4. INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

New York, 16 December 1966

ENTRY INTO FORCE: 23 March 1976, in accordance with article 49, for all provisions except those of article 41; 28 March 1979 for the provisions of article 41 (Human Rights Committee), in accordance with paragraph 2 of the said article 41.
REGISTRATION: 23 March 1976, No. 14668.
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Note: The Covenant was opened for signature at New York on 19 December 1966.

Participant	*Signature*	*Accession(a), Succession(d), Ratification*
Afghanistan		24 Jan 1983 a
Albania		4 Oct 1991 a
Algeria	10 Dec 1968	12 Sep 1989
Andorra	5 Aug 2002	22 Sep 2006
Angola		10 Jan 1992 a
Argentina	19 Feb 1968	8 Aug 1986
Armenia		23 Jun 1993 a
Australia	18 Dec 1972	13 Aug 1980
Austria	10 Dec 1973	10 Sep 1978
Azerbaijan		13 Aug 1992 a
Bahamas	4 Dec 2008	23 Dec 2008
Bahrain		20 Sep 2006 a
Bangladesh		6 Sep 2000 a
Barbados		5 Jan 1973 a
Belarus	19 Mar 1968	12 Nov 1973
Belgium	10 Dec 1968	21 Apr 1983
Belize		10 Jun 1996 a
Benin		12 Mar 1992 a
Bolivia		12 Aug 1982 a
Bosnia and Herzegovina[1]		1 Sep 1993 d
Botswana	8 Sep 2000	8 Sep 2000
Brazil		24 Jan 1992 a
Bulgaria	8 Oct 1968	21 Sep 1970
Burkina Faso		4 Jan 1999 a
Burundi		9 May 1990 a
Cambodia[2,3]	17 Oct 1980	26 May 1992 a
Cameroon		27 Jun 1984 a
Canada		19 May 1976 a
Cape Verde		6 Aug 1993 a
Central African Republic		8 May 1981 a
Chad		9 Jun 1995 a
Chile	16 Sep 1969	10 Feb 1972
China[4,5,6]	5 Oct 1998	
Colombia	21 Dec 1966	29 Oct 1969
Comoros	25 Sep 2008	
Congo		5 Oct 1983 a
Costa Rica	19 Dec 1966	29 Nov 1968
Côte d'Ivoire		26 Mar 1992 a
Croatia[1]		12 Oct 1992 d
Cuba	28 Feb 2008	
Cyprus	19 Dec 1966	2 Apr 1969
Czech Republic[7]		22 Feb 1993 d
Democratic People's Republic of Korea[8]		14 Sep 1981 a
Democratic Republic of the Congo		1 Nov 1976 a
Denmark	20 Mar 1968	6 Jan 1972
Djibouti		5 Nov 2002 a
Dominica		17 Jun 1993 a
Dominican Republic		4 Jan 1978 a
Ecuador	4 Apr 1968	6 Mar 1969
Egypt	4 Aug 1967	14 Jan 1982
El Salvador	21 Sep 1967	30 Nov 1979
Equatorial Guinea		25 Sep 1987 a
Eritrea		22 Jan 2002 a
Estonia		21 Oct 1991 a
Ethiopia		11 Jun 1993 a
Finland	11 Oct 1967	19 Aug 1975
France		4 Nov 1980 a
Gabon		21 Jan 1983 a
Gambia		22 Mar 1979 a
Georgia		3 May 1994 a

Participant	*Signature*	*Accession(a), Succession(d), Ratification*
Germany[9,10]	9 Oct 1968	17 Dec 1973
Ghana	7 Sep 2000	7 Sep 2000
Greece		5 May 1997 a
Grenada		6 Sep 1991 a
Guatemala		5 May 1992 a
Guinea	28 Feb 1967	24 Jan 1978
Guinea-Bissau	12 Sep 2000	1 Nov 2010
Guyana	22 Aug 1968	15 Feb 1977
Haiti		6 Feb 1991 a
Honduras	19 Dec 1966	25 Aug 1997
Hungary	25 Mar 1969	17 Jan 1974
Iceland	30 Dec 1968	22 Aug 1979
India		10 Apr 1979 a
Indonesia		23 Feb 2006 a
Iran (Islamic Republic of)	4 Apr 1968	24 Jun 1975
Iraq	18 Feb 1969	25 Jan 1971
Ireland	1 Oct 1973	8 Dec 1989
Israel	19 Dec 1966	3 Oct 1991
Italy	18 Jan 1967	15 Sep 1978
Jamaica	19 Dec 1966	3 Oct 1975
Japan	30 May 1978	21 Jun 1979
Jordan	30 Jun 1972	28 May 1975
Kazakhstan	2 Dec 2003	24 Jan 2006
Kenya		1 May 1972 a
Kuwait		21 May 1996 a
Kyrgyzstan		7 Oct 1994 a
Lao People's Democratic Republic	7 Dec 2000	25 Sep 2009
Latvia		14 Apr 1992 a
Lebanon		3 Nov 1972 a
Lesotho		9 Sep 1992 a
Liberia	18 Apr 1967	22 Sep 2004
Libyan Arab Jamahiriya		15 May 1970 a
Liechtenstein		10 Dec 1998 a
Lithuania		20 Nov 1991 a
Luxembourg	26 Nov 1974	18 Aug 1983
Madagascar	17 Sep 1969	21 Jun 1971
Malawi		22 Dec 1993 a
Maldives		19 Sep 2006 a
Mali		16 Jul 1974 a
Malta		13 Sep 1990 a
Mauritania		17 Nov 2004 a
Mauritius		12 Dec 1973 a
Mexico		23 Mar 1981 a
Monaco	26 Jun 1997	28 Aug 1997
Mongolia	5 Jun 1968	18 Nov 1974
Montenegro[11]		23 Oct 2006 d
Morocco	19 Jan 1977	3 May 1979
Mozambique		21 Jul 1993 a
Namibia		28 Nov 1994 a
Nauru	12 Nov 2001	
Nepal		14 May 1991 a
Netherlands	25 Jun 1969	11 Dec 1978
New Zealand[12]	12 Nov 1968	28 Dec 1978
Nicaragua		12 Mar 1980 a
Niger		7 Mar 1986 a
Nigeria		29 Jul 1993 a
Norway	20 Mar 1968	13 Sep 1972
Pakistan	17 Apr 2008	23 Jun 2010
Panama	27 Jul 1976	8 Mar 1977
Papua New Guinea		21 Jul 2008 a
Paraguay		10 Jun 1992 a
Peru	11 Aug 1977	28 Apr 1978
Philippines	19 Dec 1966	23 Oct 1986
Poland	2 Mar 1967	18 Mar 1977
Portugal[4]	7 Oct 1976	15 Jun 1978
Republic of Korea		10 Apr 1990 a
Republic of Moldova		26 Jan 1993 a
Romania	27 Jun 1968	9 Dec 1974
Russian Federation	18 Mar 1968	16 Oct 1973
Rwanda		16 Apr 1975 a
Samoa		15 Feb 2008 a
San Marino		18 Oct 1985 a
Sao Tome and Principe	31 Oct 1995	
Senegal	6 Jul 1970	13 Feb 1978
Serbia[1]		12 Mar 2001 d
Seychelles		5 May 1992 a
Sierra Leone		23 Aug 1996 a
Slovakia[7]		28 May 1993 d
Slovenia[1]		6 Jul 1992 d
Somalia		24 Jan 1990 a
South Africa	3 Oct 1994	10 Dec 1998
Spain	28 Sep 1976	27 Apr 1977
Sri Lanka		11 Jun 1980 a
St. Vincent and the Grenadines		9 Nov 1981 a

Participant	*Signature*	*Accession(a), Succession(d), Ratification*
Sudan		18 Mar 1986 a
Suriname		28 Dec 1976 a
Swaziland		26 Mar 2004 a
Sweden	29 Sep 1967	6 Dec 1971
Switzerland		18 Jun 1992 a
Syrian Arab Republic		21 Apr 1969 a
Tajikistan		4 Jan 1999 a
Thailand		29 Oct 1996 a
The former Yugoslav Republic of Macedonia[1]		18 Jan 1994 d
Timor-Leste		18 Sep 2003 a
Togo		24 May 1984 a
Trinidad and Tobago		21 Dec 1978 a
Tunisia	30 Apr 1968	18 Mar 1969
Turkey	15 Aug 2000	23 Sep 2003
Turkmenistan		1 May 1997 a
Uganda		21 Jun 1995 a
Ukraine	20 Mar 1968	12 Nov 1973
United Kingdom of Great Britain and Northern Ireland[6]	16 Sep 1968	20 May 1976
United Republic of Tanzania		11 Jun 1976 a
United States of America	5 Oct 1977	8 Jun 1992
Uruguay	21 Feb 1967	1 Apr 1970
Uzbekistan		28 Sep 1995 a
Vanuatu	29 Nov 2007	21 Nov 2008
Venezuela (Bolivarian Republic of)	24 Jun 1969	10 May 1978
Viet Nam		24 Sep 1982 a
Yemen		9 Feb 1987 a
Zambia		10 Apr 1984 a
Zimbabwe		13 May 1991 a

Declarations and Reservations

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

For objections thereto and declarations recognizing the competence of the Human Rights Committee under article 41, see hereinafter.)

AFGHANISTAN

[See chapter IV.3.]

ALGERIA[13]

[See chapter IV.3.]

ARGENTINA

Understanding:

The Argentine Government states that the application of the second part of article 15 of the International Covenant on Civil and Political Rights shall be subject to the principle laid down in article 18 of the Argentine National Constitution.

AUSTRALIA[14]

Reservations:

Article 10

"In relation to paragraph 2 (a) the principle of segregation is accepted as an objective to be achieved progressively. In relation to paragraph 2 (b) and 3 (second sentence) the obligation to segregate is accepted only to the extent that such segregation is considered by the responsible authorities to be beneficial to the juveniles or adults concerned".

Article 14

"Australia makes the reservation that the provision of compensation for miscarriage of justice in the circumstances contemplated in paragraph 6 of article 14 may be by administrative procedures rather than pursuant to specific legal provision."

Article 20

"Australia interprets the rights provided for by articles 19, 21 and 22 as consistent with article 20; accordingly, the Common wealth and the constituent States, having legislated with respect to the subject matter of the article in matters of practical concern in the interest of public order (*ordre public*), the right is reserved not to introduce any further legislative provision on these matters."

Declaration:

"Australia has a federal constitutional system in which legislative, executive and judicial powers are shared or distributed between the Commonwealth and the constituent States. The implementation of the treaty throughout Australia will be effected by the Commonwealth, State and Territory authorities having regard to their respective constitutional powers and arrangements concerning their exercise."

AUSTRIA

1. Article 12, paragraph 4, of the Covenant will be applied provided that it will not affect the Act of April 3, 1919, State Law Gazette No. 209, concerning the Expulsion and the Transfer of Property of the House of Habsburg-Lorraine as amended by the Act of October 30, 1919, State Law Gazette No. 501, the Federal

Constitutional Act of July 30, 1925, Federal Law Gazette No. 292, and the Federal Constitutional Act of January 26, 1928, Federal Law Gazette No. 30, read in conjunction with the Federal Constitutional Act of July 4, 1963, Federal Law Gazette No. 172.

2. Article 9 and article 14 of the Covenant will be applied provided that legal regulations governing the proceedings and measures of deprivation of liberty as provided for in the Administrative Procedure Acts and in the Financial Penal Act remain permissible within the framework of the judicial review by the Federal Administrative Court or the Federal Constitutional Court as provided by the Austrian Federal Constitution.

3. Article 10, paragraph 3, of the Covenant will be applied provided that legal regulations allowing for juvenile prisoners to be detained together with adults under 25 years of age who give no reason for concern as to their possible detrimental influence on the juvenile prisoner remain permissible.

4. Article 14 of the Covenant will be applied provided that the principles governing the publicity of trials as set forth in article 90 of the Federal Constitutional Law as amended in 1929 are in no way prejudiced and that

(a) paragraph 3, sub-paragraph (d) is not in conflict with legal regulations which stipulate that an accused person who disturbs the orderly conduct of the trial or whose presence would impede the questioning of another accused person, of a witness or of an expert can be excluded from participation in the trial;

(b) paragraph 5 is not in conflict with legal regulations which stipulate that after an acquittal or a lighter sentence passed by a court of the first instance, a higher tribunal may pronounce conviction or a heavier sentence for the same offence, while they exclude the convicted person's right to have such conviction or heavier sentence reviewed by a still higher tribunal;

(c) paragraph 7 is not in conflict with legal regulations which allow proceedings that led up to a person's final conviction or acquittal to be reopened.

5. Articles 19, 21 and 22 in connection with article 2 (1) of the Covenant will be applied provided that they are not in conflict with legal restrictions as provided for in article 16 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

6. Article 26 is understood to mean that it does not exclude different treatment of Austrian nationals and aliens, as is also permissible under article 1, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination.

BAHAMAS

Reservation

"The Government of The Bahamas recognizes and accepts the principle of compensation for wrongful imprisonment contained in paragraph 6 of article 14, but the problems of implementation are such that the right not to apply that principle is presently reserved."

BAHRAIN[15]

Reservation :

"1. The Government of the Kingdom of Bahrain interprets the Provisions of Article 3, (18) and (23) as not affecting in any way the prescriptions of the Islamic Shariah.

2. The Government of the Kingdom of Bahrain interprets the provisions of Article (9), Paragraph (5) as not detracting from its right to layout the basis and rules of obtaining the compensation mentioned in this Paragraph.

3. The Government of the Kingdom of Bahrain interprets Article (14) Paragraph (7) as no obligation arise from it further those set out in Article (10) of the Criminal Law of Bahrain which provides:

'Legal Proceedings cannot be instated against a person who has been acquitted by Foreign Courts from offenses of which he is accused or a final judgement has been delivered against him and the said person fulfilled the punishment or the punishment has been abolished by prescription.' "

BANGLADESH

Reservation:

Article 14

"The Government of the People's Republic of Bangladesh reserveapply paragraph 3 (d) of Article 14 in view of the fact, that, while the existing laws of Bangladesh provide that, in the ordinary course a person, shall be entitled to be tried in his presence, it also provides for a trial to be held in his absence if he is a fugitive offender, or is a person, who being required to appear before a court, fails to present himself or to explain the reasons for non-appearance to the satisfaction of the court."

Declarations:

"Article 10:

So far as the first part of paragraph 3 of Article 10 relating to reformation and social rehabilitation of prisoners is concerned, Bangladesh does not have any facility to this effect on account of financial constraints and for lack of proper logistics support. The last part of this paragraph relating to segregation of juvenile offenders from adults is a legal obligation under Bangladesh law and is followed accordingly.

Article 11:

Article 11 providing that "no one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation," is generally in conformity with the Constitutional and legal provisions in Bangladesh, except in some very exceptional circumstances, where the law provides for civil imprisonment in case of willful default in complying with a decree. The Government of People's Republic of Bangladesh will apply this article in accordance with its existing municipal law.

Article 14:

So far as the provision of legal assistance in paragraph 3(d) of Article 14 is concerned, a person charged with criminal offences is statutorily entitled to legal assistance if he does not have the means to procure such assistance.

The Government of the People's Republic of Bangladesh, notwithstanding its acceptance of the principle of compensation for miscarriage of justice, as stipulated in Article 14, paragraph 6, is not in a position to guarantee a comprehensive implementation of this provision for the time being. However, the aggrieved has the right to realise compensation for miscarriage of justice by separate proceedings and in some cases, the court ***suo moto*** grants compensation to victims of miscarriage of justice. Bangladesh, however, intends to ensure full implementation of this provision in the near future."

BARBADOS

"The Government of Barbados states that it reserves the right not to apply in full, the guarantee of free legal assistance in accordance with paragraph 3 (d) of Article 14 of the Covenant, since, while accepting the principles contained in the same paragraph, the problems of implementation are such that full application cannot be guaranteed at present."

BELARUS[16]

BELGIUM[17]

Reservations:

...

2. The Belgian Government considers that the provision of article 10, paragraph 2 (a), under which accused persons shall, save in exceptional circumstances,

be segregated from convicted persons is to be interpreted in conformity with the principle, already embodied in the standard minimum rules for the treatment of prisoners [resolution (73) 5 of the Committee of Ministers of the Council of Europe of 19 January 1973], that untried prisoners shall not be put in contact with convicted prisoners against their will [rules 7 (b) and 85 (1)]. If they so request, accused persons may be allowed to take part with convicted persons in certain communal activities.

3. The Belgian Government considers that the provisions of article 10, paragraph 3, under which juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status refers exclusively to the judicial measures provided for under the *régime* for the protection of minors established by the Belgian Act relating to the protection of young persons. As regards other juvenile ordinary-law of- fenders, the Belgian Government intends to reserve the option to adopt measures that may be more flexible and be designed precisely in the interest of the persons concerned.

4. With respect to article 14, the Belgian Government considers that the last part of paragraph 1 of the article appears to give States the option of providing or not providing for certain derogations from the principle that judgements shall be made public. Accordingly, the Belgian constitutional principle that there shall be no exceptions to the public pronouncements of judgements is in conformity with that provision. Paragraph 5 of the article shall not apply to persons who, under Belgian law, are convicted and sentenced at second instance following an appeal against their acquittal of first instance or who, under Belgian law, are brought directly before a higher tribunal sch as the Court of Cassation, the Appeals Court or the Assize Court.

5. Articles 19, 21 and 22 shall be applied by the Belgian Government in the context of the provisions and restrictions set forth or authorized in articles 10 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, by the said Convention.

Declarations:

6. The Belgian Government declares that it does not consider itself obligated to enact legislation in the field covered by article 20, paragraph 1, and that article 20 as a whole shall be applied taking into account the rights to freedom of thought and religion, freedom of opinion and freedom of assembly and association proclaimed in articles 18, 19 and 20 of the Universal Declaration of Human Rights and reaffirmed in articles 18, 19, 21 and 22 of the Covenant.

7. The Belgian Government declares that it interprets article 23, paragraph 2, as meaning that the right of persons of marriageable age to marry and to found a family presupposes not only that national law shall prescribe the marriageable age but that it may also regulate the exercise of that right.

BELIZE

Reservations:

"(a) The Government of Belize reserves the right not to apply paragraph 2 of article 12 in view of the statutory provisions requiring persons intending to travel abroad to furnish tax clearance certificates;

(b) The Government of Belize reserves the right not to apply in full the guarantee of free legal assistance in accordance with paragraph 3 (d) of article 14, since, while it accepts the principle contained in that paragraph and at present applies it in certain defined cases, the problems of implementation are such that full application cannot be guaranteed at present;

(c) The Government of Belize recognizes and accepts the principle of compensation for wrongful imprisonment contained in paragraph 6 of article 14, but the problems of implementation are such that the right not to apply that principle is presently reserved."

BOTSWANA[18]

Reservations made upon signature and confirmed upon ratification:

"The Government of the Republic of Botswana considers itself bound by:

a) Article 7 of the Covenant to the extent that "torture, cruel, inhuman or degrading treatment" means torture inhuman or degrading punishment or other treatment prohibited by Section 7 of the Constitution of the Republic of Botswana.

b) Article 12 paragraph 3 of the Covenant to the extent that the provisions are compatible with Section 14 of the Constitution of the Republic of Botswana relating to the imposition of restrictions reasonably required in certain exceptional instances."

BULGARIA

[See chapter IV.3]

CONGO

Reservation:

The Government of the People's Republic of Congo declares that it does not consider itself bound by the provisions of article 11 [...]

Article 11 of the International Covenant on Civil and Political Rights is quite incompatible with articles 386 *et seq* . of the Congolese Code of Civil, Commercial, Administrative and Financial Procedure, derived from Act 51/83 of 21 April 1983. Under those provisions, in matters of private law, decisions or orders emanating from conciliation proceedings may be enforced through imprisonment for debt when other means of enforcement have failed, when the amount due exceeds 20,000 CFA francs and when the debtor, between 18 and 60 years of age, makes himself insolvent in bad faith.

CUBA

Declaration:

The Republic of Cuba hereby declares that it was the Revolution that enabled its people to enjoy the rights set out in the International Covenant on Civil and Political Rights.

The economic, commercial and financial embargo imposed by the United States of America and its policy of hostility and aggression against Cuba constitute the most serious obstacle to the Cuban people's enjoyment of the rights set out in the Covenant.

The rights protected under this Covenant are enshrined in the Constitution of the Republic and in national legislation.

The State's policies and programmes guarantee the effective exercise and protection of these rights for all Cubans.

With respect to the scope and implementation of some of the provisions of this international instrument, Cuba will make such reservations or interpretative declarations as it may deem appropriate.

CZECH REPUBLIC[7]

DENMARK

"1. The Government of Denmark makes a reservation in respect of Article 10, paragraph 3, second sentence. In Danish practice, considerable efforts are made to ensure appropriate age distribution of convicts serving sentences of imprisonment, but it is considered

valuable to maintain possibilities of flexible arrangements.

"2. (a). Article 14, paragraph 1, shall not be binding on Denmark in respect of public hearings. In Danish law, the right to exclude the press and the public from trials may go beyond what is permissible under this Covenant, and the Government of Denmark finds that this right should not be restricted.

(b). Article 14, paragraphs 5 and 7, shall not be binding on Denmark.

The Danish Administration of Justice Act contains detailed provisions regulating the matters dealt with in these two paragraphs. In some cases, Danish legislation is less restrictive than the Covenant (e.g. a verdict returned by a jury on the question of guilt cannot be reviewed by a higher tribunal, cf. paragraph 5); in other cases, Danish legislation is more restrictive than the Coven ant (e.g. with respect to resumption of a criminal case in which the accused party was acquitted, cf. paragraph 7).

"3. Reservation is further made to Article 20, paragraph 1. This reservation is in accordance with the vote cast by Denmark in the XVI General Assembly of the United Nations in 1961 when the Danish Delegation, referring to the preceding article concerning freedom of expression, voted against the prohibition against propaganda for war."

EGYPT

[See chapter IV.3.]

FINLAND[19]

Reservations:

"With respect to article 10, paragraph 2 (b) and 3, of the Covenant, Finland declares that although juvenile offenders are, as a rule, segregated from adults, it does not deem appropriate to adopt an absolute prohibition not allowing for more flexible arrangements;

With respect to article 14, paragraph 7, of the Covenant, Fin- land declares that it is going to pursue its present practice, according to which a sentence can be changed to the detriment of the convicted person, if it is established that a member or an official of the court, the prosecutor or the legal counsel have through criminal or fraudulent activities obtained the acquittal of the defendant or a substantially more lenient penalty, or if false evidence has been presented with the same effect, and according to which an aggravated criminal case may be taken up for reconsideration if within a year until then unknown evidence is presented, which would have led to conviction or a substantially more severe penalty;

With respect to article 20, paragraph 1, of the Covenant, Fin- land declares that it will not apply the provisions of this paragraph, this being compatible with the standpoint Finland already expressed at the 16th United Nations General Assembly by voting against the prohibition of propaganda for war, on the grounds that this might endanger the freedom of expression referred in article 19 of the Covenant."

FRANCE[20,21]

Declarations and reservations:

(1) The Government of the Republic considers that, in accordance with Article 103 of the Charter of the United Nations, in case of conflict between its obligations under the Covenant and its obligations under the Charter (especially Articles 1 and 2 thereof), its obligations under the Charter will prevail.

(2) The Government of the Republic enters the following reservation concerning article 4, paragraph 1: firstly, the circumstances enumerated in article 16 of the Constitution in respect of its implementation, in article 1 of the Act of 3 April 1978 and in the Act of 9 August 1849 in respect of the declaration of a state of siege, in article 1 of Act No. 55-385 of 3 April 1955 in respect of the declaration of a state of emergency and which enable these instruments to be implemented, are to be understood as meeting the purpose of article 4 of the Covenant; and, secondly, for the purpose of interpreting and implementing article 16 of the Constitution of the French Republic, the terms "to the extent strictly required by the exigencies of the situation" cannot limit the power of the President of the Republic to take "the measures required by circumstances".

(3) The Government of the Republic enters a reservation concerning articles 9 and 14 to the effect that these articles cannot impede enforcement of the rules pertaining to the disciplinary régime in the armies.

(4) The Government of the Republic declares that article 13 cannot derogate from chapter IV of Order No. 45-2658 of 2 November 1945 concerning the entry into, and sojourn in, France of aliens, nor from the other instruments concerning the expulsion of aliens in force in those parts of the territory of the Republic in which the Order of 2 November 1945 does not apply.

(5) The Government of the Republic interprets article 14, paragraph 5, as stating a general principle to which the law may make limited exceptions, for example, in the case of certain of- fences subjct to the initial and final adjudication of a police court and of criminal offences. However, an appeal against a final decision may be made to the Court of Cassation which rules on the legality of the decision concerned.

(6) The Government of the Republic declares that articles 19, 21 and 22 of the Covenant will be implemented in accordance with articles 10, 11 and16 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950.

(7) The Government of the Republic declares that the term "war", appearing in article 20, paragraph1, is to be understood to mean war in contravention of international law and considers, in any case, that French legislation in this matter is adequate.

(8) In the light of article 2 of the Constitution of the French Republic, the French Government declares that article 27 is not applicable so far as the Republic is concerned.

