



Opinion 133 (1987)¹

Draft European convention for the prevention of torture and inhuman or degrading treatment or punishment

Parliamentary Assembly

The Assembly,

1. Having studied the draft European convention for the prevention of torture and inhuman or degrading treatment or punishment, and the explanatory report thereto drawn up by the Council of Europe Steering Committee for Human Rights²;
2. Recalling its numerous past endeavours to encourage the preparation and application of international instruments for the prevention of torture ;
3. Recalling in particular its [Recommendation 909 \(1981\)](#) on the International Convention against Torture, in which it invited the governments of member states to hasten the adoption and implementation of the draft convention against torture prepared by the United Nations Commission on Human Rights and of the draft optional protocol to the convention submitted by Costa Rica ;
4. Also recalling its [Recommendation 971 \(1983\)](#) in which it recommended that the Committee of Ministers should adopt the text of a draft European convention on the protection of detainees from torture and from cruel, inhuman or degrading treatment or punishment appended to that recommendation ;
5. Commending the quality of the draft convention prepared by the Steering Committee for Human Rights as fully consistent with its own goals set forth in [Recommendation 971 \(1983\)](#) ;
6. Welcoming the fact that the steering committee has taken up the proposal to institute a European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment ;
7. Considering that the draft convention strikes the necessary balance between the ideal solution of an effective prevention system and the wish that such a control system be implemented in a great number of member states of the Council of Europe ;
8. Stressing the importance which should be attached to the explanatory report for the purposes of interpreting the draft convention ;
9. Considering that, by adopting and implementing the draft convention, the Committee of Ministers and the governments of the Council of Europe member states would once again be acting as pioneers in the human rights field as they were with the European Convention on Human Rights ;
10. Considering that the members of the European committee to be instituted will only be able to fulfil their terms of reference with maximum independence and objectiveness if the terms of reference are not of too brief duration, that the convention should come into force upon ratification by five member states and that it is therefore desirable to amend the draft convention in these two respects,

1. See [Doc. 5704](#), request for an opinion from the Committee of Ministers, and [Doc. 5709](#), report of the Legal Affairs Committee. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 27 March 1987.

2. See [Doc. 5704](#), request for an opinion from the Committee of Ministers.



Opinion 133 (1987)

11. Approves the provisions of the draft convention, subject to the following amendments :
 - a. in Article 5, paragraph 3, first sentence, replace "four" by "six" ;
 - b. in Article 19, paragraph 1, replace "seven" by "five" ;
12. Invites the Committee of Ministers :
 - a. to speedily adopt the draft convention with the amendments suggested in paragraph 11 above and open it for signature by member states ;
 - b. to make arrangements for the committee provided for under the convention to begin operating upon its entry into force ;
13. Invites the governments of Council of Europe member states to sign and ratify the convention as soon as it has been opened for signature by the Committee of Ministers of the Council of Europe.