

# **MULTILATERAL TREATIES DEPOSITED WITH THE SECRETARY-GENERAL**

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**Status as at 31 December 1994**



UNITED NATIONS



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## IV.9: Torture and other cruel, inhuman or degrading treatment or punishment

## 9. CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

*Adopted by the General Assembly of the United Nations on 10 December 1984***ENTRY INTO FORCE:** 26 June 1987, in accordance with article 27 (1).<sup>1</sup>**REGISTRATION:** 26 June 1987, No. 24841.**TEXT:** Doc. A/RES/39/46.<sup>2</sup>**STATUS:** Signatories: 65. Parties: 86.

*Note:* The Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, was adopted by resolution 39/46 of 10 December 1984 at the thirty-ninth session of the General Assembly of the United Nations. The Convention is open for signature by all States, in accordance with its article 25.

<i>Participant</i>	<i>Signature</i>	<i>Ratification, accession (a), succession (d)</i>	<i>Participant</i>	<i>Signature</i>	<i>Ratification, accession (a), succession (d)</i>
Afghanistan	4 Feb 1985	1 Apr 1987	Latvia		14 Apr 1992 a
Albania		11 May 1994 a	Libyan Arab Jamahiriya		16 May 1989 a
Algeria	26 Nov 1985	12 Sep 1989	Liechtenstein	27 Jun 1985	2 Nov 1990
Antigua and Barbuda		19 Jul 1993 a	Luxembourg	22 Feb 1985	29 Sep 1987
Argentina	4 Feb 1985	24 Sep 1986	Malta		13 Sep 1990 a
Armenia		13 Sep 1993 a	Mauritius		9 Dec 1992 a
Australia	10 Dec 1985	8 Aug 1989	Mexico	18 Mar 1985	23 Jan 1986
Austria	14 Mar 1985	29 Jul 1987	Monaco		6 Dec 1991 a
Belarus	19 Dec 1985	13 Mar 1987	Morocco	8 Jan 1986	21 Jun 1993
Belgium	4 Feb 1985		Namibia		28 Nov 1994 a
Belize		17 Mar 1986 a	Nepal		14 May 1991 a
Benin		12 Mar 1992 a	Netherlands <sup>6</sup>	4 Feb 1985	21 Dec 1988
Bolivia	4 Feb 1985		New Zealand	14 Jan 1986	10 Dec 1989
Bosnia and Herzegovina		1 Sep 1993 d	Nicaragua	15 Apr 1985	
Brazil	23 Sep 1985	28 Sep 1989	Nigeria	28 Jul 1988	
Bulgaria	10 Jun 1986	16 Dec 1986	Norway	4 Feb 1985	9 Jul 1986
Burundi		18 Feb 1993 a	Panama	22 Feb 1985	24 Aug 1987
Cameroon		19 Dec 1986 a	Paraguay	23 Oct 1989	12 Mar 1990
Cambodia		15 Oct 1992 a	Peru	29 May 1985	7 Jul 1988
Canada	23 Aug 1985	24 Jun 1987	Philippines		18 Jun 1986 a
Cape Verde		4 Jun 1992 a	Poland	13 Jan 1986	26 Jul 1989
Chile	23 Sep 1987	30 Sep 1988	Portugal	4 Feb 1985	9 Feb 1989
China	12 Dec 1986	4 Oct 1988	Romania		18 Dec 1990 a
Colombia	10 Apr 1985	8 Dec 1987	Russian Federation	10 Dec 1985	3 Mar 1987
Costa Rica	4 Feb 1985	11 Nov 1993	Senegal	4 Feb 1985	21 Aug 1986
Croatia		12 Oct 1992 d	Seychelles		5 May 1992 a
Cuba	27 Jan 1986		Sierra Leone	18 Mar 1985	
Cyprus	9 Oct 1985	18 Jul 1991	Slovakia <sup>3</sup>		28 May 1993 d
Czech Republic <sup>3</sup>		22 Feb 1993 d	Slovenia		16 Jul 1993 a
Denmark	4 Feb 1985	27 May 1987	Somalia		24 Jan 1990 a
Dominican Republic	4 Feb 1985		South Africa	29 Jan 1993	
Ecuador	4 Feb 1985	30 Mar 1988	Spain	4 Feb 1985	21 Oct 1987
Egypt		25 Jun 1986 a	Sri Lanka		3 Jan 1994 a
Estonia		21 Oct 1991 a	Sudan	4 Jun 1986	
Ethiopia		14 Mar 1994 a	Sweden	4 Feb 1985	8 Jan 1986
Finland	4 Feb 1985	30 Aug 1989	Switzerland	4 Feb 1985	2 Dec 1986
France	4 Feb 1985	18 Feb 1986	the former Yugoslav Republic of Macedonia		12 Dec 1994 d
Gabon	21 Jan 1986		Togo	25 Mar 1987	18 Nov 1987
Gambia	23 Oct 1985		Tunisia	26 Aug 1987	23 Sep 1988
Georgia		26 Oct 1994 a	Turkey	25 Jan 1988	2 Aug 1988
Germany <sup>4, 5</sup>	13 Oct 1986	1 Oct 1990	Uganda		3 Nov 1986 a
Greece	4 Feb 1985	6 Oct 1988	Ukraine	27 Feb 1986	24 Feb 1987
Guatemala		5 Jan 1990 a	United Kingdom <sup>7</sup>	15 Mar 1985	8 Dec 1988
Guinea	30 May 1986	10 Oct 1989	United States of America <sup>8</sup>	18 Apr 1988	21 Oct 1994
Guyana	25 Jan 1988	19 May 1988	Uruguay	4 Feb 1985	24 Oct 1986
Hungary	28 Nov 1986	15 Apr 1987	Venezuela	15 Feb 1985	29 Jul 1991
Iceland	4 Feb 1985		Yemen		5 Nov 1991 a
Indonesia	23 Oct 1985		Yugoslavia	18 Apr 1989	10 Sep 1991
Ireland	28 Sep 1992				
Israel	22 Oct 1986	3 Oct 1991			
Italy	4 Feb 1985	12 Jan 1989			
Jordan		13 Nov 1991 a			



