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HUMAN RIGHTS



Treaty Series No. 107 (1991)

Convention

against Torture and Other Cruel, Inhuman or Degrading
Treatment or Punishment

United Nations Headquarters, New York, 4 February 1985

[The United Kingdom instrument of ratification was deposited on 8 December 1988 and the
Convention entered into force for the United Kingdom on 7 January 1989]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
December 1991*

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**CONVENTION
AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING
TREATMENT OR PUNISHMENT**

The States Parties to this Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations¹, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that those rights derive from the inherent dignity of the human person,

Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Having regard to article 5 of the Universal Declaration of Human Rights² and article 7 of the International Covenant on Civil and Political Rights³, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975,

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world,

Have agreed as follows:

PART I

ARTICLE 1

1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.
2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

ARTICLE 2

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.
2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.
3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

¹ Treaty Series No. 67 (1946), Cmd. 7015.

² United Nations No. 2 (1949), Cmd. 7662.

³ Treaty Series No. 6 (1977), Cmnd. 6702.

ARTICLE 3

1. No State Party shall expel, return (“*refouler*”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

ARTICLE 4

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

ARTICLE 5

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:

- (a) When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;
- (b) When the alleged offender is a national of that State;
- (c) When the victim is a national of that State if that State considers it appropriate.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph 1 of this article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

ARTICLE 6

1. Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present shall take him into custody or take other legal measures to ensure his presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary inquiry into the facts.

3. Any person in custody pursuant to paragraph 1 of this article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national, or, if he is a stateless person, with the representative of the State where he usually resides.

4. When a State, pursuant to this article, has taken a person into custody, it shall immediately notify the States referred to in article 5, paragraph 1, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

ARTICLE 7

1. The State Party in the territory under whose jurisdiction a person alleged to have committed any offence referred to in article 4 is found shall in the cases contemplated in article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.

2. These authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State. In the cases referred to in article 5, paragraph 2, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in article 5, paragraph 1.

3. Any person regarding whom proceedings are brought in connection with any of the offences referred to in article 4 shall be guaranteed fair treatment at all stages of the proceedings.

ARTICLE 8

1. The offences referred to in article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention as the legal basis for extradition in respect of such offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 5, paragraph 1.

ARTICLE 9

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of any of the offences referred to in article 4, including the supply of all evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 of this article in conformity with any treaties on mutual judicial assistance that may exist between them.

ARTICLE 10

1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

2. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such persons.

ARTICLE 11

Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

ARTICLE 12

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

ARTICLE 13

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

ARTICLE 14

1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.
2. Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law.

ARTICLE 15

Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

ARTICLE 16

1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.
2. The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion.

PART II

ARTICLE 17

1. There shall be established a Committee against Torture (hereinafter referred to as the Committee) which shall carry out the functions hereinafter provided. The Committee shall consist of ten experts of high moral standing and recognized competence in the field of human rights, who shall serve in their personal capacity. The experts shall be elected by the States Parties, consideration being given to equitable geographical distribution and to the usefulness of the participation of some persons having legal experience.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals. States Parties shall bear in mind the usefulness of nominated persons who are also members of the Human Rights Committee established under the International Covenant on Civil and Political Rights and who are willing to serve on the Committee against Torture.
3. Elections of the members of the Committee shall be held at biennial meetings of States Parties convened by the Secretary-General of the United Nations. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

4. The initial election shall be held no later than six months after the date of the entry into force of this Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within three months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

5. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these five members shall be chosen by lot by the chairman of the meeting referred to in paragraph 3 of this article.

6. If a member of the Committee dies or resigns or for any other cause can no longer perform his Committee duties, the State Party which nominated him shall appoint another expert from among its nationals to serve for the remainder of his term, subject to the approval of the majority of the States Parties. The approval shall be considered given unless half or more of the States Parties respond negatively within six weeks after having been informed by the Secretary-General of the United Nations of the proposed appointment.

7. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

ARTICLE 18

1. The Committee shall elect its officers for a term of two years. They may be re-elected.

2. The Committee shall establish its own rules of procedure, but these rules shall provide, *inter alia*, that:

(a) Six members shall constitute a quorum;

(b) Decisions of the Committee shall be made by a majority vote of the members present.

3. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under this Convention.

4. The Secretary-General of the United Nations shall convene the initial meeting of the Committee. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.

5. The States Parties shall be responsible for expenses incurred in connection with the holding of meetings of the States Parties and of the Committee, including reimbursement to the United Nations for any expenses, such as the cost of staff and facilities, incurred by the United Nations pursuant to paragraph 3 of this article.

ARTICLE 19

1. The States Parties shall submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under this Convention, within one year after the entry into force of the Convention for the State Party concerned. Thereafter the States Parties shall submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request.

2. The Secretary-General of the United Nations shall transmit the reports to all States Parties.

3. Each report shall be considered by the Committee which may make such general comments on the report as it may consider appropriate and shall forward these to the State Party concerned. That State Party may respond with any observations it chooses to the Committee.

4. The Committee may, at its discretion, decide to include any comments made by it in accordance with paragraph 3 of this article, together with the observations thereon received from the State Party concerned, in its annual report made in accordance with article 24. If so requested by the State Party concerned, the Committee may also include a copy of the report submitted under paragraph 1 of this article.

ARTICLE 20

1. If the Committee receives reliable information which appears to it to contain well-founded indications that torture is being systematically practised in the territory of a State Party, the Committee shall invite that State Party to co-operate in the examination of the information and to this end to submit observations with regard to the information concerned.

2. Taking into account any observations which may have been submitted by the State Party concerned, as well as any other relevant information available to it, the Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to the Committee urgently.

3. If an inquiry is made in accordance with paragraph 2 of this article, the Committee shall seek the co-operation of the State Party concerned. In agreement with that State Party, such an inquiry may include a visit to its territory.

4. After examining the findings of its member or members submitted in accordance with paragraph 2 of this article, the Committee shall transmit these findings to the State Party concerned together with any comments or suggestions which seem appropriate in view of the situation.

5. All the proceedings of the Committee referred to in paragraphs 1 to 4 of this article shall be confidential, and at all stages of the proceedings the co-operation of the State Party shall be sought. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2, the Committee may, after consultations with the State party concerned, decide to include a summary account of the results of the proceedings in its annual report made in accordance with article 24.

ARTICLE 21

1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention. Such communications may be received and considered according to the procedures laid down in this article only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be dealt with by the Committee under this article if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:

- (a) If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending or available in the matter;
- (b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;

- (c) The Committee shall deal with a matter referred to it under this article only after it has ascertained that all domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention;
- (d) The Committee shall hold closed meetings when examining communications under this article;
- (e) Subject to the provisions of subparagraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for the obligations provided for in this Convention. For this purpose, the Committee may, when appropriate, set up an *ad hoc* conciliation commission;
- (f) In any matter referred to it under this article, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;
- (g) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered by the Committee and to make submissions orally and/or in writing;
- (h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:
 - (i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;
 - (ii) If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report.

In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article¹. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

ARTICLE 22

1. A State Party to this Convention may at any time declare under this article that it recognises the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

2. The Committee shall consider inadmissible any communication under this article which is anonymous or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of this Convention.

3. Subject to the provisions of paragraph 2, the Committee shall bring any communications submitted to it under this article to the attention of the State Party to this Convention which has made a declaration under paragraph 1 and is alleged to be violating any provisions of the Convention. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

¹ The provisions of Articles 21 and 22 came into force on 26 June 1987.

4. The Committee shall consider communications received under this article in the light of all information made available to it by or on behalf of the individual and by the State Party concerned.
5. The Committee shall not consider any communications from an individual under this article unless it has ascertained that:
 - (a) The same matter has not been, and is not being, examined under another procedure of international investigation or settlement;
 - (b) The individual has exhausted all available domestic remedies; this shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention.
6. The Committee shall hold closed meetings when examining communications under this article.
7. The Committee shall forward its views to the State Party concerned and to the individual.
8. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by or on behalf of an individual shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party has made a new declaration.

ARTICLE 23

The members of the Committee and of the *ad hoc* conciliation commissions which may be appointed under article 21, paragraph 1(e), shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations¹.

ARTICLE 24

The Committee shall submit an annual report on its activities under this Convention to the States Parties and to the General Assembly of the United Nations.

