

CZECH REPUBLIC

CAT

RESERVATIONS AND DECLARATIONS

(Unless otherwise indicated, the reservations and declarations were made upon ratification, accession or succession)

Note

Czechoslovakia had signed and ratified the Convention on 8 September 1986 and 7 July 1988, respectively, with the following reservations:

"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."

"The Czechoslovak Socialist Republic does not recognize the competence of the Committee against Torture as defined by article 20 of the Convention."

Subsequently, on 26 April 1991, the Government of Czechoslovakia notified the Secretary-General of its decision to withdraw the reservation with respect to article 30 (1).

On 17 March 1995 and 3 September 1996, respectively, the Governments of Slovakia and the Czech Republic notified the Secretary-General that they had decided to withdraw the reservation with respect to article 20 made by Czechoslovakia upon signature, and confirmed upon ratification.

See also note 1 under "Czech Republic" and note 1 under "Slovakia" in the "Historical Information" section in the front matter of [*the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>]).*

[Ed. note: Note 1 under Czech Republic is as follows:

*Czech Republic
Note 1*

In a letter dated 16 February 1993, received by the Secretary-General on 22 February 1993 and accompanied by a list of multilateral treaties deposited with the Secretary-General, the Government of the Czech Republic notified that:

"In conformity with the valid principles of international law and to the extent defined by it, the Czech Republic, as a successor State to the Czech and Slovak Federal Republic, considers itself bound, as of 1 January 1993, i.e., the date of the dissolution of the Czech

and Slovak Federal Republic, by multilateral international treaties to which the Czech and Slovak Federal Republic was a party on that date, including reservations and declarations to their provisions made earlier by the Czech and Slovak Federal Republic.

The Government of the Czech Republic have examined multilateral treaties the list of which is attached to this letter. [The Government of the Czech Republic] considers to be bound by these treaties as well as by all reservations and declarations to them by virtue of succession as of 1 January 1993.

The Czech Republic, in accordance with the well established principles of international law, recognizes signatures made by the Czech and Slovak Federal Republic in respect of all signed treaties as if they were made by itself."

In view of the information above, entries in status lists pertaining to formalities (i.e., signatures, ratifications, accessions, declarations and reservations, etc.) effected by the former Czechoslovakia prior to dissolution, in respect of treaties to which the Czech Republic and-or Slovakia have succeeded, will be replaced by the name of "Czech Republic" and-or "Slovakia" with the corresponding date of deposit of the notification of succession. A footnote will indicate the date and type of formality effected by the former Czechoslovakia, the corresponding indicator being inserted next to "Czech Republic" and "Slovakia" as the case may be.

As regards treaties in respect of which formalities were effected by the former Czechoslovakia and not listed in the notification of succession by either the Czech Republic or Slovakia, a footnote indicating the date and type of formality effected by the former Czechoslovakia will be included in the status of the treaties concerned, the corresponding footnote indicator being inserted next to the heading "Participant". See also "Slovakia" in this section" [Ed: note: see immediately below.]

For information on the treatment of treaty actions by predecessor States and successor States in the status tables, see Part C, "Status tables" of the "Introduction" to [the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>].

[Ed. note: Note 1 under Slovakia is as follows:

Slovakia

Note 1

In a letter dated 19 May 1993 and also accompanied by a list of multilateral treaties deposited with the Secretary-General, received by the Secretary-General on 28 May 1993, the Government of the Slovak Republic notified that:

"In accordance with the relevant principles and rules of international law and to the extent defined by it, the Slovak Republic, as a successor State, born from the dissolution of the Czech and Slovak Federal Republic, considers itself bound, as of January 1, 1993, i.e., the date on which the Slovak Republic assumed responsibility for its international relations, by multilateral treaties to which the Czech and Slovak Federal Republic was a party as of 31 December 1992, including reservations and declarations made earlier by Czechoslovakia, as well as objections by Czechoslovakia to reservations formulated by other treaty-parties.

The Slovak Republic wishes further to maintain its status as a contracting State of the treaties to which Czechoslovakia was a contracting State and which were not yet in force at the date of the dissolution of the Czech and Slovak Federal Republic, as well as the status of a signatory State of the treaties which were previously signed but not ratified by Czechoslovakia as listed in the Annex to this letter."

