

# UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

CAT

## **RESERVATIONS AND DECLARATIONS**

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

Upon signature:

"The United Kingdom reserves the right to formulate, upon ratifying the Convention, any reservations or interpretative declarations which it might consider necessary."

## **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:

"The Government of the United Kingdom of Great Britain and Northern Ireland has examined the reservations made by the Government of Pakistan to the Convention [against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment] on 23 June 2010, which read:

1. Article 3 - The Government of the Islamic Republic of Pakistan declares that provisions of Article 3 shall be so applied as to be in conformity with the provisions of its laws relating to extradition and foreigners.
2. Article 8 - The Government of the Islamic Republic of Pakistan declares that pursuant to Article 8, paragraph 2, of the Convention, it does not take this Convention as the legal basis for cooperation on extradition with other States Parties.
3. Article 4, 6, 12, 13 and 16 - The Government of the Islamic Republic of Pakistan declares that the provisions of these Articles shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan and the Sharia laws.
4. Article 28 - In accordance with Article 28, paragraph 1, of the Convention, the Government of the Islamic Republic of Pakistan hereby declares that it does not recognize the competence of the Committee provided for in Article 20.
5. Article 30 - The Government of the Islamic Republic of Pakistan does not consider itself bound by Article 30, paragraph 1 of the Convention.

In the view of the United Kingdom a reservation should clearly define for the other States Parties to the Convention the extent to which the reserving State has accepted the obligations of the Convention. Reservations which consist of a general reference to a constitutional provision, law or system of laws without specifying their contents do not do so.

The Government of the United Kingdom therefore objects to the reservations made by the Government of Pakistan to Articles 3, 4, 6, 12, 13 and 16.

The United Kingdom will re-consider its position in light of any modifications or withdrawals of the reservations made by the Government of Pakistan to the Convention.”

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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.

In this regard, the Government of the United Kingdom of Great Britain and Northern Ireland declared, in a letter accompanying its instrument of ratification, the following:

“The Government of the United Kingdom of Great Britain and Northern Ireland has taken note of the reservations formulated by the Government of the German Democratic Republic pursuant to article 28, paragraph 1, and article 30, paragraph 2, respectively, and the declaration made by the German Democratic Republic with reference to article 17, paragraph 7, and article 18, paragraph 5. It does not regard the said declarations as affecting in any way the obligations of the German Democratic Republic as a State Party to the Convention (including the obligations

to meet its share of the expenses of the Committee on Torture as apportioned by the first meeting of the States Parties held on 26 November 1987 or any subsequent such meetings) and do not accordingly raise objections to it. It reserves the rights of the United Kingdom in their entirety in the event that the said declaration should at any future time be claimed to affect the obligations of the German Democratic Republic as aforesaid.”

...

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:

...

#### **United Kingdom of Great Britain and Northern Ireland** (8 November 1989):

“The United Kingdom is unable to accept the reservation to article 2, paragraph 3, or the reservation to article 3.”

In the same communication, the Government of the United Kingdom notified the Secretary-General of the following:

"(a) The reservations to article 28, paragraph 1, and to article 30, paragraph 1, being reservations expressly permitted by the Convention, do not call for any observations by the United Kingdom.

"(b) The United Kingdom takes note of the reservation referring to the Inter-American Convention to Prevent and Punish Torture, which cannot, however, affect the obligations of Chile in respect of the United Kingdom, as a non-Party to the said Convention."

...

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)*

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#### Note

The Secretary-General received communications relating to the reservation made by Qatar upon accession from the following States on the dates indicated hereinafter:

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#### **United Kingdom of Great Britain and Northern Ireland (9 November 2001):**

"The Government of the United Kingdom have examined the reservation made by the Government of Qatar on 11 January 2000 in respect of the Convention, which reads as follows:

'...with reservation as to: (a) Any interpretation of the provisions of the Convention that is incompatible with the precepts of Islamic law and the Islamic religion.'

The Government of the United Kingdom note that a reservation which consists of a general reference to national law without specifying its contents does not clearly define for the other States Parties to the Convention the extent to which the reserving State has accepted the obligations of the Convention. The Government of the United Kingdom therefore object to the reservation made by the Government of Qatar.

This objection shall not preclude the entry into force of the Convention between the United Kingdom of Great Britain and Northern Ireland and Qatar."

