

## PRESIDÊNCIA DA REPÚBLICA

### Decreto do Presidente da República n.º 21/97

de 5 de Maio

O Presidente da República decreta, nos termos do artigo 138.º, alínea b), da Constituição, o seguinte:

É ratificado o Protocolo n.º 1 à Convenção Europeia para a Prevenção da Tortura e Penas ou Tratamentos Desumanos ou Degradantes, aberto à assinatura em Estrasburgo, em 4 de Novembro de 1993, aprovado, para ratificação, pela Resolução da Assembleia da República n.º 24/97, em 31 de Janeiro de 1997.

Assinado em 4 de Abril de 1997.

Publique-se.

O Presidente da República, JORGE SAMPAIO.

Referendado em 11 de Abril de 1997.

O Primeiro-Ministro, *António Manuel de Oliveira Guterres*.

## ASSEMBLEIA DA REPÚBLICA

### Resolução da Assembleia da República n.º 24/97

**Aprova, para ratificação, o Protocolo n.º 1 à Convenção Europeia para a Prevenção da Tortura e Penas ou Tratamentos Desumanos ou Degradantes, aberto à assinatura em Estrasburgo, em 4 de Novembro de 1993.**

A Assembleia da República resolve, nos termos dos artigos 164.º, alínea j), e 169.º, n.º 5, da Constituição, aprovar, para ratificação, o Protocolo n.º 1 à Convenção Europeia para a Prevenção da Tortura e Penas ou Tratamentos Desumanos ou Degradantes, aberto à assinatura em Estrasburgo, em 4 de Novembro de 1993, cujas versões autênticas em língua inglesa e francesa e tradução em língua portuguesa seguem em anexo.

Aprovada em 31 de Janeiro de 1997.

O Presidente da Assembleia da República, *António de Almeida Santos*.

#### PROTOCOL N.º 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 the 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 subparagraph 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.»

#### 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.