed at the many acts of torture that have recently been disclosed and the attempts to make such practices commonplace or to justify such practices, including in situations of armed conflict, against persons protected by the principles of international humanitarian law,

1. *Recalls* that all forms of torture and other cruel, inhuman or degrading treatment or punishment constitute violations of the peremptory norms of international law;

2. *Welcomes* the entry into force in the near future of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was opened for signature on 4 February 2003;

3. *Applauds* the activities of the Special Rapporteur of the Commission on Human Rights on the question of torture and requests all States to cooperate in good faith with him and to issue an open invitation to him to visit their country;

4. *Urges* all States to ratify, as soon as possible, the Convention and its Optional Protocol;

5. *Recommends* that all States develop independent and effective domestic mechanisms as concrete means of combating torture and other cruel, inhuman or degrading treatment or punishment;

6. *Hopes* that independent and effective investigations and proceedings will make it possible to establish the facts, ensure reparation for damages suffered by the victims and punish all persons responsible, at whatever level, and that measures will be taken to put an end to such scandals;

7. *Decides* to continue consideration of this question at its fifty-seventh session.
