

**9. b) Optional Protocol to the Convention against Torture and Other Cruel,
Inhuman or Degrading Treatment or Punishment**

New York, 18 December 2002

ENTRY INTO FORCE: 22 June 2006, in accordance with article 28(1) which reads as follows: "1. The present Protocol shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession. 2. For each State ratifying the present Protocol or acceding to it after the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession, the present Protocol shall enter into force on the thirtieth day after the date of deposit of its own instrument of ratification or accession".

REGISTRATION: 22 June 2006, No. 24841.

STATUS: Signatories: 76. Parties: 90.

TEXT: United Nations, *Treaty Series*, vol. 2375, p. 237; GA Resolution [A/RES/57/199](#) of 9 January 2003. C.N.25.2010.TREATIES-1 of 29 January 2010 (Proposal of corrections to the original text of the Optional Protocol (authentic Russian and Spanish texts) and to the certified true copies; C.N.244.2010.TREATIES-3 of 30 April 2010 (Corrections to the original text of the Optional Protocol (authentic Russian and Spanish texts) and to the certified true copies.

Note: The above Protocol was adopted on 18 December 2002 at the fifty-seventh session of the General Assembly of the United Nations by resolution [A/RES/57/199](#). In accordance with article 27 (1), the Protocol was opened for signature on 4 February 2003, the first possible date, by any State that has signed the Convention. In accordance with operative paragraph 1 of General Assembly resolution [A/RES/57/199](#), the Protocol is available for signature, ratification and accession at United Nations Headquarters in New York.

| <i>Participant</i> | <i>Signature, Succession to signature(d)</i> | <i>Accession(a), Succession(d), Ratification</i> | <i>Participant</i> | <i>Signature, Succession to signature(d)</i> | <i>Accession(a), Succession(d), Ratification</i> |
|--|--|--|--|--|--|
| Afghanistan..... | | 17 Apr 2018 a | Central African Republic | | 11 Oct 2016 a |
| Albania..... | | 1 Oct 2003 a | Chad..... | 26 Sep 2012 | |
| Angola | 24 Sep 2013 | | Chile..... | 6 Jun 2005 | 12 Dec 2008 |
| Argentina | 30 Apr 2003 | 15 Nov 2004 | Congo..... | 29 Sep 2008 | |
| Armenia | | 14 Sep 2006 a | Costa Rica..... | 4 Feb 2003 | 1 Dec 2005 |
| Australia..... | 19 May 2009 | 21 Dec 2017 | Croatia | 23 Sep 2003 | 25 Apr 2005 |
| Austria | 25 Sep 2003 | 4 Dec 2012 | Cyprus..... | 26 Jul 2004 | 29 Apr 2009 |
| Azerbaijan..... | 15 Sep 2005 | 28 Jan 2009 | Czech Republic..... | 13 Sep 2004 | 10 Jul 2006 |
| Belgium | 24 Oct 2005 | | Democratic Republic of the Congo..... | | 23 Sep 2010 a |
| Belize | | 4 Sep 2015 a | Denmark ¹ | 26 Jun 2003 | 25 Jun 2004 |
| Benin..... | 24 Feb 2005 | 20 Sep 2006 | Ecuador..... | 24 May 2007 | 20 Jul 2010 |
| Bolivia (Plurinational State of)..... | 22 May 2006 | 23 May 2006 | Estonia | 21 Sep 2004 | 18 Dec 2006 |
| Bosnia and Herzegovina | 7 Dec 2007 | 24 Oct 2008 | Finland..... | 23 Sep 2003 | 8 Oct 2014 |
| Brazil | 13 Oct 2003 | 12 Jan 2007 | France | 16 Sep 2005 | 11 Nov 2008 |
| Bulgaria | 22 Sep 2010 | 1 Jun 2011 | Gabon..... | 15 Dec 2004 | 22 Sep 2010 |
| Burkina Faso..... | 21 Sep 2005 | 7 Jul 2010 | Georgia | | 9 Aug 2005 a |
| Burundi | | 18 Oct 2013 a | Germany | 20 Sep 2006 | 4 Dec 2008 |
| Cabo Verde | 26 Sep 2011 | 1 Apr 2016 | Ghana..... | 6 Nov 2006 | 23 Sep 2016 |
| Cambodia..... | 14 Sep 2005 | 30 Mar 2007 | Greece..... | 3 Mar 2011 | 11 Feb 2014 |
| Cameroon..... | 15 Dec 2009 | | Guatemala..... | 25 Sep 2003 | 9 Jun 2008 |

