

Reference: C.N.137.2017.TREATIES-IV.9 (Depositary Notification)

CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR
DEGRADING TREATMENT OR PUNISHMENT
NEW YORK, 10 DECEMBER 1984

NETHERLANDS: OBJECTION TO THE RESERVATION MADE BY FIJI UPON RATIFICATION ¹

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above action was effected on 13 March 2017.

(Original: English)

“The Government of the Kingdom of the Netherlands has carefully examined the reservations made by Fiji upon ratification of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

With respect to the reservation to Article 1 of the Convention, the Government of the Kingdom of the Netherlands notes that Fiji does not consider itself bound by the definition of torture contained therein and that it considers this definition only to be applicable to the extent as expressed in the Fijian Constitution.

The Government of the Kingdom of the Netherlands considers that such a reservation, which seeks to limit the responsibilities of the reserving State under the Convention by invoking provisions of its domestic law, is likely to deprive the provisions of the Convention of their effect and therefore must be regarded as incompatible with the object and purpose of the Convention.

The Government of the Kingdom of the Netherlands recalls that according to customary international law, as codified in the Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of a treaty shall not be permitted.

The Government of the Kingdom of the Netherlands therefore objects to the reservation of Fiji to Article 1 of the Convention.

¹ Refer to depositary notification C.N.93.2016.TREATIES-IV.9 of 16 March 2016 (Ratification: Fiji).

This objection does not preclude the entry into force of the Convention between the Kingdom of the Netherlands and Fiji.”

20 March 2017

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the bottom.

Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned. Depositary notifications are issued in electronic format only. Depositary notifications are made available to the Permanent Missions to the United Nations in the United Nations Treaty Collection at <https://treaties.un.org>, under "Depositary Notifications (CNs)". In addition, the Permanent Missions, as well as other interested individuals, can subscribe to receive depositary notifications by e-mail through the Treaty Section's "Automated Subscription Services", which is also available at https://treaties.un.org/Pages/Login.aspx?lang=_en.