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

**AFGHANISTAN**

While ratifying the above-mentioned Convention, the Democratic Republic of Afghanistan, invoking paragraph 1 of the article 28, of the Convention, does not recognize the authority of the committee as foreseen in the article 20 of the Convention.

Also according to paragraph 2 of the article 30, the Democratic Republic of Afghanistan, will not be bound to honour the provisions of paragraph 1 of the same article since according to that paragraph 1 the compulsory submission of disputes in connection with interpretation or the implementation of the provisions of this Convention by one of the parties concerned to the International Court of Justice is deemed possible. Concerning to this matter, it declares that the settlement of disputes between the States Parties, such disputes may be referred to arbitration or to the International Court of Justice with the consent of all the Parties concerned and not by one of the Parties.

**AUSTRIA**

"1. Austria will establish its jurisdiction in accordance with article 5 of the Convention irrespective of the laws applying to the place where the offence occurred, but in respect of paragraph 1 (c) only if prosecution by a State having jurisdiction under paragraph 1 (a) or paragraph 1 (b) is not to be expected.

"2. Austria regards article 15 as the legal basis for the inadmissibility provided for therein of the use of statements which are established to have been made as a result of torture."

**BELARUS<sup>9</sup>**

*Reservations made upon signature and confirmed upon ratification:*

The Byelorussian Soviet Socialist Republic does not recognize the competence of the Committee against Torture as defined by article 20 of the Convention.

**BULGARIA<sup>10</sup>**

*Reservations made upon signature and confirmed upon ratification:*

1. Pursuant to article 28 of the Convention, the People's Republic of Bulgaria states that it does not recognize the competence of the Committee against Torture provided for in article 20 of the Convention, as it considers that the provisions of article 20 are not consistent with the principle of respect for sovereignty of the States parties to the Convention.

**CHILE<sup>11</sup>**

*Upon signature:*

1. The Government of Chile does not recognize the competence of the Committee against Torture provided for in article 20.

2. The Government of Chile does not consider itself bound by the provisions of article 30, paragraph 1, of the Convention.

3. The Government of Chile reserve the right to formulate, upon ratifying the Convention, any declarations or reservations it may deem necessary in the light of its domestic law.

*Upon ratification:*

The Government of Chile declares that in its relations with American States that are Parties to the Inter-American Convention to Prevent and Punish Torture, it will apply that Convention in cases where its provisions are incompatible with those of the present Convention.

The Government of Chile will not consider itself bound by the provisions of article 30, paragraph 1 of the Convention.

**CHINA**

*Reservations made upon signature and confirmed upon ratification:*

"(1) The Chinese Government does not recognize the competence of the Committee against Torture as provided for in article 20 of the Convention.

"(2) The Chinese Government does not consider itself bound by paragraph 1 of article 30 of the Convention."

