

## NORWAY

CAT

### 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)*

18 January 2001

With regard to the reservation made by Qatar upon accession:

"It is the Government of Norway's position that paragraph (a) of the reservation, due to its unlimited scope and undefined character, is contrary to the object and purpose of the Convention, and thus impermissible according to well established treaty law. The Government of Norway therefore objects to paragraph (a) of the reservation.

This objection does not preclude the entry into force in its entirety of the Convention between the Kingdom of Norway and Qatar. The Convention thus becomes operative between Norway and Qatar without Qatar benefitting from the said reservation."

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4 October 2001

With regard to the reservation made by Botswana upon ratification:

"The Government of Norway has examined the contents of the reservation made by the Government of the Republic of Botswana upon ratification of the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

The reservation's reference to the national Constitution without further description of its contents, exempts the other States Parties to the Convention from the possibility of assessing the effects of the reservation. In addition, as the reservation concerns one of the core provisions of the Convention, it is the position of the Government of Norway that the reservation is contrary to the object and purpose of the Convention. Norway therefore objects to the reservation made by the Government of Botswana.

This objection does not preclude the entry into force in its entirety of the Convention between the Kingdom of Norway and the Republic of Botswana. The Convention thus becomes operative between Norway and Botswana without Botswana benefitting from the said reservation."

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29 June 2011

With regard to the reservations made by Pakistan upon ratification:

“The Government of Norway has examined the reservations made by the Islamic Republic of Pakistan upon ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Government of Norway considers that the reservations with regard to articles 3, 4, 6, 12, 13 and 16 of the Convention are so extensive as to be contrary to its object and purpose. The Government of Norway therefore objects to the said reservations made by the Islamic Republic of Pakistan. This objection does not preclude the entry into force in its entirety of the Convention between the Kingdom of Norway and the Islamic Republic of Pakistan. The Convention thus becomes operative between the Kingdom of Norway and the Islamic Republic of Pakistan without the Islamic Republic of Pakistan benefiting from the aforesaid reservations.”

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#### 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.

...

...[T]he Secretary-General has received from the following States, objections to the declaration made by the German Democratic Republic, on the dates indicated hereinafter:

...

**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.”

...

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.

...

*(Note 3, Chapter IV.9, Multilateral Treaties Deposited with the Secretary-General)*

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### 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:

...

**Norway** (28 September 1989):

"... 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."

...

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**

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

"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."