GAMBIA

"For financial reasons free legal assistance for accused per- sons is limited in our constitution to persons charged with capital offences only. The Government of the Gambia therefore wishes to enter a reservation in respect of article 14 (3) (d) of the Covenant in question."

GERMANY[10,22]

"1. Articles 19, 21 and 22 in conjunction with Article 2 (1) of the Covenant shall be applied within the scope of Article 16 of the Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms.

"2. Article 14 (3) (d) of the Covenant shall be applied in such manner that it is for the court to decide whether an accused person held in custody has to appear in person at the hearing before the court of review (*Revisionsgericht*).

"3. Article 14 (5) of the Covenant shall be applied in such manner that:

(a) A further appeal does not have to be instituted in all cases solely on the grounds the accused person having been acquitted by the lower court-was convicted for the first time in the proceedings concerned by the appellate court.

(b) In the case of criminal offences of minor gravity the re- view by a higher tribunal of a decision not imposing imprisonment does not have to be admitted in all cases.

"4. Article 15 (1) of the Covenant shall be applied in such manner that when provision is made by law for the imposition of a lighter penalty the hitherto applicable law may for certain exceptional categories of cases remain applicable to criminal offences committed before the law was amended."

GUINEA

In accordance with the principle whereby all States whose policies are guided by the purposes and principles of the Charter of the United Nations are entitled to become parties to covenants affecting the interests of the international community, the Government of the Republic of Guinea considers that the provisions of article 48, paragraph 1, of the International Covenant on Civil and Political Rights are contrary to the principle of the universality of international treaties and the democratization of international relations.

GUYANA

In respect of sub-paragraph (d) of paragraph 3 of article 14

"While the Government of the Republic of Guyana accept the principle of Legal Aid in all appropriate criminal proceedings, is working towards that end and at present apply it in certain defined cases, the problems of implementation of a comprehensive Legal Aid Scheme are such that full application cannot be guaranteed at this time."

In respect of paragraph 6 of article 14

"While the Government of the Republic of Guyana accept the principle of compensation for wrongful imprisonment, it is not possible at this time to implement such a principle."

HUNGARY

[See chapter IV.3.]

ICELAND[23,24]

The ratification is accompanied by reservations with respect to the following provisions:

1. ...

2. Article 10, paragraph 2 (b), and paragraph 3, second sentence, with respect to the separation of juvenile prisoners from adults. Icelandic law in principle provides for such separation but it is not considered appropriate to accept an obligation in the absolute form called for in the provisions of the Covenant.

3. ...

4. Article 14, paragraph 7, with respect to the resumption of cases which have already been tried. The Icelandic law of procedure has detailed provisions on this matter which it is not considered appropriate to revise.

5. Article 20, paragraph 1, with reference to the fact that a prohibition against propaganda for war could limit the freedom of expression. This reservation is consistent with the position of Iceland at the General Assembly at its 16th session.

Other provisions of the Covenant shall be inviolably observed.

INDIA

[See chapter IV.3.]

INDONESIA

Declaration:

"With reference to Article 1 of the International Covenant on Civil and Political Rights, the Government of the Republic of Indonesia declares that, consistent with the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation Among States, and the relevant paragraph of the Vienna Declaration and Program of Action of 1993, the words "the right of self-determination" appearing in this article do not apply to a section of people within a sovereign independent state and can not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent states."

IRAQ

[See chapter IV.3.]

IRELAND[25]

Article 10, paragraph 2

Ireland accepts the principles referred to in paragraph 2 of article 10 and implements them as far as practically possible. It reserves the right to regard full implementation of these principles as objectives to be achieved progressively.

Article 19, paragraph 2

Ireland reserves the right to confer a monopoly on or require the licensing of broadcasting enterprises.

Article 20, paragraph 1

Ireland accepts the principle in paragraph 1 of article 20 and implements it as far as it is practicable. Having regard to the difficulties in formulating a specific offence capable of adjudication at a national level in such a form as to reflect the general principles of law recognised by the community of nations as well as the right to freedom of expression, Ireland reserves the right to postpone consideration of the possibility of introducing some legislative addition to, or variation of, existing law until such time as it may consider that such is necessary for the attainment of the objective of paragraph 1 of article 20.

ISRAEL

Reservation:

"With reference to Article 23 of the Covenant, and any other provision thereof to which the present reservation may be relevant, matters of personal status are governed in Israel by the religious law of the parties concerned.

"To the extent that such law is inconsistent with its obligations under the Covenant, Israel reserves the right to apply that law."

ITALY[26]

.....

Article 15, paragraph 1

With reference to article 15, paragraph 1, last sentence: "If, subsequent to the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby", the Italian Republic deems this provision to apply exclusively to cases in progress.

Consequently, a person who has already been convicted by a final decision shall not benefit from any provision made by law, subsequent to that decision, for the imposition of a lighter penalty.

Article 19, paragraph 3

The provisions of article 19, paragraph 3, are interpreted as being compatible with the existing licensing system for national radio and television and with the restrictions laid down by law for local radio and television companies and for stations relaying foreign programmes.

JAPAN

[See chapter IV.3.]

KUWAIT

Interpretative declaration regarding article 2, paragraph 1, and article 3:

Although the Government of Kuwait endorses the worthy principles embodied in these two articles as consistent with the provisions of the Kuwait Constitution in general and of its article 29 in particular, the rights to which the articles refer must be exercised within the limits set by Kuwaiti law.

Interpretative declaration regarding article 23:

The Government of Kuwait declares that the matters addressed by article 23 are governed by personal-status law, which is based on Islamic law. Where the provisions of that article conflict with Kuwaiti law, Kuwait will apply its national law.

Reservations concerning article 25 (b):

The Government of Kuwait wishes to formulate a reservation with regard to article 25(b). The provisions of this paragraph conflict with the Kuwaiti electoral law, which restricts the right to stand and vote in elections to males.

It further declares that the provisions of the article shall not apply to members of the armed forces or the police.

LAO PEOPLE'S DEMOCRATIC REPUBLIC[27]

Reservation:

"The Government of the Lao People's Democratic Republic accepts Article 22 of the Covenant on the basis that Article 22 shall be interpreted in accordance with the right to selfdetermination in Article 1, and shall be so applied as to be in conformity with the Constitution and the relevant laws of the Lao People's Democratic Republic."

Declarations:

"The Government of the Lao People's Democratic Republic declares that Article 1 of the Covenant concerning the right to self-determination shall be interpreted as being compatible with the Declaration on Principles of International Law concerning Friendly Relations and Cooperation Among States in accordance with the Charter of the United Nations, adopted by the General Assembly on 24th October 1970, and the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25th June 1993.

The Government of the Lao People's Democratic Republic declares that Article 18 of the Covenant shall not be construed as authorizing or encouraging any activities, including economic means, by anyone which directly or indirectly, coerce or compel an individual to believe or not to believe in a religion or to convert his or her religion or belief. The Government of the Lao People's Democratic Republic considers that all acts creating division and discrimination among ethnic groups and among religions are incompatible with Article 18 of the Covenant."

LIBYAN ARAB JAMAHIRIYA

"The acceptance and the accession to this Covenant by the Libyan Arab Republic shall in no way signify a recognition of Israel or be conducive to entry by the Libyan Arab Republic into such dealings with Israel as are regulated by the Covenant."

LIECHTENSTEIN[28]

Declarations concerning article 3:

"The Principality of Liechtenstein declares that it does not interpret the provisions of article 3 of the Covenant as constituting an impediment to the constitutional rules on the hereditary succession to the throne of the Reigning Prince."

Reservation concerning article 14 (1):

"The Principality of Liechtenstein reserves the right to apply the provisions of article 14, paragraph 1 of the Covenant, concerning the principle that hearings must be held and judgments pronounced in public, only within the limits deriving from the principles at present embodied in the Liechtenstein legislation on legal proceedings."

Reservation concerning article 17 (1):

"The Principality of Liechtenstein makes the reservation that the right to respect for family life, as guaranteed by article 17, paragraph 1 of the Covenant, shall be exercised, with regard to aliens, in accordance with the principles at present embodied in the legislation on aliens."

...

Reservation concerning article 26:

"The Principality of Liechtenstein reserves the right to guarantee the rights contained in article 26 of the Covenant concerning the equality of all persons before the law and their entitlement without any discrimination to the equal protection of the law only in connection with other rights contained in the present Covenant."

LUXEMBOURG

"(a) The Government of Luxembourg considers that article 10, paragraph 3, which provides that juvenile offenders shall be segregated from adults and accorded treatment appropriate to their age and legal status, refers solely to the legal measures incorporated in the system for the protection of minors, which is the subject of the Luxembourg youth welfare act. With regard to other juvenile offenders falling within the sphere of ordinary law, the Government of Luxembourg wishes to retain the option of adopting measures that might be more flexible and be designed to serve the interests of the persons concerned."

"(b) The Government of Luxembourg declares that it is implementing article 14, paragraph 5, since that paragraph does not conflict with the relevant Luxembourg legal statutes, which provide that, following an acquittal or a conviction by a court of first instance, a higher tribunal may deliver a sentence, confirm the sentence passed or impose a harsher penalty for the same crime. However, the tribunal's decision does not give the person declared guilty on appeal the right to appeal that conviction to a higher appellate jurisdiction."

The Government of Luxembourg further declares that article 14, paragraph 5, shall not apply to persons who, under Luxembourg law, are remanded directly to a higher court or brought before the Assize Court."

"(c) The Government of Luxembourg accepts the provision in article 19, paragraph 2, provided that it does not preclude it from requiring broadcasting, television and film companies to be licensed."

"(d) The Government of Luxembourg declares that it does not consider itself obligated to adopt legislation in the field covered by article 20, paragraph 1, and that article 20 as a whole will be implemented taking into account the rights to freedom of thought, religion, opinion, assembly and association laid down in articles 18, 19 and 20 of the Universal Declaration of Human Rights and reaffirmed in articles 18, 19, 21 and 22 of the Covenant."

1 December 2004*

The Government of Luxembourg declares that it is implementing article 14, paragraph 5, since that paragraph does not conflict with the relevant Luxembourg legal statutes, which provide that, following an acquittal or a conviction by a court of first instance, a higher tribunal

may deliver a sentence, confirm the sentence passed or impose a harsher penalty for the same crime. However, the tribunal's decision does not give the person declared guilty on appeal the right to appeal that conviction to a higher appellate jurisdiction.

The Government of Luxembourg further declares that article 14, paragraph 5, shall not apply to persons who, under Luxembourg law, are remanded directly to a higher court.

* *[Within a period of 12 months from the date of circulation of the depositary notification (i.e. 1 December 2003), none of the Contracting States to the above Covenant notified the Secretary-General of an objection. Consequently the modified reservation is deemed to have been accepted for deposit upon the expiration of the 12-month period, i.e., on 1 December 2004.]*

MALDIVES[29]

Reservation:

"The application of the principles set out in Article 18 of the Covenant shall be without prejudice to the Constitution of the Republic of Maldives."

MALTA

Reservations:

"1. Article 13 - The Government of Malta endorses the principles laid down in article 13. However, in the present circumstances it cannot comply entirely with the provisions of this article;

2. Article 14 (2) - The Government of Malta declares that it interprets paragraph 2 of article 14 of the Covenant in the sense that it does not preclude any particular law from imposing upon any person charged under such law the burden of proving particular facts;

3. Article 14 (6) - While the Government of Malta accepts the principle of compensation for wrongful imprisonment, it is not possible at this time to implement such a principle in accordance with article 14, paragraph 6, of the Covenant;

4. Article 19 - The Government of Malta desiring to avoid any uncertainty as regards the application of article 19 of the Covenant declares that the Constitution of Malta allow such restrictions to be imposed upon public officers in regard to their freedom of expression as are reasonably justifiable in a democratic society. The code of Conduct of public officers in Malta precludes them from taking an active part in political discussions or other political activity during working hours or on the premises.

"The Government of Malta also reserves the right not to apply article 19 to the extent that this may be fully compatible with Act 1 of 1987 entitled "An act to regulate the limitations on the political activities of aliens", and this in accordance with Article 16 of the Convention of Rome (1950) for the protection of Human Rights and Fundamental Freedoms or with Section 41 (2) (a) (ii) of the Constitution of Malta;

"5. Article 20 - The Government of Malta interprets article 20 consistently with the rights conferred by Articles 19 and 21 of the Covenant but reserves the right not to introduce any legislation for the purposes of article 20;

"6. Article 22 - the Government of Malta reserves the right not to apply article 22 to the extent that existing legislive measures may not be fully compatible with this article.

MAURITANIA

Reservations:

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

The Mauritanian Government, while accepting the provisions set out in article 18 concerning freedom of thought, conscience and religion, declares that their application shall be without prejudice to the Islamic Shariah.

Article 23, paragraph 4

States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

The Mauritanian Government interprets the provisions of article 23, paragraph 4, on the rights and responsibilities of spouses as to marriage as not affecting in any way the prescriptions of the Islamic Shariah.

MEXICO[30]

Interpretative statements:

Article 9, paragraph 5

Under the Political Constitution of the United Mexican States and the relevant implementing legislation, every individual enjoys the guarantees relating to penal matters embodied therein, and consequently no person may be unlawfully arrested or detained. However, if by reason of false accusation or complaint any individual suffers an infringement of this basic right, he has, *inter alia* , under the provisions of the appropriate laws, an enforceable right to just compensation.

Article 18

Under the Political Constitution of the United Mexican States, every person is free to profess his preferred religious belief and to practice its ceremonies, rites and religious acts, with the limitation, with regard to public religious acts, that they must be performed in places of worship and, with regard to education, that studies carried out in establishments designed for the professional education of ministers of religion are not officially recognized. The Government of Mexico believes that these limitations are included among those established in paragraph 3 of this article.

Reservations:

Article 13

The Government of Mexico makes a reservation to this article, in view of the present text of article 33 of the Political Constitution of the United Mexican States.

Article 25, subparagraph (b)

The Government of Mexico also makes a reservation to this provision, since article 130 of the Political Constitution of the United Mexican States provides that ministers of religion shall have neither a passive vote nor the right to form associations for political purposes.

MONACO

Interpretative declarations and reservations made upon signature and confirmed upon ratification:

The Government of Monaco declares that it does not interpret the provisions of article 2, paragraphs 1 and 2, and articles 3 and 25 as constituting an impediment to the constitutional rules on the devolution of the Crown, according to which succession to the Throne shall take place within the direct legitimate line of the Reigning Prince, in order of birth, with priority being given to male descendants within the same degree of relationship, or of those concerning the exercise of the functions of the Regency.

The Princely Government declares that the implementation of the principle set forth in article 13 shall not affect the texts in force on the entry and stay of foreigners in the Principality or of those on the expulsion of foreigners from Monegasque territory.

The Princely Government interprets article 14, paragraph 5, as embodying a general principle to which the law can introduce limited exceptions. This is particularly true with respect to certain offences that, in the first and last instances, are under the jurisdiction of the police court, and with respect to offences of a criminal nature. Furthermore, verdicts in the last instance can be appealed before the Court of Judicial Review, which shall rule on their legality.

The Princely Government declares that it considers article 19 to be compatible with the existing system of monopoly and authorization applicable to radio and television corporations.

The Princely Government, recalling that the exercise of the rights and freedoms set forth in articles 21 and 22 entails duties and responsibilities, declares that it interprets these articles as not prohibiting the application of requirements, conditions, restrictions or penalties which are prescribed by law and which are necessary in a democratic society to national security, territorial integrity or public safety, the defence of order and the prevenion or crime, the protection of health or morals, and the protection of the reputation of others, or in order to prevent the disclosure of confidential information or to guarantee the authority and impartiality of the judiciary.

The Princely Government formulates a reservation concerning article 25, which shall not impede the application of article 25 of the Constitution and of Order No. 1730 of 7 May 1935 on public employment.

Article 26, together with article 2, paragraph 1, and article 25, is interpreted as not excluding the distinction in treatment between Monegasque and foreign nationals permitted under article 1, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination, taking into account the distinctions established in articles 25 and 32 of the Monegasque Constitution.

MONGOLIA

[See chapter IV.3.]

NETHERLANDS[31]

Reservations:

"Article 10

"The Kingdom of the Netherlands subscribes to the principle set out in paragraph 1 of this article, but it takes the view that ideas about the treatment of prisoners are so liable to change that it does not wish to be bound by the obligations set out in paragraph 2 and paragraph 3 (second sentence) of this article.

"Article 12, paragraph 1

"The Kingdom of the Netherlands regards the Netherlands and the Netherlands Antilles as separate territories of a State for the purpose of this provision.

"Article 12, paragraphs 2 and 4

"The Kingdom of the Netherlands regards the Netherlands and the Netherlands Antilles as separate countries for the purpose of these provisions.

"Article 14, paragraph 3 (d)

"The Kingdom of the Netherlands reserves the statutory option of removing a person charged with a criminal offence from the court room in the interests of the proper conduct of the proceedings.

"Article 14, paragraph 5

"The Kingdom of the Netherlands reserves the statutory power of the Supreme Court of the Netherlands to have sole jurisdiction to try certain categories of persons charged with serious offences committed in the discharge of a public office.

"Article 14, paragraph 7

"The Kingdom of the Netherlands accepts this provision only insofar as no obligations arise from it further to those set out in article 68 of the Criminal Code of the Netherlands and article 70 of the Criminal Code of the Netherlands Antilles as they now apply. They read:

"1. Except in cases where court decisions are eligible for review, no person may be prosecuted again for an offence in respect of which a court in the Netherlands or the Netherlands Antilles has delivered an irrevocable judgement.

"2. If the judgement has been delivered by some other court, the same person may not be prosecuted for the same of fence in the case of (I) acquittal or withdrawal of proceeding or (II) conviction followed by complete execution, remission or lapse of the sentence.

"Article 19, paragraph 2

"The Kingdom of the Netherlands accepts the provision with the proviso that it shall not prevent the Kingdom from requiring the licensing of broadcasting, television or cinema enterprises.

"Article 20, paragraph 1

"The Kingdom of the Netherlands does not accept the obligation set out in this provision in the case of the Netherlands."

"[The Kingdom of the Netherlands] clarify that although the reservations [...] are partly of an interpretational nature, [it] has preferred reservations to interpretational declarations in all cases, since if the latter form were used doubt might arise concerning whether the text of the Covenant allows for the interpretation put upon it. By using the reservation form the Kingdom of the Netherlands wishes to ensure in all cases that the relevant obligations arising out of the Covenant will not apply to the Kingdom, or will apply only in the way indicated.

11 October 2010

Declaration:

"...The Kingdom of the Netherlands, consisting, as per 10 October 2010, of the European part of the Netherlands, the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba), Aruba, Curaçao and Sint Maarten, regards these parts as separate territories for the purpose of Article 12, paragraph 1, and as separate countries for the purpose of Article 12, paragraphs 2 and 4, of the Covenant."

NEW ZEALAND

Reservations:

"The Government of New Zealand reserves the right not to apply article 10 (2) (b) or article 10 (3) in circumstances where the shortage of suitable facilities makes the mixing of juveniles and adults unavoidable; and further reserves the right not to apply article 10 (3) where the interests of other juveniles in an establishment require the removal of a particular juvenile offender or where mixing is considered to be of benefit to the persons concerned.

"The Government of New Zealand reserves the right not to apply article 14 (6) to the extent that it is not satisfied by the existing system for *ex gratia* payments to persons who suffer as a result of a miscarriage of justice.

"The Government of New Zealand having legislated in the areas of the advocacy of national and racial hatred and the exciting of hostility or ill will against any group of

persons, and having regard to the right of freedom of speech, reserves the right not to introduce further legislation with regard to article 20.

"The Government of New Zealand reserves the right not to apply article 22 as it relates to trade unions to the extent that existing legislative measures, enacted to ensure effective trade union representation and encourage orderly industrial relations, may not be fully compatible with that article."

NORWAY[32]

Subject to reservations to article 10, paragraph 2 (b) and paragraph 3 "with regard to the obligation to keep accused juvenile persons and juvenile offenders segregated from adults" and to article 14, paragraphs 5 and 7 and to article 20, paragraph 1.

19 September 1995

[The Government of Norway declares that] the entry into force of an amendment to the Criminal Procedure Act, which introduces the right to have a conviction reviewed by a higher court in all cases, the reservation made by the Kingdom of Norway with respect to article 14, paragraph 5 of the Covenant shall continue to apply only in the following exceptional circumstances:

1. *"Riksrett" (Court of Impeachment)*

According to article 86 of the Norwegian Constitution, a special court shall be convened in criminal cases against members of the Government, the Storting (Parliament) or the Supreme Court, with no right of appeal.

2. *Conviction by an appellate court*

In cases where the defendant has been acquitted in the first instance, but convicted by an appellate court, the conviction may not be appealed on grounds of error in the assessment of evidence in relation to the issue of guilt. If the appellate court convicting the defendant is the Supreme Court, the conviction may not be appealed whatsoever.

PAKISTAN

Reservations made upon ratification:

"Article 3, 6, 7, 18 and 19

'[The] Islamic Republic of Pakistan declares that the provisions of Articles 3, 6, 7, 18 and 19 shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan and the Sharia laws'.

Article 12

'The Islamic Republic of Pakistan declares that the provisions of Articles 12 shall be so applied as to be in conformity with the Provisions of the Constitution of Pakistan'.

Article 13

'With respect to Article 13, the Government of the Islamic Republic of Pakistan reserves its right to apply its law relating to foreigners'.

Article 25

'Islamic Republic of Pakistan declares that the provisions of Articles 25 shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan'.

Article 40

'The Government of the Islamic Republic of Pakistan hereby declares that it does not recognize the competence of the Committee provided for in Article 40 of the Covenant'."

Upon signature

Reservation:

"The Government of the Islamic Republic of Pakistan reserves its right to attach appropriate reservations, make declarations and state its understanding in respect of various provisions of the Covenant at the time of ratification."

REPUBLIC OF KOREA[33]

Reservation:

The Government of the Republic of Korea [declares] that the provisions of [...], article 22 [...] of the Covenant shall be so applied as to be in conformity with the provisions of the local laws including the Constitution of the Republic of Korea.

ROMANIA

Upon signature:

The Government of the Socialist Republic of Romania declares that the provisions of article 48, paragraph 1, of the International Covenant on Civil and Political Rights are at variance with the principle that all States have the right to become parties to multilateral treaties governing matters of general interest.

Upon ratification:

(a) The State Council of the Socialist Republic of Romania considers that the provisions of article 48 (1) of the International Covenant on Civil and Political Rights are inconsistent with the principle that multilateral international treaties whose purposes concern the international community as a whole must be open to universal participation.

(b) The State Council of the Socialist Republic of Romania considers that the maintenance in a state of dependence of certain territories referred to in article 1 (3) of the International Covenant on Civil and Political Rights is inconsistent with the Charter of the United Nations and the instruments adopted by the Organization on the granting of independence to colonial countries and peoples, including the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted unanimously by the United Nations General Assembly in its resolution 2625 (XXV) of 1970, which solemnly proclaims the duty of States to promote the realization of the principle of equal rights and self-determination of peoples in order to bring a speedy end to colonialism.

RUSSIAN FEDERATION

Declaration made upon signature and confirmed upon ratification:

The Union of Soviet Socialist Republics declares that the provisions of paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and of paragraph 1 of article 48 of the International Covenant on Civil and Political Rights, under which a number of States cannot become parties to these Covenants, are of a discriminatory nature and considers that the Covenants, in accordance with the principle of sovereign equality of States, should be open for participation by all States concerned without any discrimination or limitation.

SAMOA

Declarations:

"The term "forced or compulsory labour" as appears in article 8 paragraph 3 of the International Covenant of Civil and Political Rights of 1966 shall be interpreted as being compatible with that expressed in article 8 (2) (a) (b) (c) (d) of the Constitution of the Independent State of Samoa 1960, which stipulates that the "term forced or compulsory labour" shall include, (a) any work required to be done in consequence of a sentence of a Court; or (b) any service of a military character or, in the case of conscientious objectors, service exacted instead of compulsory military service; or (c) any service exacted in case of an emergency or calamity threatening life or well-

being of the community; or (d) any work or service which is required by Samoan custom or which forms part of normal civic obligations.

The Government of the Independent State of Samoa considers that article 10 paragraphs 2 and 3, which provides that juvenile offenders shall be segregated from adults and accorded treatment appropriate to their age and legal status refers solely to the legal measures incorporated in the system for the protection of minors, which is addressed by the Young Offenders Act 2007 (Samoa)."

SLOVAKIA[7]

SWEDEN

Sweden reserves the right not to apply the provisions of article 10, paragraph 3, with regard to the obligation to segregate juvenile offenders from adults, the provisions of article 14, paragraph 7, and the provisions of article 20, paragraph 1, of the Covenant.

SWITZERLAND[34]

Reservations:

...

(b) *Reservation concerning article 12, paragraph 1:*

The right to liberty of movement and freedom to choose one's residence is applicable, subject to the federal laws on aliens, which provide that residence and establisment permits shall be valid only for the canton which issues them.

...

(f) *Reservation concerning article 20:*

Switzerland reserves the right not to adopt further measures to ban propaganda for war, which is prohibited by article 20, paragraph 1.

...

