**70th Anniversary of the Universal Declaration of Human Rights:**

**Reaffirming and Strengthening the Prohibition of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment**

**Thematic Report ­of the UN Special Rapporteur on Torture**

2018 marks 70 years since the 1948 Universal Declaration of Human Rights, a foundational document for modern human rights law. Premised on human dignity and the conviction that recognition of the equal and inalienable rights of all human persons is the foundation of freedom, justice and peace in the world, it sought to draw a line against barbarous acts, which had outraged the conscience of mankind. Article 5 of the Declaration provided in absolute terms that 'No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment'.

As the International Community prepares to celebrate the 70th anniversary of the Universal Declaration, the Special Rapporteur's upcoming report to the UN General Assembly aims to take stock of what has been achieved in terms of safeguarding that prohibition of torture and other ill-treatment in the past seven decades, but also to reflect on the gravity of the contemporary challenges facing it.

In order to gather a maximum of relevant input for his report, the Special Rapporteur seeks to conduct broad stakeholder consultations, including through the following questionnaire.

**Please note that responses will be received and processed until 15 May 2018, and that no response or position taken will be nominally attributed. Kindly send your contributions to:** [**n.mavronicola@bham.ac.uk**](mailto:n.mavronicola@bham.ac.uk)**, with a copy to** [**sr-torture@ohchr.org**](mailto:sr-torture@ohchr.org)**.**

**In completing this questionnaire...**

* *please consider not only treaty law but, whenever appropriate, also custom and general principles of law, as well as interpretations provided in soft law and case law;*
* *please consider whether a distinction should be made between torture and other cruel, inhuman or degrading treatment or punishment;*
* *please clarify whether your argument is based on existing international law (lex lata) or on your assessment of what the law "ought to be" (lex ferenda).*

**Questions:**

1. **What do you consider to be the main challenges to the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment today, and why?**
2. **To what extent are challenges to the prohibition of torture and other cruel, inhuman or degrading treatment or punishment linked to challenges facing human rights more broadly?**
3. **Please outline your views as to how these challenges are/can/should be addressed; insofar as relevant, please:** 
   1. **identify any good or desirable practice;**
   2. **identify any gaps in international law, as well as in the national regulatory frameworks you are most familiar with;**
   3. **provide your recommendations, if any, with a view to the further development of the normative and institutional framework.**