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CHAPTER IV

9.b.



## MTDSG

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CHAPTER IV  
HUMAN RIGHTS9.b Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or  
Degrading Treatment or Punishment

New York, 18 December 2002

**Entry into force** : 22 June 2006, in accordance with article 28(1) which reads as follows: "1. The present Protocol shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession. 2. For each State ratifying the present Protocol or acceding to it after the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession, the present Protocol shall enter into force on the thirtieth day after the date of deposit of its own instrument of ratification or accession."

**Registration** : 22 June 2006, No. 24841

**Status** : Signatories : 71. Parties : 62

**Text** : United Nations, *Treaty Series*, vol. 2375, p. 237; GA Resolution A/RES/57/199 of 9 January 2003.

[C.N.25.2010.TREATIES-1](#) of 29 January 2010 (Proposal of corrections to the original text of the Optional Protocol (authentic Russian and Spanish texts) and to the certified true copies; [C.N.244.2010.TREATIES-3](#) of 30 April 2010 (Corrections to the original text of the Optional Protocol (authentic Russian and Spanish texts) and to the certified true copies.

**Note** : The above Protocol was adopted on 18 December 2002 at the fifty-seventh session of the General Assembly of the United Nations by resolution A/RES/57/199. In accordance with article 27 (1), the Protocol was opened for signature on 4 February 2003, the first possible date, by any State that has signed the Convention. In accordance with operative paragraph 1 of General Assembly resolution A/RES/57/199, the Protocol is available for signature, ratification and accession at United Nations Headquarters in New York.

Participant	Signature, Succession to signature (d)	Accession(a), Succession(d), Ratification
Albania		1 Oct 2003 a
Argentina	30 Apr 2003	15 Nov 2004
Armenia		14 Sep 2006 a
Australia	19 May 2009	
Austria	25 Sep 2003	
<a href="#">Azerbaijan</a>	15 Sep 2005	28 Jan 2009
<a href="#">Belgium</a>	24 Oct 2005	
Benin	24 Feb 2005	20 Sep 2006

Bolivia (Plurinational State of)	22 May 2006	23 May 2006
Bosnia and Herzegovina	7 Dec 2007	24 Oct 2008
Brazil	13 Oct 2003	12 Jan 2007
Bulgaria	22 Sep 2010	1 Jun 2011
Burkina Faso	21 Sep 2005	7 Jul 2010
Cambodia	14 Sep 2005	30 Mar 2007
Cameroon	15 Dec 2009	
Cape Verde	26 Sep 2011	
Chile	6 Jun 2005	12 Dec 2008
Congo	29 Sep 2008	
Costa Rica	4 Feb 2003	1 Dec 2005
Croatia	23 Sep 2003	25 Apr 2005
Cyprus	26 Jul 2004	29 Apr 2009
Czech Republic	13 Sep 2004	10 Jul 2006
Democratic Republic of the Congo		23 Sep 2010 a
Denmark <sup>1</sup>	26 Jun 2003	25 Jun 2004
Ecuador	24 May 2007	20 Jul 2010
Estonia	21 Sep 2004	18 Dec 2006
Finland	23 Sep 2003	
<u>France</u>	16 Sep 2005	11 Nov 2008
Gabon	15 Dec 2004	22 Sep 2010
Georgia		9 Aug 2005 a
<u>Germany</u>	20 Sep 2006	4 Dec 2008
Ghana	6 Nov 2006	
Greece	3 Mar 2011	
Guatemala	25 Sep 2003	9 Jun 2008
Guinea	16 Sep 2005	
Honduras	8 Dec 2004	23 May 2006
Hungary		12 Jan 2012 a
Iceland	24 Sep 2003	
Ireland	2 Oct 2007	
Italy	20 Aug 2003	
Kazakhstan	25 Sep 2007	22 Oct 2008
Kyrgyzstan		29 Dec 2008 a
Lebanon		22 Dec 2008 a
Liberia		22 Sep 2004 a
Liechtenstein	24 Jun 2005	3 Nov 2006
Luxembourg	13 Jan 2005	19 May 2010
Madagascar	24 Sep 2003	
Maldives	14 Sep 2005	15 Feb 2006
Mali	19 Jan 2004	12 May 2005
Malta	24 Sep 2003	24 Sep 2003
Mauritania	27 Sep 2011	
Mauritius		21 Jun 2005 a
Mexico	23 Sep 2003	11 Apr 2005
Montenegro <sup>2</sup>	23 Oct 2006 d	6 Mar 2009
Netherlands <sup>3</sup>	3 Jun 2005	28 Sep 2010
New Zealand <sup>4</sup>	23 Sep 2003	14 Mar 2007
Nicaragua	14 Mar 2007	25 Feb 2009
Nigeria		27 Jul 2009 a