(g) *Reservation concerning article 25, subparagraph (b):*

The present provision shall be applied without prejudice to the cantonal and communal laws, which provide for or permit elections within assemblies to be held by a means other than secret ballot.

(h) *Reservation concerning article 26:*

The equality of all persons before the law and their entitlement without any discrimination to the equal protection of the law shall be guaranteed only in connection with other rights contained in the present Covenant.

SYRIAN ARAB REPUBLIC

[See chapter IV.3.]

THAILAND

Interpretative declarations:

"The Government of Thailand declares that:

1. The term "self-determination" as appears in article 1, paragraph 1, of the Covenant shall be interpreted as being compatible with that expressed in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993.

2. With respect to article 6, paragraph 5 of the Covenant, the Thai Penal Code enjoins, or in some cases allows much latitude for, the Court to take into account the offender's youth as a mitigating factor in handing down sentences. Whereas Section 74 of the code does not allow any kind of punishment levied upon any person below fourteen years of age, Section 75 of the same Code provides that whenever any person over fourteen years but not yet over seventeen years of age commits any act provided by the law to be an offence, the Court shall take into account the sense of responsibility and all other things concerning him in order to come to decision as to whether it is appropriate to pass judgment inflicting punishment on him or not. If the court does not deem it appropriate to pass judgment inflicting punishment, it shall proceed according to Section 74 (*viz* . to adopt other correction measures short of punishment) or if the court deems it appropriate to pass judgment inflicting punishment, it shall reduce the scale of punishment provided for such offence by one half. Section 76 of the same Code also states that whenever any person over seventeen years but not yet over twenty years of age, commits any act provided by the law to be an offence, the Court *may* , if it thinks fit, reduce the scale of the punishment provided for such offence by one third or one half. The reduction of the said scale will prevent the Court from passing any sentence of death. As a result, though in theory, sentence of death may be imposed for crimes committed by persons below eighteen years, but not below seventeen years of age,the Court always exercises its discretion under Section 75 to reduce the said scale of punishment, and in practice the death penalty has not been imposed upon any persons below eighteen years of age. Consequently, Thailand considers that in real terms it has already complied with the principles enshrined herein.

3. With respect to article 9, paragraph 3 of the Covenant, Section 87, paragraph 3 of the Criminal Procedure Code of Thailand provides that the arrested person shall not be kept in custody for more than forty-eight hours from the time of his arrival at the office of the administrative or police official, but the time for bringing the arrested person to the Court shall not be included in the said period of forty-eight hours. In case it is necessary for the purpose of conducting the inquiry, or there arises any other necessity, the period of forty-eight hours may be extended as long as such necessity persists, but in no case shall it be longer than seven days.

4. With respect to article 20 of the Covenant, the term "war" appearing in paragraph 1 is understood by Thailand to mean war in contravention of international law."

TRINIDAD AND TOBAGO[35]

(i) The Government of the Republic of Trinidad and Tobago reserves the right not to apply in full the provision of paragraph 2 of article 4 of the Covenant since section 7 (3) of its Constitution enables Parliament to enact legislation even though it is inconsistent with sections (4) and (5) of the said Constitution;

(ii) Where at any time there is a lack of suitable prison facilities, the Government of the Republic of Trinidad and Tobago reserves the right not to apply article 10 (2) (b) and 10 (3) so far as those provisions require juveniles who are detained to be accommodated separately from adults;

(iii) The Government of the Republic of Trinidad and Tobago reserves the right not to apply paragraph 2 of article 12 in view of the statutory provisions requiring persons intending to travel abroad to furnish tax clearance certificates;

(iv) The Government of the Republic of Trinidad and Tobago reserves the right not to apply paragraph 5 of article 14 in view of the fact that section 43 of its Supreme Court of Judicature Act No. 12 of 1962 does not confer on a person convicted on indictment an unqualified right of appeal and that in particular cases, appeal to the Court of Appeal can only be done with the leave of the Court of Appeal itself or of the Privy Council;

(v) While the Government of the Republic of Trinidad and Tobago accepts the principle of compensation for wrongful imprisonment, it is not possible at this time to implement such a principle in accordance with paragraph 6 of article 14 of the Covenant;

(vi) With reference to the last sentence of paragraph 1 of article 15-"If, subsequent to the

commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby", the Government of the Republic of Trinidad and Tobago deems this provision to apply exclusively to cases in progress. Consequently, a person who has already been convicted by a final decision shall not benefit from any provision made by law, subsequent to that decision, for the imposition of a lighter penalty.

(vii) The Government of the Republic of Trinidad and Tobago reserves the right to impose lawful and or reasonable restrictions with respect to the right of assembly under article 21 of the Covenant;

(viii) The Government of the Republic of Trinidad and Tobago reserves the right not to apply the provision of article 26 of the Covenant in so far as it applies to the holding of property in Trinidad and Tobago, in view of the fact that licences may be granted to or withheld from aliens under the Aliens Landholding Act of Trinidad and Tobago.

TURKEY

Declarations and reservation:

The Republic of Turkey declares that; it will implement its obligations under the Covenant in accordance to the obligations under the Charter of the United Nations (especially Article 1 and 2 thereof).

The Republic of Turkey declares that it will implement the provisions of this Covenant only to the States with which it has diplomatic relations.

The Republic of Turkey declares that this Convention is ratified exclusively with regard to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey are applied.

The Republic of Turkey reserves the right to interpret and apply the provisions of Article 27 of the International Covenant on Civil and Political Rights in accordance with the related provisions and rules of the Constitution of the Republic of Turkey and the Treaty of Lausanne of 24 July 1923 and its Appendixes.

UKRAINE

Declaration made upon signature and confirmed upon ratifica- tion:

The Ukrainian Soviet Socialist Republic declares that the provisions of paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and of paragraph 1 of article 48 of the International Covenant on Civil and Political Rights, under which a number of States cannot become parties to these Covenants, are of a discriminatory nature and considers that the Covenants, in accordance with the principle of sovereign equality of States, should be open for participation by all States concerned without any discrimination or limitation.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND[36]

Upon signature:

"First, the Government of the United Kingdom declare their understanding that, by virtue of Article 103 of the Charter of the United Nations, in the event of any conflict between their obligations under Article 1 of the Covenant and their obligations under the Charter (in particular, under Articles 1, 2 and 73 thereof) their obligations under the Charter shall prevail.

"Secondly, the Government of the United Kingdom declare that:

"(a) In relation to Article 14 of the Covenant, they must reserve the right not to apply, or not to apply in full, the guarantee of free legal assistance contained in sub-paragraph (d) of paragraph 3 in so far as the shortage of legal practitioners and other considerations render the application of this guarantee in British Honduras, Fiji and St. Helena impossible;

"(b) In relation to Article 23 of the Covenant, they must reserve the right not to apply the first sentence of paragraph 4 in so far as it concerns any inequality which may arise from the operation of the law of domicile;

"(c) In relation to Article 25 of the Covenant, they must reserve the right not to apply:

"(i) Sub-paragraph (b) in so far as it may require the establishment of an elected legislature in Hong Kong and the introduction of equal suffrage, as between different electoral rolls, for elections in Fiji; and

"(ii) Sub-paragraph (c) in so far as it applies to jury service in the Isle of Man and to the employment of married women in the Civil Service of Northern Ireland, Fiji, and Hong Kong.

"Lastly, the Government of the United Kingdom declare that the provisions of the Covenant shall not apply to Southern Rhodesia unless and until they inform the Secretary-General of the United Nations that they are in a position to ensure that the obligations imposed by the Covenant in respect of that territory can be fully implemented."

Upon ratification:

"Firstly the Government of the United Kingdom maintain their declaration in respect of article 1 made at the time of signature of the Covenant.

"The Government of the United Kingdom reserve the right to apply to members of and persons serving with the armed forces of the Crown and to persons lawfully detained in penal establishments of whatever character such laws and procedures as they may from time to time deem to be necessary for the preservation of service and custodial discipline and their acceptance of the provisions of the Covenant is subject to such restrictions as may for these purposes from time to time be authorised by law.

"Where at any time there is a lack of suitable prison facilities or where the mixing of adults and juveniles is deemed to be mutually beneficial, the Government of the United Kingdom reserve the right not to apply article 10 (2) (b) and 10 (3), so far as those provisions require juveniles who are detained to be accommodated separately from adults, and not to apply article 10 (2) (a) in Gibraltar, Montserrat and the Turks and Caicos Islands in so far as it requires segregation of accused and convicted persons.

"The Government of the United Kingdom reserve the right not to apply article 11 in Jersey.

"The Government of the United Kingdom reserve the right to interpret the provisions of article 12 (1) relating to the territory of a State as applying separately to each of the territories comprising the United Kingdom and its dependencies.

"The Government of the United Kingdom reserve the right to continue to apply such immigration legislation governing entry into, stay in and departure from the United Kingdom as they may deem necessary from time to time and, accordingly, their acceptance of article 12 (4) and of the other provisions of the Covenant is subject to the provisions of any such legislation as regards persons not at the time having the right under the law of the United Kingdom to enter and remain in the United Kingdom. The United Kingdom also reserves a similar right in regard to each of its dependent territories.

"The Government of the United Kingdom reserve the right not to apply article 13 in Hong Kong in so far as it confers a right of review of a decision to deport an alien and a right to be represented for this purpose before the competent authority.

"The Government of the United Kingdom reserve the right not to apply or not to apply in full the guarantee of free legal assistance in sub-paragraph (d) of paragraph 3 of article 14 in so far as the shortage of legal practitioners renders the application of this guarantee impossible in the

British Virgin Islands, the Cayman Islands, the Falkland Islands, the Gilbert Islands, the Pitcairn Islands Group, St. Helena and Dependencies and Tuvalu.

"The Government of the United Kingdom interpret article 20 consistently with the rights conferred by articles 19 and 21 of the Covenant and having legislated in matters of practical concern in the interests of public order *(ordre public)* reserve the right not to introduce any further legislation. The United Kingdom also reserve a similar right in regard to each of its dependent territories.

"The Government of the United Kingdom reserve the right to postpone the application of paragraph 3 of article 23 in regard to a small number of customary marriages in the Solomon Islands.

"The Government of the United Kingdom reserve the right to enact such nationality legislation as they may deem necessary from time to time to reserve the acquisition and possession of citizenship under such legislation to those having sufficient connection with the United Kingdom or any of its dependent territories and accordingly their acceptance of article 24 (3) and of the other provisions of the Covenant is subject to the provisions of any such legislation.

"The Government of the United Kingdom reserve the right not to apply sub-paragraph (b) of article 25 in so far as it may require the establishment of an elected Executive or Legislative Council in Hong Kong [...].

"Lastly, the Government ofhe United Kingdom declare that the provisions of the Covenant shall not apply to Southern Rhodesia unless and until they inform the Secretary-General of the United Nations that they are in a position to ensure that the obligations imposed by the Covenant in respect of that territory can be fully implemented."

UNITED STATES OF AMERICA

Reservations:

"(1) That article 20 does not authorize or require legislation or other action by the United States that would restrict the right of free speech and association protected by the Constitution and laws of the United States.

"(2) That the United States reserves the right, subject to its Constitutional constraints, to impose capital punishment on any person (other than a pregnant woman) duly convicted under existing or future laws permitting the imposition of capital punishment, including such punishment for crimes committed by persons below eighteen years of age.

"(3) That the United States considers itself bound by article 7 to the extent that `cruel, inhuman or degrading treatment or punishment' means the cruel and unusual treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments to the Constitution of the United States.

"(4) That because U.S. law generally applies to an offender the penalty in force at the time the offence was committed, the United States does not adhere to the third clause of paragraph 1 of article 15.

"(5) That the policy and practice of the United States are generally in compliance with and supportive of the Covenant's provisions regarding treatment of juveniles in the criminal justice system. Nevertheless, the United States reserves the right, in exceptional circumstances, to treat juveniles as adults, notwithstanding paragraphs 2 (b) and 3 of article 10 and paragraph 4 of article 14. The United States further reserves to these provisions with respect to States with respect to individuals who volunteer for military service prior to age 18."

Understandings:

"(1) That the Constitution and laws of the United States guarantee all persons equal protection of the law and provide extensive protections against discrimination. The United States understands distinctions based upon race, colour, sex, language, religion, political or other opinion, national or social origin, proerty, birth or any other status - as those terms are used in article 2, paragraph 1 and article 26 - to be permitted when such distinctions are, at minimum, rationally related to a legitimate governmental objective. The United States further understands the prohibition in paragraph 1 of article 4 upon discrimination, in time of public emergency, based `solely' on the status of race, colour, sex, language, religion or social origin, not to bar distinctions that may have a disproportionate effect upon persons of a particular status.

"(2) That the United States understands the right to compensation referred to in articles 9 (5) and 14 (6) to require the provision of effective and enforceable mechanisms by which a victim of an unlawful arrest or detention or a miscarriage of justice may seek and, where justified, obtain compensation from either the responsible individual or the appropriate governmental entity. Entitlement to compensation may be subject to the reasonable requirements of domestic law.

"(3) That the United States understands the reference to `exceptional circumstances' in paragraph 2 (a) of article 10 to permit the imprisonment of an accused person with convicted persons where appropriate in light of an individual's overall dangerousness, and to permit accused persons to waive their right to segregation from convicted persons. The United States further understands that paragraph 3 of article 10 does not diminish the goals of punishment, deterrence, and incapacitation as additional legitimate purposes for a penitentiary system.

"(4) That the United States understands that subparagraphs 3 (b) and (d) of article 14 do not require the provision of a criminal defendant's counsel of choice when the defendant is provided with court-appointed counsel on grounds of indigence, when the defendant is financially able to retain alternative counsel, or when imprisonment is not imposed. The United States further understands that paragraph 3 (e) does not prohibit a requirement that the defendant make a showing that any witness whose attendance he seeks to compel is necessary for his defense. The United States understands the prohibition upon double jeopardy in paragraph 7 to apply only when the judgment of acquittal has been rendered by a court of the same governmental unit, whether the Federal Government or a constituent unit, as is seeking a new trial for the same cause.

"(5) That the United States understands that this Covenant shall be implemented by the Federal Government to the extent that it exercises legislative and judicial jurisdiction over the matters covered therein, and otherwise by the state and local governments; to the extent that state and local governments exercise jurisdiction over such matters, the Federal Government shall take measures appropriate to the Federal system to the end that the competent authorities of the state or local governments may take appropriate measures for the fulfillment of the Covenant."

Declarations:

"(1) That the United States declares that the provisions of articles 1 through 27 of the Covenant are not self-executing.

"(2) That it is the view of the United States that States Party to the Covenant should wherever possible refrain from imposing any restrictions or limitations on the exercise of the rights recognized and protected by the Covenant, even when such restrictions and limitations are permissible under the terms of the Covenant. For the United States, article 5, paragraph 2, which provides that fundamental human rights existing in any State Party may not be diminished on the pretext that the Covenant recognizes them to a lesser extent, has particular relevance to article 19, paragraph 3 which would permit certain restrictions on the freedom of

expression. The United States declares that it will continue to adhere to the requirements and constraints of its Constitution in respect to all such restrictions and limitations.

"(3) That the United States declares that the right referred to in article 47 may be exercised only in accordance with international law."

VENEZUELA (BOLIVARIAN REPUBLIC OF)

Article 60, paragraph 5, of the Constitution of the Republic of Venezuela establishes that: "No person shall be convicted in criminal trial unless he has first been personally notified of the charges and heard in the manner prescribed by law. Persons accused of an offence against the *res publica* may be tried *in* ab- *sentia* , with the guarantees and in the manner prescribed by law". Venezuela is making this reservation because article 14, paragraph 3 (d), of the Covenant makes no provision for persons accused of an offence against the *res publica* to be tried *in absentia* .

VIET NAM

[See chapter IV.3.]

YEMEN[37]

[See chapter IV.3.]

Objections
(Unless otherwise indicated, the objections were made upon ratification, accession or succession.)

AUSTRALIA

18 September 2007

With regard to the reservation made by Maldives upon accession :

"The Government of Australia considers that the reservation with respect to article 18 of the Covenant is a reservation incompatible with the object and purpose of the Covenant.

The Government of the Australia recalls that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty is not permitted.

It is in the common interest of States that treaties to which they have chosen to become party are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

Furthermore, the Government of Australia considers that the Republic of Maldives, through this reservation, is purporting to make the application of the International Covenant on Civil and Political Rights subject to the provisions of constitutional law in force in the Republic of Maldives. As a result, it is unclear to what extent the Republic of Maldives considers itself bound by the obligations of the Covenant and therefore raises concerns as to the commitment of the Republic of Maldives to the object and purpose of the Covenant.

The Government of Australia considers that the reservation with respect to article 18 of the Covenant is subject to the general principle of treaty interpretation, pursuant to Article 27 of the Vienna Convention on the Law of Treaties, according to which a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty.

Further, the Government of Australia recalls that according to article 4 (2) of the Covenant, no derogation of article 18 is permitted.

For the above reasons, the Government of Australia objects to the aforesaid reservation made by the Republic of Maldives to the International Covenant on Civil and Political Rights and expresses the hope that the Republic of Maldives will soon be able to withdraw its reservation in light of the ongoing process of a revision of the Maldivian Constitution.

This objection shall not preclude the entry into force of the Covenant between Australia and the Republic of Maldives."

AUSTRIA

18 September 2007

With regard to the reservation made by Maldives upon accession:

"The Government of Austria has carefully examined the reservation made by the Government of the Republic of Maldives on 19 September 2006 in respect of Article 18 of the International Covenant on Civil and Political Rights.

The Government of Austria is of the opinion that reservations which consist in a general reference to a system of norms (like the constitution of the legal order of the reserving State) without specifying the contents thereof leave it uncertain to which extent that State accepts to be bound by the obligations under the treaty. Moreover, those norms may be subject to changes.

The reservation made by the Republic of Maldives is therefore not sufficiently precise to make it possible to determine the restrictions that are introduced into the agreement. The Government of Austria is therefore of the opinion that the reservation is capable of contravening the object and purpose of the Covenant.

The Government of Austria therefore regards the above-mentioned reservation incompatible with the object and purpose of the Covenant. This objection shall not preclude the entry into force of the Covenant between the Republic of Austria and the Republic of Maldives."

13 October 2010

With regard to the reservation made by the Lao People's Democratic Republic upon ratification:

"The Government of Austria has examined the reservation made by the Government of the Lao People's Democratic Republic to Article 22 of the International Covenant on Civil and Political Rights at the time of its ratification.

In the view of Austria a reservation should clearly define for the other States Parties to the Covenant the extent to which the reserving State has accepted the obligations of the Covenant. A reservation which consists of a general reference to constitutional provisions without specifying its implications does not do so. The Government of Austria therefore objects to the reservation made by the Government of the Lao People's Democratic Republic.

This objection shall not preclude the entry into force of the Covenant between Austria and the Lao People's Democratic Republic."

BELGIUM

6 November 1984

[The Belgian Government] wishes to observe that the sphere of application of article 11 is particularly restricted. In fact, article 11 prohibits imprisonment only when there is no reason for resorting to it other than the fact that the debtor is unable to fulfil a contractual obligation. Imprisonment is not incompatible with article 11 when there are other reasons for imposing this penalty, for example when the debtor, by acting in bad faith or through fraudulent manoeuvres, has placed himself in the position of being unable to fulfil his obligations. This interpretation of article 11 can be confirmed by reference to the *travaux préparatoires* (see document A/2929 of 1 July 1955).

After studying the explanations provided by the Congo concerning its reservation, [the Belgian Government] has provisionally concluded that this reservation is unnecessary. It is its understanding that the Congolese legislation authorizes imprisonment for debt when other means of enforcement have failed when the amount due exceeds 20,000 CFA francs and when the debtor, between 18 and 60 years of age, makes himself insolvent in bad faith. The latter condition is sufficient to show that there is no contradiction between the Congolese legislation and the letter and the spirit of article 11 of the Covenant.

By virtue of article 4, paragraph 2, of the aforementioned Covenant, article 11 is excluded from the sphere of application of the rule which states that in the event of an exceptional public emergency, the States Parties to the Covenant may, in certain conditions, take measures derogating from their obligations under the Covenant. Article 11 is one of the articles containing a provision from which no derogation is permitted in any circumstances. Any reservation concerning that article would destroy its effects and would therefore be in contradiction with the letter and the spirit of the Covenant.

Consequently, and without prejudice to its firm beliefthat Congolese law is in complete conformity with the provisions of article 11 of the Covenant, [the Belgian Government] fears that the reservation made by the Congo may, by reason of its very principle, constitute a precedent which might have considerable effects at the international level.

[The Belgian Government] therefore hopes that this reservation will be withdrawn and, as a precautionary measure, wishes to raise an objection to that reservation.

5 October 1993

The Government of Belgium wishes to raise an objection to the reservation made by the United States of America regarding article 6, paragraph 5, of the Covenant, which prohibits the imposition of the sentence of death for crimes committed by persons below 18 years of age.

The Government of Belgium considers the reservation to be incompatible with the provisions and intent of article 6 of the Covenant which, as is made clear by article 4, paragraph 2, of the Covenant, establishes minimum measures to protect the right to life.

The expression of this objection does not constitute an obstacle to the entry into force of the Covenant between Belgium and the United States of America.

CANADA

18 September 2007

With regard to the reservation made by Maldives upon accession:

"The Government of Canada has carefully examined the reservation made by the Government of the Maldives upon acceding to the International Covenant on Civil and Political Rights, in accordance with which the "application of the principles set out in Article 18 of the Covenant shall be without prejudice to the Constitution of the Republic of Maldives".

The Government of Canada considers that a reservation which consists of a general reference to national law constitutes, in reality, a reservation with a general, indeterminate scope, such that it makes it impossible to identify the modifications to obligations under the Covenant, which it purports to introduce and it does not clearly define for the other States Parties to the Convention the extent to which the reserving State has accepted the obligations of the Covenant.

The Government of Canada notes that the reservation made by the Government of the Maldives which addresses one of the most essential provisions of the Covenant, to which no derogation is allowed according to article 4 of the Covenant, is in contradiction with the object and purpose of the Covenant. The Government of Canada therefore objects to the aforesaid reservation made by the Government of the Maldives.

This objection does not preclude the entry into force in its entirety of the Covenant between Canada and the Maldives."

CYPRUS

26 November 2003

With regard to the declaration made by the Turkey upon ratification:

".....the Government of the Republic of Cyprus has examined the declaration made by the Government of the Republic of Turkey to the International Covenant on Civil and Political Rights (New York, 16 December 1966) on 23 September 2003, in respect of the implementation of the provisions of the Convention only to the States Parties which it recognizes and with which it has diplomatic relations.

In the view of the Government of the Republic of Cyprus, this declaration amounts to a reservation. This reservation creates uncertainty as to the States Parties in respect of which Turkey is undertaking the obligations in the Covenant, and raises doubt as to the commitment of Turkey to the object and purpose of the said Covenant. The Government of the Republic of Cyprus therefore objects to the reservation made by the Government of the Republic of Turkey to the International Covenant on Civil and Political Rights.

This reservation or the objection to it shall not preclude the entry into force of the Covenant between the Republic of Cyprus and the Republic of Turkey."

CZECH REPUBLIC[7]

12 September 2007

With regard to the reservation made by Maldives upon accession:

"The Government of the Czech Republic has carefully examined the contents of the reservation made by the Republic of Maldives upon accession to the International Covenant on Civil and Political Rights, adopted on 16 December 1966, in respect of Article 18 thereof.

The Government of the Czech Republic is of the opinion that the aforementioned reservation is in contradiction with the general principle of treaty interpretation according to which a State party to a treaty may not invoke the provisions of its internal law as justification for failure to perform according to the obligations set out by the treaty. Furthermore, the reservation consists of a general reference to the Constitution without specifying its content and as such does not clearly define to other Parties to the Covenant the extent to which the reserving State commits itself to the Covenant.

The Government of the Czech Republic recalls that it is in the common interest of States that treaties to which they have chosen to become party are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties. According to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation that is incompatible with the object and purpose of a treaty shall not be permitted.

The Government of the Czech Republic therefore objects to the aforesaid reservation made by the Republic of Maldives to the Covenant. This objection shall not preclude the entry into force of the Covenant between the Czech Republic and the Republic of Maldives, without the Republic of Maldives benefiting from its reservation.".

DENMARK

1 October 1993

With regard to the reservations made by the United States of America:

"Having examined the contents of the reservations made by the United States of America, Denmark would like to recall article 4, para 2 of the Covenant according to which no derogation from a number of fundamental articles, *inter alia* 6 and 7, may be made by a State Party even in time of public emergency which threatens the life of the nation.

In the opinion of Denmark, reservation (2) of the United States with respect to capital punishment for crimes committed by persons below eighteen years of age as well as reservation (3) with respect to article 7 constitute general derogations from articles 6 and 7, while according to article 4, para 2 of the Covenant such derogations are not permitted.

Therefore, and taking into account that articles 6 and 7 are protecting two of the most basic rights contained in the Covenant, the Government of Denmark regards the said reservations incompatible with the object and purpose of the Covenant, and consequently Denmark objects to the reservations.

These objections do not constitute an obstacle to the entry into force of the Covenant between Denmark and the United States.

