

BULGARIA

CAT

RESERVATIONS AND DECLARATIONS

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

Note

On 24 June 1992 and 25 June 1999, respectively, the Government of Bulgaria notified the Secretary-General of its decision to withdraw the reservations to article 30 (1) and 20, made upon signature and confirmed upon ratification. For the text of the reservations, see United Nations, Treaty Series, vol. 1465, p. 198.

[Ed. note: as follows:

1. Pursuant to Article 28 of the Convention, the People's Republic of Bulgaria states that it does not recognize the competence of the Committee against Torture provided for in Article 20 of the Convention, as it considers that the provisions of Article 20 are not consistent with the principle of respect for sovereignty of the States parties to the Convention.

2. Pursuant to Article 30, paragraph 2 of the Convention, the People's Republic of Bulgaria states that it does not consider itself bound by the provisions of Article 30, paragraph 1 of the Convention, establishing compulsory jurisdiction of international arbitration or the International Court of Justice in the settlement of disputes between States-parties to the Convention. The People's Republic of Bulgaria maintains its position that disputes between two or more States can be submitted for consideration and settlement by international arbitration or the International Court of Justice only provided all parties to the dispute, in each individual case, have explicitly agreed to that.]

(Note 16, Chapter IV.9, Multilateral Treaties Deposited with the Secretary-General)

OBJECTIONS MADE TO OTHER STATES PARTIES RESERVATIONS AND DECLARATIONS

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:

...

Bulgaria (24 January 1990):

"The Government of the People's Republic of Bulgaria considers the reservations made by Chile with regard to art. 2, para. 3 and art. 3 of the Convention against torture and other forms of cruel, inhuman or degrading treatment or punishment of December 10, 1984 incompatible with the object and the purpose of the Convention.

"The Government of the People's Republic of Bulgaria holds the view that each State is obliged to take all measures to prevent any acts of torture and other forms of cruel and inhuman treatment within its jurisdiction, including the unconditional qualification of such acts as crimes in its national criminal code. It is in this sense that art. 2, para. 3 of the Convention is formulated.

"The provisions of art. 3 of the Convention are dictated by the necessity to grant the most effective protection to persons who risk to suffer torture or other inhuman treatment. For this reason these provisions should not be interpreted on the basis of subjective or any other circumstances, under which they were formulated.

"In view of this the Government of the People's Republic of Bulgaria does not consider itself bound by the reservations."

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

12 May 1993

"The Republic of Bulgaria declares that in accordance with article 21 (2) of the Convention 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 this Convention."

The Republic of Bulgaria declares that in accordance with article 22 (1) of the Convention 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 this Convention."