Human Rights Council
Forty-third session
24 February–13 March and 15–23 June 2020
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Resolution adopted by the Human Rights Council on 22 June 2020

43/20. Torture and other cruel, inhuman or degrading treatment or punishment: mandate of the Special Rapporteur

The Human Rights Council,

Recalling international human rights law, standards and guidelines on torture and other cruel inhuman degrading treatment or punishment,

Reaffirming that no one shall be subjected to torture or to other cruel, inhuman or degrading treatment or punishment,

Recalling that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right under international law that must be respected and protected under all circumstances, including in times of international and internal armed conflict or internal disturbance or any other public emergency, that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in the relevant international instruments, and that legal and procedural safeguards against such acts must not be subject to measures that would circumvent this right,

Recalling also that the prohibition of torture is a peremptory norm of international law, and that international, regional and domestic courts have recognized the prohibition of cruel, inhuman or degrading treatment or punishment to be customary international law,

Recognizing the importance of the work of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in the prevention and fight against torture and other cruel, inhuman or degrading treatment or punishment,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. Decides to extend the mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment for a further period of three years:

   (a) To seek, receive, examine and act on information from Governments, intergovernmental and civil society organizations, individuals and groups of individuals
regarding issues and alleged cases concerning torture or other cruel, inhuman or degrading
treatment or punishment;

(b) To conduct country visits with the consent or at the invitation of Governments
and to enhance further dialogue with them, and to follow up on recommendations made in
reports after visits to their countries;

(c) To study, in a comprehensive manner, trends, developments and challenges in
relation to combating and preventing torture and other cruel, inhuman or degrading treatment
or punishment, and to make recommendations and observations concerning appropriate
measures to prevent and eradicate such practices;

(d) To identify, exchange and promote best practices on measures to prevent,
punish and eradicate torture and other cruel, inhuman or degrading treatment or punishment;

(e) To integrate a gender perspective and a victim-centred approach throughout
the work of his or her mandate;

(f) To continue to cooperate with the Committee against Torture, the
Subcommittee on Prevention of Torture and relevant United Nations mechanisms and bodies
and, as appropriate, regional organizations and mechanisms, national human rights
institutions, national preventive mechanisms and civil society, including non-governmental
organizations, and to contribute to the promotion of strengthened cooperation among the
above-mentioned actors;

(g) To report on all of his or her activities, observations, conclusions and
recommendations to the Human Rights Council in accordance with its programme of work,
and annually on overall trends and developments with regard to his or her mandate to the
General Assembly, with a view to maximizing the benefits of the reporting process;

2. Urges States:

(a) To cooperate fully with and to assist the Special Rapporteur in the performance
of his or her tasks, to supply all necessary information requested by him or her and to fully
and expeditiously respond to his or her urgent appeals, and urges those Governments that
have not yet responded to communications transmitted to them by the Special Rapporteur to
answer without further delay;

(b) To respond favourably to the Special Rapporteur’s requests to visit their
countries, and to enter into a constructive dialogue with the Special Rapporteur on requested
visits to their countries;

(c) To ensure, as an important element in preventing and combating torture and
other cruel, inhuman and degrading treatment or punishment, that no authority or official
orders, applies, permits or tolerates any sanction, reprisal, intimidation or other prejudice
against any person, group or association, including persons deprived of their liberty, for
contacting, seeking to contact or having been in contact with the Special Rapporteur or any
other international or national monitoring or preventive body active in the prevention and
combat of torture and other cruel, inhuman or degrading treatment or punishment;

(d) To ensure proper follow-up to the recommendations and conclusions of the
Special Rapporteur;

(e) To adopt a victim-centred and gender-sensitive approach in the fight against
torture and other cruel, inhuman or degrading treatment or punishment, paying special
attention to the views and needs of victims in policy development and other activities relating
to rehabilitation, prevention and accountability for torture and other cruel, inhuman or
degrading treatment or punishment, and gender-based violence that constitutes torture or
other cruel, inhuman or degrading treatment or punishment;

(f) To become parties to the Convention against Torture and Other Cruel,
Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto as a
matter of priority, and to designating or establishing independent and effective national
preventive mechanisms for the prevention of torture and other cruel, inhuman or degrading
treatment or punishment in a timely manner;
(g) To ensure appropriate follow-up to conclusions, recommendations, requests for further information and views on individual communications of the relevant treaty bodies, including the Committee against Torture and the Subcommittee on Prevention of Torture;

(h) To consider providing adequate support to the United Nations Voluntary Fund for Victims of Torture and the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

3. Takes note with appreciation of the report of the Special Rapporteur;¹

4. Requests the Secretary-General to ensure, from within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing and the facilities and resources necessary for the Special Rapporteur, bearing in mind the strong support expressed by Member States for preventing and combating torture and assisting victims of torture;

5. Decides to continue to consider this matter in conformity with its annual programme of work.

45th meeting
22 June 2020

[Adopted without a vote.]

¹ A/HRC/43/49.