PART III

ARTICLE 25

1. This Convention is open for signature by all States.
2. This Convention is subject to ratification. Instruments of ratification shall be with the Secretary-General of the United Nations.

ARTICLE 26

This Convention is open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

ARTICLE 27

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession².

¹ Treaty Series No. 10 (1950), Cmd. 7891.

² The Conventions entered into force on 26 June 1987.

2. For each State ratifying this Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

ARTICLE 28

1. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not recognize the competence of the Committee provided for in article 20.

2. Any State Party having made a reservation in accordance with paragraph 1 of this article may, at any time, withdraw this reservation by notification to the Secretary-General of the United Nations.

ARTICLE 29

1. Any State Party to this Convention may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted by the Secretary-General to all the States Parties for acceptance.

2. An amendment adopted in accordance with paragraph 1 of this article shall enter into force when two thirds of the States Parties to this Convention have notified the Secretary-General of the United Nations that they have accepted it in accordance with their respective constitutional processes.

3. When amendments enter into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of this Convention and any earlier amendments which they have accepted.

ARTICLE 30

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 of this article with respect to any State Party having made such a reservation.

3. Any State Party having made a reservation in accordance with paragraph 2 of this article may at any time withdraw this reservation by notification to the Secretary-General of the United Nations.

ARTICLE 31

1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under this Convention in regard to any act or omission which occurs prior to the date at which the denunciation becomes effective, nor shall denunciation prejudice in any way the continued consideration of any matter which is already under consideration by the Committee prior to the date at which the denunciation becomes effective.

3. Following the date at which the denunciation of a State Party becomes effective, the Committee shall not commence consideration of any new matter regarding that State.

ARTICLE 32

The Secretary-General of the United Nations shall inform all States Members of the United Nations and all States which have signed this Convention or acceded to it of the following:

- (a) Signatures, ratifications and accessions under articles 25 and 26;
- (b) The date of entry into force of this Convention under article 27 and the date of the entry into force of any amendments under article 29;
- (c) Denunciations under article 31.

ARTICLE 33

1. This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States.

SIGNATURES, RATIFICATIONS AND ACCESSIONS

<i>State</i>	<i>Date of signature</i>	<i>Date of deposit of instrument of ratification</i>	<i>Date of deposit of instrument of accession</i>
Afghanistan *	4 Feb. 1985	1 Apr. 1987	
Algeria *	26 Nov. 1985	12 Sept. 1989	
Argentina *	4 Feb. 1985	24 Sept. 1986	
Australia *	10 Dec. 1985	8 Aug. 1989	
Austria *	14 Mar. 1985	29 July 1987	
Belgium	4 Feb. 1985		
Belize			17 Mar. 1986
Bolivia	4 Feb. 1985		
Brazil	23 Sept. 1985	28 Sept. 1989	
Bulgaria *	10 June 1986	16 Dec. 1986	
Byelorussian Soviet Socialist Republic *	19 Dec. 1985	13 Mar. 1987	
Cameroon			19 Dec. 1986
Canada *	23 Aug. 1985	24 June 1987	
Chile *	23 Sept. 1987	30 Sept. 1988	
China, People's Republic of *	12 Dec. 1986	4 Oct. 1988	
Colombia	10 Apr. 1985	8 Dec. 1987	
Costa Rica	4 Feb. 1985		
Cuba	27 Jan. 1986		
Cyprus	9 Oct. 1985		
Czechoslovakia *	8 Sept. 1986	7 July 1988	
Denmark *	4 Feb. 1985	27 May 1987	
Dominican Republic	4 Feb. 1985		
Ecuador *	4 Feb. 1985	30 Mar. 1988	
Egypt			25 June 1986
Finland *	4 Feb. 1985	30 Aug. 1989	
France *	4 Feb. 1985	18 Feb. 1986	
Gabon *	21 Jan. 1986		
Gambia, The	23 Oct. 1985		
German Democratic Republic *	7 Apr. 1986	9 Sept. 1987	
Germany, Federal Republic of *	13 Oct. 1986	1 Oct. 1990	
Greece *	4 Feb. 1985	6 Oct. 1988	
Guatemala *			5 Jan. 1990
Guinea	30 May 1986	10 Oct. 1989	
Guyana	25 Jan. 1988	19 May 1988	
Hungary *	28 Nov. 1986	15 Apr. 1987	
Iceland	4 Feb. 1985		
Indonesia	23 Oct. 1985		
Israel	22 Oct. 1986		
Italy *	4 Feb. 1985	12 Jan. 1989	
Libya			16 May 1989
Liechtenstein	27 June 1985	2 Nov. 1990	
Luxembourg *	22 Feb. 1985	29 Sept. 1987	
Malta *			13 Sept. 1990
Mexico	18 Mar. 1985	23 Jan. 1986	
Morocco *	8 Jan. 1986		
Nepal			14 May 1991
Netherlands (for the Kingdom in Europe, Netherlands Antilles and Aruba) *	4 Feb. 1985	21 Dec. 1988	
New Zealand *	14 Jan. 1986	10 Dec. 1989	
Nicaragua	15 Apr. 1985		
Nigeria	28 July 1988		

<i>State</i>	<i>Date of signature</i>	<i>Date of deposit of instrument of ratification</i>	<i>Date of deposit of instrument of accession</i>
Norway*	4 Feb. 1985	9 July 1986	
Panama*	22 Feb. 1985	24 Aug. 1987	
Paraguay	23 Oct. 1989	12 Mar. 1990	
Peru	29 May 1985	7 July 1988	
Philippines			18 June 1986
Poland*	13 Jan. 1986	26 July 1989	
Portugal*	4 Feb. 1985	9 Feb. 1989	
Romania			18 Dec. 1990
Senegal	4 Feb. 1985	21 Aug. 1986	
Sierra Leone	18 Mar. 1985		
Somalia			24 Jan. 1990
Spain*	4 Feb. 1985	21 Oct. 1987	
Sudan	4 June 1986		
Sweden*	4 Feb. 1985	8 Jan. 1986	
Switzerland*	4 Feb. 1985	2 Dec. 1986	
Togo*	25 Mar. 1987	18 Nov. 1987	
Tunisia*	26 Aug. 1987	23 Sept. 1988	
Turkey*	25 Jan. 1988	2 Aug. 1988	
Uganda			3 Nov. 1986
Ukrainian Soviet Socialist Republic*	27 Feb. 1986	24 Feb. 1987	
Union of Soviet Socialist Republics*	10 Dec. 1985	3 Mar. 1987	
United Kingdom*	15 Mar. 1985	8 Dec. 1988	
United States of America*	18 Apr. 1988		
Uruguay*	4 Feb. 1985	24 Oct. 1986	
Venezuela	15 Feb. 1985		
Yugoslavia	18 Apr. 1989		

* For reservations, declarations and objections see pages 15 to 33.

RESERVATIONS, DECLARATIONS AND OBJECTIONS

AFGHANISTAN

[Original: Dari]

While ratifying the above-mentioned convention, the Democratic Republic of Afghanistan, invoking paragraph 1 of the Article 28, of the Convention, does not recognize the authority of the committee as foreseen in the Article 20 of the Convention.

Also according to paragraph 2 of the Article 30, the Democratic Republic of Afghanistan, will not be bound to honour the provision of paragraph 1 of the same Article since according to that paragraph the compulsory submission of disputes in connection with interpretation or the implementation of the provisions of this convention by one of the parties concerned to the International Court of Justice is deemed possible. Concerning to this matter, it declares that the settlement of disputes between the States Parties, such disputes may be referred to arbitration or to the International Court of Justice with the consent of all the Parties concerned and not by one of the Parties.

ALGERIA

On ratification the Government of Algeria made the following declarations:

[Original: French]

Article 21

The Algerian Government declares, pursuant to article 21 of the Convention, that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention.

Article 22

The Algerian Government declares, pursuant to article 22 of the Convention, that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

ARGENTINA

Upon ratification the Government of Argentina made the following declaration:

[Original: Spanish]

In accordance with articles 21 and 22 of this Convention, the Argentine Republic recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention. It also recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

On 14 April 1989, the Secretary-General received from the Government of Argentina the following objection:

[Original: Spanish]

The Government of Argentina reaffirms its sovereignty over the Malvinas Islands, which form part of its national territory, and, with regard to the Malvinas Islands, formally objects to and rejects the declaration of territorial extension issued by the United Kingdom of Great Britain and Northern Ireland in the instrument of ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, deposited with the Secretary-General of the United Nations on 8 December 1988.

