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**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS
OF TORTURE AND DETENTION**

**Status of the Convention against Torture and Other Cruel,
Inhuman or Degrading Treatment or Punishment**

Report of the Secretary-General

Summary

The General Assembly, in its resolution 39/46 of 10 December 1984, adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In accordance with article 27 thereof, the Convention entered into force on 26 June 1987. Further, the General Assembly, by resolution 57/199 of 18 December 2002 adopted the Optional Protocol to the Convention. The Protocol was opened for signature on 4 February 2003 and has not yet entered into force.

The present report describes the status of the Convention and the Optional Protocol.

1. In its resolution 2004/41, the Commission on Human Rights:

“14. [*Urged*] all States as a matter of priority to consider seriously becoming parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, with a view to achieving universal ratification, and welcomes the accession by one State since the fifty-ninth session of the Commission;

“15. [*Called*] upon, all States to ensure that no reservation is incompatible with the object and purpose of the Convention and encourages States parties to consider limiting the extent of any reservations they lodge to the Convention, to formulate any reservations as precisely and narrowly as possible and to review regularly any reservations made in respect of the provisions of the Convention, with a view to withdrawing them;

“16. [*Invited*] all States ratifying or acceding to the Convention and those States parties that have not yet done so to make the declarations provided for in articles 21 and 22 of the Convention;

“17. [*Urged*] States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

“18. *Also urged*] all States parties to comply strictly with their obligations in accordance with article 19 of the Convention, including their reporting obligations, and, in particular, those States parties whose reports are long overdue to submit their reports forthwith, and invites States parties to incorporate a gender perspective and information concerning children and juveniles when submitting reports to the Committee against Torture.”

2. As at 20 December 2004, the Convention had been ratified, acceded to or succeeded to by 139 States. The list of States that have signed, ratified or acceded to the Convention, as well as the dates of their signature, ratification or accession, is available on the web site www.ohchr.org or www.un.org.

3. As at the same date, 52 of the States parties to the Convention, namely Algeria, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Cameroon, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Paraguay, Peru, Poland, Portugal, the Russian Federation, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Togo, Tunisia, Turkey, Ukraine, Uruguay and Venezuela, had made the declarations provided for in articles 21 and 22 of the Convention. In addition, four States parties, namely Japan, Uganda, the United Kingdom of Great Britain and Northern Ireland and the United States of America, had made the declaration provided for in article 21 only, thus bringing the total of declarations under that article to 56.¹ Azerbaijan, Burundi, Mexico and Seychelles had made the declaration provided for in article 22 only, thus bringing the total of declarations under that article to 56. Under article 21, a State party to the Convention may declare at any time 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. Under article 22, a

State party to the Convention may declare at any time that it recognizes the competence of the Committee 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.

4. The provisions of articles 21 and 22 entered into force on 26 June 1987 in accordance with paragraph 2 of article 21 and paragraph 8 of article 22.

5. As at 20 December 2004, nine States, namely Afghanistan, China, Equatorial Guinea, Israel, Kuwait, Mauritania, Morocco, Saudi Arabia and the Syrian Arab Republic, had declared, in accordance with article 28, that they do not recognize the competence of the Committee provided for in article 20 of the Convention. Under article 20 (paras. 1 and 2), if the Committee receives reliable information which appears to it to contain well-founded indications that torture is being systematically practised in the territory of a State party, the Committee shall invite that State party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned. Taking into account any observations which may have been submitted by the State party concerned, as well as any other relevant information available to it, the Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to the Committee urgently.

6. As at 20 December 2004 six States, namely Albania, Argentina, Denmark, Liberia, Malta and the United Kingdom of Great Britain and Northern Ireland, have ratified or acceded to the Optional Protocol to the Convention. In addition to the six aforementioned, 27 States have signed the Optional Protocol, namely, Austria, Brazil, Costa Rica, Croatia, Cyprus, the Czech Republic, Estonia, Finland, Gabon, Guatemala, Honduras, Iceland, Italy, Madagascar, Mali, Mexico, New Zealand, Norway, Paraguay, Poland, Romania, Senegal, Serbia and Montenegro, Sierra Leone, Sweden, Switzerland and Uruguay.

7. The Committee against Torture held its thirty-second and thirty-third sessions at the United Nations Office at Geneva from 3 to 21 May 2004 and from 15 to 26 November 2004, respectively. In accordance with article 24 of the Convention, the Committee submitted its annual report,² which covered the activities of the Committee at its thirty-first and thirty-second sessions, to the States parties and to the General Assembly at its fifty-ninth session.

8. The membership of the Committee for 2005 is as follows:

<u>Name of members</u>	<u>Country of nationality</u>	<u>Term expires on</u> <u>31 December</u>
Mr. Guibril CAMARA	Senegal	2007
Mr. Sayed Kassem EL MASRY	Egypt	2005
Ms. Felice GAER	United States of America	2007
Mr. Claudio GROSSMAN	Chile	2007
Mr. Fernando MARIÑO MENÉNDEZ	Spain	2005
Mr. Andreas MAVROMMATIS	Cyprus	2007
Mr. Julio PRADO-VALLEJO	Ecuador	2007
Mr. Ole Vedel RASMUSSEN	Denmark	2005
Mr. Alexander M. YAKOVLEV	Russian Federation	2005
Mr. YU Mengjia ³	China	2005

Notes

¹ For the text of the declarations, reservations or objections made by States parties, consult the United Nations web site (www.un.org - human rights - treaties - sample access - status of multilateral treaties deposited with the Secretary-General - chap. IV.9).

² *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 44 (A/59/44).*

³ Mr. Yu Mengija submitted a letter of resignation, effective 26 November 2004, to the Secretary-General, and will be replaced in accordance with article 17, paragraph 6, of the Convention.