*(Note 22, Chapter IV.9, Multilateral Treaties Deposited with the Secretary-General)*

#### **DECLARATION RE: ARTICLE 21**

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

*succession)*

"The Government of the United Kingdom declares under article 21 of the said Convention that it recognizes the competence of the Committee Against Torture to receive and consider communications submitted by another State Party, provided that such other State Party has, not less than twelve months prior to the submission by it of a communication in regard to the United Kingdom, made a declaration under article 21 recognizing the competence of the Committee to receive and consider communications in regard to itself."

## **TERRITORIAL APPLICATION**

### Note

On 10 June 1997, the Secretary-General received communications concerning the status of Hong Kong from the Governments of China and the United Kingdom (see also note 2 under "China" and note 2 under "United Kingdom of Great Britain and Northern Ireland" regarding Hong Kong in the "Historical Information" section in the front matter of [*the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>]).*

[*Ed. note: Note 2 under China is as follows:*

*China*

*Note 2*

*By a notification on 20 June 1997, the Government of China informed the Secretary-General of the status of Hong Kong in relation to treaties deposited with the Secretary-General. The notification, in pertinent part, reads as follows:*

*"In accordance with the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, signed on 19 December 1984 (hereinafter referred to as the Joint Declaration), the People's Republic of China will resume the exercise of sovereignty over Hong Kong with effect from 1 July 1997. Hong Kong will, with effect from that date, become a Special Administrative Region of the People's Republic of China. [For the full text of the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, 19 December 1984, see United Nation Treaty Series volume No. 1399, p. 61, (registration number I-23391)].*

*It is provided in Section 1 of Annex I to the Joint Declaration, "Elaboration by the Government of the People's Republic of China of its Basic Policies Regarding Hong Kong" and in Articles 12,*

*13 and 14 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, which was adopted on 4 April 1990 by the National People's Congress of the People's Republic of China (hereinafter referred to as the Basic Law), that the Hong Kong Special Administrative Region will enjoy a high degree of autonomy, except in foreign and defence affairs which are the responsibility of the Central People's Government of the People's Republic of China. Furthermore, it is provided both in Section XI of Annex I to the Joint Declaration and Article 153 of the Basic Law that international agreements to which the People's Republic of China is not a party but which are implemented in Hong Kong may continue to be implemented in the Hong Kong Administrative Region.*

*In this connection, on behalf of the Government of the People's Republic of China, I would like to inform Your Excellency as follows:*

*I. The treaties listed in Annex I to this Note [herein under], to which the People's Republic of China is a party, will be applied to the Hong Kong Special Administrative Region with effect from 1 July 1997 as they:*

*(i) are applied to Hong Kong before 1 July 1997; or (ii) fall within the category of foreign affairs or defence or, owing to their nature and provisions, must apply to the entire territory of a State; or*

*(iii) are not applied to Hong Kong before 1 July 1997 but with respect to which it has been decided to apply them to Hong Kong with effect from that date (denoted by an asterisk in Annex I). II. The treaties listed in Annex II to this Note [herein under], to which the People's Republic of China is not yet a party and which apply to Hong Kong before 1 July 1997, will continue to apply to the Hong Kong Special Administrative Region with effect from 1 July 1997.*

*The provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong shall remain in force beginning from 1 July 1997.*

*III. The Government of the People's Republic of China has already carried out separately the formalities required for the application of the treaties listed in the aforesaid Annexes, including all the related amendments, protocols, reservations and declarations, to the Hong Kong Special Administrative Region with effect from 1 July 1997.*

*IV. With respect to any other treaty not listed in the Annexes to this Note, to which the People's Republic of China is or will become a party, in the event that it is decided to apply such treaty to the Hong Kong Special Administrative Region, the Government of the People's Republic of China will carry out separately the formalities for such application. For the avoidance of doubt, no separate formalities will need to be carried out by the Government of the People's Republic of China with respect to treaties which fall within in the category of foreign affairs or defence or which, owing to their nature and provisions, must apply to the entire territory of a State."*

*The treaties listed in Annexes I and II, referred to in the notification, are reproduced below.*

*Information regarding reservations and/or declarations made by China with respect to the application of treaties to the Hong Kong Special Administrative Region can be found in the footnotes to the treaties concerned as published herein. Footnote indicators are placed against China's entry in the status list of those treaties.*