The General Assembly of the United Nations adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12 and 39/6 in which it recognizes the existence of a sovereignty dispute regarding the question of the Malvinas Islands and has repeatedly requested the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to find as soon as possible a peaceful and definitive solution to the dispute and their remaining differences relating to that question, through the good offices of the Secretary-General. The General Assembly also adopted resolutions 40/21, 41/40, 42/19 and 43/25, which request the parties to initiate negotiations with a view to finding the means to resolve peacefully and definitively the problems pending between both countries, including all aspects on the future of the Malvinas Islands.

On 17 April 1991, the Secretary-General received from the Government of Argentina the following declaration:

[*Original: Spanish*]

The Argentine Government rejects the extension of the application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, signed in New York on 4 February 1985, to the Malvinas Islands, effected by the United Kingdom of Great Britain and Northern Ireland on 8 December 1988, and reaffirms the rights of sovereignty of the Argentine Republic over those Islands, which are an integral part of its national territory.

The Argentine Republic recalls that the United Nations General Assembly has adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, in which it recognizes the existence of a sovereignty dispute and requests the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to initiate negotiations with a view to finding the means to resolve peacefully and definitively the pending question of sovereignty, in accordance with the Charter of the United Nations.

AUSTRALIA

Upon ratification the Government of Australia made the following objection:

The Government of Australia has examined the Declaration made by the German Democratic Republic upon ratification in the following terms:

“The German Democratic Republic declares that it will bear its share only of those expenses in accordance with Article 17, Paragraph 7, and Article 18, Paragraph 5, of the Convention arising from activities under the competence of the Committee as recognised by the German Democratic Republic.”

The Government of Australia considers that this Declaration is incompatible with the object and purpose of the Convention and, accordingly, hereby conveys Australia's objection to the Declaration.

On 7 November 1989, the Secretary-General received from the Government of Australia the following objection with regard to the reservations made by Chile:

The Government of Australia has examined the reservations made by Chile with respect to article 2, paragraph 3, and article 3 of the Convention and has come to the conclusion that these reservations are incompatible with the object and purpose of the Convention and therefore are impermissible according to article 19 of the Vienna Convention on the Law of Treaties. The Government of Australia therefore objects to these reservations. This objection does not have the effect of preventing the Convention from entering into force between Australia and Chile, and the aforementioned reservations cannot alter or modify, in any respect, the obligations arising from the Convention.

AUSTRIA

Upon ratification the Government of Austria made the following declarations:

[*Original: English and French*]

Austria will establish its jurisdiction in accordance with article 5 of the Convention irrespective of the laws applying to the place where the offence occurred, but in respect of paragraph 1(c) only if prosecution by a State having jurisdiction under paragraph 1(a) or paragraph 1(b) is not to be expected.

Austria regards article 15 as the legal basis for the inadmissibility provided for therein of the use of statements which are established to have been made as a result of torture.

In accordance with article 21 of the Convention, Austria recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention.

In accordance with article 22, paragraph 1, Austria recognizes the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to Austrian jurisdiction who claim to be victims of a violation of the provisions of the Convention.

On 29 September 1988, the Secretary-General received from the Government of Austria the following objection with regard to the declaration made by the German Democratic Republic:

[*Original: English*]

The Declaration entered upon ratification by the German Democratic Republic—which stipulates that the German Democratic Republic would bear her share only of those expenses in accordance with art. 17, para. 7, and art. 18, para. 5, of the Convention arising from activities under the competence of the Committee against Torture as recognized by the German Democratic Republic—cannot alter or modify, in any respect, the obligations arising from that Convention for all States Parties thereto.

On 9 November 1989, the Secretary-General received from the Government of Austria the following objection with regard to the reservations made by Chile:

[*Original: English*]

The reservations made by the Republic of Chile with respect to article 2 paragraph 3 and article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment are incompatible with the object and purpose of the Convention and are therefore impermissible under article 19(c) of the Vienna Convention on the Law of Treaties. The Republic of Austria therefore objects against these reservations and states that they cannot alter or modify, in any respect, the obligations arising from the Convention for all States Parties thereto.

BULGARIA

Upon signature the Government of Bulgaria made the following reservations which it re-confirmed on ratification:

1. Pursuant to article 28 of the Convention, the People's Republic of Bulgaria states that it does not recognize the competence of the Committee against Torture provided for in article 20 of the Convention, as it considers that the provisions of article 20 are not consistent with the principle of respect for sovereignty of the States—parties to the Convention.

2. Pursuant to article 30, paragraph 2 of the Convention, the People's Republic of Bulgaria states that it does not consider itself bound by the provisions of article 30, paragraph 1 of the Convention, establishing compulsory jurisdiction of international arbitration or the International Court of Justice in the settlement of disputes between States—parties to the Convention. The People's Republic of Bulgaria maintains its position that disputes between two or more States can be submitted for consideration and settlement by international arbitration or the International Court of Justice only provided all parties to the dispute, in each individual case, have explicitly agreed to that.

On 24 January 1990, the Secretary-General received from the Government of Bulgaria the following objection concerning reservations made by Chile:

[*Original: English*]

The Government of the People's Republic of Bulgaria considers the reservations made by Chile with regard to Art. 2, para. 3 and Art. 3 of the Convention against torture and other forms of cruel, inhuman or degrading treatment or punishment of December 10, 1984 incompatible with the object and the purpose of the Convention.

The Government of the People's Republic of Bulgaria holds the view that each State is obliged to take all measures to prevent any acts of torture and other forms of cruel and inhuman treatment within its jurisdiction, including the unconditional qualification of such acts as crimes in its national criminal code. It is in this sense that Art. 2, para. 3 of the Convention is formulated.

The provisions of Art. 3 of the Convention are dictated by the necessity to grant the most effective protection to persons who risk to suffer torture or other inhuman treatment. For this reason these provisions should not be interpreted on the basis of subjective or any other circumstances, under which they were formulated.

In view of this the Government of the People's Republic of Bulgaria does not consider itself bound by the reservations.

BYELORUSSIAN SSR

Upon signature, the Government of the Byelorussian Soviet Socialist Republic made the following reservations which it re-confirmed on ratification:

[*Original: Russian*]

1. The Byelorussian Soviet Socialist Republic does not recognize the competence of the Committee against Torture as defined by article 20 of the Convention.

2. The Byelorussian Soviet Socialist Republic does not consider itself bound by the provisions of paragraph 1 of Article 30 of the Convention

In a letter received on 19 April 1989, the Government of the Byelorussian Soviet Socialist Republic notified the Secretary-General that it has decided to withdraw the reservation relating to article 30(1) made upon ratification, which reservation read as follows:

[*Original: Russian*]

The Byelorussian Soviet Socialist Republic does not consider itself bound by the provisions of article 30, paragraph 1, of the Convention.

A translation of this letter reads as follows:

Letter dated 11 April 1989 from the Minister for Foreign Affairs of the Byelorussian Soviet Socialist Republic addressed to the Secretary-General

Prompted by the necessity to affirm the primacy of law in politics and to enhance the role and potential of the international Court of Justice, the Byelorussian Soviet Socialist Republic has begun to take action to withdraw the reservations which it made previously concerning the jurisdiction of the International Court of Justice in respect of a number of international legal instruments to which the Byelorussian SSR is a party.

I have the honour to inform you that the Byelorussian Soviet Socialist Republic recognizes the compulsory jurisdiction of the International Court of Justice in respect of the following conventions relating to human rights:

Convention on the Prevention and Punishment of the Crime of Genocide of 1948;

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949;

Convention on the Political Rights of Women of 1952;

International Convention on the Elimination of All Forms of Racial Discrimination of 1965;

Convention on the Elimination of All Forms of Discrimination against Women of 1979;

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984;

and it declares that the relevant provisions of the aforementioned agreements shall apply to any disputes concerning the interpretation and application of these agreements which may arise following the date on which the Secretary-General is notified of the withdrawal of the reservations of the Byelorussian Soviet Socialist Republic.

I should be grateful if you, as the depositary of the aforementioned conventions, would inform the parties to those conventions of the contents of this letter and circulate it as an official document of the United Nations.

