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(1994) Cm 2459



Treaty Series No. 11 (2005)

Protocols 1 and 2

to the European Convention for the Prevention of Torture and Inhuman or
Degrading Treatment or Punishment

Strasbourg, 4 November 1993

[The United Kingdom Instruments of Ratification were deposited on 11 April 1996 and the Protocols
entered into force for the United Kingdom on 1 March 2002]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
April 2005*

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**PROTOCOL No. 1
TO THE EUROPEAN CONVENTION
FOR THE PREVENTION OF TORTURE
AND INHUMAN OR DEGRADING TREATMENT
OR PUNISHMENT**

The member States of the Council of Europe, signatories to this Protocol to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, signed at Strasbourg on 26 November 1987¹ (hereinafter referred to as “the Convention”),

Considering that non-member States of the Council of Europe should be allowed to accede to the Convention at the invitation of the Committee of Ministers,

Have agreed as follows:

ARTICLE 1

A sub-paragraph shall be added to Article 5, paragraph 1, of the Convention as follows:

“Where a member is to be elected to the Committee in respect of a non-member State of the Council of Europe, the Bureau of the Consultative Assembly shall invite the Parliament of that State to put forward three candidates, of whom two at least shall be its nationals. The election by the Committee of Ministers shall take place after consultation with the Party concerned.”

ARTICLE 2

Article 12 of the Convention shall read as follows:

“Subject to the rules of confidentiality in Article 11, the Committee shall every year submit to the Committee of Ministers a general report on its activities which shall be transmitted to the Consultative Assembly and to any non-member State of the Council of Europe which is a party to the Convention, and made public.”

ARTICLE 3

The text of Article 18 of the Convention shall become paragraph 1 of that article and shall be supplemented by the following second paragraph:

¹ Treaty Series No. 54 (1991) Cm 1634

“2. The Committee of Ministers of the Council of Europe may invite any non-member State of the Council of Europe to accede to the Convention.”

ARTICLE 4

In paragraph 2 of Article 19 of the Convention, the word “member” shall be deleted and the words “or approval,” shall be replaced by “approval or accession.”

ARTICLE 5

In paragraph 1 of Article 20 of the Convention, the words “or approval” shall be replaced by “approval or accession.”

ARTICLE 6

1. The introductory sentence of Article 23 of the Convention shall read as follows:

“The Secretary General of the Council of Europe shall notify the member States and any non-member State of the Council of Europe party to the Convention of:”

2. In Article 23.b of the Convention, the words “or approval;” shall be replaced by “approval or accession;”.

ARTICLE 7

1. This Protocol shall be open for signature by member States of the Council of Europe signatories to the Convention, which may express their consent to be bound by:

- a. signature without reservation as to ratification, acceptance or approval; or
- b. signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.

2. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

ARTICLE 8

This Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date on which all Parties to the Convention have expressed their consent to be bound by the Protocol, in accordance with the provisions of Article 7.

ARTICLE 9

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe of:

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance or approval;
- c. the date of entry into force of this Protocol, in accordance with Article 8;
- d. any other act, notification or communication relating to this Protocol.

In witness whereof, the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Strasbourg, this 4th day of November 1993, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe.

[Here follow the signatures]

RATIFICATIONS, ACCESSIONS, EFFECTIVE DATES AND DECLARATIONS

<i>State</i>	<i>Action</i>	<i>Date</i>	<i>Effective Date</i>
Albania	Signature	02 Oct 1996	01 Mar 2002
	Ratification	02 Oct 1996	
Andorra	Signature	04 Nov 1999	01 Mar 2002
	Ratification	13 Jul 2000	
Armenia	Signature	29 Jan 2002	01 Oct 2002 C
	Ratification	18 Jun 2002	
Austria	Signature	04 Nov 1993	01 Mar 2002
	Ratification	30 Apr 1996	
Azerbaijan	Signature	21 Dec 2001	01 Aug 2002 C
	Ratification	15 Apr 2002	
Belgium	Signature	04 Nov 1993	01 Mar 2002
	Ratification	12 Sep 1996	
Bosnia and Herzegovina	Signature	12 Jul 2002	01 Nov 2002 C
	Ratification	12 Jul 2002	
Bulgaria	Signature	04 Mar 1997	01 Mar 2002
	Ratification	27 Oct 1997	
Croatia	Signature	10 May 2000	01 Mar 2002
	Ratification	04 Nov 2000	
Cyprus	Signature	02 Feb 1994	01 Mar 2002
	Ratification	10 Sep 1997	
Czech Republic	Signature	28 Apr 1995	01 Mar 2002
	Ratification	07 Sep 1995	
Denmark	Signature	04 Nov 1993	01 Mar 2002
	Ratification	26 Apr 1994	
Estonia	Signature	28 Jun 1996	01 Mar 2002
	Ratification	06 Nov 1996	
Finland	Signature	04 Nov 1993 s	01 Mar 2002
	Ratification	04 Nov 1993 s	

