

## THAILAND

### CAT

#### **RESERVATIONS AND DECLARATIONS**

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

Interpretative declaration:

“1. With respect to the term "torture" under Article 1 of the Convention, although there is neither a specific definition nor particular offence under the current Thai Penal Code corresponding to the term, there are comparable provisions under the aforesaid Thai Penal Code applicable to acts under Article 1 of the Convention. The term "torture" under Article 1 of the Convention shall accordingly be interpreted in conformity with the current Thai Penal Code.

The Kingdom of Thailand shall revise its domestic law to be more consistent with Article 1 of the Convention at the earliest opportunity.

2. For the same reason as stipulated in the preceding paragraph, Article 4 of the Convention which stipulates: 'Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture,' shall be interpreted in conformity with the current Thai Penal Code.

The Kingdom of Thailand shall revise its domestic law to be more consistent with Article 4 of the Convention at the earliest opportunity.

3. Article 5 of the Convention which provides: 'Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in Article 4.....' is interpreted by the Kingdom of Thailand to mean that the jurisdiction referred to in Article 5 shall be established in accordance with the current Thai Penal Code.

The Kingdom of Thailand shall revise its domestic law to be more consistent with Article 5 of the Convention at the earliest opportunity.”

Reservation:

“The Kingdom of Thailand does not consider itself bound by Article 30, paragraph 1, of the Convention.”

**OBJECTIONS MADE TO STATE PARTY'S RESERVATIONS AND DECLARATIONS**

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

**Sweden**, 29 September 2008

With regard to the interpretative declaration made by Thailand upon accession:

“The Government of Sweden recalls that the designation assigned to a statement does not determine whether or not it constitutes a reservation to a treaty. If the legal effect of certain provisions of a treaty is excluded or modified by an interpretative declaration, this in fact amounts to a reservation.

Since the application of a number of provisions of the Convention have been made subject to provisions of the Thai Penal Code it is unclear to what extent the Kingdom of Thailand considers itself bound by the obligations of the treaty. This in turn raises doubts as to the commitment of the Kingdom of Thailand to the object and purpose of the Convention. This applies in particular to the declaration made under Article 1 of the Convention which contains a clear and generally recognized definition of the concept of torture.

The Government of Sweden therefore objects to the aforesaid reservation made by the Kingdom of Thailand to 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 Thailand and Sweden, without the Kingdom of Thailand benefiting from its reservation.”