



## **Protocol No. 1 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment<sup>\*</sup>**

Strasbourg, 4.XI.1993

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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 1987 (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:

"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."

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(\*) Since its entry into force on 1 March 2002, this Protocol forms an integral part of the Convention (ETS No. 126).

#### **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.