

## BELGIUM

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)*

28 June 2011

With regard to the reservations made by Pakistan upon ratification:

Belgium has carefully examined the reservations made by Pakistan upon accession on 23 June 2010 to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The vagueness and general nature of the reservations made by Pakistan with respect to Articles 3, 4, 6, 12, 13 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment may contribute to undermining the bases of international human rights treaties.

The reservations make the implementation of the Convention's provisions contingent upon their compatibility with the Islamic Sharia and legislation in force in Pakistan. This creates uncertainty as to which of its obligations under the Convention Pakistan intends to observe and raises doubts as to Pakistan's respect for the object and purpose of the Convention.

It is in the common interest for all parties to respect the treaties to which they have acceded and for States to be willing to enact such legislative amendments as may be necessary in order to fulfil their treaty obligations.

Belgium also notes that the reservations concern fundamental provisions of the Convention.

Consequently, Belgium considers the reservations to be incompatible with the object and purpose of that instrument.

Belgium notes that under customary international law, as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty is not permitted (article 19 (c)).

Furthermore, under Article 27 of the Vienna Convention on the Law of Treaties, a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty.

Consequently, Belgium objects to the reservations formulated by Pakistan with respect to

Articles 3, 4, 6, 12, 13 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

This objection shall not preclude the entry into force of the Convention between the Kingdom of Belgium and Pakistan.

**DECLARATIONS RE: ARTICLES 21 AND 22**

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

In accordance with article 21, paragraph 1, of the Convention, Belgium 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, paragraph 1, of the Convention, Belgium 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 a State Party of the provisions of the Convention.