*Moreover, with regard to treaty actions undertaken by China after 1 July 1997, the Chinese Government confirmed that the territorial scope of each treaty action would be specified. As such, declarations concerning the territorial scope of the relevant treaties with regard to the Hong Kong Special Administrative Region can be found in the footnotes to the treaties concerned as published herein. Footnote indicators are placed against China's entry in the status list of those treaties.*

#### *Annex I*

*(The treaties are listed in the order that they published in these volumes.)*

*...*

#### *Human Rights:*

- Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948;*
  - International Convention on the Elimination of All Forms of Racial Discrimination, 7 March 1966;*
  - Convention on the Elimination of All Forms of Discrimination against Women, 18 December 1979;*
  - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984;*
  - Convention on the Rights of the Child, 20 November 1989.*
- ...]*

*[Ed. note: Note 2 under United Kingdom of Great Britain and Northern Ireland is as follows:*

*United Kingdom of Great Britain and Northern Ireland*

#### *Note 2*

*[On 10 June 1997, the Government of the United Kingdom of Great Britain and Northern Ireland notified the Secretary-General of the following:*

*"In accordance with the Joint Declaration of the United Kingdom of Great Britain and Northern*

*Ireland and the Government of the People's Republic of China on the Question of Hong Kong signed on 19 December 1984, the Government of the United Kingdom will restore Hong Kong to the People's Republic of China with effect from 1 July 1997. The Government of the United Kingdom will continue to have international responsibility for Hong Kong until that date. Therefore, from that date the Government of the United Kingdom will cease to be responsible for the international rights and obligations arising from the application of [Conventions] to Hong Kong."*

*See also note 2 under "China" [Ed. note: reproduced immediately above].*

Upon resuming the exercise of sovereignty over Hong Kong, China notified the Secretary-General that the Convention with the reservation made by China will also apply to the Hong Kong special Administrative Region.

*(Note 6, Chapter IV.9, Multilateral Treaties Deposited with the Secretary-General)*

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#### Note

*[For the United Kingdom of Great Britain and Northern Ireland, the deposit of the instrument of ratification, accession, or succession was] [f]or the United Kingdom of Great Britain and Northern Ireland, Anguilla, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, Saint Helena, Saint Helena Dependencies, and Turks and Caicos Islands.*

In this connection, on 14 April 1989, the Secretary-General received from the Government of Argentina the following objection:

The Government of Argentina reaffirms its sovereignty over the Malvinas Islands, which form part of its national territory, and, with regard to the Malvinas Islands, formally objects to and rejects the declaration of territorial extension issued by the United Kingdom of Great Britain and Northern Ireland in the instrument of ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, deposited with the Secretary-General of the United Nations on 8 December 1988.

The General Assembly of the United Nations adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12 and 39/6 in which it recognizes the existence of a sovereignty dispute regarding the question of the Malvinas Islands and has repeatedly requested the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to find as soon as possible a peaceful and definitive solution to the dispute and their remaining differences relating to that question, through the good offices of the Secretary-General. The General Assembly also adopted resolutions 40/21, 41/40, 42/19 and 43/25, which request the parties to initiate negotiations with a view to finding the means to resolve peacefully and definitively the problems pending between both countries, including all aspects on the future of the Malvinas Islands.

Subsequently, on 17 April 1991, the Secretary-General received from the Government of Argentina the following declaration:

The Argentine Government rejects the extension of the application of the [said] Convention to the Malvinas Islands, effected by the United Kingdom of Great Britain and Northern Ireland on 8 December 1988, and reaffirms the rights of sovereignty of the Argentine Republic over those Islands, which are an integral part of its national territory.

The Argentine Republic recalls that the United Nations General Assembly has adopted resolutions

2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, in which it recognizes the existence of a sovereignty dispute and requests the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to initiate negotiations with

a view to finding the means to resolve peacefully and definitively the pending questions of sovereignty, in accordance with the Charter of the United Nations.

On 9 December 1992, the Government of the United Kingdom of Great Britain and Northern Ireland notified the Secretary-General that the Convention applies to the Bailiwick of Guernsey, the Bailiwick of Jersey, the Isle of Man, Bermuda and Hong Kong (see also note 4 [*Ed. note: see above*]).

*(Note 11, Chapter IV.9, Multilateral Treaties Deposited with the Secretary-General)*