| <i>Participant</i> | <i>Signature, Succession to signature(d)</i> | <i>Accession(a), Succession(d), Ratification</i> | <i>Participant</i> | <i>Signature, Succession to signature(d)</i> | <i>Accession(a), Succession(d), Ratification</i> |
|--------------------------------|--|--|---|--|--|
| Guinea..... | 16 Sep 2005 | | Panama..... | 22 Sep 2010 | 2 Jun 2011 |
| Guinea-Bissau..... | 24 Sep 2013 | | Paraguay | 22 Sep 2004 | 2 Dec 2005 |
| Honduras..... | 8 Dec 2004 | 23 May 2006 | Peru..... | | 14 Sep 2006 a |
| Hungary | | 12 Jan 2012 a | Philippines | | 17 Apr 2012 a |
| Iceland | 24 Sep 2003 | 20 Feb 2019 | Poland | 5 Apr 2004 | 14 Sep 2005 |
| Ireland..... | 2 Oct 2007 | | Portugal..... | 15 Feb 2006 | 15 Jan 2013 |
| Italy..... | 20 Aug 2003 | 3 Apr 2013 | Republic of Moldova..... | 16 Sep 2005 | 24 Jul 2006 |
| Kazakhstan..... | 25 Sep 2007 | 22 Oct 2008 | Romania..... | 24 Sep 2003 | 2 Jul 2009 |
| Kyrgyzstan..... | | 29 Dec 2008 a | Rwanda | | 30 Jun 2015 a |
| Lebanon | | 22 Dec 2008 a | Senegal..... | 4 Feb 2003 | 18 Oct 2006 |
| Liberia..... | | 22 Sep 2004 a | Serbia..... | 25 Sep 2003 | 26 Sep 2006 |
| Liechtenstein..... | 24 Jun 2005 | 3 Nov 2006 | Sierra Leone..... | 26 Sep 2003 | |
| Lithuania..... | | 20 Jan 2014 a | Slovakia | 14 Dec 2018 | |
| Luxembourg..... | 13 Jan 2005 | 19 May 2010 | Slovenia | | 23 Jan 2007 a |
| Madagascar | 24 Sep 2003 | 21 Sep 2017 | South Africa..... | 20 Sep 2006 | 20 Jun 2019 |
| Maldives | 14 Sep 2005 | 15 Feb 2006 | South Sudan..... | | 30 Apr 2015 a |
| Mali..... | 19 Jan 2004 | 12 May 2005 | Spain | 13 Apr 2005 | 4 Apr 2006 |
| Malta..... | 24 Sep 2003 | 24 Sep 2003 | Sri Lanka..... | | 5 Dec 2017 a |
| Mauritania..... | 27 Sep 2011 | 3 Oct 2012 | State of Palestine | | 29 Dec 2017 a |
| Mauritius..... | | 21 Jun 2005 a | Sweden..... | 26 Jun 2003 | 14 Sep 2005 |
| Mexico | 23 Sep 2003 | 11 Apr 2005 | Switzerland | 25 Jun 2004 | 24 Sep 2009 |
| Mongolia..... | 24 Sep 2013 | 12 Feb 2015 | Timor-Leste | 16 Sep 2005 | |
| Montenegro ² | 23 Oct 2006 d | 6 Mar 2009 | Togo..... | 15 Sep 2005 | 20 Jul 2010 |
| Morocco..... | | 24 Nov 2014 a | Tunisia | | 29 Jun 2011 a |
| Mozambique | | 1 Jul 2014 a | Turkey..... | 14 Sep 2005 | 27 Sep 2011 |
| Nauru | | 24 Jan 2013 a | Ukraine | 23 Sep 2005 | 19 Sep 2006 |
| Netherlands ³ | 3 Jun 2005 | 28 Sep 2010 | United Kingdom of Great Britain and Northern Ireland ⁵ | 26 Jun 2003 | 10 Dec 2003 |
| New Zealand ⁴ | 23 Sep 2003 | 14 Mar 2007 | Uruguay | 12 Jan 2004 | 8 Dec 2005 |
| Nicaragua..... | 14 Mar 2007 | 25 Feb 2009 | Venezuela (Bolivarian Republic of) | 1 Jul 2011 | |
| Niger | | 7 Nov 2014 a | Zambia..... | 27 Sep 2010 | |
| Nigeria | | 27 Jul 2009 a | | | |
| North Macedonia | 1 Sep 2006 | 13 Feb 2009 | | | |
| Norway | 24 Sep 2003 | 27 Jun 2013 | | | |

Declarations and Reservations

<center>(Unless otherwise indicated, the declarations were made upon ratification, accession or succession.)</center>

AUSTRALIA

“In accordance with Article 24 of the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Australia declares the postponement of the implementation of Australia's obligations under Part IV of the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, for three years.”

AZERBAIJAN

“The Republic of Azerbaijan declares that it is unable to guarantee the application of the provisions of the Protocol in the territories occupied by the Republic of Armenia until these territories are liberated from occupation.”

BELGIUM

Declaration made upon signature: This signature also

engages the French community, the Flemish community, the German-speaking community and the Walloon region.

BOSNIA AND HERZEGOVINA⁶

“In accordance with article 24 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Bosnia and Herzegovina postpones the implementation of its obligations under part IV of the present Optional Protocol, related to the designation of the national preventive mechanism, for a period no longer than three years.”

FRANCE

Pursuant to articles 15 and 21 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, no French authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the Subcommittee on Prevention or to its delegates or to the national preventive mechanism any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way, provided that, in the case of false information, the person or organization in question was unaware of the false nature of the information at the time of its communication and, moreover, without prejudice to the legal remedies that persons who are implicated may invoke for harm suffered as a result of the communication of false information about them.