4 October 2001

With regard to the reservations made by the Botswana upon ratification:

"The Government of Denmark has examined the contents of the reservations made by the Government of Botswana to the International Covenant on Civil and Political Rights. The reservations refer to legislation in force in Botswana as regards the scope of application of two core provisions of the Covenant, Articles 7 and 12 para.3. The Government of Denmark considers that the reservations raise doubts as to the commitment of Botswana to fulfill her obligations under the Covenant and are incompatible with the object and purpose of the Covenant.

For these reasons, the Government of Denmark objects to these reservations made by the Government of Botswana. This objection does not preclude the entry into force of the Covenant in its entirety between Botswana and Denmark without Botswana benefiting from the reservations."

ESTONIA

12 September 2007

With regard to the reservation made by Maldives upon accession:

"The Government of Estonia has carefully examined the reservation made by the Republic of Maldives to Article 18 of the International Covenant on Civil and Political Rights. The Government of Estonia considers the reservation to be incompatible with the object and purpose of the Covenant as with this reservation the application of the International Covenant on Civil and Political Rights is made subject to the provisions of constitutional law. The Government of Estonia is of the view that the reservation makes it unclear to what extent the Republic of Maldives considers itself bound by the obligations of the Covenant and therefore raises concerns as to the commitment of the Republic of Maldives to the object and purpose of the Covenant.

The Government of Estonia therefore objects to the reservation made by the Republic of Maldives to Article 18 of the International Covenant on Civil and Political Rights and expresses the hope that the Republic of Maldives will soon be able to withdraw its reservation in light of the ongoing process of the revision of the Maldivian Constitution.

This objection shall not preclude the entry into force of the International Covenant on Civil and Political Rights between Estonia and the Republic of Maldives."

FINLAND

28 September 1993

With regard to the reservations, understandings and declarations made by the United States of America:

"... It is recalled that under international treaty law, the name assigned to a statement whereby the legal effect of certain provisions of a treaty is excluded or modified, does not determine its status as a reservation to the treaty. Understanding (1) pertaining to articles 2, 4 and 26 of the Covenant is therefore considered to constitute in substance a reservation to the Covenant, directed at some of its most essential provisions, namely those concerning the prohibition of discrimination. In the view of the Government of Finland, a reservation of this kind is contrary to the object and purpose of the Covenant, as specified in article 19(c) of the Vienna Convention on the Law of Treaties.

As regards reservation (2) concerning article 6 of the Coven- ant, it is recalled that according to article 4(2), no restrictions of articles 6 and 7 of the Covenant are allowed for. In the view of the Government of Finland, the right to life is of fundamental importance in the Covenant and the said reservation therefore is incompatible with the object and purpose of the Covenant.

As regards reservation (3), it is in the view of the Government of Finland subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its internal law as justification for failure to perform a treaty.

For the above reasons the Government of Finland objects to reservations made by the United States to articles 2, 4 and 26 [*cf* . Understanding (1)], to article 6 [*cf* . Reservation (2)] and to article 7 [cf. Reservation (3)]. However, the Government of Finland does not consider that this objection constitutes an obstacle to the entry into force of the Covenant between Finland and the United States of America.

25 July 1997

With regard to declarations and the reseration made by Kuwait:

"The Government of Finland notes that according to the interpretative declarations the application of certain articles of the Covenant is in a general way subjected to national law. The Government of Finland considers these interpretative declarations as reservations of a general kind.

The Government of Finland is of the view that such general reservations raise doubts as to the commitment of

Kuwait to the object and purpose of the Covenant and would recall that a reservation incompatible with the object and purpose of the Covenant shall not be permitted. As regards the reservation made to article 25 (b), the Government of Finland wishes to refer to its objection to the reservation made by Kuwait to article 7 of the Convention on the Elimination of All Forms of Discrimination Against Women.

It is the common interest of States that treaties to which they have chosen to become parties are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Finland is further of the view that general reservations of the kind made by the Government of Kuwait, which do not clearly specify the extent of the derogation from the provisions of the covenant, contribute to undermining the basis of international treaty law.

The Government of Finland therefore objects to the aforesaid reservations made by the Government of Kuwait to the [said Covenant] which are considered to be inadmissible.

This objection does not preclude the entry into force in its entirety of the Covenant between Kuwait and Finland."

13 October 2004

With regard to declarations and the reservation made by Turkey upon ratification:

"The Government of Finland has examined the declarations and reservation made by the Republic of Turkey to the International Covenant on Civil and Political Rights. The Government of Finland notes that the Republic of Turkey reserves the right to interpret and apply the provisions of Article 27 of the Covenant in accordance with the related provisions and rules of the Constitution of the Republic of Turkey and the Treaty of Lausanne of 24 July 1923 and its Appendixes.

The Government of Finland emphasises the great importance of the rights of minorities provided for in Article 27 of the International Covenant on Civil and Political Rights. The reference to the Constitution of the Republic of Turkey is of a general nature and does not clearly specify the content of the reservation. The Government of Finland therefore wishes to declare that it assumes that the Government of the Republic of Turkey will ensure the implementation of the rights of minorities recognised in the Covenant and will do its utmost to bring its national legislation into compliance with the obligations under the Covenant with a view to withdrawing the reservation. This declaration does not preclude the entry into force of the Covenant between the Republic of Turkey and Finland."

15 November 2005

With regard to reservations made by Mauritania upon ratification:

"The Government of Finland has carefully examined the contents of the declaration made by the Government of Mauritania on Article 18 and paragraph 4 of Article 23 of the International Covenant on Civil and Political Rights.

The Government of Finland notes that a reservation which consists of a general reference to religious or other national law without specifying its contents does not clearly define to other Parties to the Convention the extent to which the reserving State commits itself to the Convention and creates serious doubts as to the commitment of the receiving State to fulfil its obligations under the Convention. Such reservations are, furthermore, subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its domestic law asjustification for a failure to perform its treaty obligations.

The Government of Finland notes that the reservations made by the Government of Mauritania, addressing some of the most essential provisions of the Covenant, and aiming to exclude the obligations under those provisions, are in contradiction with the object and purpose of the Covenant.

The Government of Finland therefore objects to the above-mentioned declaration made by the Government of Mauritania to the Covenant. This objection does not preclude the entry into force of the Covenant between the Islamic Republic of Mauritania and Finland. The Covenant will thus become operative between the two states without the Islamic Republic of Mauritania benefiting from its declarations."

14 September 2007

With regard to the reservation made by Maldives upon accession:

"The Government of Finland has examined the reservation made by the Republic of Maldives to the International Covenant on Civil and Political Rights. The Government of Finland notes that the Republic of Maldives reserves the right to interpret and apply the provisions of Article 18 of the Covenant in accordance with the related provisions and rules of the Constitution of the Republic of Maldives.

The Government of Finland notes that a reservation which consists of a general reference to national law without specifying its contents does not clearly define to other Parties to the Covenant the extent to which the reserving State commits itself to the Covenant and creates serious doubts as to the commitment of the receiving State to fulfil its obligations under the Covenant. Such reservations are, furthermore, subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its domestic law as justification for a failure to perform its treaty obligations.

Furthermore, the Government of Finland emphasises the great importance of the right to freedom of thought, conscience and religion which is provided for in Article 18 of the International Covenant on Civil and Political Rights. The Government of Finland therefore wishes to declare that it assumes that the Government of the Republic of Maldives will ensure the implementation of the rights of freedom of thought, conscience and religion recognised in the Covenant and will do its utmost to bring its national legislation into compliance with the obligations under the Covenant with a view to withdrawing the reservation.

This declaration does not preclude the entry into force of the Covenant between the Republic of Maldives and Finland. The Covenant will thus become operative between the two states without the Republic of Maldives benefiting from its reservation."

5 October 2010

With regard to the reservation made by the Lao People's Democratic Republic upon ratification:

“The Government of Finland welcomes the ratification by the Lao People’s Democratic Republic of the International Covenant on Civil and Political Rights. Finland has taken note of the reservation made by the Lao People’s Democratic Republic to Article 22 thereof upon ratification. The Government of Finland notes that Article 22(2) provides that States Parties may, under certain specific circumstances and for certain specific purposes, restrict the right protected under Article 22(1). The Government of Finland is of the view that the reservation made by the Lao People’s Democratic Republic seeks to limit the obligation of the Lao People’s Democratic Republic not to restrict the freedom of association to an extent which is incompatible with Article 22(2). The reservation would therefore restrict one of the essential obligations of the Lao People’s Democratic Republic under the Covenant and raises serious doubts as to the commitment of the Lao People’s

Democratic Republic to the object and purpose of the Covenant.

It is in the common interest of States that treaties they have chosen to become parties to are respected as to their object and purpose by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under such treaties. Furthermore, according to the Vienna Convention on the Law of Treaties of 23 May 1969, and according to well established customary international law, a reservation contrary to the object and purpose of the treaty shall not be permitted.

The Government of Finland therefore objects to the reservation made by the Government of the Lao People's Democratic Republic in respect of Article 22 of the International Covenant on Civil and Political Rights. This objection shall not preclude the entry into force of the Covenant between the Lao People's Democratic Republic and Finland. The Covenant will thus become operative between the two states without the Lao People's Democratic Republic benefiting from its reservation."

FRANCE

The Government of the Republic takes objection to the reservation entered by the Government of the Republic of India to article 1 of the International Covenant on Civil and Political Rights, as this reservation attaches conditions not provided for by the Charter of the United Nations to the exercise of the right of self-determination. The present declaration will not be deemed to be an obstacle to the entry into force of the Covenant between the French Republic and the Republic of India.

4 October 1993

At the time of the ratification of [the said Covenant], the United States of America expressed a reservation relating to article 6, paragraph 5, of the Covenant, which prohibits the imposition of the death penalty for crimes committed by persons below 18 years of age.

France considers that this United States reservation is not valid, inasmuch as it is incompatible with the object and purpose of the Convention.

Such objection does not constitute an obstacle to the entry into force of the Covenant between France and the United States.

15 October 2001

With regard to the reservation made by Botswana upon ratification:

The Government of the French Republic has studied Botswana's reservations to the International Covenant on Civil and Political Rights. The purpose of the two reservations is to limit Botswana's commitment to articles 7 and 12, paragraph 3, of the Covenant to the extent to which these provisions are compatible with sections 7 and 14 of the Constitution of Botswana.

The Government of the French Republic considers that the first reservation casts doubt upon Botswana's commitment and might nullify article 7 of the Covenant which prohibits in general terms torture and cruel, inhuman or degrading treatment or punishment.

Consequently, the Government of the French Republic objects to the Government of Botswana's reservation to article 7 of the Covenant.

18 November 2005

With regard to reservations made by Mauritania upon ratification:

"The Government of the French Republic has examined the declarations formulated by the Government of Mauritania upon acceding to the International Covenant on Civil and Political Rights, adopted on 16 December 1966, in accordance with which the Government of Mauritania, on the one hand, 'while accepting the provisions set out in article 18 concerning freedom of thought, conscience and religion, declares that their application shall be without prejudice to the Islamic sharia' and, on the other, 'interprets the provisions of article 23, paragraph 4, on the rights and responsibilities of spouses as to marriage as not affecting in any way the prescriptions of the Islamic sharia'. By making the application of article 18 and the interpretation of article 23, paragraph 4, of the Covenant subject to the prescriptions of the Islamic sharia, the Government of Mauritania is, in reality, formulating reservations with a general, indeterminate scope, such that they make it impossible to identify the modifications to obligations under the Covenant, which they purport to introduce. The Government of the French Republic considers that the reservations thus formulated are likely to deprive the provisions of the Covenant of any effect and are contrary to the object and purpose thereof. It therefore enters an objection to these reservations. This objection shall not preclude the entry into force of the Convention between France and Mauritania."

19 September 2007

With regard to the reservation made by Maldives upon accession:

The Government of the French Republic has reviewed the reservation made by the Republic of Maldives at the time of its accession to the International Covenant on Civil and Political Rights of 16 December 1966 to the effect that the Republic of Maldives intends to apply the principles relating to freedom of thought, conscience and religion set out in article 18 of twithout prejudice to its own Constitution.

The French Republic considers that by subordinating the general application of a right set out in the Covenant to its internal law, the Republic of Maldives is formulating a reservation that is likely to deprive a provision of the Covenant of any effect and makes it impossible for other States Parties to know the extent of its commitment.

The Government of the French Republic considers the reservation as contrary to the object and purpose of the Covenant. It therefore objects to that reservation. This objection does not prevent the entry into force of the Covenant between the French Republic and the Republic of Maldives.

GERMANY[10]

*[See under **"Objections"** in chapter IV.3.]*

21 April 1982

"The Government of the Federal Republic of Germany objects to the [reservation (i) by the Government of Trinidad and Tobago]. In the opinion of the Government of the Federal Republic of Germany it follows from the text and the history of the Covenant that the said reservation is incompatible with the object and purpose of the Covenant."

25 October 1990

With regard to interpretative declaration made by Algeria:

*[See under **"Objections"** in chapter IV.3.]*

28 May 1991

[The Federal Republic of Germany] interprets the declaration to mean that the Republic of Korea does not intend to restrict its obligations under article 22 by referring to its domestic legal system.

29 September 1993

"The Government of the Federal Republic of Germany objects to the United States' reservation referring to article 6, paragraph 5 of the Covenant, which prohibits capital punishment for crimes committed by persons below eighteen years of age. The reservation referring to this provision is incompatible with the text as well as the object and purpose of article 6, which, as made clear by paragraph 2 of article 4, lays down the minimum standard for the protection of the right to life.

The Government of the Federal Republic of Germany interprets the United States' `reservation' with regard to article 7 of the Covenant as a reference to article 2 of the Covenant, thus not in any way affecting the obligations of the United States of America as a state party to the Covenant."

10 July 1997

With regard to declarations and the reservation made by Kuwait:

*[See under "**Objections**" in chapter IV.3.]*

13 October 2004

With regard to declarations and the reservation made by Turkey upon ratification:

The Government of the Republic of Turkey has declared that it will implement the provisions of the Covenant only to the states with which it has diplomatic relations. Moreover, the Government of the Republic of Turkey has declared that it ratifies the Covenant exclusively with regard to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey are applied. Furthermore, the Government of the Republic of Turkey has reserved the right to interpret and apply the provisions of Article 27 of the Covenant in accordance with the related provisions and rules of the Constitution of the Republic of Turkey and the Treaty of Lausanne of 24 July 1923 and its Appendixes.

The Government of the Federal Republic of Germany would like to recall that it is in the common interest of all states that treaties to which they have chosen to become parties are respected and applied as to their object and purpose by all parties, and that states are prepared to undertake any legislative changes necessary to comply with their obligations under these treaties. The Government of the Federal Republic of Germany is therefore concerned about declarations and reservations such as those made and expressed by the Republic of Turkey with respect to the International Covenant on Civil and Political Rights.

However, the Government of the Federal Republic of Germany believes these declarations do not aim to limit the Covenant's scope in relation to those states with which Turkey has established bonds under the Covenant, and that they do not aim to impose any other restrictions that are not provided for by the Covenant. The Government of the Federal Republic of Germany attaches great importance to the rights guaranteed by Article 27 of the Covenant. The Government of the Federal Republic of Germany understands the reservation expressed by the Government of the Republic of Turkey to mean that the rights guaranteed by Article 27 of the Covenant will also be granted to all minorities not mentioned in the provisions and rules referred to in the reservation."

15 November 2005

With regard to reservations made by Mauritania upon ratification:

The Government of the Federal Republic of Germany has carefully examined the declaration made by the Government of Mauritania on 17 November 2004 in respect of Articles 18 and 23 (4) of the International Covenant on Civil and Political Rights.

The Government of the Federal Republic of Germany is of the opinion that the limitations set out therein leave it unclear to which extent Mauritania considers itself bound by the obligations resulting from the Covenant.

The Government of the Federal Republic of Germany therefore regards the above-mentioned declaration as a reservation and as incompatible with the object and purpose of the Covenant.

The Government of the Federal Republic of Germany therefore objects to the above-mentioned reservation made by the Government of Mauritania to the International Covenant on Civil and Political Rights. This objection shall not preclude the entry into force of the Covenant between the Federal Republic of Germany and Mauritania.

12 September 2007

With regard to the reservation made by Maldives upon accession:

"The Government of the Federal Republic of Germany has carefully examined the declaration made by the Government of the Republic of Maldives on 19 September 2006 in respect of Article 18 of the International Covenant on Civil and Political Rights.

The Government of the Federal Republic of Germany is of the opinion that reservations which consist in a general reference to a system of norms (like the constitution or the legal order of the reserving State) without specifying the contents thereof leave it uncertain to which extent that State accepts to be bound by the obligations under the treaty. Moreover, those norms may be subject to changes.

The reservation made by the Republic of Maldives is therefore not sufficiently precise to make it possible to determine the restrictions that are introduced into the agreement. The Government of the Federal Republic of Germany is therefore of the opinion that the reservation is capable of contravening the object and purpose of the Covenant.

The Government of the Federal Republic of Germany therefore regards the above-mentioned reservation incompatible with the object and purpose of the Covenant. This objection shall not preclude the entry into force of the Covenant between the Federal Republic of Germany and the Republic of Maldives."

GREECE

11 October 2004

With regard to the declarations made by Turkey upon ratification:

"The Government of Greece has examined the declarations made by the Republic of Turkey upon ratifying the International Covenant on Civil and Political Rights.

The Republic of Turkey declares that it will implement the provisions of the Covenant only to the States with which it has diplomatic relations.

In the view of the Government of Greece, this declaration in fact amounts to a reservation. This reservation is incompatible with the principle that inter-State reciprocity has no place in the context of human rights treaties, which concern the endowment of individuals with rights. It is therefore contrary to the object and purpose of the Covenant.

The Republic of Turkey furthermore declares that the Covenant is ratified exclusively with regard to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey are applied.

In the view of the Government of Greece, this declaration in fact amounts to a reservation. This reservation is contrary to the letter and the spirit of article 2 (i) of the Covenant. Indeed, a State Party must respect and ensure the rights laid down in the Covenant to anyone within the power or effective control of that State Party, even if not situated within the territory of such State Party. Accordingly, this reservation is contrary to the object and purpose of the Covenant.

For these reasons, the Government of Greece objects to the aforesaid reservations made by the Republic of Turkey to the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between the Hellenic Republic and the Republic of Turkey. The Covenant, therefore, enters into

force between the two States without the Republic of Turkey benefiting from these reservations."

24 October 2005

With regard to the reservations made by Mauritania upon accession:

"The Government of the Hellenic Republic have examined the reservations made by the Government of the Islamic Republic of Mauritania upon accession to the International Covenant on Civil and Political Rights (New York, 16 December 1966) in respect of articles 18 and 23 paragraph 4 thereof.

The Government of the Hellenic Republic consider that these declarations, seeking to limit the scope of the aforementioned provisions on a unilateral basis, amount in fact to reservations.

The Government of the Hellenic Republic furthermore consider that, although these reservations refer to specific provisions of the Covenant, they are of a general character, as they do not clearly define the extent to which the reserving State has accepted the obligations deriving from the Covenant.

For these reasons, the Government of the Hellenic Republic object to the abovementioned reservations made by the Government of the Islamic Republic of Mauritania.

This objection shall not preclude the entry into force of the Covenant between Greece and Mauritania."

HUNGARY

18 September 2007

With regard to the reservation made by Maldives upon accession:

"The Government of the Republic of Hungary has examined the reservation made by the Republic of Maldives on 19 September 2006 upon accession to the International Convention on Civil and Political Rights of 16 December 1966. The reservation states that the application of the principles set out in Article 18 of the Covenant shall be without prejudice to the Constitution of the Republic of Maldives.

The Government of the Republic of Hungary is of the opinion that the reservation to Article 18 will unavoidably result in a legal situation in respect of the Republic of Maldives, which is incompatible with the object and purpose of the Convention.

Namely the reservation makes it unclear to what extent the Republic of Maldives considers itself bound by the obligations of the Covenant thus raising concerns as to its commitment to the object and purpose of the Covenant.

It is in the common interest of States that treaties to which they have chosen to become party are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

According to Article 19 point (c) of the Vienna Convention on the Law of Treaties of 1969, a State may formulate a reservation unless it is incompatible with the object and purpose of the treaty.

The Government of the Republic of Hungary therefore objects to the above-mentioned reservation. This objection shall not preclude the entry into force of the Convention between the Republic of Hungary and the Republic of Maldives."

IRELAND

11 October 2001

With regard to the reservations made by Botswana upon ratification:

"The Government of Ireland have examined the reservations made by the Government of the Republic of Botswana to Article 7 and to Article 12, paragraph 3 of the International Covenant on Civil and Political Rights.

These reservations invoke provisions of the internal law of the Republic of Botswana. The Government of Ireland are of the view that such reservations may cast doubts on the commitment of the reserving State to fulfil its obligations under the Convention. Furthermore, the Government of Ireland are of the view that such reservations may undermine the basis of international treaty law.

The Government of Ireland therefore object to the reservations made by the Government of the Republic of Botswana to Article 7 and Article 12, paragraph 3 of the Covenant.

This objection shall not preclude the entry into force of the Convention between Ireland and the Republic of Botswana."

19 September 2007

With regard to the reservation made by Maldives upon accession:

"The Government of Ireland notes that the Republic of Maldives subjects application of Article 18 of the International Covenant on Civil and Political Rights to the Constitution of the Republic of Maldives.

The Government of Ireland is of the view that a reservation which consists of a general reference to the Constitution of the reserving State and which does not clearly specify the extent of the derogation from the provision of the Covenant may cast doubts on the commitment of the reserving state to fulfil its obligations under the Covenant.

The Government of Ireland is furthermore of the view that such a reservation may undermine the basis of international treaty law and is incompatible with the object and purpose of the Covenant.

The Government of Ireland therefore objects to the aforesaid reservation made by the Republic of Maldives to Article 18 of the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between Ireland and the Republic of Maldives."

13 October 2010

With regard to the reservation made by the Lao People's Democratic Republic upon ratification:

“The Government of Ireland has examined the reservations and declarations made by the Lao People’s Democratic Republic upon ratification of the International Covenant on Civil and Political Rights, and notes in particular, the intention of the Lao People’s Democratic Republic to apply the provisions in Article 22 of the Covenant in its territory only insofar as those provisions are in conformity with the Constitution and relevant laws of the Lao People’s Democratic Republic.

The Government of Ireland is of the view that a reservation which consists of a general reference to the Constitution or domestic laws of the reserving State and which does not clearly specify the extent of the derogation from the provision of the Covenant may cast doubts on the commitment of the reserving state to fulfil its obligations under the Covenant.

The Government of Ireland is furthermore of the view that such a reservation may undermine the basis of international treaty law and is incompatible with the object and purpose of the Covenant. The Government of Ireland recalls that according to Article 19 (c) of the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of the Covenant shall not be permitted.

The Government of Ireland therefore objects to the aforesaid reservation made by the Lao People’s Democratic Republic to Article 22 of the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between Ireland and the Lao People's Democratic Republic."

ITALY

5 October 1993

"The Government of Italy, ..., objects to the reservation to art. 6 paragraph 5 which the United States of America included in its instrument of ratification.

In the opinion of Italy reservations to the provisions contained in art. 6 are not permitted, as specified in art.4, para 2, of the Covenant.

Therefore this reservation is null and void since it is incompatible with the object and the purpose of art. 6 of the Covenant.

Furthermore in the interpretation of the Government of Italy, the reservation to art. 7 of the Covenant does not affect obligations assumed by States that are parties to the Covenant on the basis of article 2 of the same Covenant.

These objections do not constitute an obstacle to the entry into force of the Covenant between Italy and the United States."

LATVIA

15 November 2005

With regard to reservations made by Mauritania upon ratification:

"The Government of the Republic of Latvia has carefully examined the declaration made by Mauritania to the International Covenant on Civil and Political Rights upon accession.

The Government of the Republic of Latvia considers that the declaration contains general reference to prescriptions of the Islamic Shariah, making the provisions of International Covenant subject to the prescriptions of the Islamic Shariah.

Thus, the Government of the Republic of Latvia is of the opinion that the declaration is in fact a unilateral act deemed to limit the scope of application of the International Covenant and therefore, it shall be regarded as a reservation.

Moreover, the Government of the Republic of Latvia noted that the reservation does not make it clear to what extent Mauritania considers itself bound by the provisions of the International Covenant and whether the way of implementation of the provisions of the International Covenant is in line with the object and purpose of the International Covenant.

The Government of the Republic of Latvia recalls that customary international law as codified by Vienna Convention on the Law of Treaties, and in particular Article 19c), sets out that reservations that are incompatible with the object and purpose of a treaty are not permissible.

The Government of the Republic of Latvia therefore objects to the aforesaid reservations made by Mauritania to the International Covenant on Civil and Political Rights.

However, this objection shall not preclude the entry into force of the International Covenant between the Republic of Latvia and Mauritania. Thus, the International Covenant will become operative without Mauritania benefiting from its reservation."

13 August 2007

With regard to reservation made by Bahrain:

"The Government of the Republic of Latvia has noted that the reservation made by the Kingdom of Bahrain is submitted to the Secretary General on 4 December 2006, but the consent to be bound by the said Covenant by accession is expressed on 20 September 2006. In accordance with Article 19 of the Vienna Convention on the Law of Treaties reservations might be made upon signature, ratification, acceptance, approval or accession. Taking into considerations the aforementioned, the Government of the Republic of Latvia considers that the said reservation is not in force since its submission."

