

PRESIDÊNCIA DA REPÚBLICA

Decreto do Presidente da República n.º 167/2012

de 13 de dezembro

O Presidente da República decreta, nos termos do artigo 135.º, alínea *b*), da Constituição, o seguinte:

É ratificado o Protocolo Facultativo à Convenção contra a Tortura e Outras Penas ou Tratamentos Cruéis, Desumanos ou Degradantes, adotado pela Assembleia Geral das Nações Unidas, em Nova Iorque, em 18 de dezembro de 2002, aprovado pela Resolução da Assembleia da República n.º 143/2012, em 26 de outubro de 2012.

Assinado em 29 de novembro de 2012.

Publique-se.

O Presidente da República, ANÍBAL CAVACO SILVA.

Referendado em 4 de dezembro de 2012.

O Primeiro-Ministro, *Pedro Passos Coelho*.

ASSEMBLEIA DA REPÚBLICA

Resolução da Assembleia da República n.º 143/2012

Aprova o Protocolo Facultativo à Convenção contra a Tortura e Outras Penas ou Tratamentos Cruéis, Desumanos ou Degradantes, adotado pela Assembleia Geral das Nações Unidas, em Nova Iorque, em 18 de dezembro de 2002.

A Assembleia da República resolve, nos termos da alínea *i*) do artigo 161.º e do n.º 5 do artigo 166.º da Constituição, aprovar o Protocolo Facultativo à Convenção contra a Tortura e Outras Penas ou Tratamentos Cruéis, Desumanos ou Degradantes, adotado pela Assembleia Geral das Nações Unidas, em Nova Iorque, em 18 de dezembro de 2002, cujo texto, na versão autenticada na língua inglesa, assim como a respetiva tradução para a língua portuguesa, se publicam em anexo.

Aprovada em 26 de outubro de 2012.

O Presidente da Assembleia da República, em exercício, *António Filipe*.

OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Preamble

The States Parties to the present Protocol:

Reaffirming that torture and other cruel, inhuman or degrading treatment or punishment are prohibited and constitute serious violations of human rights;

Convinced that further measures are necessary to achieve the purposes of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as the Convention) and to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;

Recalling that articles 2 and 16 of the Convention oblige each State Party to take effective measures to prevent acts of torture and other cruel, inhuman or degrading treatment or punishment in any territory under its jurisdiction;

Recognizing that States have the primary responsibility for implementing those articles, that strengthening the protection of people deprived of their liberty and the full respect for their human rights is a common responsibility shared by all and that international implementing bodies complement and strengthen national measures;

Recalling that the effective prevention of torture and other cruel, inhuman or degrading treatment or punishment requires education and a combination of various legislative, administrative, judicial and other measures;

Recalling also that the World Conference on Human Rights firmly declared that efforts to eradicate torture should first and foremost be concentrated on prevention and called for the adoption of an optional protocol to the Convention, intended to establish a preventive system of regular visits to places of detention;

Convinced that the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment can be strengthened by non-judicial means of a preventive nature, based on regular visits to places of detention;

have agreed as follows:

PART I

General principles

Article 1

The objective of the present Protocol is to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

Article 2

1 — A Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture (hereinafter referred to as the Subcommittee on Prevention) shall be established and shall carry out the functions laid down in the present Protocol.

2 — The Subcommittee on Prevention shall carry out its work within the framework of the Charter of the United Nations and shall be guided by the purposes and principles thereof, as well as the norms of the United Nations concerning the treatment of people deprived of their liberty.

3 — Equally, the Subcommittee on Prevention shall be guided by the principles of confidentiality, impartiality, non-selectivity, universality and objectivity.

4 — The Subcommittee on Prevention and the States Parties shall cooperate in the implementation of the present Protocol.

Article 3

Each State Party shall set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (hereinafter referred to as the national preventive mechanism).