

GERMANY

CAT

RESERVATIONS AND DECLARATIONS

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

Upon signature:

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:

Article 3

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.

Note

The German Democratic Republic had signed and ratified the Convention on 7 April 1986 and 9 September 1987, respectively, with the following reservations and declaration:

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 paragraph 1 of this article.

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 this regard, the Government of the United Kingdom of Great Britain and Northern Ireland declared, in a letter accompanying its instrument of ratification, the following:

“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 declarations 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.”

Moreover, the Secretary-General has received from the following States, objections to the declaration made by the German Democratic Republic, on the dates indicated hereinafter:

France (23 June 1988):

France makes an objection to [the 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.

Luxembourg (9 September 1988):

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.

Sweden (28 September 1988):

“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.”

Austria (29 September 1988):

“The Declaration [...] cannot alter or modify, in any respect, the obligations arising from that Convention for all States Parties thereto.”

Denmark (29 September 1988):

“The Government of Denmark hereby enters its formal objection to [the 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.”

Norway (29 September 1988):

“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.”

Canada (5 October 1988):

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 function 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.

Greece (6 October 1988):

The Hellenic Republic raises an objection to [the 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.

Spain (6 October 1988):

...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 confirm to either of those reservations.

Switzerland (7 October 1988):

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

Italy (12 January 1989):

The Convention authorizes only the reservations indicated in article 28 (1) and 30 (2). The reservation made by the German Democratic Republic is not therefore admissible under the terms of article 19 (b) of the 1969 Vienna Convention on the Law of Treaties.

Portugal (9 February 1989):

"...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 G.D.R."

Australia (8 August 1989):

"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."

Finland (20 October 1989):

"...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."

New Zealand (10 December 1989):

"...The Government of New Zealand considers that this declaration is compatible 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.”

Netherlands (21 December 1989):

“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.”

Subsequently, in a communication received on 13 September 1990, the Government of the German Democratic Republic notified the Secretary-General that it had decided to withdraw the reservations, made upon ratification, to articles 17 (7), 18 (5), 20 and 30 (1) of the Convention.

Further, the Government of the German Democratic Republic made the following declaration in respect of articles 21 and 22 of the Convention:

“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.”

See also note 2 under “Germany” 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 2 under Germany is as follows:

In a communication dated 3 October 1990, the Federal Minister for Foreign Affairs of the Federal Republic of Germany notified the Secretary-General of the following:

“... Through the accession of the German Democratic Republic to the Federal Republic

of Germany with effect from 3 October 1990, the two German States have united to form one sovereign State, which as a single Member of the United Nations remains bound by the provisions of the Charter in accordance with the solemn declaration of 12 June 1973. As from the date of unification, the Federal Republic of Germany will act in the United Nations under the designation 'Germany'."

The former German Democratic Republic was admitted to the Organization on 18 September 1973 by Resolution No. 3050 (XXVIII). For the text of the declaration of acceptance of the obligations contained in the Charter dated 12 June 1973 made by the German Democratic Republic (registered under No. 12758), see United Nations, Treaty Series, vol. 891, p. 103.

[Ed. note: as follows:

On behalf of the Council of Ministers of the German Democratic Republic, I solemnly declare that the German Democratic Republic is willing to accept and conscientiously carry out the obligations contained in the Charter of the United Nations.

*Chairman of the Council of Ministers of the German Democratic Republic
Berlin, 12 June 1973.]*

Consequently, and in the light of articles 11 and 12 of the Treaty of 31 August 1990 (Unification Treaty) between the Federal Republic of Germany and the German Democratic Republic, entries in status lists pertaining to formalities (i.e., signatures, ratifications, accessions, declarations and reservations, etc.) effected by the Federal Republic of Germany will now appear under "Germany" and indicate the dates of such formalities.

As regards treaties in respect of which formalities had been effected by both the Federal Republic of Germany and the former German Democratic Republic prior to unification, the entry will similarly indicate in the corresponding table the type of formality effected by the Federal Republic of Germany and the date on which it took place, while the type of formality effected by the former German Democratic Republic and the date thereof will appear in a footnote.

Finally, as regards the treatment of treaties in respect of which formalities were effected by the former German Democratic Republic alone, article 12, para. 3 of the Unification Treaty contains the following provision: "Should the united Germany intend to accede to international organizations or other multilateral treaties of which the German Democratic Republic but not the Federal Republic of Germany is a member, agreement shall be reached with the respective contracting parties and with the European Communities where the latter's competence is affected". Accordingly, a footnote indicating the date and type of formality effected by the former German Democratic

Republic will be included in the status of the treaties concerned, the corresponding footnote indicator being inserted next to the heading "Participant".]
(Note 3, Chapter IV.9, Multilateral Treaties Deposited with the Secretary-General)

Note

See note 1 under "Germany" regarding Berlin (West) 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 Germany is as follows:

Germany

Note 1

1. Prior to the formation of one sovereign German State through the accession of the German Democratic Republic to the Federal Republic of Germany (effective from 3 October 1990), the Secretary-General received numerous communications relating to the application of international instruments to West Berlin.

