



## General Assembly

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### Fifty-eighth session

Item 119 (a) of the provisional agenda\*

#### Human rights questions: implementation of human rights instruments

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

#### Report of the Secretary-General

1. The General Assembly, by 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 contained in the annex to that resolution, and called upon all Governments to consider signing and ratifying the Convention as a matter of priority.
2. The Convention was opened for signature in New York on 4 February 1985. In accordance with its article 27, the Convention entered into force on 26 June 1987, on the thirtieth day after the date of deposit with the Secretary-General of the twentieth instrument of ratification or accession.
3. In its resolution 57/200 of 18 December 2002, the Assembly welcomed the work of the Committee against Torture and took note of its report;<sup>1</sup> urged all States that had not yet done so to become parties to the Convention as a matter of priority; invited all States ratifying or acceding to the Convention and those States that were parties to the Convention and had not yet done so to consider joining the States parties that had already made the declarations provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20; urged all 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;<sup>2</sup> urged States parties to comply strictly with their obligations under the Convention, including, in view of the high number of reports not submitted, their obligation to submit reports in accordance with article 19 of the Convention; called upon the United Nations High Commissioner for Human Rights, in conformity with her mandate established in General Assembly resolution 48/141 of 20 December 1993, to continue to provide, at the request of Governments, advisory services for the preparation of national reports to the Committee and for the prevention of torture, as well as technical assistance in the development, production and distribution of

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\* A/58/150.



teaching material for this purpose; urged States parties to take fully into account the conclusions and recommendations made by the Committee against Torture after its consideration of their reports; and requested the Secretary-General to submit to the Commission on Human Rights at its fifty-ninth session and the General Assembly at its fifty-eighth session a report on the status of the Convention.

4. The Commission on Human Rights, by its resolution 2003/32 of 23 April 2003,<sup>3</sup> called upon all Governments to implement fully the prohibition of torture and other cruel, inhuman or degrading treatment or punishment; and urged all Governments to promote the speedy and full implementation of the Vienna Declaration and Programme of Action (A/CONF.157/23), in particular part II, section B.5, relating to freedom from torture, in which it is stated that States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law. Further, the Commission encouraged 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, to ensure that no reservation is incompatible with the object and purpose of the Convention, and to review regularly any reservations made in respect of the provisions of the Convention with a view to withdrawing them.

5. As at 22 August 2003, the Convention had been ratified or acceded to by 134 States. In addition, 12 States had signed the Convention. 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 contained in annex I to the present report. The list of States that have accepted the amendments to articles 17 and 18 of the Convention is contained in annex II.

6. Under article 21 of the Convention, a State party may at any time declare 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 may at any time declare 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.

7. As at 22 August 2003, 49 of the States parties to the Convention, namely Algeria, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Cameroon, Canada, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Finland, France, Germany, Ghana, Greece, 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, 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 53. 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 53.

8. 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.

9. The membership of the Committee for 2003 is as follows:

<i>Member</i>	<i>Term expires on 31 December</i>
Peter Thomas Burns (Canada)	2003
Guibril Camara (Senegal)	2003
Sayed Kassem El Masry (Egypt)	2005
Felice Gaer (United States of America)	2003
Claudio Grossman (Chile)	2003
Andreas Mavrommatis (Cyprus)	2003
Fernando Mariño Menendez (Spain)	2005
Ole Vedel Rasmussen (Denmark)	2005
Alexander M. Yakovlev (Russian Federation)	2005
Yu Mengjia (China)	2005

10. The Committee against Torture held its twenty-ninth and thirtieth sessions at the United Nations Office at Geneva from, respectively, 11 to 22 November 2002, and 28 April to 16 May 2003. In accordance with article 24 of the Convention, the Committee will submit its annual report, covering its activities at the sessions referred to above, to the States parties and to the General Assembly at its fifty-eighth session.

#### *Notes*

<sup>1</sup> *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 44 (A/57/44).*

<sup>2</sup> Adopted by the Conference of States Parties to the Convention on 9 September 1992, in accordance with article 29, paragraph 1, of the Convention (CAT/SP/SR.4) and endorsed by the General Assembly in its resolution 47/111 of 16 December 1992.

<sup>3</sup> *Official Records of the Economic and Social Council, 2003, Supplement No. 23 (E/2003/23), chap. II, sect. A.*

## Annex I

**States that have signed, ratified or acceded to the  
Convention against Torture and Other Cruel, Inhuman or  
Degrading Treatment or Punishment, as at 22 August 2003**