4 September 2007

With regard to the reservation made by Maldives upon accession:

"The Government of the Republic of Latvia has carefully examined the reservation made by the Republic of Maldives to the International Covenant on Civil and Political Rights upon accession.

The Government of the Republic of Latvia considers that the said reservation makes the constitutive provisions of International Covenant subject to the national law (the Constitution) of the Republic of Maldives.

The Government of the Republic of Latvia recalls that customary international law as codified by Vienna Convention on the Law of Treaties, and in particular Article 19 (c), sets out that reservations that are incompatible with the object and purpose of a treaty are not permissible.

The Government of the Republic of Latvia, therefore, objects to the aforesaid reservations made by the Republic of Maldives to the International Covenant on Civil and Political Rights.

However, this objection shall not preclude the entry into force of the International Covenantbetween the Republic of Latvia and the Republic of Maldives. Thus, the International Covenant will become operative without the Republic of Maldives benefiting from its reservation."

NETHERLANDS

12 June 1980

"In the opinion of the Government of the Kingdom of the Netherlands it follows from the text and the history of the Covenant that [reservation (i) by the Government of Trinidad and Tobago] is incompatible with the object and purpose of the Covenant. The Government of the Kingdom of the Netherlands therefore considers the reservation unacceptable and formally raises an objection to it."

12 January 1981

*[See under **"Objections"** in chapter IV.3.]*

17 September 1981

"I. Reservation by Australia regarding articles 2 and 50

The reservation that article 2, paragraphs 2 and 3, and article 50 shall be given effect consistently with and subject to the provisions in article 2, paragraph 2, is acceptable to the Kingdom on the understanding that it will in no way impair Australia's basic obligation under international law, as laid down in article 2, paragraph 1, to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the International Covenant on Civil and Political Rights.

II. Reservation by Australia regarding article 10

The Kingdom is not able to evaluate the implications of the first part of the reservation regarding article 10 on its merits, since Australia has given no further explanation on the laws and lawful arrangements, as referred to in the text of the reservation. In expectation of further clarification by Australia, the Kingdom for the present reserves the right to raise objection to the reservation at a later stage.

III. Reservation by Australia regarding `Convicted Persons'

The Kingdom finds it difficult, for the same reasons as mentioned in itscommentary on the reservation regarding article 10, to accept the declaration by Australia that it reserves the right not to seek amendment of laws now in force in Australia relating to the rights of persons wo have been convicted of serious criminal offences. The Kingdom expresses the hope it will be possible to gain a

more detailed insight in the laws now in force in Australia, in order to facilitate a definitive opinion on the extent of this reservation."

6 November 1984

[Same objection as the one made by Belgium.]

18 March 1991

With regard to interpretative declaration made by Algeria:

*[See under **"Objections"** in chapter IV.3.]*

10 June 1991

"In the opinion of the Government of the Kingdom of the Netherlands it follows from the text and the history of the International Covenant on Civil and Political Rights that the reservations with respect to articles 14, paragraphs 5 and 7 and 22 of the Covenant made by the Government of the Republic of Korea are incompatible with the object and purpose of the Covenant. The Government of the Kingdom of the Netherlands therefore considers the reservation unacceptable and formally raises objection to it. This objection is not an obstacle to the entry into force of this Covenant between the Kingdom of the Netherlands and the Republic of Korea."

28 September 1993

With regard to the reservations to articles 6 and 7 made by the United States of America:

"The Government of the Kingdom of the Netherlands objects to the reservations with respect to capital punishment for crimes committed by persons below eighteen years of age, since it follows from the text and history of the Covenant that the said reservation is incompatible with the text, the object and purpose of article 6 of the Covenant, which according to article 4 lays down the minimum standard for the protection of the right to life.

The Government of the Kingdom of the Netherlands objects to the reservation with respect to article 7 of the Covenant, since it follows from the text and the interpretation of this article that the saidreservation is incompatible with the object and purpose of the Covenant.

In the opinion of the Government of the Kingdom of the Netherlands this reservation has the same effect as a general derogation from this article, while according to article 4 of the Covenant, no derogations, not even in times of public emergency, are permitted.

It is the understanding of the Government of the Kingdom of the Netherlands that the understandings and declarations of the United States do not exclude or modify the legal effect of provisions of the Covenant in their application to the United States, and do not in any way limit the competence of the Human Rights Committee to interpret these provisions in their application to the United States.

Subject to the proviso of article 21, paragraph 3 of the Vienna Convention of the Law of Treaties, these objections do not constitute an obstacle to the entry into force of the Covenant between the Kingdom of the Netherlands and the United States."

22 July 1997

With regard to the declarations and the reservation made by Kuwait:

[*Same objection identical in essence, mutatis mutandis as the one made for Algeria.]*

26 December 1997

With regard to the interpretative declaration concerning article 6 paragraph 5 made by Thailand:

"The Government of theKingdom of the Netherlands considers this declaration as a reservation. The Government of the Kingdom of the Netherlands objects to the aforesaid declaration, since it follows from the text and history of the Covenant that the declaration is incompatible with the text, the object and purpose of article 6 of the Covenant, which according to article 4 lays down the minimum standard for the protection of the right to life.

This objection shall not preclude the entry into force of the Covenant between the Kingdom of the Netherlands and the Kingdom of Thailand."

9 October 2001

With regard to the reservations made by Botswana upon ratification:

"The Government of the Kingdom of the Netherlands has examined the reservations made by the Government of Botswana upon signature of the International Covenant on Civil and Political Rights, and confirmed upon ratification, regarding articles 7 and 12, paragraph 3, of the Covenant. The Government of the Kingdom of the Netherlands notes that the said articles of the Covenant are being made subject to a general reservation referring to the contents of existing legislation in Botswana.

The Government of the Kingdom of the Netherlands is of the view that, in the absence of further clarification, these reservations raise doubts as to the commitment of Botswana as to the object and purpose of the Covenant and would like to recall that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose by all Parties and that States are preparedto undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of the Kingdom of the Netherlands therefore objects to the aforesaid reservations made by the Government of Botswana to the International Covenant on Civil and Political Rights. This objection shall not preclude the entry into force of the Covenant between the Kingdom of the Netherlands and Botswana."

31 May 2005

With regard to the reservations made by Mauritania upon accession:

"The Government of the Netherlands has examined the reservation made by Mauritania to the International Covenant on Civil and Political Rights.

The application of the Articles 18 and 23 of the International Covenant on Civil and Political Rights has been made subject to religious considerations. This makes it unclear to what extent Mauritania considers itself bound by the obligations of the treaty and therefore raises concerns as to the commitment of Mauritania to the object and purpose of the Covenant.

It is of the common interest of States that all parties respect treaties to which they have chosen to become parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties. According to customary international law, as codified in the Vienna Convention on the Law of Treaties, a reservation which is incompatible with the object and purpose of a treaty shall not be permitted (Art. 19 c).

The Government of the Netherlands therefore objects to the reservation made by Mauritania to the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between Mauritania and the Kingdom of the Netherlands, without Mauritania benefiting from its reservation."

27 July 2007

With regard to the reservation made by Bahrain:

"The Government of the Kingdom of the Netherlands has examined the reservations made by the Kingdom of Bahrain to the International Covenant on Civil and Political Rights. Since the reservations were made after

the accession of the Kingdom of Bahrain to the Covenant, the Government of the Kingdom of the Netherlands considers that the reservations were too late and therefore inconsistent with article 19 of the Vienna Convention on the Law of Treaties.

Furthermore, the reservation with respect to articles 3, 18 and 23 of the Covenant is a reservation incompatible with the object and purpose of the Covenant.

The Government of the Kingdom of the Netherlands considers that with this reservation the application of the International Covenant on Civil and Political Rights is made subject to the Islamic Shariah. This makes it unclear to what extent the Kingdom of Bahrain considers itself bound by the obligations of the Covenant and therefore raises concerns as to the commitment of the Kingdom of Bahrain to the object and purpose of the Covenant.

The Government of the Kingdom of the Netherlands recalls that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty is not permitted.

It is in the common interest of States that treaties to which they have chosen to become party are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of the Kingdom of the Netherlands objects to all of thereservations made by the Kingdom of Bahrain since they were made after accession, and specifically objects to the content of the reservation on articles 3, 18 and 23 made by the Kingdom of Bahrain to the International Covenant on Civil and Political Rights. This objection shall not preclude the entry into force of the Covenant between the Kingdom of the Netherlands and the Kingdom of Bahrain."

27 July 2007

With regard to the reservation made by Maldives upon accession:

"The Government of the Kingdom of the Netherlands has examined the reservation made by the Republic of Maldives to the International Covenant on Civil and Political Rights. The Government of the Kingdom of the Netherlands considers that the reservation with respect to article 18 of the Covenant is a reservation incompatible with the object and purpose of the Covenant.

Furthermore, the Government of the Kingdom of the Netherlands considers that with this reservation the application of the International Covenant on Civil and Political Rights is made subject to the provisions of constitutional law in force in the Republic of Maldives. This makes it unclear to what extent the Republic of Maldives considers itself bound by the obligations of the Covenant and therefore raises concerns as to the commitment of the Republic of Maldives to the object and purpose of the Covenant.

The Government of the Kingdom of the Netherlands recalls that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty is not permitted.

It is in the common interest of States that treaties to which they have chosen to become party are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of the Kingdom of the Netherlands therefore objects to the aforesaid reservation made by the Republic of Maldives to the International Covenant on Civil and Political Rights and expresses the hope that the Republic of Maldives will soon be able to withdraw its reservation in light of the ongoing process of a revision of the Maldivian Constitution.

This objection shall not preclude the entry into force of the Covenant between the Kingdom of the Netherlands and the Republic of Maldives."

8 October 2010

Objection to the reservation made by the Lao People's Democratic Republic upon ratification:

"The Government of the Kingdom of the Netherlands has carefully examined the reservation made by the Government of the Lao People's Democratic Republic upon ratification of the International Covenant on Civil and Political Rights.

The Government of the Kingdom of the Netherlands considers that with this reservation the application of Article 22 of the Covenant is made subject to national law in force in the Lao People's Democratic Republic. This makes it unclear to what extent the Lao People's Democratic Republic considers itself bound by the obligations under Article 22 of the Covenant.

The Government of the Kingdom of the Netherlands considers that such a reservation must be regarded as incompatible with the object and purpose of the Covenant and would recall that, according to Article 19 (c) of the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of the Covenant shall not be permitted.

The Government of the Kingdom of the Netherlands therefore objects to the reservation made by the Government of the Lao People's Democratic republic to Article 22 of the Covenant.

This object does not constitute an obstacle to the entry into force of the Covenant between the Kingdom of the Netherlands and the Lao People's Democratic Republic."

NORWAY

4 October 1993

With regard to reservations to articles 6 and 7 made by the United States of America:

"1. In the view of the Government of Norway, the reservation (2) concerning capital punishment for crimes committed by persons below eighteen years of age is according to the text and history of the Covenant, incompatible with the object and purpose of article 6 of the Covenant. According to article 4 (2), no derogations from article 6 may be made, not even in times of public emergency. For these reasons the Government of Norway objects to this reservation.

2. In the view of the Government of Norway, the reservation (3) concerning article 7 of the Covenant is according to the text and interpretation of this article incompatible with the object and purpose of the Covenant. According to article 4 (2), article 7 is a non-derogable provision, even in times of public emergency. For these reasons, the Government of Norway objects to this reservation.

The Government of Norway does not consider this objection to constitute an obstacle to the entry into force of the Covenant between Norway and the United States of America."

22 July 1997

With regard to the declarations and the reservation made by Kuwait :

"In the view of the Government of Norway, a statement by which a State Party purports to limit its responsibilities by invoking general principles of internal law may create doubts about the commitment of the reserving State to the objective and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law. Under well-established treaty law, a State is not permitted to invoke internal law as justification for its failure to perform its treaty obligations. Furthermore, the Government of Norway finds the reservations made to article 8, paragraph 1 (d)

and article 9 as being problematic in view of the object and purpose of the Covenant. For these reasons, the Government of Norway objects to the said reservations made by the Government of Kuwait.

The Government of Norway does not consider this objection to preclude the entry into force of the Covenant between the Kingdom of Norway and the State of Kuwait."

11 October 2001

With regard to the reservation made by Botswana upon ratification :

"The Government of Norway has examined the contents of the reservation made by the Government of the Republic of Botswana upon ratification of the International Covenant on Civil and Political Rights.

The reservation's reference to the national Constitution without further description of its contents, exempts the other States Parties to the Covenant from the possibility of assessing the effects of the reservation. In addition, as the reservation concerns two of the core provisions of the Covenant, it is the position of the Government of Norway that the reservation is contrary to the object and purpose of the Covenant. Norway therefore objects to the reservation made by the Government of Botswana.

This objection does not preclude the entry into force in its entirety of the Covenant between the Kingdom of Norway and the Republic of Botswana. The Covenant thus becomes operative between Norway and Botswana without Botswana benefiting from the said reservation."

PAKISTAN

17 April 2008

With regard to the declaration made by India upon accession:

"The Government of Islamic Republic of Pakistan objects to the declaration made by the Republic of India in respect of article 1 of the International Covenant on Civil and Political Rights.

The right of Self-determination as enshrined in the Charter of the United Nations and as embodied in the Covenants applies to all peoples under foreign occupation and alien domination.

The Government of the Islamic Republic of Pakistan cannot consider as valid any interpretation of the right of self-determination which is contrary to the clear language of the provisions in question. Moreover, the said reservation is incompatible with the object and purpose of the Covenants. This objection shall not preclude the entry into force of the Covenant between the Islamic Republic of Pakistan and India without India benefiting from its reservations."

POLAND

22 November 2005

With regard to reservations made by Mauritania upon ratification:

"The Government of the Republic of Poland has examined the Declaration made by Mauritania upon accession to the International Covenant on Civil and Political Rights, done in New York on 16 December 1966, hereinafter called the Covenant, in respect of Articles 18 and 23 (4).

The Government of the Republic of Poland considers that the Declaration made Mauritania - which constitutes de facto a reservation - is incompatible with the object and purpose of the Covenant which guarantees every person equal enjoyment of the rights set forth in the Covenant.

The Government of the Republic of Poland therefore considers that, according to the customary international law as codified in the Vienna Convention on the Law of Treaties, done at Vienna on 23 May 1969, a reservation incompatible with the object and purpose of a treaty shall not be permitted (Article 19 c).

Furthermore, the Government of the Republic of Poland considers that the Declaration made by Mauritania is not precise enough to define for the other State Parties the extent to which Mauritania has accepted the obligation of the Covenant.

The Government of the Republic of Poland therefore objects to Declaration made by Mauritania.

This objection does not preclude the entry into force of the Covenant between the Republic of Poland and Mauritania."

PORTUGAL

26 October 1990

*[See under **"Objections"** in chapter IV.3.]*

5 October 1993

With regard to the reservations made by the United States of America:

"The Government of Portugal considers that the reservation made by the United States of America referring to article 6, paragraph 5 of the Covenant which prohibits capital punishment for crimes committed by persons below eighteen years of age is in compatible with article 6 which, as made clear by paragraph 2 of article 4, lays down the minimum standard for the protection of the right to life.

The Government of Portugal also considers that the reservation with regard to article 7 in which a State limits its responsibilities under the Covenant by invoking general principles of National Law may create doubts on the commitments of the Reserving State to the object and purpose of the Covenant and, moreover, contribute to undermining the basis of International Law.

The Government of Portugal therefore objects to the reservations made by the United States of America. These objections shall not constitute an obstacle to the entry into force of the Covenant between Portugal and the United States of America."

26 July 2001

With regard to the reservation to article 7 made by Botswana upon ratification:

"The Government of the Portuguese Republic has examined the reservation made by the Government of the Republic of Botswana to article 7 of the International Covenant on Civil and Political Rights (New York, 16 December 1966).

The Government of the Portuguese Republic is of the view that, according to article 4 (2) of the Covenant, the said reservation is incompatible with its object and purpose.

Furthermore, this reservation goes against the general principle of treaty interpretation according to which a State party to a treaty may not invoke the provisions of its internal law as justification for failure to perform according tothe obligations set out by the said treaty. It is the common interest of States that treaties to which they have chosen to become parties are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of the Portuguese Republic considers that the Government of the Republic of Botswana, by limiting its responsibilities under the Covenant by invoking general principles of its Constitutional Law, may create doubts on its commitment to the Covenant and, moreover, contribute to undermine the basis of International Law.

The Government of the Portuguese Republic therefore objects to the reservation made by the Government of the Republic of Botswana to article 7 of the Covenant. This objection shall not constitute an obstacle to the entry into

force of the Covenant between the Portuguese Republic and the Republic of Botswana."

13 October 2004

With regard to declarations and the reservation made by Turkey upon ratification:

"The Government of Portugal considers that reservations by which a State limits its responsibilities under the International Covenant on Civil and Political Rights (ICCPR) by invoking certain provisions of national law in general terms may create doubts as to the commitment of the reserving State to the object and purpose of the convention and, moreover, contribute to undermining the basis of international law.

It is in the common interest of all States that treaties to which they have chosen to become parties are respected as to their object and purpose by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Portugal therefore objects to the reservation by Turkey to the ICCPR. This objection shall not constitute an obstacle to the entry into force of the Covenant between Portugal and Turkey."

21 November 2005

With regard to reservations made by Mauritania upon ratification:

"Portugal considers that the declaration concerning both Article 18 and Article 23, paragraph 4 is a reservation that seeks to limit the scope of the Covenant on a unilateral basis and that is not authorised by the Covenant.

This reservation creates doubts as to the commitment of the reserving State to the object and purpose of the Convention and, moreover, contributes to undermining the basis of international law.

The Government of the Portuguese Republic, therefore, objects to the above reservation made by the Mauritanian Government to the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between Portugal and Mauritania."

29 August 2007

With regard to the reservation made by Maldives upon accession:

"The Government of the Portuguese Republic has carefully examined the reservation made by the Republic of Maldives to the International Covenant on Civil and Political Rights (ICCPR).

According to the reservation, the application of the principles set out in Article 18 of the Covenant shall be without prejudice to the Constitution of the Republic of Maldives. Portugal considers that this article is a fundamental provision of the Covenant and the reservation makes it unclear to what extent the Republic of Maldives considers itself bound by the obligations of the Covenant, raises concerns as to its commitment to the object and purpose of the Covenant and, moreover, contribute to undermining the basis of international law.

It is in the common interest of all States that treaties to which they have chosen to become parties are respected as to their object and purpose by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under these treaties. The Government of the Portuguese Republic, therefore, objects to the above mentioned reservation made by the Republic of Maldives to the ICCPR. This objection shall not preclude the entry into force of the Convention between Portugal and the Maldives."

SLOVAKIA[7,15,29]

SPAIN

5 October 1993

With regard to the reservations made by the United States of America:

... After careful consideration of the reservations made by the United States of America, Spain wishes to point out that pursuant to article 4, paragraph 2, of the Covenant, a State Party may not derogate from several basic articles, among them articles 6 and 7, including in time of public emergency which threatens the life of the nation.

The Government of Spain takes the view that reservation (2) of the United States having regard to capital punishment for crimes committed by individuals under 18 years of age, in addition to reservation (3) having regard to article 7, constitute general derogations from articles 6 and 7, whereas, according to article 4, paragraph 2, of the Covenant, such derogations are not to be permitted.

Therefore, and bearing in mind that articles 6 and 7 protect two of the most fundamental rights embodied in the Covenant, the Government of Spain considers that these reservations are incompatible with the object and purpose of the Covenant and, consequently, objects to them.

This position does not constitute an obstacle to the entry into force of the Covenant between the Kingdom of Spain and the United States of America.

9 October 2001

With regard to the reservation to article 7 made by Botswana upon ratification:

The Government of the Kingdom of Spain has examined the reservation made on 16 December 2000 by the Government of the Republic of Botswana to article 7 of the International Covenant on Civil and Political Rights, which makes its adherence to that article conditional by referring to the current content of Botswana's domestic legislation.

The Government of the Kingdom of Spain considers that this reservation, by referring to domestic law, affects one of the fundamental rights enshrined in the Covenant (prohibition of torture, right to physical integrity), from which no derogation is permitted under article 4, paragraph 2, of the Covenant. The Government of Spain also considers that the presentation of a reservation referring to domestic legislation, in the absence of further clarifications, raises doubts as to the degree of commitment assumed by the Republic of Botswana in becoming a party to the Covenant.

Accordingly, the Government of the Kingdom of Spain objects to the above-mentioned reservation made by the Government of the Republic of Botswana to article 7 of the Covenant on Civil and Political Rights of 1966.

This objection does not prevent the entry into force of the Covenant between the Kingdom of Spain and the Republic of Botswana.

17 September 2007

With regard to the reservation made by Maldives upon accession:

"The Government of the Kingdom of Spain has reviewed the reservation made by the Republic of Maldives on 19 September 2006, at the time of its accession to the International Covenant on Civil and Political Rights of 16 December 1966.

The Government of the Kingdom of Spain observes that the broad formulation of the reservation, which makes the application of article 18 of the International Covenant on Civil and Political Rights conditional on its conformity with the Constitution of Maldives without specifying the content thereof, renders it impossible to ascertain to what extent the Republic of Maldives has

accepted the obligations arising from that provision of the Covenant and, in consequence, raises doubts about its commitment to the object and purpose of the treaty.

The Government of the Kingdom of Spain considers the reservation of the Republic of Maldives to the International Covenant on Civil and Political Rights as incompatible with the object and purpose of the Covenant.

The Government of the Kingdom of Spain recalls that, under customary international law as codified in the Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of a treaty are not permitted.

Accordingly, the Government of Spain objects to the reservation made by the Republic of Maldives to the International Covenant on Civil and Political Rights.

This objection does not prevent the entry into force of the International Covenant on Civil and Political Rights between the Kingdom of Spain and the Republic of Maldives."

SWEDEN

18 June 1993

With regard to interpretative declarations made by the United States of America:

"... In this context the Government recalls that under international treaty law, the name assigned to a statement whereby the legal effect of certain provisions of a treaty is excluded or modified, does not determine its status as a reservation to the treaty. Thus, the Government considers that some of the understandings made by the United States in substance constitute reservations to the Covenant.

A reservation by which a State modifies or excludes the application of the most fundamental provisions of the Covenant, or limits its responsibilities under that treaty by invoking general principles of national law, may cast doubts upon the commitment of the reserving State to the object and purpose of the Covenant. The reservations made by the United States of America include both reservations to essential and non-derogable provisions, and general references to national legislation. Reservations of this nature contribute to undermining the basis of international treaty law. All States Parties share a common interest in the respect for the object and purpose of the treaty to which they have chosen to become parties.

Sweden therefore objects to the reservations made by the United States to:

- article 2; cf. Understanding (1);
- article 4; cf. Understanding (1);
- article 6; cf. Reservation (2);
- article 7; cf. Reservation (3);
- article 15; cf. Reservation (4);
- article 24; cf. Understanding (1).

This objection does not constitute an obstacle to the entry into force of the Covenant between Sweden and the United States of America."

23 July 1997

With regard to the declarations and the reservation made by Kuwait:

"The Government of Sweden notes that the interpretative declarations regarding article 2, paragraph 1, article 3 and 23 imply that central provisions of the Covenant are being made subject to a general reservation referring to the contents of national law. The Government of Sweden further notes that the reservation concerning article 25 (b) is contrary to the object and purpose of the Covenant.

The Government of Sweden is of the view that these interpretative declarations and this reservation raise doubts as to the commitment of Kuwait to the object and purpose of the Covenant.

It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose by all parties, and that states are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Sweden therefore objects to the aforesaid interpretative declarations and reservation made by the Government of Kuwait upon accession to the [said Covenant].

This objection does not preclude the entry into force in its entirety of the Covenant between Kuwait and Sweden."

25 July 2001

With regard to the reservation made by Botswana upon signature and confirmed upon ratification:

"The Government of Sweden has examined the reservation made by Botswana upon signature of the 1966 International Covenant on Civil and Political Rights, and confirmed upon ratification, regarding articles 7 and 12 (3) of the Covenant.

The Government of Sweden notes that the said articles of the Covenant are being made subject to a general reservation referring to the contents of existing legislation in Botswana.

The Government of Sweden is of the view that, in the absence of further clarification, this reservation raises doubts as to the commitment of Botswana to the object and purpose of the Covenant and would like to recall that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted,

It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Sweden therefore objects to the aforesaid reservation made by the Government of Botswana to the International Covenant on Civil and Political Rights. This objection shall not preclude the entry into force of the Covenant between Botswana and Sweden. The Covenant enters into force in its entirety between the two States, without Botswana benefiting from its reservation."

30 June 2004

With regard to the declarations and reservation made by Turkey upon signature and confirmed upon ratification:

The Government of Sweden has examined the declarations and reservation made by the Republic of Turkey upon ratifying the International Covenant on Civil and Political Rights.