2. In each case (noted here), the initial communication took the form of a note, letter, or declaration from the Federal Republic of Germany, in, accompanying or in connection with its instrument of accession, acceptance or ratification of an Amendment, Agreement, Convention or Protocol, to the effect that the relevant Amendment, Agreement, Convention or Protocol would also apply to "Land Berlin" or "Berlin (West)" (as noted here) with effect from the date on which it entered into force for the Federal Republic of Germany.

[...]

- Note (re: "Land Berlin") accompanying the instrument of ratification (deposited 16 May 1969) of the International Convention on the Elimination of All Forms of Racial Discrimination, 7 March 1966.

- Declaration (re: "Berlin (West)") accompanying the instrument of ratification (deposited 17 December 1973) of the International Covenant on Economic, Social and Cultural Rights, 16 December 1966.

- Declaration (re: "Berlin (West)") accompanying the instrument of ratification (deposited 17 December 1973) of the International Convention on Civil and Political Rights, 16 December 1966.

- Note (re: "Berlin (West)") accompanying the instrument of ratification (deposited 10

July 1985) of the Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979.

- Letter (re: "Berlin (West)") accompanying the instrument of ratification (deposited 1 October 1990) of the Convention Against Torture: and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984.

[...]

3. In the case of the following Amendments, Agreements, Conventions or Protocols, communications from other States were received by the Secretary-General in response to the application of the relevant amendment, agreement, convention or protocol to West Berlin by the Federal Republic of Germany to the effect that the application to West Berlin by the Federal Republic of Germany had no legal validity on the ground that West Berlin was not a "Land" of, or part of the territory of, the Federal Republic of Germany and could not be governed by it.

[...]

- International Convention on the Elimination of All Forms of Racial Discrimination, 7 March 1966; communications from the Governments of Bulgaria (received 16 September 1969), Czechoslovakia (received 3 November 1969), Mongolia (received 7 January 1970), Poland (received 20 June 1969), the Ukrainian Soviet Socialist Republic (received 10 November 1969) and the Union of Soviet Socialist Republics (received 4 August 1969).

[...]

5. For a number of amendments, agreements, conventions or protocols (noted here), including some of those noted at points 3 and 4, the initial communication from the Federal Republic of Germany gave rise to communications to the effect that the initial communication was invalid because it was in contradiction to the Quadripartite Agreement of 3 September 1971 between the Governments of France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The Quadripartite Agreement was said to confirm that West Berlin was not a "Land" (where this term had been used) or constituent part of the Federal Republic of Germany and could not be governed by it, and that treaties affecting matters of security and status could not be extended to West Berlin by the Federal Republic of Germany. The initial communication of the Federal Republic of Germany was said, in the case of almost every instrument noted here, to contradict or be incompatible with one or a combination of these stipulations (in one case, for the specific reason that it encroached on an area of competence of the German Democratic Republic) (as noted here). In the one exception to this rule (as noted here), the communication was said to encroach on an area of responsibility reserved for the authorities of France, the United Kingdom and the United States.

[...]

- International Convention on the Elimination of All Forms of Racial Discrimination, 7 March 1966; communication (received 27 December 1973) from the German Democratic Republic (re: government).

- International Covenant on Economic, Social and Cultural Rights, 16 December 1966;

communications from the Governments of the Union of Soviet Socialist Republics (received 5 July 1974, and reaffirming position, 13 February 1975), the German Democratic Republic (received 12 August 1974) and the Ukrainian Soviet Socialist Republic (received 16 August 1974) (re: security and status).

- International Convention on Civil and Political Rights, 16 December 1966; communications from the Governments of the Union of Soviet Socialist Republics (received 5 July 1974, and reaffirming position, 13 February 1975), the German Democratic Republic (received 12 August 1974) and the Ukrainian Soviet Socialist Republic (received 16 August 1974) (re: security and status).

- Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979; communication from the Governments of the Union of Soviet Socialist Republics (received 15 April 1986) and the German Democratic Republic (received 22 April 1987) (both re: security and status).

[...]