<i>State</i>	<i>Date of signature</i>	<i>Date of receipt of the instrument of ratification, accession or succession</i>
Afghanistan	4 February 1985	1 April 1987
Albania		11 May 1994 <sup>b</sup>
Algeria <sup>a</sup>	26 November 1985	12 September 1989
Andorra	5 August 2002	
Antigua and Barbuda		19 July 1993 <sup>b</sup>
Argentina <sup>a</sup>	4 February 1985	24 September 1986
Armenia		13 September 1993 <sup>b</sup>
Australia <sup>a</sup>	10 December 1985	8 August 1989
Austria <sup>a</sup>	14 March 1985	29 July 1987
Azerbaijan <sup>c</sup>		16 August 1996 <sup>b</sup>
Bahrain		6 March 1998 <sup>b</sup>
Bangladesh		5 October 1998 <sup>b</sup>
Belarus	19 December 1985	13 March 1987
Belgium <sup>a</sup>	4 February 1985	25 June 1999
Belize		17 March 1986 <sup>b</sup>
Benin		12 March 1992 <sup>b</sup>
Bolivia	4 February 1985	12 April 1999
Bosnia and Herzegovina <sup>a</sup>		1 September 1993 <sup>c</sup>
Botswana	8 September 2000	8 September 2000
Brazil	23 September 1985	28 September 1989
Bulgaria <sup>a</sup>	10 June 1986	16 December 1986
Burkina Faso		4 January 1999 <sup>b</sup>
Burundi <sup>c</sup>		18 February 1993 <sup>b</sup>
Cambodia		15 October 1992 <sup>b</sup>
Cameroon <sup>a</sup>		19 December 1986 <sup>b</sup>
Canada <sup>a</sup>	23 August 1985	24 June 1987
Cape Verde		4 June 1992 <sup>b</sup>
Chad		9 June 1995 <sup>b</sup>
Chile	23 September 1987	30 September 1988
China	12 December 1986	4 October 1988
Colombia	10 April 1985	8 December 1987
Congo		30 July 2003 <sup>b</sup>

<i>State</i>	<i>Date of signature</i>	<i>Date of receipt of the instrument of ratification, accession or succession</i>
Comoros	22 September 2000	
Costa Rica <sup>a</sup>	4 February 1985	11 November 1993
Côte d'Ivoire		18 December 1995 <sup>b</sup>
Croatia <sup>a</sup>		12 October 1992 <sup>c</sup>
Cuba	27 January 1986	17 May 1995
Cyprus <sup>a</sup>	9 October 1985	18 July 1991
Czech Republic <sup>a</sup>		22 February 1993 <sup>c</sup>
Djibouti		5 November 2002 <sup>b</sup>
Democratic Republic of the Congo		18 March 1996 <sup>b</sup>
Denmark <sup>a</sup>	4 February 1985	27 May 1987
Dominican Republic	4 February 1985	
Ecuador <sup>a</sup>	4 February 1985	30 March 1988
Egypt		25 June 1986 <sup>b</sup>
El Salvador		17 June 1996 <sup>b</sup>
Equatorial Guinea		8 October 2002
Estonia		21 October 1991 <sup>b</sup>
Ethiopia		14 March 1994 <sup>b</sup>
Finland <sup>a</sup>	4 February 1985	30 August 1989
France <sup>a</sup>	4 February 1985	18 February 1986
Gabon	21 January 1986	8 September 2000
Gambia	23 October 1985	
Georgia		26 October 1994 <sup>b</sup>
Germany <sup>a</sup>	13 October 1986	1 October 1990
Ghana <sup>a</sup>	7 September 2000	7 September 2000
Greece <sup>a</sup>	4 February 1985	6 October 1988
Guatemala		5 January 1990 <sup>b</sup>
Guinea	30 May 1986	10 October 1989
Guinea-Bissau	12 September 2000	
Guyana	25 January 1988	19 May 1988
Holy See		26 June 2002 <sup>b</sup>
Honduras		5 December 1996 <sup>b</sup>
Hungary <sup>a</sup>	28 November 1986	15 April 1987
Iceland <sup>a</sup>	4 February 1985	23 October 1996
India	14 October 1997	
Indonesia	23 October 1985	28 October 1998

<i>State</i>	<i>Date of signature</i>	<i>Date of receipt of the instrument of ratification, accession or succession</i>
Ireland <sup>a</sup>	28 September 1992	11 April 2002
Israel	22 October 1986	3 October 1991
Italy <sup>a</sup>	4 February 1985	12 January 1989
Japan <sup>d</sup>		29 June 1999 <sup>b</sup>
Jordan		13 November 1991 <sup>b</sup>
Kazakhstan		26 August 1998 <sup>b</sup>
Kenya		21 February 1997 <sup>b</sup>
Kuwait		8 March 1996 <sup>b</sup>
Kyrgyzstan		5 September 1997 <sup>b</sup>
Latvia		14 April 1992 <sup>b</sup>
Lebanon		5 October 2000 <sup>b</sup>
Lesotho		12 November 2001 <sup>b</sup>
Libyan Arab Jamahiriya		16 May 1989 <sup>b</sup>
Liechtenstein <sup>a</sup>	27 June 1985	2 November 1990
Lithuania		1 February 1996 <sup>b</sup>
Luxembourg <sup>a</sup>	22 February 1985	29 September 1987
Malawi		11 June 1996 <sup>b</sup>
Mali		26 February 1999 <sup>b</sup>
Malta <sup>a</sup>		13 September 1990 <sup>b</sup>
Mauritius		9 December 1992 <sup>b</sup>
Mexico <sup>e</sup>	18 March 1985	23 January 1986
Monaco <sup>a</sup>		6 December 1991 <sup>b</sup>
Mongolia		24 January 2002 <sup>b</sup>
Morocco	8 January 1986	21 June 1993
Mozambique		14 September 1999 <sup>b</sup>
Namibia		28 November 1994 <sup>b</sup>
Nauru	12 November 2001	
Nepal		14 May 1991 <sup>b</sup>
Netherlands <sup>a</sup>	4 February 1985	21 December 1988
New Zealand <sup>a</sup>	14 January 1986	10 December 1989
Nicaragua	15 April 1985	
Niger		5 October 1998
Nigeria	28 July 1988	28 June 2001
Norway <sup>a</sup>	4 February 1985	9 July 1986
Panama	22 February 1985	24 August 1987
Paraguay <sup>a</sup>	23 October 1989	12 March 1990

