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UN: UN Adopts Protocol to Prevent Torture

On 18 December 2002, the UN General Assembly adopted a new anti-torture treaty after 10 years of difficult negotiations. The Optional Protocol to the UN Convention against Torture was adopted by an overwhelming majority of 127 in favour, 4 against, and 42 abstentions.

The eleven international non-governmental organisations (1) (NGOs) that have long campaigned together for the adoption of this Optional Protocol emphatically applauded this positive result. The NGOs congratulate the majority of UN Member States on this momentous occasion, recognising in particular the tremendous efforts of Costa Rica, the main proponent of the Protocol and Switzerland, the lead supporter.

The Protocol will allow independent international and national experts to conduct regular visits to places of detention within States Parties. The aim of these visits will be to assess the treatment of persons deprived of their liberty and their conditions of detention and make concrete recommendations for improvement. States Parties will be required to co-operate with the visiting mechanisms and to take steps to implement their recommendations. The Protocol represents an innovative approach within the UN human rights system by focusing upon preventive rather than retroactive measures. It also establishes, for the first time in an international human rights instrument, a complementary inter-relationship between preventive efforts at the international and national level.

The Protocol has received cross-regional support from a majority of States. Unfortunately four countries voted against the adoption of this preventive instrument, namely the USA, Nigeria, the Marshall Islands and Palau. The stance of these countries is regrettable given that the Protocol remains optional and is designed to assist rather than condemn States.

The Optional Protocol will be open for signature from 1 January 2003 and will enter into force upon the 20th ratification.

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