(Signed) A. E. GURINOVICH
Minister for Foreign Affairs
of the Byelorussian SSR

CANADA

On 5 October 1988 the Secretary-General received from the Government of Canada the following objection with regard to the declaration made by the German Democratic Republic:

[Original: French]

The Government of Canada hereby formally objects to the declaration made by the German Democratic Republic when ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in which it declares that it will bear its share only of those expenses in accordance with article 17, paragraph 7, and article 18, paragraph 5, of the Convention arising from activities under the competence of the Committee against Torture as recognized by the German Democratic Republic.

The Government of Canada considers that this declaration is incompatible with the object and purpose of the Convention against Torture, and thus inadmissible under article 19(c) of the Vienna Convention on the Law of Treaties. Through its functions and its activities, the Committee against Torture plays an essential role in the execution of the obligations of States parties to the Convention against Torture. Any restriction whose effect is to hamper the activities of the Committee would thus be incompatible with the object and purpose of the Convention.

On 23 October 1989 the Secretary-General received from the Government of Canada the following objection with regard to the reservations made by Chile:

[Original: English]

The Government of Canada hereby formally objects to the reservations made by Chile in respect of Article 2, Paragraph 3 and Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The reservations by Chile are incompatible with the object and purpose of the Convention Against Torture and thus inadmissible under Article 19(c) of the Vienna Convention on the Law of Treaties.

On 13 November 1989, the Secretary-General received from the Government of Canada the following declaration:

[Original: English]

The Government of Canada declares that it recognizes the competence of the Committee Against Torture, pursuant to Article 21 of the said Convention, to receive and consider communications to the effect that a state party claims that another state party is not fulfilling its obligations under this Convention.

The Government of Canada also declares that it recognizes the competence of the Committee Against Torture, pursuant to Article 22 of the said Convention, to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a state party of the provisions of the Convention.

CHILE

Upon signature, the Government of Chile made the following reservations:

[Original: Spanish]

1. In accordance with the provisions of article 28, paragraph 1, of the Convention, the Government of Chile does not recognize the competence of the Committee against Torture provided for in article 20.

2. The Government of Chile does not consider itself bound by the provisions of article 30, paragraph 1, of the Convention.

3. The Government of Chile reserves the right to formulate, upon ratifying the Convention, any declarations or reservations it may deem necessary in the light of its domestic law.

The instrument of ratification by the Government of Chile contains the following reservations:

[Original: Spanish]

- (a) [To] Article 2, paragraph 3, in so far as it modifies the principle of "obedience upon reiteration" contained in Chilean domestic law. The Government of Chile will apply the provisions of that international norm to subordinate personnel governed by the Code of Military Justice, provided that the order patently intended to lead to perpetration of the acts referred to in article 1 is not insisted on by the superior officer after being challenged by his subordinate.
- (b) Article 3, by reason of the discretionary and subjective nature of the terms in which it is drafted.
- (c) The Government of Chile declares that in its relations with American States that are Parties to the Inter-American Convention to Prevent and Punish Torture, it will apply that Convention in cases where its provisions are incompatible with those of the present Convention.
- (d) as provided for in article 28, paragraph 1, the Government of Chile does not recognize the competence of the Committee against Torture as defined by article 20 of the Convention.
- (e) The Government of Chile will not consider itself bound by the provisions of article 30, paragraph 1 of the Convention.

In a communication received on 7 September 1990, the Government of Chile notified the Secretary-General of its decision to withdraw the reservations, made upon ratification, to article 2(3) and article 3, as well as the declaration, under article 28(1), also made upon ratification, by which Chile does not recognize the competence of the Committee against torture.

CHINA

Reservations made upon signature and confirmed upon ratification:

(1) The Chinese Government does not recognize the competence of the Committee against Torture as provided for in article 20 of the Convention.

(2) The Chinese Government does not consider itself bound by paragraph 1 of article 30 of the Convention.

CZECHOSLOVAKIA

Reservation made upon signature and confirmed upon ratification:

The Czechoslovak Socialist Republic does not recognize the competence of the Committee against Torture as defined by article 20 of the Convention and it does not consider itself bound by the provisions of paragraph 1 of article 30 of the Convention.

On 20 September 1989 the Secretary-General received from the Government of Czechoslovakia the following objection with regard to the reservations made by Chile:

[Original: English]

The Czechoslovak Socialist Republic considers the reservations of the Government of Chile with respect to Article 2, paragraph 3 and Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of December 10, 1984 as incompatible with the object and purpose of this Convention.

The obligation of each State to prevent acts of torture in any territory under its jurisdiction is unexceptional. It is the obligation of each State to ensure that all acts of torture are offences under its criminal law. This obligation is confirmed, inter alia, in article 2, paragraph 3 of the Convention concerned.

The observance of provisions set up in Article 3 of this Convention is necessitated by the need to ensure more effective protection for persons who might be in danger of being subjected to torture and this is obviously one of the principal purposes of the Convention.

Therefore, the Czechoslovak Socialist Republic does not recognise these reservations as valid.

On 26 April 1991, the Government of Czechoslovakia notified the Secretary-General of its decision to withdraw the following reservation with respect to article 30(1) of the Convention, made upon ratification on 7 July 1988 and circulated by depositary notification.

[Original: Czech]

The Czechoslovak Socialist Republic does not consider itself bound, in accordance with Article 30, paragraph 2, by the provisions of Article 30, paragraph 1, of the Convention.

DENMARK

The instrument of ratification was accompanied by the following declaration:

[Original: English]

The Government of Denmark declares, pursuant to Article 21, paragraph 1 of the Convention that Denmark recognizes the competence of the Committee to receive and consider communications to the effect that the State Party claims that another State Party is not fulfilling its obligations under this convention.

The Government of Denmark also declares, pursuant to Article 22, paragraph 1 of the Convention that Denmark recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

On 29 September 1988, the Secretary-General received from the Government of Denmark the following objection with regard to a declaration made by the German Democratic Republic:

[Original: English]

The Government of Denmark hereby enters its formal objection to this declaration which it considers to be a unilateral statement with the purpose of modifying the legal effect of certain provisions of the Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment in their application to the German Democratic Republic. It is the position of the Government of Denmark that the said declaration has no legal basis in the Convention or in international treaty law.

This objection is not an obstacle to the entry into force of the said Convention between Denmark and the German Democratic Republic.

On 7 September 1989, the Secretary-General received from the Government of Denmark the following objection concerning reservations made by Chile:

[Original: English]

The Government of Denmark hereby enters its formal objection to the reservations to Article 2, Paragraph 3, and Article 3 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, made by the Government of Chile upon ratification of the Convention on 30 September 1988.

The Danish Government considers the said reservations as being incompatible with the object and purpose of the Convention and therefore invalid.

This objection is not an obstacle to the entry into force of the said Convention between Denmark and Chile.

ECUADOR

The instrument of ratification contains the following reservation:

[*Original: Spanish*]

Ecuador declares that, in accordance with the provisions of Article 42 of its Political Constitution, it will not permit extradition of its nationals.

On 6 September 1988, the Secretary-General received the following declaration:

[*Original: Spanish*]

The Minister for Foreign Affairs of the Republic of Ecuador, in exercise of his authority, expressly declares that the Ecuadorian State, pursuant to Article 21 of the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Convention; it also recognizes in regard to itself the competence of the Committee, in accordance with Article 21.

It further declares, in accordance with the provisions of Article 22 of the Convention, that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

FINLAND

On ratification the Government of Finland made the following declaration:

[*Original: English*]

Finland declares that it recognizes fully the competence of the Committee against Torture as specified in Article 21 paragraph 1 and Article 22 paragraph 1 of the Convention.

On 20 October 1989 the Secretary-General received the following objections with regard to the reservations made by Chile and the German Democratic Republic:

[*Original: English*]

The Government of Finland hereby enters its formal objection to the reservations to Article 2, paragraph 3, and Article 3 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, made by the Government of Chile upon ratification of the Convention on 30 September 1988.

The Government of Finland considers the said reservations as being incompatible with the object and purpose of the Convention and therefore invalid.

This objection is not an obstacle to the entry into force of the said Convention between Finland and Chile.