<i>State</i>	<i>Date of signature</i>	<i>Date of receipt of the instrument of ratification, accession or succession</i>
Peru <sup>a</sup>	29 May 1985	7 July 1988
Philippines		18 June 1986 <sup>b</sup>
Poland <sup>a</sup>	13 January 1986	26 July 1989
Portugal <sup>a</sup>	4 February 1985	9 February 1989
Qatar		11 January 2000 <sup>b</sup>
Republic of Korea		9 January 1995 <sup>b</sup>
Republic of Moldova		28 November 1995 <sup>b</sup>
Romania		18 December 1990 <sup>b</sup>
Russian Federation <sup>a</sup>	10 December 1985	3 March 1987
Saint Vincent and the Grenadines		1 August 2001 <sup>b</sup>
Sao Tome and Principe	6 September 2000	
San Marino	18 September 2002	
Saudi Arabia		22 September 1997 <sup>b</sup>
Senegal <sup>a</sup>	4 February 1985	21 August 1986
Serbia and Montenegro <sup>a</sup>		12 March 2001 <sup>c</sup>
Seychelles <sup>c</sup>		5 May 1992 <sup>b</sup>
Sierra Leone	18 March 1985	25 April 2001
Slovakia <sup>a</sup>		28 May 1993 <sup>c</sup>
Slovenia <sup>a</sup>		16 July 1993 <sup>b</sup>
Somalia		24 January 1990 <sup>b</sup>
South Africa <sup>a</sup>	29 January 1993	10 December 1998
Spain <sup>a</sup>	4 February 1985	21 October 1987
Sri Lanka		3 January 1994 <sup>b</sup>
Sudan	4 June 1986	
Sweden <sup>a</sup>	4 February 1985	8 January 1986
Switzerland <sup>a</sup>	4 February 1985	2 December 1986
Tajikistan		11 January 1995 <sup>b</sup>
Timor-Leste		16 April 2003 <sup>b</sup>
The former Yugoslav Republic of Macedonia		12 December 1994 <sup>c</sup>
Togo <sup>a</sup>	25 March 1987	18 November 1987
Tunisia <sup>a</sup>	26 August 1987	23 September 1988
Turkey <sup>a</sup>	25 January 1988	2 August 1988
Turkmenistan		25 June 1999
Uganda <sup>d</sup>		3 November 1986 <sup>b</sup>

<i>State</i>	<i>Date of signature</i>	<i>Date of receipt of the instrument of ratification, accession or succession</i>
Ukraine	27 February 1986	24 February 1987
United Kingdom of Great Britain and Northern Ireland <sup>d</sup>	15 March 1985	8 December 1988
United States of America <sup>d</sup>	18 April 1988	21 October 1994
Uruguay <sup>a</sup>	4 February 1985	24 October 1986
Uzbekistan		28 September 1995 <sup>b</sup>
Venezuela <sup>a</sup>	15 February 1985	29 July 1991
Yemen		5 November 1991 <sup>b</sup> 10 September 1991
Zambia		7 October 1998 <sup>b</sup>

<sup>a</sup> Declaration made under arts. 21 and 22 of the Convention.

<sup>b</sup> Accession.

<sup>c</sup> Succession.

<sup>d</sup> Declaration made under art. 21 of the Convention.

<sup>e</sup> Declaration made under art. 22 of the Convention.



**Annex II****States that have accepted the amendments to articles 17 (7) and 18 (5) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

<i>State</i>	<i>Date of ratification</i>
Australia	15 October 1993
Bulgaria	2 March 1995
Canada	8 February 1995
China	10 July 2002
Colombia	1 September 1999
Cyprus	22 February 1994
Denmark	3 September 1993
Ecuador	6 September 1995
Finland	5 February 1993
France	24 May 1994
Germany	8 October 1996
Iceland	23 October 1996
Liechtenstein	24 August 1994
Mexico	15 March 2002
Netherlands <sup>a</sup>	24 January 1995
New Zealand	8 October 1993
Norway	6 October 1993
Philippines	27 November 1996
Portugal	17 April 1998
Seychelles	23 July 1993
Spain	5 May 1999
Sweden	14 May 1993
Switzerland	10 December 1993
Ukraine	17 June 1994
United Kingdom of Great Britain and Northern Ireland	7 February 1994

<sup>a</sup> For the Kingdom in Europe, the Netherlands Antilles and Aruba.