The Republic of Turkey declares that it will implement the provisions of the Covenant only to the State parties with which it has diplomatic relations. This statement in fact amounts, in the view of the Government of Sweden, to a reservation. The reservation of the Republic of Turkey makes it unclear to what extent the Republic of Turkey considers itself bound by the obligations of the Covenant. In absence of further clarification, therefore, the reservation raises doubt as to the commitment of the Republic of Turkey to the object and purpose of the Covenant.

The Republic of Turkey furthermore declares that the Covenant is ratified exclusively with regard to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey are applied. This statement also amounts, in the view of the Government of Sweden, to a reservation. It should be recalled that the duty to respect and ensure the rights recognized in the Covenant is mandatory upon State parties in relation to all individuals under their

jurisdiction. A limitation to the national territory is contrary to the obligations of State parties in this regard and therefore incompatible with the object and purpose of the Covenant.

The Government of Sweden notes that the interpretation and application of article 27 of the Covenant is being made subject to a general reservation referring to the Constitution of the Republic of Turkey and the Treaty of Lausanne of 24 July 1923 and its Appendixes. The general reference to the Constitution of the Republic of Turkey, which, in the absence of further clarification, does not clearly specify the extent of the Republic of Turkey's derogation from the provision in question, raises serious doubts as to the commitment of the Republic of Turkey to the object and purpose of the Covenant.

The Government of Sweden furthermore wishes to recall that the rights of persons belonging to minorities in accordance with article 27 of the Covenant are to be respected without discrimination. As has been laid down by the Human Rights Committee in its General comment 23 on Article 27 of the Covenant, the existence of a minority does not depend upon a decision by the state but requires to be established by objective criteria. The subjugation of the application of article 27 to the rules and provisions of the Constitution of the Republic of Turkey and the Treaty of Lausanne and its Appendixes is, therefore, in the view of the Government of Sweden, incompatible with the object and purpose of the Covenant.

According to established customary law as codified by the Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of a treaty shall not be permitted. It is in the common interest of all States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Sweden therefore objects to the aforesaid reservations made by the Republic of Turkey to the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between the Republic of Turkey and Sweden. The Covenant enters into force in its entirety between the two States, without the Republic of Turkey benefiting from its reservations.

5 October 2005

With regard to the reservations made by the Mauritania upon accession:

"The Government of Sweden has examined the declarations made by the Government of Mauritania upon accession to the International Covenant on Civil and Political Rights, regarding Article 18 and paragraph 4 of Article 23.

The Government of Sweden would like to recall that the designation assigned to a statement whereby the legal effect of certain provisions of a treaty is excluded or modified does not determine its status as a reservation to the treaty. The Government of Sweden considers that this declaration made by the Government of Mauritania in substance constitutes a reservation.

The reservations make general references to the Islamic Sharia. The Government of Sweden is of the view that the reservations which do not clearly specify the extent of Mauritania's derogation from the provisions in question raises serious doubts as to the commitment of Mauritania to the object and purpose of the Covenant. In addition, article 18 of the Covenant is among the provisions from which no derogation is allowed, according to article 4 of the Covenant.

The Government of Sweden wishes to recall that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation that is incompatible with the object and purpose of a treaty shall not be permitted. It is in the common interest of States that all parties respect treaties to which they have chosen to become parties as to their object and purpose, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Sweden therefore objects to the aforesaid reservations made by the Government of Mauritania to the International Covenant on Civil and Political Rights and considers the reservation null and void. This objection does not preclude the entry into force of the Covenant between Mauritania and Sweden. The Covenant enters into force in its entirety between the two States, without Mauritania benefiting from its reservation."

18 September 2007

With regard to the reservation made by Maldives upon accession:

"...the Government of Sweden has examined the reservation made by the Government of the Republic of Maldives on 19 September 2006 to the International Covenant on Civil and Political Rights.

The Government of Sweden notes that the Maldives gives precedence to its Constitution over the application of article 18 of the Covenant. The Government of Sweden is of the view that this reservation, which does not clearly specify the extent of the Maldives' derogation from the provision in question, raises serious doubt as to the commitment of the Maldives to the object and purpose of the Covenant.

According to international customary law, as codified in the Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of a treaty shall not be permitted. It is in the common interest of all States that treaties to which they have chosen to become parties, are respected as to their object and purpose by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Sweden therefore objects to the aforesaid reservation made by the Republic of Maldives to the International Covenant on Civil and Political Rights and considers the reservation null and void. This objection shall not preclude the entry into force of the Covenant between the Maldives and Sweden. The Covenant enters into force in its entirety between the Maldives and Sweden, without the Maldives benefiting from its reservation."

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

24 May 1991

With regard to the reservations made by the Republic of Korea upon accession:

"The Government of the United Kingdom have noted the statement formulated by the Government of the Republic of Korea on accession, under the title "Reservations". They are not however able to take a position on these purported reservations in the absence of a sufficient indication of their intended effect, in accordance with the terms of the Vienna Convention on the Law of Treaties and the practice of the Parties to the Covenant. Pending receipt of such indication, the Government of the United Kingdom reserve their rights under the Covenant in their entirety."

17 August 2005

With regard to the declarations made by Mauritania upon accession:

"The Government of the United Kingdom have examined the Declaration made by the Government of Mauritania to the International Covenant on Civil and Political Rights (done at New York on 16 December

1966) on 17 November 2004 in respect of Articles 18 and 23 (4).

The Government of the United Kingdom consider that the Government of Mauritania's declaration that:

'The Mauritanian Government, while accepting the provisions set out in article 18 concerning freedom of thought, conscience and religion, declares that their application shall be without prejudice to the Islamic Shariah. ...

The Mauritanian Government interprets the provisions of article 23, paragraph 4, on the rights and responsibilities of spouses as to marriage as not affecting in any way the prescriptions of the Islamic Shariah' is a reservation which seeks to limit the scope of the Covenant on a unilateral basis. The Government of the United Kingdom note that the Mauritanian reservation specifies particular provisions of the Convention Articles to which the reservation is addressed. Nevertheless this reservation does not clearly define for the other States Parties to the Convention the extent to which the reserving Sta has accepted the obligations of the Convention. The Government of the United Kingdom therefore object to the aforesaid reservation made by the Government of Mauritania.

This objection shall not preclude the entry into force of the Convention between the United Kingdom of Great Britain and Northern Ireland and Mauritania."

6 September 2007

With regard to the reservation made by Maldives upon accession:

"The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations presents its compliments to the Secretary-General and has the honour to refer to the reservation made by the Government of the Maldives to the International Covenant on Civil and Political Rights, which reads:

'The application of the principles set out in Article 18 [freedom of thought, conscience and religion] of the Covenant shall be without prejudice to the Constitution of the Republic of the Maldives.'

In the view of the United Kingdom a reservation should clearly define for the other States Parties to the Covenant the extent to which the reserving State has accepted the obligations of the Covenant. A reservation which consists of a general reference to a constitutional provision without specifying its implications does not do so. The Government of the United Kingdom therefore object to the reservation made by the Government of the Maldives.

This objection shall not preclude the entry into force of the Covenant between the United Kingdom and the Maldives."

Declarations recognizing the competence of the Human Rights Committee under article 41[38]
(Unless otherwise indicated, the declarations were made upon ratification, accession or succession.)

ALGERIA

[The Government of the Democratic People's Republic of Algeria] recognizes the competence of the Human Rights Committee referred to in article 28 of the Covenant to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant.

ARGENTINA

The instrument contains a declaration under article 41 of the Covenant by which the Government of Argentina recognizes the competence of the Human Rights Committee established by virtue of the International Covenant on Civil and Political Rights.

AUSTRALIA

28 January 1993

"The Government of Australia declares that it recognizes, 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."

AUSTRIA

10 September 1978

[The Government of the Republic of Austria] declares under article 41 of the Covenant on Civil and Political Rights that Austria recognizes the competence of the Human Rights 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 Covenant on Civil and Political Rights.

BELARUS

30 September 1992

The Republic of Belarus declares that it recognizes the competence of the Committee on Human Rights in accordance with article 41 of the International Covenant on Civil and Political Rights to receive and consider communications to the effect that a State Party to the International Covenant on Civil and Political Rights claims that another State Party is not fulfilling its obligations under the Covenant.

BELGIUM

5 March 1987

The Kingdom of Belgium declares that it recognizes the competence of the Human Rights Committee under article 41 of the International Covenant on Civil and Political Rights.

18 June 1987

The Kingdom of Belgium declares, under article 41 of the International Covenant on Civil and Political Rights, that it recognizes the competence of the Human Rights Committee established under article 28 of the Covenant to receive and consider communications submitted by another State Party, provided that such State Party has, not less than twelve months prior to the submission by it of a communication relating to Belgium, made a declaration under article 41 recognizing the competence of the Committee to receive and consider communications relating to itself.

BOSNIA AND HERZEGOVINA

"The Republic of Bosnia and Herzegovina in accordance with article 41 of the said Covenant, recognizes the competence of the Human Rights Committee to receive and consider communications submitted by another State Party to the effect that a State

Party claims that another State Party is not fulfilling its obligations under the Covenant."

BULGARIA

12 May 1993

"The Republic of Bulgaria declares that it recognizes the competence of the Human Rights Committee to receive and consider communications to the effect that a State Party which has made a declaration recognizing in regard to itself the competence of the Committee claims that another State Party is not fulfilling its obligations under the Covenant."

CANADA

29 October 1979

"The Government of Canada declares, under article 41 of the International Covenant on Civil and Political Rights, that it recognizes the competence of the Human Rights Committee referred to in article 28 of the said Covenant to receive and consider communications submitted by another State Party, provided that such State Party has, not less than twelve months prior to the submission by it of a communication relating to Canada, made a declaration under article 41 recognizing the competence of the Committee to receive and consider communications relating to itself."

CHILE

7 September 1990

As from the date of this instrument, the Government of Chile recognizes the competence of the Human Rights Committee established under the International Covenant on Civil and Political Rights, in accordance with article 41 thereof, with regard to all actions which may have been initiated since 11 March 1990.

CONGO

6 July 1989

Pursuant to article 41 of the International Covenant on Civil and Political Rights, the Congolese Government recognizes, with effect from today's date, the competence of the Human Rights 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 above-mentioned Covenant.

CROATIA

12 October 1995

The Government of the Republic of Croatia declares under article 41 of the Covenant on Civil and Political Rights that the Republic of Croatia recognizes the competence of the Human Rights 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 Covenant on Civil and Political Rights.

CZECH REPUBLIC[7]

DENMARK[39]

19 April 1983

"[The Government of Denmark] recognizes, in accordance with article 41 of the International Covenant on Civil and Political Rights, opened for signature in New York on December 19, 1966, the competence of the Committee referred to in article 41 to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant."

ECUADOR

6 August 1984

The Government of Ecuador recognizes the competence of the Human Rights 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 aforementioned Covenant, as provided for in paragraph 1 (a), (b), (c), (d), (e), (f), (g) and (h) of that article.

This recognition of competence is effective for an indefinite period and is subject to the provisions of article 41, paragraph 2, of the International Covenant on Civil and Political Rights.

FINLAND

"Finland declares, under article 41 of the International Covenant on Civil and Political Rights, that it recognizes the competence of the Human Rights Committee referred to in article 28 of the said Covenant, to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Covenant."

GAMBIA

9 June 1988

"The Government of the Gambia hereby declares that the Gambia recognises the competence of the Human Rights 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 present Covenant."

GERMANY[10,40]

27 December 2001

The Federal Republic of Germany now recognizes for an unlimited period the competence of the Human Rights Committee under Article 41(1) of the Covenant to receive and consider communications to the effect that at State Party claims that another State Party is not fulfilling its obligations under the Covenant.

GHANA

7 September 2000

“The Government of the Republic of Ghana recognizes the competence of the Human Rights Committee to consider complaints brought by or against the Republic in respect of another State Party which has made a Declaration recognising the competence of the Committee at least twelve months before Ghana becomes officially registered as Party to the Covenant.

[The Government of the Republic of Ghana] interprets Article 41 as giving the Human Rights Committee the competence to receive and consider complaints in respect of violations by the Republic of any rights set forth in the said Covenant which result from decisions, acts, commissions, developments or events occurring AFTER the date on which Ghana becomes officially regarded as party to the said Covenant and shall not apply to decisions, acts, omissions, developments or events occurring before that date.”

GUYANA

10 May 1993

"The Government of the Co-operative Republic of Guyana hereby declares that it recognises the competence

of the Human Rights 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 aforementioned Covenant."

HUNGARY

7 September 1988

The Hungarian People's Republic [...] recognizes the competence of the Human Rights Committee established under article 28 of the Covenant to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant.

ICELAND

22 August 1979

"The Government of Iceland [...] recognizes in accordance with article 41 of the International Covenant on Civil and Political Rights the competence of the Human Rights Committee referred to in article 28 of the Covenant to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant."

IRELAND

"The Government of Ireland hereby declare that in accordance with article 41 they recognise the competence of the Human Rights Committee established under article 28 of the Covenant."

ITALY

15 September 1978

The Italian Republic recognizes the competence of the Human Rights Committee, elected in accordance with article 28 of the Covenant, to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Covenant.

LIECHTENSTEIN

“The Principality of Liechtenstein declares under article 41 of the Covenant to recognize the competence of the Human Rights 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 Covenant."

LUXEMBOURG

18 August 1983

"The Government of Luxembourg recognizes, in accordance with article 41, the competence of the Human Rights Committee referred to in article 28 of the Covenant to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Covenant."

MALTA

"The Government of Malta declares that under article 41 of this Covenant it recognises the competence of the Human Rights Committee to receive and consider communications submitted by another State Party, provided that such other State Party has, not less than twelve months prior to the submission by it of a communication relating to Malta, made a declaration under article 41 recognising the competence of the Committee to receive and consider communications relating to itself."

NETHERLANDS

11 December 1978

"The Kingdom of the Netherlands declares under article 41 of the International Covenant on Civil and Political Rights that it recognizes the competence of the Human Rights Committee referred to in article 28 of the Covenant to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant."

NEW ZEALAND

28 December 1978

"The Government of New Zealand declares under article 41 of the International Covenant on Civil and Political Rights that it recognises the competence of the Human Rights Committee to receive and consider communications from another State Party which has similarly declared under article 41 its recognition of the Committee's competence in respect to itself except where the declaration by such a state party was made less than twelve months prior to the submission by it of a complaint relating to New Zealand."

NORWAY

31 August 1972

"Norway recognizes the competence of the Human Rights Committee referred to in article 28 of the Covenant, to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant."

PERU

9 April 1984

Peru recognizes the competence of the Human Rights 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 Covenant on Civil and Political Rights, in accordance with article 41 of the said Covenant.

PHILIPPINES

"The Philippine Government, in accordance with article 41 of the said Covenant, recognizes the competence of the Human Rights Committee set up in the aforesaid Covenant, to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant."

POLAND

25 September 1990

"The Republic of Poland recognizes, in accordance with article 41, paragraph 1, of the International Covenant on Civil and Political Rights, the competence of the Human Rights 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 Covenant."

REPUBLIC OF KOREA

[The Government of the Republic of Korea] recognizes the competence of the Human Rights Committee under article 41 of the Covenant.

RUSSIAN FEDERATION

1 October 1991

The Union of Soviet Socialist Republics declares that, pursuant to article 41 of the International Covenant on Civil and Political Rights, it recognizes the competence of the Human Rights Committee to receive and consider communications submitted by another State Party, in respect of situations and events occurring after the adoption of the present declaration, provided that the State Party in question has, not less than 12 months prior to the submission by it of such a communication, recognized in regard to itself the competence of the Committee, established in article 41, in so far as obligations have been assumed under the Covenant by the USSR and by the State concerned.

SENEGAL

5 January 1981

The Government of Senegal declares, under article 41 of the International Covenant on Civil and Political Rights, that it recognizes the competence of the Human Rights Committee referred to in article 28 of the said Covenant to receive and consider communications submitted by another State Party, provided that such State Party has, not less than twelve months prior to the submission by it of a communication relating to Senegal, made a declaration under article 41 recognizing the competence of the Committee to receive and consider communications relating to itself.

SLOVAKIA[7]

SLOVENIA

"[The] Republic of Slovenia, in accordance with article 41 of the said Covenant, recognizes the competence of the Human Rights Committee to receive and consider communications submitted by another State Party to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant."

SOUTH AFRICA

"The Republic of South Africa declares that it recognises, for the purposes of article 41 of the Covenant, the competence of the Human Rights Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under present the Covenant."

SPAIN[41]

11 March 1998

The Government of Spain declares that, under the provisions of article 41 of the [Covenant], it recognizes the competence of the Human Rights 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 Covenant.

SRI LANKA

"The Government of the Democratic Socialist Republic of Sri Lanka declares under article 41 of the International Covenant on Civil and Political Rights that it recognizes the competence of the Human Rights 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 Covenant, from another State Party which has similarly declared under article 41 its recognition of the Committee's competence in respect to itself."

SWEDEN

26 November 1971

"Sweden recognizes the competence of the Human Rights Committee referred to in article 28 of the Covenant to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant."

SWITZERLAND[39]

25 April 1997

The Swiss Government declares, pursuant to article 41 (1) of the [said Covenant], that it shall recognize for a further period of five years, as from 18 September 1997, the competence of the Human Rights 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 present Covenant.

11 May 2010

"… the Swiss Federal Council declares, pursuant to article 41 (1) of the International Covenant on Civil and Political Rights of 16 December 1966, that it recognizes for a further period of five years, beginning on 16 April 2010, the competence of the Human Rights Committee to receive and consider communications from States parties concerning non-compliance by other States parties with the obligations arising under the Covenant."

TUNISIA

24 June 1993

The Government of the Republic of Tunisia declares that it recognizes the competence of the Human Rights Committee established under article 28 of the [said Covenant] ..., to receive and consider communications to the effect that a State Party claims that the Republic of Tunisia is not fulfilling its obligations under the Covenant.

The State Party submitting such communications to the Committee must have made a declaration recognizing in regard to itself the competence of the Committee under article 41 of the [said Covenant].

UKRAINE

28 July 1992

In accordance with article 41 of the International Covenant on Civil and Political Rights, Ukraine recognizes the competence of the Human Rights Committee to receive and consider communications to the effect that any State Party claims that another State Party is not fulfilling its obligations under the Covenant.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

"The Government of the United Kingdom declare under article 41 of this Covenant that it recognizes the competence of the Human Rights Committee to receive and consider communications submitted by another State Party, provided that such other State Party has, not less than twelve months prior to the submission by it of a communication relating to the United Kingdom made a declaration under article 41 recognizing the competence of the Committee to receive and consider communications relating to itself."

UNITED STATES OF AMERICA

"The United States declares that it accepts the competence of the Human Rights Committee to receive and consider communications under article 41 in which a

State Party claims that another State Party is not fulfilling its obligations under the Covenant.

ZIMBABWE

20 August 1991*

"The Government of the Republic of Zimbabwe recognizes with effect from today's date, the competence of the Human Rights 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 Covenant [provided that such State Party has, not less than twelve months prior to the submission by it of a communication relating to Zimbabwe, made a declaration under article 41 recognizing the competence of the Committee to receive and consider communications relating to itself]." *(*The text between brackets was received at the Secretariat on 27 January 1993.)"*

Notifications under Article 4 (3) of the Covenant (Derogations)

(Taking into account the important number of these declarations, and in order not to increase excessively the number of pages of the present publication, the text of the notifications has in some cases, exceptionally, been abridged. Unless otherwise indicated, when the notification concerns an extension, the said extension affects those articles of the Covenant originally derogated from, and was decided for the same reasons. The date on the right hand, above the notification, is the date of receipt.)

ALGERIA

19 June 1991

In view of public disturbances and the threat of deterioration of the situation [...] a state of siege has been proclaimed, beginning at midnight in the night of 4/5 June 1991, for a period of four months throughout Algerian territory.

The Government of Algeria subsequently specified that these disturbances had been fomented with a view of preventing the general elections to be held on 27 June 1991 and to challenge the ongoing democratic process; and that in view of the insurrectional situation which threatened the stability of the institutions, the security of the people and their property, and the normal operation of the public services, it had been necessary to derogate from the provisions of articles 9 (3), 12 (1), 17, 19 (2) and 21 of the Covenant.

The said state of siege was terminated throughout Algeria on 29 September 1991.

14 February 1992

(Dated 13 February 1992)

In view of the serious threats to public order and the safety of individuals over the past few weeks, the growth of such threats during the month of February 1992 and the dangers of aggravation of the situation, the President of the High State Council, [...], has issued Presidential decree No. 92-44 of 9 February 1992, decreeing a state of emergency, throughout the national territory, with effect from 9 February 1992 at 2000 hours for a duration of twelve months, in accordance with articles 67, 74 and 76 of the Algerian Constitution. *[The Government of Algeria has specified that the articles of the Covenant which are derogated from are articles 9(3), 12, 17 and 21].*

The establishment of the state of emergency, which is aimed essentially at restoring public order, protecting the safety of individuals and public services, does not interfere with the democratic process inasmuch as the exercise of fundamental rights and freedoms continues to be guarantied.

The state of emergency may, however, be lifted ahead of schedule, once the situation which prompted its establishment has been resolved and normal conditions of life in the nation have been restored.

ARGENTINA

7 June 1989

(Dated 7 June 1989)

Proclamation of the state of siege throughout the national territory for a period of 30 days in response to events [attacks and looting of retail shops, vandalism, use of firearms] whose seriousness jeopardizes the effective enjoyment of human rights and fundamental freedoms by the entire community. (Derogation from articles 9 and 21.)

12 July 1989

(Dated 11 July 1989)

Termination of the state of siege as from 27 June 1989 throughout the national territory.

26 December 2001

(Dated 21 December 2001)

By decree No. 1678/2001 of 19 December 2001, proclamation of a State of siege for 30 days in the territory of Argentina.

By decree No. 1689/2001 of 21 December 2001, suspension of the State of seige declared by Decree No. 1678/2001.

(Dated 23 December 2001)

By Decrees Nos. 16, 18 and 20/2001 of 21 December 2001, declaration of a 10-day siege in the provinces of Buenos Aires, Entre Rios and San Juan.

4 January 2002

(Dated 4 January 2002)

Cessation, as from 31 December 2001, of martial law that had been imposed in the provinces of Buenos Aires, Entre Rios and San Juan.

21 January 2002

(Dated 18 January 2002)

Communication concerning the state of siege declared by Decree No. 1678/2001 and the lifting of the state of siege by Decreee No. 1689/2001; and the state of siege declared by Decrees Nos. 16/2002, 18/2001 and 20/2001 and the cessation of the state of siege. [For the text of the communication, see depositary notification C.N.179.2002.TREATIES-3 of 27 February 2002.]

ARMENIA

6 March 2008

..., in connection with the Decree of the President of the Republic of Armenia on Declaration of the State of Emergency in conformity with Article 55 paragraph 14 and Article 117 paragraph 6 of the Constitution of the Republic of Armenia,, dated 1 March 2008, and pursuant to Article 4 paragraph 3 of the Covenant, availed itself of the right of derogation from or limitation of application of the following provisions of the Covenant: Article 12 paragraph 1; Article 17 paragraph 1; Article 19 paragraphs 1-2; Article 21; Article 22 paragraph 1.

The above decree extends the state of emergency to the city of Yerevan for a period of 20 days in order to prevent the threat of danger to the constitutional order in the Republic of Armenia and protect the rights and legal

interests of the population, following the mass disorders, resulting in human losses, personal injury and considerable material damage, which took place in Yerevan on 1 March 2008.

11 March 2008

Amendments in NH-35-N Decree of 1 March 2008

Guided by point 14 of Article 55 and point 6 of Article 117 of the Constitution of the Republic of Armenia, I decree:

• 1. To declare null and void points 6 and 7 of paragraph 4 of the NH-35-N Decree of the President of the Republic of Armenia on Declaration of State of Emergency of 1 March 2008.

• 2. The decree comes into force from the moment of its announcement.

PRESIDENT OF THE REPUBLIC OF ARMENIA
R. KOCHARIAN

AZERBAIJAN

16 April 1993

Proclamation of the state of emergency for a period of 60 days as from 6 a.m. on 3 April 1993 until 6 a.m. on 3 June 1993 in the territory of the Azerbaijani Republic. The Government of the Azerbaijani Republic declared that the measures were taken as a result of the escalating aggression by the armed forces of Armenia threatening the very existence of the Azerbaijani State.

(Derogation from articles 9, 12, 19, 21 and 22.)

Extension of the State of emergency for a period of 60 days as from 2 August 1993.

27 September 1993

Lifting of the state of emergency proclaimed on 2 April 1993 as from 22 September 1993.

7 October 1994

(Dated 5 October 1994)

Proclamation of a 60 day state of emergency in Baku by Decree of the President of 4 October 1994 with effect from 20 hours on 4 October 1994 owing to the fact that in September 1994, terrorist groups wounded two prominent Azerbaijani politicians followed by a series of terrorist acts in densely populated districts of the city which caused loss of life. These acts, designed to destabilize the social and political situation in the country were preliminary to the subsequent direct attempt to overthrow by force of arms the constitutional order of the Azerbaijani Republic and the country's democratically elected leader.

The Government of Azerbaijan specifed that the rights set forth in articles 9, 12, 19, 21 and 22 of the Covenant were derogated from.