8. For the amendments, agreements, conventions or protocols noted in point 5 (as listed here), and for a number of such instruments noted in point 3 (as listed here), some of the related communications objecting to the initial declaration of the Federal Republic of Germany on the basis of the provisions of the Quadripartite Agreement or otherwise gave rise to further communications from the Governments of France, the United Kingdom and the United States of America (as noted here). At the essence of these communications was, in one case (as noted here), a denial that the material content of the relevant instrument could affect matters of security and status, and in all cases, the claim that the extension of the relevant instrument by the Federal Republic of Germany was valid and continued to have full effect because it had received proper prior authorization from the authorities of France, the United Kingdom and the United States which had followed established procedures endorsed under the Agreement to ensure matters of security and status were not affected, and integral elements of the Agreement allowed for the limited extension of instruments to West Berlin where matters of security and status were not affected. Communications of this nature were often followed closely by communications from the Federal Republic of Germany indicating its solidarity with the position taken (as noted here).

[...]

- International Convention on the Elimination of All Forms of Racial Discrimination, 7 March 1966; communications from the Governments of France, the United Kingdom and the United States of America (received 17 June 1974) and the Federal Republic of Germany in support (received 15 July 1974).

- International Covenant on Economic, Social and Cultural Rights, 16 December 1966; communications from the Governments of France, the United Kingdom and the United States of America (received 5 November 1974) (including denial re: security and status) and the Federal Republic of Germany in support (received 6 December 1974).

- *International Convention on Civil and Political Rights, 16 December 1966; communications from the Governments of France, the United Kingdom and the United States of America (received 5 November 1974) (including denial re: security and status) and the Federal Republic of Germany in support (received 6 December 1974).*

- *Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979; communications from the Governments of France, the United Kingdom and the United States of America (received 20 March 1987).*

...

9. *For a number of the instruments noted in points 5 and 8 (as listed here), the relevant communications from the Governments of France, the United Kingdom, the United States of America, and the Federal Republic of Germany gave rise to further communications from the Government of the Union of Soviet Socialist Republics (noted here), and in some cases also the Government of the Ukrainian Soviet Socialist Republic (also noted here). These communications expressed solidarity with the position taken by the Government of the German Democratic Republic in the communications noted in point 5, and/or emphasized similar objections to those referred to in point 5 regarding the impropriety and invalidity of the use of the term "Land" in extending the relevant instrument to West Berlin (as noted here). In some cases, the communications also reasserted the breach of the "security and status" provisions of the Quadripartite Agreement described in point 5 (as noted here). In exceptional cases, rather than expressing solidarity with the Government of the German Democratic Republic, the communications expressed the same conditional acceptance of the extension of the relevant instrument to West Berlin as described in point 6 (as noted here).*

[...]

- *International Convention on the Elimination of All Forms of Racial Discrimination, 7 March 1966; communications from the Governments of the Union of Soviet Socialist Republics (received 12 September 1974, and reaffirming position, 8 December 1975) and the Ukrainian Soviet Socialist Republic (received 19 September 1974) (both re: solidarity and "Land").*

[...]

10. *For some of the instruments noted at point 9 (as listed here), the communications from the Governments of the Union of Soviet Socialist Republics and the Ukrainian Soviet Socialist Republic, which had expressed solidarity with the German Democratic Republic and protested the extension of the relevant instrument to "Land Berlin", provoked responding communications from the Governments of France, the United Kingdom and the United States of America (noted here). In essence, the communications responding to those of the Government of the Union of Soviet Socialist Republics asserted that the extension of the relevant instrument by the Federal Republic of Germany was valid and continued to have full effect for the same reasons of proper authorization detailed in point 6, and also defended the legitimacy under the Quadripartite Agreement of the terminology ("Land Berlin") used by the Federal Republic of Germany in its extension of the relevant instrument to the Western Sectors of*

Berlin. The communications responding to those of the Government of the Ukrainian Soviet Socialist Republic asserted that this Government was not competent to comment authoritatively on the provisions of the Quadripartite Agreement because it was not a party to the agreement. The communications were followed closely by communications from the Federal Republic of Germany indicating its solidarity with the position taken.

...

- *International Convention on the Elimination of All Forms of Racial Discrimination, 7 March 1966; communications from the Governments of France, the United Kingdom and the United States of America (two received 8 July 1975) (responding to the preceding communications of the Government of the Union of Soviet Socialist Republics and the Government of the Ukrainian Soviet Socialist Republic respectively), and from the Federal Republic of Germany in support (received 19 September 1975).*

[...]