The Government of Finland has examined the content of the declaration made by the German Democratic Republic upon ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, by which the German Democratic Republic declares that it will bear its share only of those expenses in accordance with Article 17, paragraph 7, and Article 18, paragraph 5, of the Convention arising from activities under the competence of the Committee as recognized by the German Democratic Republic.

The Government of Finland cannot accept this declaration made by the German Democratic Republic. The Government of Finland considers that any such declaration is without legal effect, and cannot in any manner diminish the obligation of a government to contribute to the costs of the Committee in conformity with the provisions of the Convention.

FRANCE

The instrument of ratification contains the following declarations and reservation:

[*Original: French*]

Declarations:

Article 21

The Government of the French Republic declares, in accordance with Article 21, paragraph 1, of the Convention, that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Convention.

Article 22

The Government of the French Republic declares, in accordance with Article 22, paragraph 1, of the Convention, that it recognizes the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

Reservation:

Article 30

The Government of the French Republic declares, in accordance with Article 30, paragraph 2, of the Convention, that it shall not be bound by the provisions of paragraph 1 of that article.

On 23 June 1988, the Secretary-General received from the Government of France the following communication:

[Original: French]

Upon ratification of the Convention against Torture, the German Democratic Republic made the following declaration:

“The German Democratic Republic declares that it will bear its share only of those expenses in accordance with Article 17, paragraph 7, and Article 18, paragraph 5, of the Convention arising from activities under the competence of the Committee as recognized by the German Democratic Republic.”

France makes an objection to this declaration which it considers contrary with the object and purpose of the Convention.

The said objection is not an obstacle to the entry into force of the said Convention between France and the German Democratic Republic.

On 20 September 1989, the Secretary-General received from the Government of France the following objection concerning reservations made by Chile:

[Original: French]

Upon its ratification of the United Nations Convention Against Torture, Chile made reservations to Article 2 (paragraph 3), and Article 3 of the Convention.

France considers that the reservations made by Chile are not valid as being incompatible with the object and purpose of the Convention.

Such objection is not an obstacle to the entry into force of the Convention between France and Chile.

GERMANY, DEMOCRATIC REPUBLIC OF

The instrument of ratification contains the following reservations and declaration:

[Original: German]

Reservations

The German Democratic Republic declares in accordance with Article 28, paragraph 1, of the Convention that it does not recognize the competence of the Committee provided for in Article 20.

The German Democratic Republic declares in accordance with Article 30, paragraph 2, of the Convention that it does not consider itself bound by the provisions of Article 30, paragraph 1.

Declaration

The German Democratic Republic declares that it will bear its share only of those expenses in accordance with Article 17, paragraph 7, and Article 18, paragraph 5, of the Convention arising from activities under the competence of the Committee as recognized by the German Democratic Republic.

In a communication received on 13 September 1990, the Government of the German Democratic Republic notified the Secretary-General of its decision to withdraw the reservations, made upon ratification, to Articles 17(7), 18(5), 20 and 30(1), of said Convention.

In the same communication, the Government of the German Democratic Republic also made the following declaration in respect of Articles 21 and 22 of the Convention:

[Original: English]

The German Democratic Republic declares in accordance with Article 21, paragraph 1, that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention.

The German Democratic Republic in accordance with Article 22, paragraph 1, declares that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

GERMANY, FEDERAL REPUBLIC OF

Upon signature the Government of the Federal Republic of Germany made the following declaration:

[*Original: German*]

The Government of the Federal Republic of Germany reserves the right to communicate, upon ratification, such reservations or declarations of interpretation as are deemed necessary especially with respect to the applicability of Article 3.

Upon ratification, the Government of the Federal Republic of Germany made the following declaration in respect of Article 3 of the Convention:

[*Original: German*]

This provision prohibits the transfer of a person directly to a State where this person is exposed to a concrete danger of being subjected to torture. In the opinion of the Federal Republic of Germany, Article 3 as well as the other provisions of the Convention exclusively establish State obligations that are met by the Federal Republic of Germany in conformity with the provisions of its domestic law which is in accordance with the Convention.

In a letter accompanying its instrument of ratification, the Government of the Federal Republic of Germany further declared that said Convention would also apply to Berlin (West).

GREECE

The instrument of ratification by the Government of Greece was accompanied by the following declarations:

[*Original: French*]

The Hellenic Republic declares, pursuant to Article 21, paragraph 1, of the Convention, that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Convention.

The Hellenic Republic declares, pursuant to Article 22, paragraph 1, of the Convention, that it recognizes the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

With regard to a declaration made by the Government of the German Democratic Republic upon ratification, the Hellenic Republic raises an objection to this declaration, which it considers to be in violation of Article 19, paragraph (b), of the Vienna Convention on the Law of Treaties. The Convention against Torture expressly sets forth in Article 28, paragraph 1, and Article 30, paragraph 2, the reservations which may be made. The declaration of the German Democratic Republic is not, however, in conformity with these specified reservations.

This objection does not preclude the entry into force of the said Convention as between the Hellenic Republic and the German Democratic Republic.

On 13 October 1989 the Secretary-General received from the Government of Greece the following objection:

[*Original: French*]

Greece does not accept the reservations made by Chile, in respect of Article 2, paragraph 3, and Article 3 since they are incompatible with the purpose and object of the Convention.

The above-mentioned objection is not an obstacle to the entry into force of the Convention between Greece and Chile.

GUATEMALA

The instrument of accession by the Government of Guatemala contains reservations as concerns the provisions of Articles 28(1) and 30(2).

In a communication received on 30 May 1990, the Government of Guatemala notified the Secretary-General that it has decided to withdraw the reservations concerning the provisions of Articles 28(1) and 30(2), made upon accession to the said Convention.

HUNGARY

Upon ratification, the Government of Hungary confirmed the following reservations made upon signature:

[Original: Hungarian]

The Hungarian People's Republic does not recognize the competence of the Committee against Torture as defined by Article 20 of the Convention.

The Hungarian People's Republic does not consider itself bound by the provisions of paragraph 1 of article 30 of the Convention.

On 13 September 1989, the Secretary-General received from the Government of Hungary a declaration made under Articles 21 and 22 of the Convention by which the Government of Hungary recognizes the competence of the Committee against Torture.

Furthermore, the Government of Hungary notified the Secretary-General that it had decided to withdraw the reservations relating to Articles 20 and 30(1) made upon ratification.

ITALY

The instrument of ratification was accompanied by the following objection:

[Original: French]

The Government of Italy objects to the reservation made by the German Democratic Republic at the time of its ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to the effect that it will be responsible only for those expenses which, under the terms of Article 17, paragraph 7, and Article 18, paragraph 5, have been incurred in connection with activities that the German Democratic Republic recognizes as being within the Committee's competence. The Convention authorizes only the reservations indicated in Articles 28(1) and 30(2). The reservation made by the German Democratic Republic is not therefore inadmissible under the terms of Article 19(b) of the 1969 Vienna Convention on the Law of Treaties.

On 14 August 1989, the Secretary-General received from the Government of Italy the following objection:

[Original: French]

The Government of Italy considers that the reservations entered by Chile in respect of article 2(3) and article 3 of this Convention are not valid, as they are incompatible with the object and purpose of the Convention. The present objection is in no way an obstacle to the entry into force of this Convention between Italy and Chile.

On 10 October 1989, the Government of Italy made the following declaration:

[Original: English]

Article 21: Italy hereby declares, in accordance with Article 21, paragraph 1, of the Convention, that it recognizes the competence of the Committee against torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention;

Article 22: Italy hereby declares, in accordance with Article 22, paragraph 1, of the Convention, that it recognizes the competence of the Committee against torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of violations by a State Party of the provisions of the Convention.

LIECHTENSTEIN

Upon ratification, the Government of Liechtenstein made the following declaration:

[Original: French]

The Principality of Liechtenstein recognizes, in accordance with Article 21, paragraph 1, of the Convention, the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention.

The Principality of Liechtenstein recognizes, in accordance with Article 22, paragraph 1, the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

LUXEMBOURG

The instrument of ratification was accompanied by the following declarations:

[*Original: French*]

Article 21

The Grand Duchy of Luxembourg hereby declares, in accordance with article 21, paragraph 1, of the Convention, that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention.