27 October 1994

(Dated 21 October 1994)

Declaration of a state of emergency in the city of Gyanja for a period of 60 days as from 11 October 1994 by Decree of the President of the Azerbaijani Republic dated 10 October 1994 following an attempted *coup d'état* in Gyanja since on 4 October 1994, control of the organs of State was seized by criminal groups and acts of violence were perpetrated against the civilian population. This action was the latest in a series of terrorist acts designed to destabilizethe situation in Baku. A number of the criminals involved in the insurrection are continuing their activities directed against the state system of Azerbaijan and are endeavouring to disrupt public order in the city of Gyanja.

It was specified that the rights set forth in articles 9, 12, 19, 21 and 22 of the Covenant were derogated from.

15 December 1994

(Dated 13 December 1994)

Extension of the state of emergency in Baku, as from 2000 hours on 4 December 1994 in view of the incomplete elimination of the causes that served as the basis for its imposition.

20 December 1994

(Dated 17 December 1994)

Extension of the state of emergency in the town of Gyandzha for a period of 60 days as from 2400 hours on 11 December 1994 in view of the incomplete elimination of the causes that served as the basis for its imposition.

23 February 1995

(Dated 23 February 1995)

First notification:

By Decree by the President of the Republic dated 2 February 1995, extension of the state of emergency in Baku, for a period of 60 days, as from 2300 hours on 2 February 1995.

Second notification:

By Decree by the President of the Republic dated 2 February 1995 on the extension of the state of emergency in the town of Gyandzha, for a period of 60 days, as from 2400 hours on 9 February 1995.

The extension of the state of emergency in Baku and Gyandzha has been declared, as indicated by the Government of Azerbaijan, bearing in mind the need to maintain social order, to protect the rights and freedoms of citizens and to restore legality and law and order and in view of the incomplete elimination of the causes that served as the basis for the imposition in October 1994 of the state of emergency in the cities of Baku and Gyandzha.

It is recalled that the provisions from which it has been derogated are articles 9, 12, 19, 21 and 22 of the Covenant.

17 April 1995

(Dated 8 April 1995)

Extension of the state of emergency in Baku fora period of 60 days, by Decree of the President of the Republic dated 2 April 1995 as from 2000 hours on 3 April 1995. The extension of the state of emergency in Baku has been declared, as indicated by the Government of Azerbaijan, due to an attempted *coup d'état* which took place on 13-17 March 1995 in the city of Baku and to the fact that notwithstanding the suppression of the rebellion, criminal elements in the city of Baku are continuing activities inconsistent with the will of the people and endeavouring to disrupt public order. The Government of Azerbaijan also confirmed that the extension was decided in order to protect the constitutional order of the country, to maintain public order in the city of Baku, to protect the rights and freedoms of citizens and to restore legality and law and order.

21 April 1995

(Dated 17 April 1995)

Termination, as from 11 April 1995, on the basis of a decision of the Milli Mejlis (Parliament) of the Azerbaijani Republic dated 11 April 1995, of the State of emergency in the city of Gyanja declared on 11 October 1994.

BOLIVIA

1 October 1985

By Supreme Decree No. 21069, the Government of Bolivia declared a temporary state of siege throughout the country, with effect from 18 September 1985.

The notification specifies that this measure was adopted to ensure the maintenance of the process of economic recovery initiated by the Government so as to save Bolivia from the scourge of hyperinflation and to counter the social unrest which sought to supplant the legitimate authorities by establishing itself as an authority which publicly proclaimed the repudiation of the law and called for subversion, and to counter the occupation of State facilities and the interruption of public services. The Government of Bolivia has specified that the provisions of the Covenant from which it is derogated from concern articles 9, 12 and 21.

9 January 1986

(Dated 6 January 1986)

... The guarantees and rights of citizens had been fully restored throughout the national territory, with effect from 19 December 1985 and, accordingly, the provisions of the Covenant were again being implemented in accordance with the stipulations of its relevant articles.

29 August 1986

(Dated 28 August 1986)

The notification indicates that the state of emergency was proclaimed because of serious political and social disturbances, *inter alia* , a general strike in Potosi and Druro which paralyzed illegally those cities; the hyperinflationary crisis suffered by the country; the need for rehabilitation of the Bolivian mining structures; the subversive activities of the extreme left; the desperate reaction of the drug trafficking mafia in response to the government successful campaign of eradication; and in general plans aiming to overthrow the Constitutional Government.

28 November 1986

(Dated 28 November 1986)

Notification, identical in essence, *mutatis mutandis* , as that of 9 January 1986. With effect from 29 November 1986.

17 November 1989

(Dated6 November 1989)

Proclamation of a state of siege throughout the Bolivian territory. The notification indicates that this measure was necessary to restore peace which had been seriously breached owing to demands of an economic nature, but with a subversive purpose that would have put an end to the process of economic stabilization. The provisions of the Covenant from which it is derogated concern articles 9, 12 and 21 of the Covenant.

22 March 1990

(Dated 18 March 1990)

Termination of the state of emergency as from 15 February 1990.

19 April 1995

(Dated 19 April 1995)

Declaration of a state of siege throughout the nation by Supreme Decree No. 23993 on 18 April 1995 for a period of 90 days.

The reasons for the declaration of this state of siege, as indicated by the Government of Bolivia, were due to the fact that leaders, particularly from the teaching profession and from political groups having close ties to trade union leaders have organized strikes, embargoes and violence against individuals and property, in an effort to bypass existing laws and disrupt the public order and peace in the country. Moreover, assemblies of people openly disregarding the Constitution of the State and the laws have arrogated to themselves the sovereignty of the people, seeking to create bodies outside the supreme law of the national and the other laws.

The articles which were being derogated from were articles 12(3), 21(2) and 22 (2).

26 July 1995

(Dated 26 July 1995)

Extension of the state of siege, declared on 19 April 1995, by Supreme Decree No. 24701 until 15 October 1995.

16 August 1995

(Dated 10 August 1995)

Termination as from 31 July 1995 of the provisional detention of all persons so detained or confined as a result of the proclamation of martial law in Bolivia.

25 October 1995

(Dated 23 October 1995)

Termination, as from 16 October 1995, of the state of siege which had been in force throughout the nation from 18 April 1995.

BOLIVIA (PLURINATIONAL STATE OF)

8 March 2010

... by Supreme Decree No. 29705 of 12 September 2008, the Government of the Plurinational State of Bolivia declared a state of emergency throughout the territorial jurisdiction of the Department of Pando in response to crimes against humanity which caused the deaths of citizens, the violent seizure of public and private institutions, the destruction of State property, road damage and roadblocks, and public disorder that generated public unrest and insecurity and caused massive disturbance in the Department of Pando in accordance with the provisions of article 111 of its Political Constitution.

8 March 2010

... by Supreme Decree No. 29809 of 22 November 2008, the Government of the Purinational State of Bolivia lifted the state of emergency in the Department of Pando declared by Supreme Decree No. 29705 of 12 September 2008.

CHILE

7 September 1976

[Chile] has been under a state of siege for reasons of internal defence since 11 March 1976; the state of siege was legally proclaimed by Legislative Decree No. 1.369.

The proclamation was made in accordance with the constitutional provisions concerning state of siege, which have been in force since 1925, in view of the inescapable duty of the government authorities to preserve public order and the fact that there continue to exist in Chile extremist seditious groups whose aim is to overthrow the established Government.

As a consequence of the proclamation of the state of siege, the rights referred to in articles 9, 12, 13, 19 and 25 (b) of the Covenant on Civil and Political Rights have been restricted in Chile.

23 September 1986

(Dated 16 September 1986)

By Decree No. 1.037, the Government of Chile declared a state of siege throughout the national territory from 8 September to 6 December 1986, for as long as circumstances warrant. The notification specifies that Chile has been subjected to a wave of terrorist aggression of alarming proportions, that an alarming number of attacks have taken the lives of a significant number of citizens and armed forces personnel, massive stockpiles of weapons were discovered in terrorists hands, and that for the first time in the history of the Republic, a terrorist attack was launched on H.E. the President of the Republic.

The notification specifies that the rights set forth in articles 9, 12, 13 and 19 of the Covenant would be derogated from.

29 October 1986

(Dated 28 October 1986)

Termination of State of siege by Decree No. 1074 of 26 September 1986 in the Eleventh Region and by Decree No. 1155 of 16 October 1986 in the 12th Region (with the exception of the Commune of Punta Arenas), in the Province of Chiloé in the Tenth Region, and in the Province of Parinacota in the First Region.

20 November 1986

(Dated 20 November 1986)

Termination of the state siege in the Provinces of Cardenal Caro in the 6th Region, Arauco in the 8th Region and Palena in the 10th Region.

29 January 1987

(Dated 20 January 1987)

Termination of the state of siege throughout Chile as at 6 January 1987.

31 August 1988

Termination of the state of emergency and of the state of danger of disturbance of the domestic peace in Chile as from 27 August 1988, [...] thereby bringing to an end all states of ex ception in the country, which is now in a situation of full legal normality.

23 March 2010

Owing to the earthquake that took place in Chile on 27 February 2010, the Government of Chile decreed a 30-day constitutional state of disaster emergency in the regions of Maule and Bío Bío, by Supreme Decrees Nos. 152 and 153 of 28 February 2010, respectively. In addition, by Supreme Decree No. 173, a constitutional state of disaster emergency was declared by the Government of Chile in the Libertador Bernardo O'Higgins region. Under these measures, the President of the Republic may restrict fundamental freedoms. The freedoms that may be restricted are freedom and movement and of assembly. Goods may be requisitioned and property rights limited in accordance with article 43 of the Constitution.

COLOMBIA

18 July 1980

The Government, by Decree 2131 of 1976, declared that public order had been disturbed and that all of the national territory was in a state of siege, the requirements of the Constitution having been fulfilled, and that in the face of serious events that disturbed the public peace, it had become necessary to adopt extraordinary measures within the framework of the legal régime provided for in the National Constitution for such situations (art. 121 of the National Constitution). The events disturbing the public peace that led the President of the Republic to take that decision are a matter of public knowledge. Under the state of siege (art. 121 of the National Constitution) the Government is empowered to suspend, for the duration of the state of siege, those provisions that are incompatible with the maintenance and restoration of public order.

On many occasions the President of the Republic has informed the country of his desire to terminate the state of siege when the necessary circumstances prevail.

It should be observed that, during the state of siege in Colombia, the institutional order has remained unchanged, with the Congress and all public bodies functioning normally. Public freedoms were fully respected during the most recent elections, both the election of the President of the Republic and the election of members of elective bodies.

11 October 1982

By Decree No. 1674 of 9 June 1982, the state of siege was terminated on 20 June of 1982.

11 April 1984

(Dated 30 March 1984)

The Government of Colombia had declared a breach of the peace and a state of siege in the territory of the Departments of Caquetá, Huila, Meta and Cauca in response to the activities in those Departments of armed groups which wereseeking to undermine the constitutional system by means of repeated publidisturbances.

Further to Decree No. 615, Decree Nos. 666, 667, 668, 669 and 670 had been enacted on 21 March 1984 to restrict certainreedoms and to take other measures aimed at restoring public order. (For the provisions which were derogated from, see *in fine* notification of 8 June 1984 hereinafter.)

8 June 1984

(Dated 7 May 1984)

The Government of Colombia indicated that it had, through Decree No. 1038 of 1 May 1984, declared a state of siege in the territory of the Republic of Colombia owing to the assassination in April of the Minister of Justice and to recent disturbances of the public order that occurred in the cities of Bogotá, Cali, Barranquilla, Medellín, Acevedo (Department of Huila), Corinto (Department of Cauca), Sucre and Jordon Bajo (Department of Santander), Giraldo (Department of Antioquia) and Miraflores (Comisaría of Guaviare).

Pursuant to the above-mentioned Decree No. 1038,the Government had issued Decrees Nos. 1039 and 1040 of 1 May 1984 and Decree No. 1042 of 2 May 1984, restricting certain freedoms and enacting other measures to restore public order. The Government of Colombia, in a subsequent communication dated 23 November 1984, indicated that the decrees affected the rights referred to in articles 12 and 21 of the Covenant.)

12 December 1984

(Dated 11 December 1984)

Termination of derogation from article 21.

13 August 1991

(Dated 9 August 1991)

Termination as of 7 July 1991 of the state of siege and of the measures adopted on 1 and 2 May 1984, which were still in force through the national territory.

21 July 1992

(Dated 16 July 1992)

By Legislative Decree No. 1155 of 10 July 1992, which was to remain in force until 16 July 1992, the Government of Colombia declared a state of emergency throughout the national territory.... The state of emergency was proclaimed in order to preserve public order by preventing the cartels responsible for the most serious assaults on public order from evading justice. The prospect of a torrent of releases on parole of persons, many of which "awaiting trial for a wide vari of terrorist activities, ... in addition to the acts perpetrated by the drug-trafficking cartels which might have taken place under the provisions of a newly promulgated Code of Penal Procedure", in disregard of the applicability of special legislation, was causing "serious disturbances of public order".

The provisions of the Pact which were derogated from are articles 12, 17, 21 and 22.

20 November 1992

(Dated 10 November 1992)

By legislative Decree No. 1793 of 8 November 1992 which was to remain in force until 6 February 1993, the Government of Colombia declared a state of emergency throughout the national territory for a period of 90 days.... The state of emergency was due to the fact that "in recent weeks, the public order situation in the country ... has grown significantly worse because of terrorist activities by gorilla organizations and organized crime ... Those criminal groups have also managed to obstruct and evade judicial action because the criminal justice is unable to use military forces as a judicial police organ to gather the necessary evidence".

The provisions of the Pact which were derogated from are articles 12, 17, 21 and 22.

29 March 1993

(Dated 5 March 1993)

In accordance with Legislative Decree No. 261, extension for a period of 90 days from 5 February 1993 until 7 May 1993 of the state of emergencyin effect throughout the national territory. The extension was made necessary due to a continuation of the public order disturbances described above. The provisions of the Pact which were derogated from are articles 12, 17, 21 and 22.

27 May 1994

(Dated 6 May 1994))

By legislative Decree No. 874 of 1 May 1994 which is to remain in force until 10 May 1994, declaration of the state of emergency throughout the national territory for the following reasons:

Since November 1993, there has been a significant increase in the number of investigations carried out by the Procurator-General's Office. It has become necessary to

take steps to ensure that the efforts made by the Procurator-General's Office to conclude on-going investigations are not hampered through improper situations such as obstructing an agreement, requesting the postponement of formal proceedings, etc.

The large number of cases in which prior circumstances have prevented characterisation within the stipulated time-limit constitutes an unforeseen situation which is generating social insecurity, public anxiety, a lack of trust in the administration of justice and strengthening of the criminal and guerilla warfare organizations committed to disrupting law and order and destabilizing the institutions of government.

In view of the foregoing, measures must be adopted to ensure that the difficulties that have arisen do not affect institutional stability, national security and civil harmony, a judicial emergency must be declared and consequently, transition measures must be adopted in the area of administration and penal procedure.

8 June 1994

(Dated 27 May 1994)

Termination of the state of civil unrest and extension of the applicability of the provisions relating to the judicial emergency. Pursuant to the Decree No. 874 of 1 May 1994 and in exercise of the powers conferred on the Government under article 213 of the Political Constitution, the Government enacted Legislative Decree No. 875 of 1 May 1994, "by means of which a judicial emergency has been declared and measures have been adopted with regard to penal procedure". Because of the declaration of judicial emergency, it was decided to suspend for two months, in respect of cases involving offences under the jurisdiction of regional and National Court judges, the time-limits established for obtaining release on bail.

By means of Decree No. 951 of 10 May 1994, measures were adopted to strengthen the functioning of the justice system.

The Government of Colombia has specified that the provision from which it has derogated is article 9 (3) of the Covenant.

7 November 1995

(Dated 3 November 1995)

By Decree No. 1900 of 2 November 1995, declaration of a State of internal disturbance throughout the national territory for a period of ninety (90) days. The state of internal disturbance by the National Government is justified by the fact that acts of violence attributed to criminal and terrorist organizations have occurred in difference regions of the country and are seriously and manifestly disturbing public order.

25 March 1996

(Dated 21 March 1996)

First notification:

By Legislative Decree No. 1901 of 2 November, the Government limits or restricts fundamental rights or freedoms laid down in the [said] Covenant.

Second notification:

By Decree No. 205 of 29 January 1996, the state of internal disturbance was extended for 90 calendar days, starting on 31 January 1996.

The Government of Colombia has specified that the provision from which it has derogated are articles 17 and 9 respectively of the Covenant.

7 May 1996

(Dated 21 March 1996)

Pursuant to paragraph 3 of Decree No. 0717 of 18 April 1996, the guarantee set forth in article 12 of the Covenant was to be restricted.

The measure was adopted in connection with Decree No. 1900 of 2 November 1995 whereby the state of internal disturbance was declared throughout the national territory *(see notification of 7 November 1995 above).*

21 June 1996

(Dated 18 June 1996)

First notification:

By Decree No. 777 of 29 April 1996, the state of internal disturbance (proclaimed by Decree No. 1900 of 2 November 1995) was extended for a further period of 90 calendar days, starting on 30 April 1996.

Second notification:

By Decree No. 900 of 22 May 1996, measures were adopted to control the activities of criminal and terrorist organizations in special public-order zones. The provisions of the Pact which were derogated from are articles 9 (1) and 12.

31 July 1996

(Dated 30 July 1996)

By Decree No. 1303 of 25 July 1996, lifting of the state of internal disturbance (proclaimed by Decree No. 1900 of 2 November 1995) and extension of some of the measures instituted by means of Decree No. 1901 of 2 November 1995, Decree No. 208 of 29 January 1996 and Decree No. 777 of 29 April 1996.

13 August 2002

(Dated 12 August 2002)

Transmission of Decree No. 1837 dated 11 August 2002, which declared a state of internal disturbance throughout the national territory, and Decree No. 1838 dated 11 August 2002, which introduced a special tax to meet the necessary expenditure under the country's General Budget to maintain democratic security.

19 November 2002

(Dated 8 November 2002)

Transmisison of Decree No. 2555 dated 8 November 2002, which extended the state of internal disturbance declared by Decree 1837 of 11 August 2002 for ninety (90) calendar days, as from 9 November 2002.

25 February 2003

(Dated 12 February 2003)

Transmission Decree 245 of 5 February 2003, concerning the second extension of the declaration of internal disturbance decreed on 5 February 2003 throughout the national territory.

16 October 2008

..., by Legislative Decree No. 3929 of 9 October 2008, a nationwide state of internal disturbance has been declared for 90 days.

31 August 2010

Pursuant to the provision of article 16 of Law No. 137 of 1994 and in keeping with article 4, paragraph 3, of the International Covenant on Civil and Political Rights, I [...] inform you of the issuance of Decree No. 2799 of 2010, "which partially amends Decrees Nos. 2693 and 2694 of 2010".

By means of this measure, a special category of goods excluded from sales tax is temporarily created, with the aim of benefiting those people affected by the situation that led to teh declaration of a social emergency...

ECUADOR

12 May 1983

The Government declared the extension of the state of emergency as from 20 to 25 October 1982 by Executive Decree No. 1252 of 20 October 1982 and derogation from article 12 (1) owing to serious disorders brought about by the suppression of subsidies, and termination of the state of emergency by Executive Decree No. 1274 of 27 October 1982

20 March 1984

Derogation from articles 9 (1) and (2); 12 (1) and (3); 17; 19 (2) and 21 in the provinces of Napo and Esmeraldas by Executive Decree No. 2511 of 16 March 1984 owing to destruction and sabotage in these areas.

29 March 1984

Termination of the state of emergency by Executive Decree No. 2537 of 27 March 1984.

17 March 1986

(Dated 14 March 1986)

Declaration of the State of emergency in the provinces of Pichincha and Manabi due to the acts of subversion and armed uprising by a high-ranking officer no longer on active service, backed by extremist groups; thereby derogations from articles 12, 21 and 22, it being understood that no Ecuadorian may be exiled or deported outside the capitals of the provinces or to a region other than the one in which he lives.

19 March 1986

(Dated 18 March 1986)

End of State of emergency as from 17 March 1986.

29 October 1987

(Dated 28 October 1987)

Declaration of a state of national emergency throughout the national territory, effective as of 28 October 1987. [Derogation from articles 9 (1) and (2); 12 (1) and (2); 19 (2); and 21.]

The notification states that this measure was made necessary as a result of an illegal call for a national strike which would lead to acts of vandalism, offences against persons and property and would disrupt the peace of the State and the proper exercise of the civic rights of Ecuadorians.

30 October 1987

Termination of the state of emergency throughout the national territory as from 0 hour on 29 October 1987.

3 June 1988

(Dated 1 June 1988)

Declaration of a state of national emergency throughout the national territory, effective as of 9 p.m. on 31 May 1988. [Derogation from articles 9 (1) and (2); 12 (1) and (2); 19 (2); and 21.]

The notification states that this measure is the necessary legal response to the 24 hour strike called for by the United Workers Front, which would result in acts of vandalism, violation of the security of persons and attacks on public and private property.

(Dated 2 June 1988)

Termination of the state of emergency throughout the national territory as from 1 June 1988.

14 January 1999

(Dated 12 January 1999) Declaration of a state of emergency in Guayas province, indicating the the measures were prompted by the serious internal disturbance resulting from the massive crime wave in Guayas Province. Subsequently, the Government of Ecuador specified that the provisions from which it has derogated are articles 12 (1) and 17 (1) of the Covenant.

16 March 1999

(Dated 15 March 1999)

Decree No. 681 by the President of the Republic dated 9 March 1999 by which a state of national emergency was declared and the entire territory of the Republic established as a security zone, as from 9 March 1999.

12 April 1999

(Dated 22 March 1999)

Decree No. 717 by the President of the Republic dated 18 March 1999 by which the state of national emergency declared by Decree No. 681 dated 9 March 1999, was lifted as from 18 March 1999.

10 September 1999

(Dated 27 August 1999)

Decree No. 1041 of 5 July 1999 by thePresident of the Republic, establishing a state of emergency in Ecuador in respect of public and private transport system throughout the country during the month of July 1999;

Decree No. 1070 of 13 July 1999 by the President of the Republic (following the revocation of Decree No. 1041 by the National Congress on 13 July 1999), declaring a state of national emergency and establishing the entire territory of the Republic as a secity zone; and

Decree No. 1088 of 17 July 1999 by the President of the Republic, lifting the state of national emergency and rescinding Decree No. 1070. Subsequently, the Government of Ecuador specified that the provisions from which it had derogated were articles 17 (1), 12 (1), 21 and 22 of the Covenant.

28 December 1999

(Dated 9 December 1999)

Establishment of the State of Emergency in the Guayas Province by Decree No. 1557 of 30 November 1999 by the President of the Republic indicating that the measure was taken in response to the serious internal disturbance which produced a massive crime wave that continues to affect that province. The Decree states that "since the state of emergency declared in the Guayas Province in January 1999 *(see notification of 14 January 1999)* , was ended there has been an increase in criminal activity which as made it clear that extraordinary measures must once again be taken..., it is necessary to attenuate the serious repercussions of the ciminal activity in Guayas Province in order to prevent any change in the normal pattern of civil life...".

Subsequently, on 28 January 2000, the Government of Ecuador specified that the provisions from which it has derogated are articles 12 (1) and 17 (1) of the Covenant.

1 February 2000

(Dated 6 January 2000)

On 5 January 2000, by Executive Decree, the President declared a state of national emergency establishing the entire territory of the Republic as a security zone. This measure was motivated by the serious internal unrest caused by the economic crisis which Ecuador is experiencing.

The Government of Ecuador specifed that the provisions from which it has derogated are articles 12 (1), 17 (1), 21 and 22 (1).

On 21 February 2001, the Secretary-General received from the Government of Ecuador a notification dated 16 February 2001, made under article 4 (3) of the above Covenant, transmitting the text of Executive Decree No. 1214 by the President of thec dated 2 February 2001, by which a state of national emergency was declared and the entire territory of the Republic was established as a security zone, as from 2 February 2001. The said Decree stipulates that this measure was adopted to overcome the adverse consequences of the economic crisis affecting Ecuador which has created a situation of serious internal unrest.

The Government of Ecuador specified that the provisions from which it has derogated are articles 12, 17 and 21 of the Covenant.

On 21 February 2001, the Secretary-General received from the Government of Ecuador a notification dated 16 February 2001, made under article 4 (3) of the above Covenant, transmitting the text of Executive Decree No. 1228 by the President of the Republic dated 9 February 2001, by which the state of national emergency, declared by Decree No. 1214 of 2 February 2001, was lifted as from 9 March 2001.