**CZECH REPUBLIC<sup>3</sup>**

**ECUADOR**

*Reservation:*

Ecuador declares that, in accordance with the provisions of article 42 of its Political Constitution, it will not permit extradition of its nationals.

**FRANCE**

*Reservation:*

The Government of France declares in accordance with article 30, paragraph 2, of the Convention, that it shall not be bound by the provisions of paragraph 2 of [article 30].

**GERMANY<sup>4</sup>**

*Upon signature:*

The Government of the Federal Republic of Germany reserves the right to communicate, upon ratification, such reservations or declarations of interpretation as are deemed necessary especially with respect to the applicability of article 3.

*Upon ratification:*

*Article 3*

This provision prohibits the transfer of a person directly to a State where this person is exposed to a concrete danger of being subjected to torture. In the opinion of the Federal Republic of Germany, article 3 as well as the other provisions of the Convention exclusively establish State obligations that are met by the Federal Republic of Germany in conformity with the provisions of its domestic law which is in accordance with the Convention.

**GUATEMALA<sup>12</sup>**

**HUNGARY<sup>13</sup>**

**ISRAEL**

*Reservations:*

"1. In accordance with article 28 of the Convention, the State of Israel hereby declares that it does not recognize the competence of the Committee provided for in article 20.

"2. In accordance with paragraph 2 of article 30, the State of Israel hereby declares that it does not consider itself bound by paragraph 1 of that article."

**LUXEMBOURG**

*Interpretative declaration:*

*Article 1*

The Grand Duchy of Luxembourg hereby declares that the only "lawful sanctions" that it recognizes within the meaning of article 1, paragraph 1, of the Convention are those which are accepted by both national law and international law.

**MONACO***Reservation:*

In accordance with paragraph 2 of article 30 of the Convention, the Principality of Monaco declares that it does not consider itself bound by paragraph 1 of that article.

**MOROCCO***Declaration made upon signature and confirmed upon ratification:**Declaration:*

The Government of the Kingdom of Morocco does not recognize the competence of the Committee provided for in article 20.

The Government of the Kingdom of Morocco does not consider itself bound by paragraph 1 of the same article.

**NETHERLANDS***Interpretative declaration with respect to article 1.:*

"It is the understanding of the Government of the Kingdom of the Netherlands that the term "lawful sanctions" in article 1, paragraph 1, must be understood as referring to those sanctions which are lawful not only under national law but also under international law."

**NEW ZEALAND***Reservation:*

"The Government of New Zealand reserves the right to award compensation to torture victims referred to in article 14 of the Convention Against Torture only at the discretion of the Attorney-General of New Zealand."

**PANAMA**

The Republic of Panama declares in accordance with article 30, paragraph 2 of the Convention that it does not consider itself bound by the provisions of paragraph 1 of the said article.

**POLAND***Upon signature:*

Under article 28, the Polish People's Republic does not consider itself bound by article 20 of the Convention.

Furthermore, the Polish People's Republic does not consider itself bound by article 30, paragraph 1, of the Convention.

**RUSSIAN FEDERATION<sup>9</sup>****SLOVAKIA<sup>3</sup>****TOGO***Upon signature:*

The Government of the Togolese Republic reserves the right to formulate, upon ratifying the Convention, any reservations or declarations which it might consider necessary.

**TUNISIA***Upon signature:*

The Government of Tunisia reserves the right to make at some later stage any reservation or declaration which it deems necessary, in particular with regard to articles 20 and 21 of the said Convention.

*Upon ratification:*

[The Government of Tunisia] confirms that the reservations made at the time of signature of the Convention on Tunisia's behalf on 26 August 1987 have been completely withdrawn.

**TURKEY***Reservation:*

"The Government of Turkey declares in accordance with article 30, paragraph 2, of the Convention, that it does not consider itself bound by the provisions of paragraph 1 of this article."

**UKRAINE<sup>9</sup>***Reservations made upon signature and confirmed upon ratification:*

[Same reservations, mutatis mutandis, as those made by Belarus.]

**UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND***Upon signature:*

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

**UNITED STATES OF AMERICA***Upon signature :**Declaration:*

"The Government of the United States of America reserves the right to communicate, upon ratification, such reservations, interpretive understandings, or declarations as are deemed necessary."

*Upon ratification :**Reservations:*

"I. The Senate's advice and consent is subject to the following reservations:

(1) That the United States considers itself bound by the obligation under article 16 to prevent 'cruel, inhuman or degrading treatment or punishment', only insofar as the term 'cruel, inhuman or degrading treatment or punishment' means the cruel, unusual and inhumane treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments to the Constitution of the United States.