In view of the information above, entries in status lists pertaining to formalities (i.e., signatures, ratifications, accessions, declarations and reservations, etc.) effected by the former Czechoslovakia prior to dissolution, in respect of treaties to which the Czech Republic and/or Slovakia have succeeded, will be replaced by the name of "Czech Republic" and/or "Slovakia" with the corresponding date of deposit of the notification of succession. A footnote will indicate the date and type of formality effected by the former Czechoslovakia, the corresponding indicator being inserted next to "Czech Republic" and "Slovakia" as the case may be.

As regards treaties in respect of which formalities were effected by the former Czechoslovakia and not listed in the notification of succession by either the Czech Republic or Slovakia, a footnote indicating the date and type of formality effected by the former Czechoslovakia will be included in the status of the treaties concerned, the corresponding footnote indicator being inserted next to the heading "Participant".

See also "Czech Republic" in this section.[Ed. note: see above]

For information on the treatment of treaty actions by predecessor States and successor States in the status tables, see Part C, "Status tables" of the "Introduction" to [the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>].

(Note 7, Chapter IV.9, Multilateral Treaties Deposited with the Secretary-General)

OBJECTIONS MADE TO OTHER STATES PARTIES RESERVATIONS AND DECLARATIONS

(Ed. note: for the text targeted by the following objections, see the Reservations and Declarations of the State which is the subject of the objection)

20 June 2011

“The Czech Republic believes that the reservations of Pakistan made to Articles 3, 4, 6, 8, 12, 13, and 16 of the Convention, if put into practice, would result in restriction and weakening of the universal prohibition of torture. Such restriction or weakening is contrary to the object and purpose of the Convention. Furthermore, Pakistan supports reservations to Articles 4, 6, 12, 13 and 16 by references to its domestic law, which is, in the opinion of the Czech Republic, unacceptable under customary international law, as codified in Article 27 of the Vienna Convention on the Law of Treaties. Finally, the reservations to Articles 4, 6, 12, 13 and 16 that refer to the notions such as “Constitution of Pakistan” and “Sharia laws” and to Article 3 that refer to the notions such as “the provisions of its laws relating to extradition and foreigners”, without specifying its contents, do not clearly define for the other States Parties to the Convention the extent to which the reserving State has accepted the obligations under the Convention.

It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties. According to Article 28 paragraph 2 of the Convention and according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation that is incompatible with the object and purpose of a treaty shall not be permitted.

The Czech Republic, therefore, objects to the aforesaid reservations made by Pakistan to the Convention. This objection shall not preclude the entry into force of the Convention between the Czech Republic and Pakistan. The Convention enters into force in its entirety between the Czech Republic and Pakistan, without Pakistan benefiting from its reservation.”

Note

In a communication received on 7 September 1990, the Government of Chile notified the Secretary-General that it had decided to withdraw the declaration made by virtue of article 28 (1) upon signature and confirmed upon ratification by which the Government did not recognize the competence of the Committee against torture as defined by article 20 of the Convention. The Government of Chile further decided to withdraw the following reservations, made upon ratification, to article 2 (3) and article 3, of the Convention:

(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.

It will be recalled that the Secretary-General had received various objections to the said declarations from the following States on the dates indicated hereinafter:

...

Czechoslovakia (20 September 1989):

"The Czechoslovak Socialist Republic considers the reservations of the Government of Chile [...] 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 recognize these reservations as valid."

...

Further, in a communication received on 3 September 1999, the Government of Chile withdrew the following reservation made upon ratification:

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

(Note 17, Chapter IV.9, Multilateral Treaties Deposited with the Secretary-General)

DECLARATIONS RE: ARTICLES 21 AND 22

3 September 1996

The Czech Republic declares that in accordance with article 21, paragraph 1, of the Convention 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 Czech Republic declares, in accordance with article 22, paragraph 1, of the Convention, it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals within its jurisdiction who claim to be victims of violation by a State Party of the provisions of the Convention.