

Special Fund; the process for signature, ratification and accession; the scope of application of the protocol; denunciation by a state party to the protocol; acceptance by states of amendments; privileges and immunities of Sub-Committee members and mission personnel; and responsibilities of personnel while on mission. Annex II contains draft text for a number of articles that will be considered at future sessions of the Working Group. These texts generally related to: state responsibility to allow visits; the objects of a visit; the establishment of a regular programme of missions to each state party and other missions as required; and, notification of intent to visit.

### Voluntary Fund for Victims of Torture

The UN Voluntary Fund for Victims of Torture was established in 1981 to receive voluntary contributions from governments, private organizations, institutions and individuals, for distribution to persons who have been tortured and to members of their families. The Fund is administered by the Secretary-General with the assistance of a Board of Trustees composed of a chairman and four members with wide experience in the field of human rights.

The Fund began to operate in 1983 and by the end of 1988, 131 subsidies, totaling more than \$3.6 million, were granted for 67 projects in 32 countries on four continents. Most of the subsidies were used to finance therapy and rehabilitation projects, which accounted for 90 per cent of the subsidies recommended in 1987, with the balance allotted to training projects. The purpose of these projects is to enable victims and their families once again to lead productive, normal lives within their community. The training component of the Fund's activities makes it possible to finance training for specialists from the medical professions in the special techniques needed to treat the victims of torture.

The reports of the Secretary-General on the status of the Voluntary Fund (E/CN.4/1998/37; E/CN.4/1998/37/Add.1; E/CN.4/1998/37/Add.2) note that as of 10 December 1997 a total amount of US\$1,170,499 was available for disbursement. Contributions were pledged by Algeria, Andorra, Argentina, Austria, Belgium, Brazil, Canada, Chile, Cyprus, Denmark, Finland, France, Germany, Greece, the Holy See, Iceland, Israel, Italy, Japan, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, the Philippines, Portugal, Senegal, Spain, Sri Lanka, Switzerland, Tunisia, the United Kingdom, the United States, and Venezuela.

In order to meet all the requests for assistance in May 1997, the Fund would have needed more than US\$6.8 million, whereas it had only US\$3 million. As of 10 December 1997, only US\$1,170,499 from voluntary contributions had been received. Provided that the amount of grant requests stays at the same level as in 1997, the Fund needed an additional amount of US\$5,629,501 by 30 April 1998 in order to satisfy the requests. If all contributions pledged for 1997 were paid

by 30 April 1998, a total of US\$4,213,719 would be available. An additional amount of US\$2.6 million would, however, still be needed.

### Resolutions of the Commission on Human Rights

Under agenda item 8 the Commission adopted by consensus two resolutions related to torture.

The first included references to the UN Voluntary Fund (1998/38). The Commission, *inter alia*: recalled that freedom from torture and ill treatment is a non-derogable right under international human rights instruments; found the widespread occurrence of torture and ill treatment appalling; called on governments to implement fully the prohibition on torture and ill treatment; urged all governments to abrogate legislation leading to impunity for those responsible for grave violations of human rights, including torture; reminded governments that corporal punishment can amount to cruel, inhuman or degrading punishment or even torture; stressed that allegations of torture and ill treatment should be promptly and impartially examined by the competent national authority; stressed that those who encourage, order, tolerate or perpetrate such treatment must be held responsible and severely punished; stressed that national legal systems should ensure that victims of such acts obtain redress, are awarded fair and adequate compensation and receive appropriate socio-medical rehabilitation; and reminded all states that prolonged incommunicado detention may facilitate torture and can itself constitute a form of cruel, inhuman or degrading treatment. The Commission also: called on states and the international community to commemorate the UN International Day in Support of Victims of Torture (26 June); urged all states to become parties to the Convention against Torture; stressed that article 4 of the Convention requires states to make torture an offence under domestic criminal law; stressed that torture during armed conflict is a violation of the Geneva Conventions; called on the High Commissioner for Human Rights to provide, on request, advisory services related to the training and education of personnel who may be involved in custody, interrogation or treatment of individuals under arrest or in detention or prison; stressed that personnel not obeying orders to commit torture should not be punished; extended the mandate of the Special Rapporteur (SR) for a further three years; invited the SR to continue consideration of questions related to the torture of children and make appropriate recommendations; invited the SR to present an oral interim report to the 1998 General Assembly and submit a full report to the 1999 Commission; appealed to all governments and others to contribute annually to the Voluntary Fund for Victims of Torture; and, stressed the need for contributions to the Fund on a regular basis and assistance to rehabilitation services for victims of torture.

The second resolution related to the draft optional protocol (1998/34). The Commission, *inter alia*: recalled that the World Conference on Human Rights firmly declared that efforts to eradicate torture should, first and