Norway	24 Sep 2003	
Panama	22 Sep 2010	2 Jun 2011
Paraguay	22 Sep 2004	2 Dec 2005
Peru		14 Sep 2006 a
Poland	5 Apr 2004	14 Sep 2005
Portugal	15 Feb 2006	
Republic of Moldova	16 Sep 2005	24 Jul 2006
<u>Romania</u>	24 Sep 2003	2 Jul 2009
Senegal	4 Feb 2003	18 Oct 2006
Serbia	25 Sep 2003	26 Sep 2006
Sierra Leone	26 Sep 2003	
Slovenia		23 Jan 2007 a
South Africa	20 Sep 2006	
Spain	13 Apr 2005	4 Apr 2006
Sweden	26 Jun 2003	14 Sep 2005
Switzerland	25 Jun 2004	24 Sep 2009
The former Yugoslav Republic of Macedonia	1 Sep 2006	13 Feb 2009
Timor-Leste	16 Sep 2005	
Togo	15 Sep 2005	20 Jul 2010
Tunisia		29 Jun 2011 a
Turkey	14 Sep 2005	27 Sep 2011
Ukraine	23 Sep 2005	19 Sep 2006
United Kingdom of Great Britain and Northern Ireland	26 Jun 2003	10 Dec 2003
Uruguay	12 Jan 2004	8 Dec 2005
Venezuela (Bolivarian Republic of)	1 Jul 2011	
Zambia	27 Sep 2010	

#### **Declarations and Reservations**

*(Unless otherwise indicated, the declarations were made upon ratification, accession or succession.)*

#### **Azerbaijan**

##### *Declaration:*

“The Republic of Azerbaijan declares that it is unable to guarantee the application of the provisions of the Protocol in the territories occupied by the Republic of Armenia until these territories are liberated from occupation.”

#### **Belgium**

*Declaration made upon signature:* This signature also engages the French community, the Flemish community, the German-speaking community and the Walloon region.

#### **France**

##### *Declaration:*

Pursuant to articles 15 and 21 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, no French authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the Subcommittee on Prevention or to its delegates or to the national preventive

mechanism any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way, provided that, in the case of false information, the person or organization in question was unaware of the false nature of the information at the time of its communication and, moreover, without prejudice to the legal remedies that persons who are implicated may invoke for harm suffered as a result of the communication of false information about them.

**Germany***Declaration:*

“The distribution of competences within the Federal Republic of Germany means that a treaty between the Länder (federal states), which requires parliamentary approval, is needed in order to establish the national preventive mechanism at Länder level. Because of this requirement, Germany shall postpone the implementation of its obligations under Part IV of the Optional Protocol. The Subcommittee will be informed as soon as possible of the date from which the national prevention mechanism is operational.”

**Kazakhstan** <sup>5</sup>

8 February 2010

*Declaration*

"In accordance with Article [24], paragraph 1 of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Republic of Kazakhstan hereby postponing the implementation of its obligations under part IV of the present Optional Protocol."

**Montenegro***Declaration:*

“The Government of Montenegro makes the following Declaration in relation to article 24 of the Optional Protocol:

In accordance with the article 24 of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment Montenegro postpones the implementation of its obligations under part IV of the present Optional Protocol for two years after the date of the entrance into force of the Optional Protocol.”

**Romania***Declaration:*

“In accordance with Article 24, paragraph 1 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Romania declares that it postpones for three years the implementation of the obligations under Part IV of the Optional Protocol, concerning national preventive mechanisms.”

***Notifications made under article 17***

*(Unless otherwise indicated, the notifications were made upon ratification, accession or succession.)*

**Azerbaijan**

“The Ministry of Foreign Affairs of the Republic of Azerbaijan.....has the honour to inform that the Commissioner of the Human Rights (Ombudsman) of the Republic of Azerbaijan was designated by the Decree of the President of the Republic of Azerbaijan No. 112, dated January 13, 2009 as the national preventive mechanism according to Article 17 of the (United Nations) Optional Protocol to the Convention against Torture and other Cruel Inhuman or Degrading Treatment or Punishment.”

**Slovenia**

"In accordance with Article 17 of the Protocol, the Republic of Slovenia declares herewith that the competencies and duties of the national preventive mechanism will be performed by the Human Rights Ombudsperson and in agreement with him/her also by non-governmental organisations registered in the Republic of Slovenia and by organisations, which acquired the status of humanitarian organisations in the Republic of Slovenia."

**The former Yugoslav Republic of Macedonia**

“In accordance with Article 17 of the Protocol, the Republic of Macedonia declares that the Ombudsman of the Republic of Macedonia is designated as a national preventive mechanism for the prevention of torture at the domestic level.

The non-governmental organizations registered in the Republic of Macedonia and organizations which have acquired the status of humanitarian organizations in the Republic of Macedonia, may

perform some of the competences of the national preventive mechanism, in agreement with, and with prior consent of the Ombudsman of the Republic of Macedonia.”

### End Note

1. With a territorial exclusion in respect of the Faroe Islands.

Subsequently, on 29 August 2005, the Government of Denmark informed the Secretary-General of the following:

"... that Denmark withdraws its declaration made upon ratification of the said Protocol to the effect that until further notice the Optional Protocol should not apply to the Faroe Islands."

2. See note 1 under "Montenegro" in the "Historical Information" section in the front matter of this volume.

3. For the Kingdom in Europe.

4. With a territorial exclusion with regard to the Tokelau Islands, with the following:

"... consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, this ratification shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the Depositary on the basis of appropriate consultation with that territory."

5. The declaration was accepted in deposit on 22 May 2010 in the absence of any objection on the part of one of the Contracting States, either to the deposit itself or to the procedure envisaged, within a period of three months from the date of the notification circulating the declaration, i.e., on 22 February 2010.