France	Signature Ratification	04 Nov 1993 19 Aug 1998	01 Mar 2002
Georgia	Signature Ratification	16 Feb 2000 20 Jun 2000	01 Mar 2002
Germany	Signature Ratification	04 Nov 1993 13 Dec 1996	01 Mar 2002
Greece	Signature Ratification	04 Nov 1993 29 Jun 1994	01 Mar 2002
Hungary	Signature Ratification	04 Nov 1993 s 04 Nov 1993 s	01 Mar 2002
Iceland	Signature Ratification	08 Sep 1994 29 Jun 1995	01 Mar 2002
Ireland	Signature Ratification	10 Apr 1996 s 10 Apr 1996 s	01 Mar 2002
Italy	Signature Ratification	30 Oct 1996 08 Mar 1999	01 Mar 2002
Latvia	Signature Ratification	11 Sep 1997 10 Feb 1998	01 Mar 2002
Liechtenstein	Signature Ratification	04 Nov 1993 05 May 1995	01 Mar 2002
Lithuania	Signature Ratification	14 Sep 1995 26 Nov 1998	01 Mar 2002
Luxembourg	Signature Ratification	04 Nov 1993 20 Jul 1995	01 Mar 2002
Malta	Signature Ratification	04 Nov 1993 s 04 Nov 1993 s	01 Mar 2002
Moldova	Signature Ratification	02 Oct 1997 02 Oct 1997	01 Mar 2002
Netherlands	Signature Ratification ¹	05 May 1994 23 Feb 1995	01 Mar 2002
Norway	Signature Ratification	04 Nov 1993 s 04 Nov 1993 s	01 Mar 2002

Poland	Signature	11 Jan 1995	01 Mar 2002
	Ratification	24 Mar 1995	
Portugal	Signature	03 Jun 1994	01 Mar 2002
	Ratification	20 Mar 1998	
Romania	Signature	04 Nov 1993	01 Mar 2002
	Ratification	04 Oct 1994	
Russia	Signature	28 Feb 1996	01 Mar 2002
	Ratification	05 May 1998	
San Marino	Signature	04 Nov 1993	01 Mar 2002
	Ratification	05 Dec 1996	
Serbia and Montenegro	Signature	03 Mar 2004	01 Jul 2004 C
	Ratification	03 Mar 2004	
Slovakia	Signature	07 Mar 1994	01 Mar 2002
	Ratification	11 May 1994	
Slovenia	Signature	31 Mar 1994	01 Mar 2002
	Ratification	16 Feb 1995	
Spain	Signature	21 Feb 1995	01 Mar 2002
	Ratification	08 Jun 1995	
Sweden	Signature	07 Mar 1994 s	01 Mar 2002
	Ratification	07 Mar 1994 s	
Switzerland	Signature	09 Mar 1994 s	01 Mar 2002
	Ratification	09 Mar 1994 s	
the former Yugoslav Republic of Macedonia	Signature	14 Jun 1996	01 Mar 2002
	Ratification	06 Jun 1997	
Turkey	Signature	10 May 1995	01 Mar 2002
	Ratification	17 Sep 1997	
Ukraine	Signature	26 Jan 1998	01 Mar 2002
	Ratification	07 Nov 2001	
United Kingdom	Signature	09 Dec 1993	01 Mar 2002
	Ratification ²	11 Apr 1996	

Notes: s: Signature without reservation as to ratification. C: Dates of signature and ratification of the Convention as amended by the Protocol.

Declarations

1. Netherlands :

Declaration at ratification (acceptance). The Kingdom of the Netherlands accepts the said Protocol for the Kingdom in Europe, the Netherlands Antilles and Aruba.

2. United Kingdom :

Declaration at ratification. The United Kingdom of Great Britain and Northern Ireland accepts [the] Protocol for the United Kingdom of Great Britain and Northern Ireland, the Bailiwick of Jersey, the Bailiwick of Guernsey, the Isle of Man and Gibraltar.

**PROTOCOL No. 2
TO THE EUROPEAN CONVENTION
FOR THE PREVENTION OF TORTURE
AND INHUMAN OR DEGRADING TREATMENT
OR PUNISHMENT**

The States, signatories to this Protocol to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, signed at Strasbourg on 26 November 1987 (hereinafter referred to as “the Convention”),

Convinced of the advisability of enabling members of the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment (hereinafter referred to as “the Committee”) to be re-elected twice;

Also considering the need to guarantee an orderly renewal of the membership of the Committee,

Have agreed as follows:

ARTICLE 1

1. In Article 5, paragraph 3, the second sentence shall read as follows:

“They may be re-elected twice.”

2. Article 5 of the Convention shall be supplemented by the following paragraphs 4 and 5:

“4. In order to ensure that, as far as possible, one half of the membership of the Committee shall be renewed every two years, the Committee of Ministers may decide, before proceeding to any subsequent election, that the term or terms of office of one or more members to be elected shall be for a period other than four years but not more than six and not less than two years.

5. In cases where more than one term of office is involved and the Committee of Ministers applies the preceding paragraph, the allocation of the terms of office shall be effected by the drawing of lots by the Secretary General, immediately after the election.”

ARTICLE 2

1. This Protocol shall be open for signature by States signatories to the Convention or acceding thereto, which may express their consent to be bound by:

- a. signature without reservation as to ratification, acceptance or approval; or
- b. signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.

2. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

ARTICLE 3

This Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date on which all Parties to the Convention have expressed their consent to be bound by the Protocol, in accordance with the provisions of Article 2.

ARTICLE 4

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe and non-member States Parties to the Convention of:

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance or approval;
- c. the date of any entry into force of this Protocol, in accordance with Article 3;
- d. any other act, notification or communication relating to this Protocol.

In witness whereof, the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Strasbourg, this 4th day of November 1993, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe.

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