Article 22

The Grand Duchy of Luxembourg hereby declares, in accordance with article 22, paragraph 1, of the Convention, that it recognizes the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

The instrument of ratification was also accompanied by the following interpretative declaration:

[*Original: French*]

Article 1

The Grand Duchy of Luxembourg hereby declares that the only "lawful sanctions" that it recognizes within the meaning of article 1, paragraph 1, of the Convention are those which are accepted by both national law and international law.

On 9 September 1988, the Secretary-General received from the Government of Luxembourg the following objection:

[*Original: French*]

Upon its ratification, on 9 September 1987, of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the German Democratic Republic made the following declaration: "The German Democratic Republic declares that it will bear its share only of those expenses in accordance with article 17, paragraph 7, and article 18, paragraph 5, of the Convention arising from activities under the competence of the Committee as recognized by the German Democratic Republic".

The Grand Duchy of Luxembourg objects to this declaration, which it deems to be a reservation the effect of which would be to inhibit activities of the Committee in a manner incompatible with the purpose and the goal of the Convention.

The present objection does not constitute an obstacle to the entry into force of the said Convention between the Grand Duchy of Luxembourg and the German Democratic Republic.

On 12 September 1989 the Secretary-General received from the Government of Luxembourg the following objection:

[*Original: French*]

At the time of ratification, on 30 September 1988, of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Chile made reservations regarding article 2, paragraph 3, and article 3 of the Convention.

The Grand Duchy of Luxembourg objects to those reservations, which are incompatible with the intent and purpose of the Convention.

This objection does not represent an obstacle to the entry into force of the said Convention between the Grand Duchy of Luxembourg and Chile.

MALTA

On depositing its instrument of accession the Government of Malta declared that it fully recognized the competence of the Committee against Torture as specified in article 21, paragraph 1, and article 22, paragraph 1, of the Convention.

MOROCCO

Upon signature the Government of Morocco made the following reservation:

[*Original: Arabic*]

In accordance with article 28, paragraph 1, the Government of the Kingdom of Morocco declares that it does not recognize the competence of the Committee provided for in article 20.

In accordance with article 30, paragraph 2, the Government of the Kingdom of Morocco declares further that it does not consider itself bound by paragraph 1 of the same article.

NETHERLANDS

The instrument of ratification was accompanied by the following declarations:

[*Original: English*]

1. *With respect to Article 21*

The Government of the Kingdom of the Netherlands hereby declares that it recognizes the competence of the Committee against Torture, under the conditions laid down in Article 21, to receive and consider communications to the effect that another State Party claims that the Kingdom is not fulfilling its obligations under this Convention;

2. *With respect to Article 22*

The Government of the Kingdom of the Netherlands hereby declares that it recognizes the competence of the Committee against Torture, under the conditions laid down in Article 22, to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by the Kingdom of the provisions of the Convention;

3. *Interpretative declaration with respect to Article 1*

It is the understanding of the Government of the Kingdom of the Netherlands that the term "lawful sanctions" in Article 1, paragraph 1, must be understood as referring to those sanctions which are lawful not only under national law but also under international law;

Objection to the declaration of the German Democratic Republic

The Government of the Kingdom of the Netherlands hereby declares that it objects to the declaration made by the German Democratic Republic upon its ratification of the Convention by which it states that it would bear its share only of those expenses that—in accordance with Article 17, paragraph 7, and Article 18, paragraph 5, of the Convention—arise from activities under the competence of the Committee against Torture as recognized by that State.

This declaration, clearly a reservation according to Article 2, paragraph 1, under (d), of the Vienna Convention on the Law of Treaties, not only "purports to exclude or modify the legal effect" of Articles 17, paragraph 7, and 18, paragraph 5, of the present Convention in their application to the German Democratic Republic itself, but it would also affect the obligations of the other States Parties which would have to pay additionally in order to ensure the proper functioning of the Committee against Torture. For this reason the reservation is not acceptable to the Government of the Kingdom of the Netherlands.

Thus, the assessment of the financial contributions of the States Parties to be made under Article 17, paragraph 7, and Article 18, paragraph 5, must be drawn up in disregard of the declaration of the German Democratic Republic.

On 7 November 1989, the Secretary-General received from the Government of the Netherlands the following objection:

[*Original: English*]

The Government of the Kingdom of the Netherlands objects to the reservations to Article 2, paragraph 3, and Article 3 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, concluded at New York on 10 December 1984, made by Chile upon ratification on 30 September 1988, as being contrary to the object and purpose of that Convention.

Since the purpose of the Convention is the strengthening of the existing prohibition of torture and similar practices, the reservation to Article 2, paragraph 3, to the effect to an order from a superior officer or a public authority may—in some cases—be invoked as a justification of torture, must be rejected as contrary to the object and purpose of the Convention.

For similar reasons the reservation to Article 3 must be regarded as incompatible with the object and purpose of the Convention.

These objections are not an obstacle to the entry into force of this Convention between the Kingdom of the Netherlands and Chile.

NEW ZEALAND

The Instrument of ratification contained the following declarations, reservations and objections.

Declarations

Article 21

1. In accordance with Article 21, Paragraph 1, of the Convention, the Government of New Zealand recognizes the competence of the Committee Against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Convention; and

Article 22

2. In accordance with Article 22, Paragraph 1, of the Convention, the Government of New Zealand recognizes the competence of the Committee Against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

Reservation

The Government of New Zealand reserves the right to award compensation to torture victims referred to in Article 14 of the Convention Against Torture only at the discretion of the Attorney-General of New Zealand;

Objections

1. Concerning the Declaration made by the German Democratic Republic; The Government of New Zealand hereby presents its formal Objection to the Declaration made by the German Democratic Republic when ratifying the Convention, in which it declares that it will bear its share only of the expenses in accordance with Article 17, Paragraph 7, and Article 18, Paragraph 5 of the Convention, arising from activities under the competence of the Committee Against Torture, as recognized by the German Democratic Republic. The Government of New Zealand considers that this Declaration is incompatible with the object and purpose of the Convention. This Objection does not constitute an obstacle to the entry into force of the Convention between New Zealand and the German Democratic Republic.

2. Concerning Reservations made by Chile; The Government of New Zealand hereby presents its formal Objection to the Reservations made by Chile when ratifying the Convention relating to Article 2, Paragraph 3 and Article 3 of the Convention Against Torture. The New Zealand Government considers the said Reservations to be incompatible with the object and purpose of the Convention. This Objection does not constitute an obstacle to the entry into force of the Convention between New Zealand and Chile.

NORWAY

The instrument of ratification contained the following declarations:

Norway recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention.

Norway recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

On 29 September 1988, the Secretary-General received from the Government of Norway the following objection:

[Original: English]

The Government of Norway has examined the content of the declaration made by the German Democratic Republic upon ratification of the Convention by which "The German Democratic Republic declares that it will bear its share only of those expenses in accordance with article 17, paragraph 7, and article 18, paragraph 5, of the Convention arising from activities under the competence of the Committee as recognized by the German Democratic Republic.

The Government of Norway cannot accept this declaration entered by the German Democratic Republic. The Government of Norway considers that any such declaration is without legal effect, and cannot in any manner diminish the obligation of a government to contribute to the costs of the Committee in conformity with the provisions of the Convention.

On 28 September 1989, the Secretary-General received from the Government of Norway the following objection:

[Original: English]

The Government of Norway hereby objects to the reservations to Article 2, paragraph 3, and Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, made by the Government of Chile upon ratification of the Convention on 30 September 1988. The Government of Norway considers the said reservations as being incompatible with the object and purpose of the convention and therefore invalid.

This objection is not an obstacle to the entry into force of the said convention between Norway and Chile.

PANAMA

The instrument of ratification contained the following reservation:

[Original: Spanish]

The Republic of Panama declares in accordance with article 30, paragraph 2 of the Convention that it does not consider itself bound by the provisions of paragraph 1 of the said article.

POLAND

Upon signature the Government of Poland made the following reservation:

[Original: Polish]

Under article 28 the Polish People's Republic does not consider itself bound by article 20 of the Convention.

Furthermore, the Polish People's Republic does not consider itself bound by article 30 paragraph 1, of the Convention.

PORTUGAL

The instrument of ratification was accompanied by the following declarations and objections:

[Original: English]

Article 21

Portugal hereby declares, in accordance with article 21, paragraph 1, of the Convention, that it recognizes the competence of the Committee Against Torture to receive and consider communications to the effect that the State Party claims that another State Party is not fulfilling its obligations under this Convention.

