

Appeal for Support for an Unprecedented Opportunity to Prevent Torture

Your Excellency,

The UN General Assembly meeting, from September to December this year, will have the opportunity to adopt a resolution that would lead to effective and concrete measures to prevent torture.

The resolution, to be presented by the Costa Rican Government, will propose the adoption of an Optional Protocol to the UN Convention against Torture, Cruel, Inhuman and Degrading Treatment or Punishment. The Optional Protocol will assist States to prevent torture by providing for a system of regular visits to places of detention by independent and adequately mandated international and national bodies of experts, which will make recommendations for practical improvements to conditions and practices in places of detention on the basis of their visits. In particular the text provides that:

- States Parties must establish one or several national visiting mechanisms to conduct sustained regular visits, which takes into consideration different political and judicial structures including federal states;
- the international mechanism will draw up a programme of regular visits in consultation with States Parties;
- the reports of the international mechanism will be confidential, unless States Parties choose to publish in whole or in part;
- States Parties are given the opportunity to "opt-out" for a maximum of 5 years to allow them to prepare for visits by either the international or national mechanism;
- the visits of the international mechanism will be funded through the regular UN budget thereby affording less developed States the opportunity to ratify the instrument;
- a special voluntary fund will be established to assist with the implementation of the recommendations of the international mechanism and the education programmes of the national bodies.

After ten year's of negotiations by a UN Working Group, open to all States, we believe that the best achievable compromise has been reached in the current draft text presented by Costa Rica. The Optional Protocol has already been adopted earlier this year by the UN Commission on Human Rights and the UN Economic and Social Council. It has so far received broad support from all regions of the world. However, we are very concerned that a minority of member States of the UN are prepared to take steps to block the UN General Assembly's adoption of this important instrument.

During the UN Working Group, which prepared the text for the UN Commission on Human Rights it became apparent that reconciling polarised positions on a few issues was not possible. The proposed Optional Protocol therefore comprises those ideas and elements which gained the broadest support within the protracted negotiations of the UN Working Group. Accordingly, it is clear that no gain can be achieved through further consultations.

We therefore appeal to you to take the historic step forward, in the prevention of torture, by supporting the adoption of the proposed Optional Protocol during the forthcoming 57th session of the UN General Assembly.

Yours sincerely



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