

POLAND

CAT

RESERVATIONS AND DECLARATIONS

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

Upon signature:

Under article 28, the Polish People's Republic does not consider itself bound by article 20 of the Convention.

Furthermore, the Polish People's Republic does not consider itself bound by article 30, paragraph 1, of the Convention.

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)

3 June 2011

With regard to the reservations made by Pakistan upon ratification:

“The Government of the Republic of Poland has examined the reservations made by the Islamic Republic of Pakistan upon accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted by General Assembly of the United Nations on 10 December 1984, with regard to Articles 3, 4, 6, 8, 12, 13, 16, 28 and 30 of the Convention.

The Government of the Republic of Poland is of the view that the implementation of the reservations aiming at the elimination of the duty to fulfill by the reserving State vital obligations enshrined in the Convention made by the Islamic Republic of Pakistan with regard to Articles 3, 4, 6, 12, 13 and 16 of the Convention would make it impossible to attain the objective of the Convention, which is to protect entities from torture and other cruel, inhuman or degrading treatment or punishment and to make the struggle against such violations of human rights more effective. In consequence, according to Article 19 (c) of the Vienna Convention on the Law of Treaties, which is a treaty and customary norm, these reservations shall not be permitted as incompatible with the object and purpose of the Convention.

In order to justify its will to exclude the legal consequences of certain provisions of the Convention, the Islamic Republic of Pakistan raised in the reservations with regard to Articles 3,

4, 6, 12, 13 and 16 the inconsistency of these provisions with its domestic legislation. The Government of the Republic of Poland recalls that, according to Article 27 of the Vienna Convention on the Law of Treaties, which is a treaty and customary norm, the State Party to an international agreement may not invoke the provisions of its internal law as justification for its failure to perform a treaty.

The Islamic Republic of Pakistan refers in the above-mentioned reservations to the Sharia laws and to its domestic legislation as possibly affecting the application of the Convention. Nonetheless it does specify the exact content of these laws and legislation. As a result, it is impossible to clearly define the extent to which the reserving State has accepted the obligations of the Convention.

Therefore, the Government of the Republic of Poland objects to the reservations made by the Islamic Republic of Pakistan upon accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted by the General Assembly of the United Nations on 10 December 1984, with regard to Articles 3, 4, 6, 12, 13 and 16.

This objection does not preclude the entry into force of the Covenant between the Republic of Poland and the Islamic Republic of Pakistan."

DECLARATIONS RE: ARTICLES 21 AND 22

12 May 1993

"The Government of the Republic of Poland, in accordance with articles 21 and 22 of the Convention, recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that the Republic of Poland is not fulfilling its obligations under the Convention or communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by the Republic of Poland of the provisions of the Convention."