GERMANY

“The distribution of competences within the Federal Republic of Germany means that a treaty between the Länder (federal states), which requires parliamentary approval, is needed in order to establish the national preventive mechanism at Länder level. Because of this requirement, Germany shall postpone the implementation of its obligations under Part IV of the Optional Protocol. The Subcommittee will be informed as soon as possible of the date from which the national prevention mechanism is operational.”

HUNGARY

“In accordance with Article 24 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Hungary declares the postponement for three years of the implementation of the obligations under Part IV of the Optional Protocol, concerning national preventive mechanisms.”

KAZAKHSTAN⁷

“In accordance with Article [24], paragraph 1 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Republic of Kazakhstan hereby postponing the implementation of its obligations under part IV of the present Optional Protocol.”

MONTENEGRO

“The Government of Montenegro makes the following Declaration in relation to article 24 of the Optional Protocol:

In accordance with the article 24 of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment Montenegro postpones the implementation of its obligations under part IV of the present Optional Protocol for two years after the date of the entrance into force of the Optional Protocol.”

PHILIPPINES

“In accordance with Part V, Article 24 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, the Republic of the Philippines hereby declares the postponement of the implementation of its obligations under Part III of the Optional Protocol, specifically Article 11 (1)(a) on the visitations by the Subcommittee on Prevention to places referred to in Article 4 and for them to make recommendations to States Parties concerning the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment.”

ROMANIA

“In accordance with Article 24, paragraph 1 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Romania declares that it postpones for three years the implementation of the obligations under Part IV of the Optional Protocol, concerning national preventive mechanisms.”

Notifications made under article 17 (Unless otherwise indicated, the notifications were made upon ratification, accession or succession.)

AZERBAIJAN

“The Ministry of Foreign Affairs of the Republic of Azerbaijan...has the honour to inform that the Commissioner of the Human Rights (Ombudsman) of the Republic of Azerbaijan was designated by the Decree of the President of the Republic of Azerbaijan No. 112, dated January 13, 2009 as the national preventive mechanism according to Article 17 of the (United Nations) Optional Protocol to the Convention against Torture and other Cruel Inhuman or Degrading Treatment or Punishment.”

NORTH MACEDONIA

“In accordance with Article 17 of the Protocol, the Republic of Macedonia declares that the Ombudsman of the Republic of Macedonia is designated as a national preventive mechanism for the prevention of torture at the domestic level.

The non-governmental organizations registered in the Republic of Macedonia and organizations which have acquired the status of humanitarian organizations in the Republic of Macedonia, may perform some of the competences of the national preventive mechanism, in agreement with, and with prior consent of the Ombudsman of the Republic of Macedonia.”

SLOVENIA

“In accordance with Article 17 of the Protocol, the Republic of Slovenia declares herewith that the competencies and duties of the national preventive mechanism will be performed by the Human Rights Ombudsperson and in agreement with him/her also by non-governmental organisations registered in the Republic of Slovenia and by organisations, which acquired the status of humanitarian organisations in the Republic of Slovenia.”

Territorial Application

| <i>Participant</i> | <i>Date of receipt of the notification</i> | <i>Territories</i> |
|--|--|--------------------|
| United Kingdom of Great Britain and Northern Ireland | 24 Feb 2014 | Isle of Man |

Notes:

¹ With a territorial exclusion in respect of the Faroe Islands.

Subsequently, on 29 August 2005, the Government of Denmark informed the Secretary-General of the following:

"... that Denmark withdraws its declaration made upon ratification of the said Protocol to the effect that until further notice the Optional Protocol should not apply to the Faroe Islands."

² See note 1 under "Montenegro" in the "Historical Information" section in the front matter of this volume.

³ For the Kingdom in Europe.

⁴ With a territorial exclusion with regard to the Tokelau Islands, with the following:

"... consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, this ratification shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the Depository on the basis of appropriate consultation with that territory."

⁵ On 24 February 2014, the Government the United Kingdom of Great Britain and Northern Ireland informed the Secretary-General of the following:

"... the Government of the United Kingdom of Great Britain and Northern Ireland wishes the United Kingdom's Ratification of the Optional Protocol be extended to the territory of the Isle of Man for whose international relations the United Kingdom is responsible.

The Government of the United Kingdom of Great Britain and Northern Ireland considers the extension of the aforesaid Optional Protocol to the Isle of Man to take effect on the date that this notification is received for deposit ..."

⁶ The declaration in question was accepted for deposit on 23 March 2012 in the absence of any objection on the part of one of the Contracting States, either to the deposit itself or to the procedure envisaged, within a period of one year from the date of the notification circulating the declaration, i.e., on 23 March 2011.

⁷ The declaration was accepted in deposit on 22 May 2010 in the absence of any objection on the part of one of the Contracting States, either to the deposit itself or to the procedure envisaged, within a period of three months from the date of the notification circulating the declaration, i.e., on 22 February 2010.