(2) That pursuant to article 30 (2) the United States declares that it does not consider itself bound by Article 30 (1), but reserves the right specifically to agree to follow this or any other procedure for arbitration in a particular case.

II. The Senate's advice and consent is subject to the following understandings, which shall apply to the obligations of the United States under this Convention:

(1) (a) That with reference to article 1, the United States understands that, in order to constitute torture, an act must be specifically intended to inflict severe physical or mental pain or suffering and that mental pain or suffering refers to prolonged mental harm caused by or resulting from (1) the intentional infliction or threatened infliction of severe physical pain or suffering; (2) the administration or application, or threatened administration or application, of mind altering substances or other procedures calculated to disrupt profoundly the senses or the personality; (3) the threat of imminent death; or (4) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind altering substances or other procedures calculated to disrupt profoundly the senses or personality.

(b) That the United States understands that the definition of torture in article 1 is intended to apply only to acts directed against persons in the offender's custody or physical control.

(c) That with reference to article 1 of the Convention, the United States understands that 'sanctions' includes judicially-imposed sanctions and other enforcement actions authorized by

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United States law or by judicial interpretation of such law. Nonetheless, the United States understands that a State Party could not through its domestic sanctions defeat the object and purpose of the Convention to prohibit torture.

(d) That with reference to article 1 of the Convention, the United States understands that the term 'acquiescence' requires that the public official, prior to the activity constituting torture, have awareness of such activity and thereafter breach his legal responsibility to intervene to prevent such activity.

(e) That with reference to article 1 of the Convention, the United States understands that noncompliance with applicable legal procedural standards does not *per se* constitute torture.

(2) That the United States understands the phrase, 'where there are substantial grounds for believing that he would be in danger of being subjected to torture,' as used in article 3 of the Convention, to mean 'if it is more likely than not that he would be tortured.'

(3) That it is the understanding of the United States that article 14 requires a State Party to provide a private right of action for damages only for acts of torture committed in territory under the jurisdiction of that State Party.

(4) That the United States understands that international law does not prohibit the death penalty, and does not consider this Convention to restrict or prohibit the United States from applying the death penalty consistent with the Fifth, Eighth and/or Fourteenth Amendments to the Constitution of the United States, including any constitutional period of confinement prior to the imposition of the death penalty.

(5) That the United States understands that this Convention shall be implemented by the United States Government to the extent that it exercises legislative and judicial jurisdiction over the matters covered by the Convention and otherwise by the state and local governments. Accordingly, in implementing articles 10–14 and 16, the United States Government shall take measures appropriate to the Federal system to the end that the competent authorities of the constituent units of the United States of America may take appropriate measures for the fulfilment of the Convention.

III. The Senate's advice and consent is subject to the following declarations:

(1) That the United States declares that the provisions of articles 1 through 16 of the Convention are not self-executing.

*Declarations recognizing the Competence of the Committee against Torture under articles 21 and 22  
(Unless otherwise indicated, the declarations and reservations were made upon ratification, accession or succession.)*

## ALGERIA

*Article 21*

The Algerian Government declares, pursuant to article 21 of the Convention, 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 this Convention.

*Article 22*

The Algerian Government declares, pursuant to article 22 of the Convention, 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.

## ARGENTINA

The Argentine Republic 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 this Convention. It also 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.

## AUSTRALIA

28 January 1993

"The Government of Australia hereby declares that it recognises, for and on behalf of Australia, the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the aforesaid Convention; and

The Government of Australia hereby declares that it recognises, for and on behalf of Australia, the competence of the Committee to receive and consider communications from or on behalf of individuals subject to Australia's jurisdiction who claim to be victims of a violation by a State Party of the provisions of the aforesaid Convention."

## AUSTRIA

"Austria 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 this Convention.

"Austria recognizes the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to Austrian jurisdiction who claim to be victims of a violation of the provisions of the Convention."

## BULGARIA

12 May 1993

"The Republic of Bulgaria declares that in accordance with article 21 (2) of the Convention 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 this Convention."

The Republic of Bulgaria declares that in accordance with article 22 (1) of the Convention it recognizes the competence of the Committee against Torture 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 this Convention."

## CANADA

13 November 1989

"The Government of Canada declares that it recognizes the competence of the Committee Against Torture, pursuant to article 21 of the said Convention, to receive and consider communications to the effect that a state party claims that another state party is not fulfilling its obligations under this Convention.

"The Government of Canada also declares that it recognizes the competence of the Committee Against Torture, pursuant to article 22 of the said Convention, 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."