Article 22

Portugal hereby declares, in accordance with article 22, paragraph 1 of the Convention, that it recognizes the competence of the Committee Against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of violation by a State Party of the provisions of the Convention.

On 6 October 1989, the Secretary-General received from the Government of Portugal the following objection:

[Original: English]

The Government of Portugal hereby presents its formal objection to the declaration made by GDR when ratifying the Convention, in which [it] declares that it will bear its share only of those expenses in accordance with article 17, paragraph 7, and article 18, paragraph 5 of the Convention, arising from activities under the competence of the Committee Against Torture, as recognized by GDR.

The Government of Portugal considers that this declaration is incompatible with the object and purpose of the present Convention. This objection does not constitute an obstacle to the entry into force of the Convention between Portugal and GDR.

On 6 October 1989 the Secretary-General received from the Government of Portugal the following objection with regard to the reservations made by Chile.

[Original: English]

The Government of Portugal hereby presents its formal objection to the reservations to article two, paragraph three and article three of the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, made by the Government of Chile upon ratification of the said Convention.

The Government of Portugal considers such reservations to be incompatible with the object and purpose of this Convention and therefore invalid.

This objection does not constitute an obstacle to the entry into force of the Convention between Portugal and Chile.

SPAIN

The instrument of ratification contains the following declarations:

[Original: Spanish]

Spain declares that, pursuant to article 21, paragraph 1, of the Convention, it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that the Spanish State is not fulfilling its obligations under this Convention. It is Spain's understanding that, pursuant to the above-mentioned article, such communications shall be accepted and processed only if they come from a State Party which has made a similar declaration.

Spain declares that, pursuant to article 22, paragraph 1, of the Convention, it recognizes the competence of the Committee to receive and consider communications sent by, or on behalf of, persons subject to Spanish jurisdiction who claim to be victims of a violation by the Spanish State of the provisions of the Convention. Such communications must be consistent with the provisions of the above-mentioned article and, in particular, of its paragraph 5.

On 6 October 1988, the Secretary-General received from the Government of Spain the following objection:

[Original: Spanish]

The Government of the Kingdom of Spain declares that it objects to the reservations made by the German Democratic Republic, in ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to the effect, that it will be responsible for only those expenses which, under article 17, paragraph 7, and article 18, paragraph 5, are incurred in connection with activities of the Committee whose competence it has recognized. The Government of the Kingdom of Spain feels that such a reservation is a violation of article 19, paragraph (b), of the Vienna Convention on the Law of Treaties of 23 May 1969, because the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment sets forth, in article 28, paragraph 1, and article 30, paragraph 2, the only reservations that may be made to the Convention, and the above-mentioned reservation of the German Democratic Republic does not conform to either of those reservations.

On 26 September 1989, the Secretary-General received from the Government of Spain the following objection:

[Original: Spanish]

The Government of the Kingdom of Spain declares that it objects to the reservations made by Chile to article 2, paragraph 3, and article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984, because the aforementioned reservations are contrary to the purposes and aims of the Convention.

The present objection does not constitute an obstacle to the entry into force of the Convention between Spain and Chile.

SWEDEN

The instrument of ratification by the Government of Sweden contains the following declarations:

[Original: English]

[The Government of Sweden] declares, pursuant to Article 21, paragraph 1, of the Convention, that Sweden recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention.

[The Government of Sweden] also declares, pursuant to Article 22, paragraph 1 of the Convention, that Sweden recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

On 28 September 1988, the Secretary-General received from the Government of Sweden the following objection:

[Original: English]

The Government of Sweden has examined the content of the declaration made by the German Democratic Republic, by which "The German Democratic Republic declares that it will bear its share only of those expenses in accordance with Article 17, paragraph 7, and Article 18, paragraph 5, of the Convention arising from activities under the competence of the Committee as recognized by the German Democratic Republic".

According to Article 2, paragraph 1(d) of the Vienna Convention on the Law of Treaties a unilateral statement, whereby a State e.g. when ratifying a treaty purports to exclude the legal effect of certain provisions of the treaty in their application, is regarded as a reservation. Thus, such unilateral statements are considered as reservations regardless of their name or phrase.

The Government of Sweden has come to the conclusion that the declaration made by the German Democratic Republic is incompatible with the object and purpose of the Convention and therefore is invalid according to Article 19(c) of the Vienna Convention on the Law of Treaties. For this reason the Government of Sweden objects to this declaration.

On 25 September 1989, the Secretary-General received from the Government of Sweden the following objection:

The Swedish Government has examined the reservations made by Chile with respect to article 2, paragraph 3, and article 3 of the Convention and has come to the conclusion that these reservations are incompatible with the object and purpose of the Convention and therefore are impermissible according to article 19(c) of the Vienna Convention on the Law of Treaties. For this reason the Government of Sweden objects to these reservations. This objection does not have the effect of preventing the Convention from entering into force between Sweden and Chile, and the said reservations cannot alter or modify, in any respect, the obligations arising from the Convention.

SWITZERLAND

On ratification the Federal Council made the following declarations:

- (a) Pursuant to the Federal Decree of 6 October 1986 on the approval of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Federal Council declares, in accordance with article 21, paragraph 1, of the Convention, that Switzerland recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that Switzerland is not fulfilling its obligations under this Convention.
- (b) Pursuant to the above-mentioned Federal Decree, the Federal Council declares, in accordance with article 22, paragraph 1, of the Convention, that Switzerland recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by Switzerland of the provisions of the Convention.

On 7 October 1988, the Secretary-General received from the Government of Switzerland the following objection:

[Original: French]

The Swiss Government *objects* to the reservation by the German Democratic Republic to the effect that that State will bear its share only of those expenses in accordance with article 17, paragraph 7, and article 18, paragraph 5, of the Convention arising from activities under the competence of the Committee as recognized by the German Democratic Republic. That reservation is contrary to the purpose and aims of the Convention which are, through the Committee's activities, to encourage respect for a vitally important human right and to enhance the effectiveness of the struggle against torture the world over. This objection does not have the effect of preventing the Convention from entering into force between the Swiss Confederation and the German Democratic Republic.

On 8 November 1989, the Secretary-General received from the Government of Switzerland the following objection:

[Original: French]

The Swiss Government objects to the following reservations made by the Republic of Chile upon ratification on 30 September 1988:

- to *reservation (a)*, according to which the Government of Chile will not apply article 2, paragraph 3, in so far as it modifies the principle of "obedience upon reiteration" contained in Chilean domestic law;
- to *reservation (b)*, to article 3 (principle of *non-refoulement*).

These reservations are not compatible with the object and purpose of the Convention, which are to improve respect for a human right of fundamental importance and to make more effective the struggle against torture throughout the world.

This objection does not have the effect of preventing the Convention from entering into force between the Swiss Confederation and the Republic of Chile.

TOGO

Upon signature the Government of Togo made the following declaration:

[*Original: French*]

The Government of the Togolese Republic reserves the right to formulate, upon ratifying the Convention, any reservations or declarations which it might consider necessary.

Upon ratification the following declarations were made:

[*Original: French*]

The Government of the Republic of Togo hereby declares, in accordance with article 21 of the Convention, that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention.

The Government of the Republic of Togo further declares, in accordance with article 22 of the Convention, that it recognizes the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

TUNISIA

Upon signature, the Government of Tunisia made the following declaration:

[*Original: French*]

In signing the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment the Government of Tunisia reserves the right to make at some later stage any reservation or declaration which it deems necessary, in particular with regard to articles 20 and 21 of the said Convention.

Upon ratification [The Government of Tunisia] declared that it recognized the competence of the Committee Against Torture provided for in article 17 of the Convention to receive communications pursuant to articles 21 and 22, thereby withdrawing any reservation made on Tunisia's behalf in this connection.

TURKEY

The instrument of ratification by the Government of Turkey was accompanied by a reservation and declarations which read as follows:

[*Original: English*]

Reservation:

The Government of Turkey declares in accordance with Article 30, paragraph 2, of the Convention, that it does not consider itself bound by the provisions of paragraph 1 of this Article.

Declaration (under articles 21 and 22):

The Government of Turkey declares, pursuant to Article 21, paragraph 1, of the Convention that it recognizes the competence of the Committee Against Torture to receive and consider communications to the effect that a State Party is not fulfilling its obligations under the Convention.