11. For a number of the amendments, agreements, conventions or protocols noted in points 5, 6, 8 and 9, relevant communications provoked further communications from the Governments of France, the United Kingdom and the United States of America with different combinations of content to those described above (noted here). These communications made, in one case (as noted here) a denial of the Government of the German Democratic Republic's assertion of competence for the subject matter of the relevant instrument (as noted here), and in all cases: the same assertion regarding the authorization of the extension of the relevant instrument by the Federal Republic of Germany as described in points 6 and 10 (as noted here); and/or the same assertion regarding the use of terminology in that assertion as described in point 10 (as noted here); and/or the same assertion regarding the competence of the makers of the preceding communications as described in point 10; and/or the same allegation regarding the making of a misleading reference to the Quadripartite Agreement as described in point 7 (as noted here). Each variety of communication was followed closely by communications from the Federal Republic of Germany indicating its solidarity with the position taken (as noted here).

[...]

- *International Covenant on Economic, Social and Cultural Rights, 16 December 1966; communications from the Governments of France, the United Kingdom and the United States of America (received 8 July 1975) (re: competence and authorization), and from the Federal Republic of Germany in support (received 19 September 1975).*

- *International Convention on Civil and Political Rights, 16 December 1966; communications from the Governments of France, the United Kingdom and the United States of America (received 8 July 1975) (re: competence and authorization), and from the Federal Republic of Germany in support (received 19 September 1975).*

[...]]

(Note 8, Chapter IV.9, Multilateral Treaties Deposited with the Secretary-General)

Note

On 26 February 1996, the Government of Germany notified the Secretary-General that with respect to the reservations under I (1) and understandings under II (2) and (3) made by the United States of America upon ratification "it is the understanding of the Government of the Federal Republic of Germany that [the said reservations and understandings] do not touch upon the obligations of the United States of America as State Party to the Convention."
(Note 23, Chapter IV.9, Multilateral Treaties Deposited with the Secretary-General)

OBJECTIONS MADE TO STATE PARTY'S RESERVATIONS AND DECLARATIONS

(Ed. note: for objections, see Note under Reservations and Declarations, above)

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)

23 January 2001

With regard to the reservation made by Qatar upon accession:

"The Government of the Federal Republic of Germany has examined the reservation to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment made by the Government of Qatar. The Government of the Federal Republic of Germany is of the view that the reservation with regard to compatibility of the rules of the Convention with the precepts of Islamic law and the Islamic religion raises doubts as to the commitment of Qatar to fulfil its obligations under the Convention. The Government of the Federal Republic of Germany considers this reservation to be incompatible with the object and purpose of the Convention. Therefore the Government of the Federal Republic of Germany objects to the aforesaid reservation made by the Government of Qatar to the Convention.

This objection does not preclude the entry into force of the Convention between the Federal Republic of Germany and Qatar."

28 June 2011

With regard to the reservations made by Pakistan upon ratification:

"The Government of the Federal Republic of Germany has carefully examined the reservations made by the Islamic Republic of Pakistan on 23 June 2010 to Articles 3, 4, 6, 12, 13 and 16 of

the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

The Government of the Federal Republic of Germany is of the opinion that these reservations subject the application of Articles 3, 4, 6, 12, 13 and 16, all of which are core provisions of the Convention, to a system of domestic norms without specifying the contents thereof, leaving it uncertain to which extent the Islamic Republic of Pakistan accepts to be bound by the obligations under the Convention and raising serious doubts as to its commitment to fulfil its obligations under the Convention. The reservations therefore are considered incompatible with the object and purpose of the Convention and consequently impermissible under Art. 19 c of the Vienna Convention on the Law of Treaties.

The Government of the Federal Republic of Germany therefore objects to the above-mentioned reservations as being incompatible with the object and purpose of the Convention. This objection shall not preclude the entry into force of the Convention between the Federal Republic of Germany and the Islamic Republic of Pakistan."

Note

In this regard, the Secretary-General received communications from the following Governments on the dates indicated hereinafter:

Germany (17 December 1999):

" The Government of the Federal Republic of Germany notes that the said declaration constitutes a reservation of a general nature. A reservation according to which article 14 paragraph 1 of the Convention will only be applied by the Government of the People's Republic of Bangladesh "in consonance with the existing laws and legislation in the country" raises doubts as to the full commitment of Bangladesh to the object and purpose of 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 these treaties.

The Government of the Federal Republic of Germany therefore objects to the reservation made by the Government of the People's Republic of Bangladesh to the Convention. This objection does not preclude the entry into force of the Convention between the Federal Republic of Germany and the People's Republic of Bangladesh".

...

(Note 14, Chapter IV.9, Multilateral Treaties Deposited with the Secretary-General)

DECLARATION RE: ARTICLES 21 AND 22

19 October 2001

In accordance with article 21 (1) of the Convention, the Federal Republic of Germany declares 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. In accordance with article 22 (1) of the Convention, the Federal Republic of Germany declares 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 the Federal Republic of Germany of the provisions of the Convention.