The Government of Turkey declares, pursuant to Article 22, paragraph 1, of the Convention that it recognizes the competence of the Committee Against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

On 3 November 1989 the Secretary-General received from the Government of Turkey the following objection:

[*Original: English*]

The Government of Turkey presents its formal objection to the reservation regarding to article two, paragraph three of the UN Convention: Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, made by the Government of Chile upon ratification of the said Convention.

The Government of Turkey considers such reservations to be incompatible with the object and purpose of this Convention and therefore invalid.

This objection does not constitute an obstacle to the entry into force of the Convention between Turkey and Chile.

UKRAINIAN SOVIET SOCIALIST REPUBLIC

The instrument of ratification by the Government of the Ukrainian Soviet Socialist Republic contains the following reservations:

[Original: Ukrainian]

The Ukrainian Soviet Socialist Republic does not recognize the competence of the Committee against Torture, as defined by article 20 of the Convention.

The Ukrainian Soviet Socialist Republic does not consider itself bound by the provisions of article 30, paragraph 1, of the Convention.

In a letter received on 20 April 1989, the Government of the Ukrainian Soviet Socialist Republic notified the Secretary-General that it has decided to withdraw the reservation relating to article 30(1) made upon ratification, which reservation read as follows:

[Original: Russian]

The Ukrainian Soviet Socialist Republic does not consider itself bound by the provisions of article 30, paragraph 1, of the Convention.

A translation of the letter reads as follows:

[Translated from Russian]

The Ukrainian Soviet Socialist Republic
Ministry of Foreign Affairs

The Ministry of Foreign Affairs of the Ukrainian Soviet Socialist Republic presents its compliments to the Secretary-General of the United Nations and has the honour to inform him that, on 14 March 1989, the Presidium of the Supreme Soviet of the Ukrainian SSR issued a decree withdrawing the reservations which the Ukrainian SSR had previously made in respect of the compulsory jurisdiction of the International Court of Justice in disputes concerning the interpretation and application of the following international human rights instruments:

- Convention on the Prevention and Punishment of the Crime of Genocide of 1948;
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949;
- Convention on the Political Rights of Women of 1952;
- International Convention on the Elimination of All Forms of Racial Discrimination of 1965;
- Convention on the Elimination of All Forms of Discrimination against Women of 1979;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984.

By this decree, the Ukrainian SSR declares that the relevant provisions of the above-mentioned agreements shall apply to disputes concerning the interpretation and application of these agreements which may arise after the date on which the Secretary-General of the United Nations is notified of the withdrawal of the reservations of the Ukrainian SSR.

The Ministry of Foreign Affairs of the Ukrainian SSR takes this opportunity to convey to the Secretary-General of the United Nations the renewed assurances of its highest consideration.

UNION OF SOVIET SOCIALIST REPUBLICS

Upon signature the USSR made the following reservations which it confirmed on ratification:

[Original: Russian]

The Union of Soviet Socialist Republics does not recognize the competence of the Committee against Torture, as defined by article 20 of the Convention.

The Union of Soviet Socialist Republics does not consider itself bound by the provisions of article 30, paragraph 1, of the Convention.

In a letter received on 8 March 1989, the Government of the Union of Soviet Socialist Republics notified the Secretary-General that it has decided to withdraw the reservation relating to article 30 (1) made upon ratification, which read as follows:

[Original: Russian]

The Union of Soviet Socialist Republics does not consider itself bound by the provisions of article 30, paragraph 1, of the Convention.

A translation of this letter reads as follows:

*Letter dated 28 February 1989 from the Minister for Foreign Affairs
of the USSR addressed to the Secretary-General*

The Soviet Union, which attaches great importance in present circumstances to enhancing the role of the International Court of Justice in world affairs, has begun to consider the question of withdrawing the reservations which it made previously to a number of international treaties concerning the jurisdiction of that judicial organ. Given the importance of the further promotion of co-operation among States in the humanitarian sphere, it was deemed desirable to begin this process by dealing with human rights agreements. In this connection, in his address to the United Nations on 7 December 1988, Mr. M. S. Gorbachev advocated that all States should recognize the compulsory jurisdiction of the International Court of Justice with respect to the interpretation and application of human rights agreements.

In the light of the above, on 10 February 1989, the Presidium of the Supreme Soviet of the USSR adopted a decree whereby the Soviet Union accepts the compulsory jurisdiction of the International Court of Justice in respect of the following international treaties: the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the 1952 Convention on the Political Rights of Women, the 1965 International Convention on the Elimination of All Forms of Racial Discrimination, the 1979 Convention on the Elimination of All Forms of Discrimination against Women, and the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

By this decree, the Soviet Union declares that the relevant provisions of these treaties shall apply to disputes concerning the interpretation and application of the treaties in cases which may arise after the date on which the Secretary-General is notified of the withdrawal by the USSR of its reservations.

Thus, in accordance with the decree, disputes which may arise in the future between the Soviet Union and States parties to the above treaties with respect to the interpretation and application of these treaties may, from the date of this letter, be referred to the International Court of Justice at the request of one of the parties to the dispute.

In taking this decision, the Soviet Union was guided by the desire to strengthen the international legal order, which upholds the primacy of law in political affairs. In advocating the primacy of international law, we take the position that international legal norms and obligations of States take precedence over their domestic enactments. Naturally, this approach also presupposes the comprehensive use of all means of peaceful settlement of disputes, including active use of the potential of the International Court of Justice.

I request you, as the depositary of the above-mentioned treaties, to notify the States parties of the contents of this letter.

I also request you to have this letter distributed as an official document of the United Nations.

E. SHEVARDNADZE

UNITED KINGDOM

On signing the Convention the Government of the United Kingdom made the following declaration:

The United Kingdom reserves the right to formulate, upon ratifying the Convention, any reservations or interpretative declarations which it might consider necessary.

The instrument of ratification specified that the said Convention was ratified in respect of the United Kingdom of Great Britain and Northern Ireland, Anguilla, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, Saint Helena, Saint Helena Dependencies, Turks and Caicos Islands.

The instrument of ratification was accompanied by the following declarations:

The Government of the United Kingdom declares under Article 21 of the said Convention that it recognizes the competence of the Committee Against Torture to receive and consider communications submitted by another State Party, provided that such other State Party has, not less than twelve months prior to the submission by it of a communication in regard to the United Kingdom, made a declaration under Article 21 recognizing the competence of the Committee to receive and consider communications in regard to itself.

The Government of the United Kingdom of Great Britain and Northern Ireland has taken note of the *reservations* formulated by the Government of the German Democratic Republic pursuant to Article 28, paragraph 1, and Article 30, paragraph 2, respectively, and the declaration made by the German Democratic Republic with reference to Article 17, paragraph 7, and Article 18, paragraph 5. It does not regard the said declaration as affecting in any way the obligations of the

German Democratic Republic as a State Party to the Convention (including the obligations to meet its share of the expenses of the Committee on Torture as apportioned by the first meeting of the States Parties held on 26 November 1987 or any subsequent such meetings) and do not accordingly raise objections to it. It reserves the rights of the United Kingdom in their entirety in the event that the said declaration should at any future time be claimed to affect the obligations of the German Democratic Republic as aforesaid.

On 8 November 1989, the Secretary-General received from the Government of the United Kingdom of Great Britain and Northern Ireland the following objection with regard to the reservations made by Chile:

- (a) The reservations to Article 28, paragraph 1, and to Article 30, paragraph 1, being reservations expressly permitted by the Convention, do not call for any observations by the United Kingdom.
- (b) The United Kingdom takes note of the reservation referring to the Inter-American Convention to Prevent and Punish Torture, which cannot, however, affect the obligations of Chile in respect of the United Kingdom, as a non-Party to the said Convention.
- (c) The United Kingdom is unable to accept the reservation to Article 2, paragraph 3, or the reservation to Article 3.

UNITED STATES OF AMERICA

Upon signature, the Government of the United States of America made the following declaration:

The Government of the United States of America reserves the right to communicate, upon ratification, such reservations, interpretative understandings, or declarations as are deemed necessary.

URUGUAY

On 27 July 1988, the Secretary-General received from the Government of Uruguay a declaration made under articles 21 and 22 of the Convention by which the Government of Uruguay recognizes the competence of the Committee against Torture to receive and consider communications referring to the said articles.