17 July 2002

Sir,

In accordance with article 4 of the International Covenant on Civil and Political Rights, of which Ecuador is a State Party, and on behalf of the national Government, I am writing to notify you of the declarations of a stateof national emergency this year declared by Dr. Gustavo Noboa Bejarano, President of the Republic, in accordance with the provisions of articles 180 and 181 of the Ecuadorian Constitution in force, and when they were lifted. The details of these declarations follow:

Executive Decree No. 2404 of 26 February 2002 (Official Register No. 525): A state of emergency is declared in Sucumbios and Orellana provinces. The reason for this measure is the serious situation arising out of problems of the Colombian conflict on the frontiers;

Executive Decree No. 2421 of 4 March 2002: The state of emergency in Sucumbios and Orellana provinces is declared over, and accordingly Executive Decree 2404 of 22 February 2002 is abrogated;

Executive Decree No. 2492 of 22 March 2002: State of emergency in Esmeraldas, Guayas Los Ríos, Manabí and El Oroovinces. The reason for this measure is the severe storm on the Ecuadorian coast. The state of emergency was lifted on 22 May pursuant to the legal provision embodied in article 182, paragraph 2, of the Ecuadorian Constitution to the effect that "a decree of a state of emergency shall remain in force for up to a maximum of 60 days";

Executive Decree No. 2625 of 7 May 2002 (Official Register No. 575 of 14 May 2002): State of national emergency in respect of land transport. (This state of emergency has not been lifted but, will last until 7 July, unless the President declares that it is lifted in advance.)

Accept, Sir, the renewed assurances of my highest consideration.

(Signed) Dr. Heinz Moeller Freile
Minister for Foreign Affairs

18 August 2005

On 18 August 2005, the Secretary-General received from the Government of Ecuador a notification made under article 4 (3) of the above Covenant,notifying of the declaration of a state of emergency in Sucumbios and Orellana Provinces, decreed by the President of the Republic on 17 August 2005, in accordance with the provisions of articles 180 and 181 of the Ecuadorian Constitution in force.

The Government of Ecuador specified that this measure was motivated by the serious internal unrest caused by crime waves in the aforementioned provinces. The declaration of emergency was made by means of Executive Decree No. 426 of 17 August 2005. Moreover, the articles of the Covenant which were derogated from were not indicated.

22 August 2005

On 22 August 2005, the Secretary-General received from the Government of Ecuador notifications made under article 4 (3) of the above Covenant, notifying of the declaration of a state of emergency in the Canton of Chone, Manabi Province, decreed by the Constitutional President of the Republic on 19 August 2005, in accordance with articles 180 and 181 of the Political Constitution of Ecuador.

The Government of Ecuador specified that this measure was taken in response to serious internal unrest, which has led to a crime wave and to widespread looting in the aforementioned canton. The declaration of emergency was made by means of Executive Decree No. 430 of 19 August 2005. Moreover, the Government of Ecuador specified that during the state of emergency the rights established in article 23, paragraphs 9, 12, 13, 14 and 19, and article 23 of the Political Constitution of the Republic were suspended.

18 April 2006

Declaration of a state of emergency in a number of Ecuadorian provinces, issued on 21 March through Executive Decree No. 1269 which was suspended on 7 April 2006 through Executive Decree No. 1329.

EL SALVADOR

14 November 1983

(Dated 3 November 1983)

The Government has declared an extension for a period of 30 days of the suspension of constitutional guarantees by Legislative Decree No. 329 dated 28 October 1983. The constitutional guarantees have been suspended in accordance with article 175 of the Political Constitution because of disruption of public order. In a complimentary notification dated 23 January 1984 and received on 24 January 1984, the Government of El Salvador specified the following:

1) The provisions of the Covenant from which it is derogated are articles 12 and 19 by Decree No. 329 of 28 August 1983, and article 17 (in respect of interference with correspondence);

2) The constitutional guarantees were first suspended by Decree No. 155 dated 6 March 1980, with further extensions of the suspension for a total of 24 months. Decree No. 155 was modified by Decree No. 999 dated 24 February 1982, which expired on 24 March 1982. By Decree No. 1089 dated 20 April 1982, the Revolutionary Government Junta again suspended the constitutional guarantees. By Legislative Decree No. 7 dated 20 May 1982, the Constituent Assembly extended the suspension for an additional period of 30 days. The said Legislative Decree No. 7 was itself extended several times until the adoption of the above-mentioned Decree No. 329 dated 28 October 1983, which took effect on that date.

3) The reasons for the adoption of the initial suspension decree (No. 155 of 6 March 1980) were the same as for the adoption of the subsequent decrees.

18 June 1984

(Dated 14 June 1984)

By Legislative Decree No. 28 of 27 January 1984, previous measures were amended to the effect that political parties would be permitted to conduct electoral campaigns, and were thus authorized to engage in partisan campaigning and electoral propaganda activities. The said Decree was extended for successive 30-day periods until the promulgation of Decree No. 97 of 17 May 1984, which rescinded theafore-mentioned change which had allowed political parties to conduct electoral campaigns.

The provisions of the Covenant from which it is derogated are articles 12, 19, 17 (in respect of interference with correspondence) and 21 and 22. As regards article 22, the suspension refers to the right of association in general, but does not affect the right to join professional associations (the right to form and join trade unions).

2 August 1985

(Dated 31 July 1985)

[...] the Government of El Salvador has for successive periods extended martial law by the following legislative decrees:

Decrees No. 127 of 21 June 1984, No. 146 of 19 July 1984, No. 175 of 24 August 1984, No. 210 of 18 September 1984, No. 234 of 21 October 1984, No. 261 of 20 November 1984, No. 277 of 14 December 1984, No. 322 of 18 January 1985, No. 335 of 21 February 1985, No. 351 of 14 March 1985, No. 386 of 18 April 1985, No. 10 of 21 May 1985, No. 38 of 13 June 1985, and the most recent, Decree No. 96 of 11 July 1985 which extended the martial law for an additional period of 30 days beyond that date.

The provisions of the Covenant that are thus suspended are those of articles 12, 17 (in respect of interference with correspondence) and 19 (2).

The notification specifies that the reasons for the suspension of constitutional guarantees continue to be those originally indicated, namely: the need to maintain a climate of peace and tranquility, which had been disturbed through the commission of acts designed to create a state of instability and social unrest which affected the economy and the public peace by persons seeking to obstruct the process of structural change, thus seriously disrupting public order.

19 December 1989

(Dated 13 November 1989)

Suspension for a period of 30 days as from 12 November 1990 of various constitutional guarantees. (Derogation from articles 12, 17, 19, 21 and 22 of the Covenant.)

The notification indicates that this measure became necessary owing the use of terror and violence by the Frente Farabundo Marti to obtain the political authority, in complete disregard of previous elections.

FRANCE

15 November 2005

On 15 November 2005, the Secretary-General received from the Government of France a notification signed by the Permanent Representative dated 15 November 2005, made under article 4 (3) of the above Covenant, declaring a state of emergency had been established pursuant to the Decree dated 8 November 2005.

12 January 2006

On 12 January 2006, the Secretary-General received from the Government of France a notification declaring the termination of the state of emergency established pursuant to the Decree dated 8 November 2005, with effect from 4 January 2006.

GEORGIA

7 March 2006

Excellency,

In conformity with Article 4 of the Covenant on Civil and Political Rights and Article 15 of the Law on the State of Emergency of Georgia, I have to inform you that the President of Georgia on February 26, 2006 has issued the Decree No. 173 on "State of Emergency in the Khelvachauri district" which has been approved by the Parliament of Georgia on February 28, 2006. The Decree is aimed at preventing further spread throughout Georgia of the H5N1 virus (bird flu) that has been recently detected in the district in question. The restrictions imposed upon by the Decree are fully in line with provisions of Article 21, paragraphs 2 and 3 (on the restrictions related to property rights) and Article 22, paragraph 3 (on the restrictions related to the freedom of movement) and Article 46 (on the restrictions related to

constitutional rights and freedoms) of the Constitution of Georgia and respective provisions of the Law on the State of Georgia.

You will be informed in due course when the above Decree is abolished.

Please accept, Excellency, the assurances of my highest consideration.

(Signed) Gela Bezhuashvili

23 March 2006

(Dated 23 March 2006)

"In conformity with Article 4 of the Covenant on Civil and Political Rights and Article 15 of the Law of the State of Emergency of Georgia, I have to inform you that the President of Georgia on March 15, 2006 has issued the Decree No. 199 on "Abolishment of the State of Emergency in the Khelvachauri district", which has been approved by the Parliament of Georgia on March 16, 2006.

According to the above Decree, the Presidential Decree No. 173 of February 26, 2006 "On State of Emergency in the Khelvachauri district" has been declared null and void."

8 November 2007

In conformity with Article 4 of the Covenant on Civil and Political Rights I would like to inform you that the President of Georgia on November 7, 2007 has issued the Order #621 on "the Decration of the State of Emergency on the entire territory of Georgia"and Decree N.1 "On the measures to be undertaken in connection with the declaration of the state of emergency on the entire territory of Georgia"which will be approved by the Parliament of Georgia within next 48 hours. Introduction of the state of emergency became necessary because of the extreme deterioration of the situation in Tbilisi as a result of the attempted coup d'état and massive disobedience and violent resistance to the law enforcement authorities. Due to the state of emergency, pursuant to Article 73, paragraph 1, subparagraph 'h', and Article 46 paragraph 1 of the Constitution of Georgia and Article 2, paragraph 1 of the Law of Georgia on the State of Emergency, right to receive and disseminate information (Article 24 of the Constitution of Georgia), freedom to assembly and manifestation (Article 25) and right to strike (Article 33) are restricted for the duration of the state of emergency. You will be informed in due course when the above Order and Decree are abolished.

GUATEMALA

23 November 1998

(Dated 20 November 1998)

By Decree No. 1-98 of 31 October 1998, declaration of the state of public disaster throughout the national territory for a period of thirty (30) days, in order to resolve the hazardous situation caused by Hurricane Mitch and to mitigate its effects.

26 July 2001

(Dated 26 July 2001)

By Government Decree No. 2-2001, extension of the state of emergency established by Government Decree No. 1-2001, for an additional 30 days throughout the national territory.

The Government Decree No. 1-2001 was not supplied to the Secretary-General. Moreover, the articles of the Covenant which were derogated from were not indicated.

2 August 2001

(Dated 2 August 2001)

By Government Decree No. 3-2001, establishment of a state of emergency for a period of 30 days in the Department of Totonicapán with immidiate effect. The articles of the Covenant which were derogated from were not indicated.

10 August 2001

(Dated 6 August 2001)

State of emergency declared by Decree No. 3-2001 has been rescinded by Government Decree No. 4-2001 with immediate effect.

14 October 2005

On 14 October 2005, the Secretary-General received from the Government of Guatemala a notification made under article 4 (3) of the above Covenant, notifying of a derogation from obligations under the Covenant.

The decision was adopted by the Congress of Guatemala on 6 October 2005 in Legislative Decree No. 70-2005, and it entered into force on 10 October 2005. The Decree recognizes a state of national disaster in the affected areas for a period of 30 days.

The Government of Guatemala specified that it has derogated from the provisions relating to the right of liberty of movement and the right of freedom of action, except for the right of persons not to be harassed for their opinions or for acts which do not violate the law. Moreover, the articles of the Covenant which were derogated from were not indicated.

5 September 2006

On 5 September 2006, the Secretary-General received from the Government of Guatemala a notification made under article 4 (3) of the above Covenant, notifying a declaration of a state of emergency in the municipalities of Concepción Tutuapa, Ixchiguán, San Miguel Ixtahuacán, Tajumulco and Tejuela, in the Department of San Marcos of the Republic of Guatemala.

The State of emergency was declared by Governmental Decree No. 1-2006 of 28 August 2006.

18 September 2006

On 18 September 2006, the Secretary-General received from the Government of Guatemala a communication informing him of Government Decree No. 2-2006 of 31 August 2006, which repeals article 4, paragraph (d), of Government Decree No. 1-2006, which was sent earlier.

18 December 2006

... by Government Decrees Nos. 5-2006 and 6-2006, the President of the Republic declared a state of emergency in some municipalities in the Departments of San Marcos, Huehuetenango and Quetzaltenango. The state of emergency remained in effect for eight days from the date indicated in the decrees, i.e., 17 November 2006.

9 May 2008

(Dated 7 May 2008)

... by Government Decree No. 1-2008 of 7 May 2008, a state of emergency has been declared throughout the territory of the Republic of Guatemala.

Government Decree No. 1-2008, which entered into force immediately, will remain in effect for 15 days and will be applicable throughout the national territory. Accordingly, the exercise of the rights and freedoms guaranteed under articles 9, 19, 21, 22 (para. 1) and 22 (para. 2) of the International Covenant on Civil and Political Rights has been restricted.

12 May 2008

On 12 May 2008, the Secretary-General received from the Government of Guatemala a letter dated 8 May 2008 from the Minister for Foreign Affairs of Guatemala providing information on the state of emergency declared in the Republic of Guatemala by Government Decree No. 1-2008.

27 May 2008

In compliance with article 4, paragraph 3 of the International Covenant on Civil and Political Rights, the Government of Guatemala wishes to inform the Secretary-General that the state of emergency established by Government Decree No. 1-2008 expired on 22 May 2008. Accordingly, the rights and guarantees suspended by this Decree have been restored.

24 June 2008

... by Government Decree No. 3-2008 the President of the Republic has decreed a state of emergency in the municipality of San Juan Sacatepéquez in the Department of Guatemala. The state of emergency will remain in effect for a period of 15 days from 22 June 2008.

14 October 2008

On 14 October 2008, the Government of Guatemala notified the Secretary-General that by Decree No. 07-2008 various measures were adopted to suspend certain rights in the Municipality of Coatepeque in the Department of Quetzaltenango. The Decree remained in force for 15 days as of 5 October 2008.

27 April 2009

(Dated 24 April 2009)

... by Governmental Decree No. 5-2009, a state of emergency was declared in the municipality of Huehuetenango, Department of Huehuetenango, for a period of 15 days.

7 May 2009

On 25 April 2009, the President of the Republic of Guatemala repealed, by Government Decree 6-2009, the state of emergency in the Municipality of Huehuetenango, Department of Huehuetenango, that had been declared by Government Decree 5-2009.

20 May 2009

(Dated 6 May 2009)

... by Government Decree No. 7-2009, a public health emergency has been declared throughout the national territory, with a view to preventing and mitigating the effects of the influenza A (H1N1) epidemic.

Government Decree No. 7-2009, which was declared for a period of thirty (30) days, limits the rights and freedoms contained in articles 12, 19 and 21 of the International Covenant on Civil and Political Rights.

On 12 May 2009, by Government Decree No. 8-2009, the President of the Republic repealed Government Decree No.7-2009 dated 6 May 2009.

8 February 2010

... by Government Decree No. 14-2009 of 22 December 2009, the President of the Republic declared a state of emergency in the Department of San Marcos. The Decree entered into force immediately for a period of fifteen (15) days during which the exercise of the rights and freedoms guaranteed under articles 9, 12, 19 and 21 of the International Covenant on Civil and Political Rights has been restricted.

8 February 2010

... by Government Decrees Nos. 01-2010 of 5 January 2010 and 02-2010 of 20 January 2010, the President of the Republic extended the state of emergency in the Department of San Marcos declared by Government Decree 14-2009 of 22 December 2009, each for a period of fifteen (15) days.

16 March 2010

... by Government Decree No. 08-2010 of 18 March 2010, the President of the Republic extended the state of emergency in the Department of San Marcos for a period of fifteen (15) days.

16 July 2010

... by Government Decree No. 4-2010 of 5 February 2010, the President of the Republic extended the state of emergency (Decree 14-2009 of 22 december 2009) in the Department of San Marcos for a period of fifteen (15) days.

26 February 2010

... by Government Decree No. 6-2010 of 19 February 2010, the President of the Republic extended the state of emergency (Decree 14-2009 of 22 december 2009) in the Department of San Marcos for a period of fifteen (15) days.

28 June 2010

... by Government Decrees No. 9-2010 of 7 April 2010 and No. 11-2010 of 16 April 2010, the President of the Republic extended the state of emergency (Decree 14-2009 of 22 december 2009) in the Department of San Marcos for a period of fifteen (15) days respectively.

23 April 2010

... by Government Decrees No. 09-2010 of 7 April 2010 and No. 11-2010 of 16 April 2010, the President of the Republic extended the state of emergency (Decree 08-2009 of 18 March 2010) in the Department of San Marcos for a period of fifteen (15) days respectively.

28 June 2010

... by Governement Decree No. 13-2010 of 17 May 2010, the President of the Republic declared a state of emergency in the Department of San Marcos for a period of fifteen (15) days. The Decree restricted the exercise of the rights and freedoms referred to in articles 9, 12, 19 and 21 of the Covenant. The state of emergency concluded 15 days after it was declared.

31 May 2010

... by Government Decree No. 14-2010, owing to the eruption of the Pacaya volcano, the President of the Republic declared a disaster emergency in the territory of the Departmenets of Escuintla, Sacatepéquez and Guatemala for a period of 30 days, partially restricting the rights and freedoms referred to in articles 12 and 21 of the Covenant.

15 July 2010

... by Government Decree No. 15-2010 of 29 May 2010, owing to the natural disaster caused by tropical

storm Agatha and the continuous rain affecting the country, the President of the Republic declared a national disaster emergency for a period of 30 days. On 25 June 2010, by Government Decree No. 16-2010, the disaster emergency was extended for a further 30 days in the Departments of Escuintla, Sacatepéquez and Guatemala owing to the continuance of the circumstances that led to teh issuance of Government Decrees Nos. 14-2010 and 15-2010.

In each case, measures were adopted that partially restrict the content of articles 12 and 21 of the International Covenant.

2 August 2010

... by Government Decree 17-2010 of 22 July 2010, the President of the Republic extended for a further 30 days the disaster emergency proclamed by Government Decree 14-2010.

28 June 2010

... by Government Decree No. 6-2010 of 19 February 2010 extended the state of emergency in the Department of San Marcos, Guatemala.

The Government Decree entered into force immediately and has been issued for a period of fifteen (15) days in the Department of San Marcos, Guatemala. The exercise of the rights and freedoms established in articles 12, 19, paragraph 2 and 21 of the International Covenant on Civil and Political Rights has been partially restricted.

28 June 2010

In a note received on 28 June 2010, the Government of Guatemala informed the Secretary-General that the State of public emergency declared by Government Decree 11-2010 of 16 April 2010 in the Department of San Marcos ended 15 days after its declaration.

28 December 2010

... by Government Decree No. 23-2010 of 19 December 2010, the President of the Republic of Guatemala declared a state of siege in the Department of Alta Verapaz for a period of 30 days from the entry into force of the Decree in response to the need to regain control of the region where drugs traffickers have a strong presence, and where a series of violent events have taken place. Measures were adopted restricting the full application of articles 9, 12 and 21 of the Convenant.

27 January 2011

... by Government Decree 01-2011, the state of siege is being extended because the conditions that led to the issuance of Government Decree No. 23-2010 [...] still persist.

ISRAEL

3 October 1991

"Since its establishment, the State of Israel has been the victim of continuous threats and attacks on its very existence as well as on the life and property of its citizens.

"These have taken the form of threats of war, of actual armed attacks, and campaigns of terrorism resulting in the murder of and injury to human beings.

"In view of the above, the State of Emergency which was proclaimed in May 1948 has remained in force ever since. This situation constitutes a public emergency within the meaning of article 4 (1) of the Covenant.

"The Government of Israel has therefore found it necessary, in accordance with the said article 4, to take measures to the extent strictly required by the exigencies of the situation, for the defence of the State and for the protection of life and property, including the exercise of powers of arrest and detention.

"In so far as any of these measures are inconsistent with article 9 of the Covenant, Israel thereby derogates from its obligations under that provision."

JAMAICA

28 September 2004

On 28 September 2004, the Secretary-General received from the Government of Jamaica a notification dated 28 September 2004, made under article 4 (3) of the above Covenant, transmitting a Proclamation declaring a state of emergency in the island. The proclamation shall remain in effect for an initial period of 30 days, unless the Governor-General is advised to repeal it or an extension is granted by the House of Representatives.

22 October 2004

In a note received on 22 October 2004, the Government of Jamaica informed the Secretary-General that during the state of emergency, the provisions from which it may derogate are articles 12, 19, 21 and 22 (2) of the Covenant.

27 October 2004

On 27 October 2004, the Secretary-General received from the Government of Jamaica a notification, made under article 4 (3) of the above Covenant, transmitting text of sections 26 (4) - (7) of the Constitution by which the proclamation of a state of public emergency issued by the Governor-General on 10 September 2004 terminated on 8 October 2004.

Furthermore, the Government of Jamaica informed the Secretary-General that the possible derogation from the rights guaranteed by Articles 12, 19, 21 and 22 (2) by Jamiaca ceased on 8 October 2004.

24 August 2007

On 24 August 2007, the Secretary-General received from the Government of Jamaica a notification dated 23 August 2007, made under article 4 (3) of the above Covenant, transmitting a proclamation declaring a State of Public Emergency in the Island issued by the Governor on 19 August 2007. The proclamation shall remain in effect for an initial period of 30 days, unless the Governor-General is advised to repeal it.

27 August 2007

In a note received on 27 August 2007, the Government of Jamaica informed the Secretary-General that the State of public emergency issued by the Governor on 19 August 2007 has since been lifted effective Friday 24 August.

1 June 2010

"[...] in accordance with Article 4 (3) of the International Covenant on Civil and Political Rights has the honour to inform that on 23rd May 2010, the Governor-General of Jamaica issued a proclamation declaring a State of Public Emergency in the island.

The State of Public Emergency has been imposed in the parishes of Kingston and St. Andrew as a result of a threat to public safety and shall exist for a period of one month unless extended by the House of Representatives or terminated at an earlier time.

The Proclamation issued by the Governor-General is in strict compliance with the provisions of the International Covenant on Civil and Political Rights and with the Constitution of Jamaica. There may be derogation from the rights guaranteed by Articles 12, 19 and 21 of the International Covenant on Civil and Political Rights. [...]

The Government of Jamaica hereby requests that the Secretary-General in his capacity as depository of the International Covenant on Civil and Political Rights inform all Parties to the Covenant on the provision from which it may derogate and the reason for possible derogation.

The Permanent of Jamaica has the further honour to advise that the Government of Jamaica will inform the Secretary-General of measures taken by the authorities aimed at the termination of the State of Public of Emergency. [...]."

30 June 2010

"... The Permanent Mission [of Jamaica to the United Nations] wishes to advise that, upon the decision of the House of Representatives for Jamaica, the State of Emergency [declared on 23 May 2010] has been extended by the Government of Jamaica, in accordance with Section 26 (4)-(7) of the Constitution, for a further period of twenty-eight (28) days from the date of June 23, 2010 for the parishes of Kingston, St. Andrew, as well as St. Catherine.

During the period of public emergency the Government may derogate from the provisions of Articles 9, 12, 17, 19 and 21 of the Covenant under regulations made pursuant to Emergency Powers Act. ...."

NAMIBIA

6 August 1999

(Dated 5 August 1999)

Proclamation No. 23 by the President of the Republic of Namibia, establishing a state of emergency in the Caprivi region for an initial period of thirty (30) days, indicating that the measures were prompted by circumstances arisen in this region causing a public emergency threatening the life of the nation and the constitutional order;

Proclamation No. 24 by the President of the Republic of Namibia, setting out the emergency regulations to the Caprivi region.

14 September 1999

Derogation from articles 9 (2) and 9 (3) of the Covenant.

14 September 1999

(Dated 10 September 1999)

Proclamation No. 27 by the President of the Republic, revoking the declaration of state of emergency and emergency regulations in the Caprivi region promulgated by Proclamations No. 23 of 2 August 1999 and No. 24 of 3 August 1999.

NEPAL

8 March 2002

"..... in view of the serious situation arising out of terrorist attacks perpetrated by the Maoists in various districts, killing several security and civilian personnel and attacking the government installations, a state of emergency has been declared in the entire Kingdom effective from 26 November 2001, in accordance with the Article 115 of the Constitution of the Kingdom of Nepal, 2047 (BS). Accordingly, His Majesty the King, on the recommendation of the Council of Ministers, has suspended the right to freedom of opinion and expression (Article 12.2a), freedom to assemble peacefully without arms (12.2b) and to move throughout the Kingdom (12.2d). Press and publication right (13.1), right against preventive detention (Article 15), right to information (Article 16), right to property (Article 17), right to privacy (Article 22) and right to constitutional remedy (Article 23) have also been suspended. However, the right to the remedy of habeas corpus has not been suspended.

The Permanent Representative also would like to inform the Secretary-General that, while suspending the rights and freedoms, His Majesty's Government has fully observed the provision of Article 4, paragraphs 1 and 2 of the above mentioned Covenant. Accordingly, the rights and freedoms as contained in Articles 6, 7, 8 (1), 11, 15, 16 and 18 of the Covenant, which are also guaranteed by the Constitution of the Kingdom of Nepal, remain in effect."

31 May 2002

"... following the dissolution of the Parliament, which was done in accordance with the relevant provisions of the Constitution of the Kingdom of Nepal - 2047, His Majesty's Government of Nepal has decided to hold the general elections on November 13, 2002 in a free and fair manner. In view of the current security situation in the country prompted by the Maoist insurgency, the Government has also extended the state of emergency by three more months. The Government, however, is committed to liftig the emergency as soon as there is an improvement in the security situation to facilitate free and peaceful general elections.

... in spite of these steps, the Government will stay the course in respect to development programs and socio-economic reforms."

21 November 2002

(Dated 19 November 2002)

"... With reference to [...] note 0076/2002 dated 22 February 2002 and pursuant to clause 3 of Article 4 of the International Covenant on Civil and Political Rights 1966, ... [the Government of Nepal] lifted the state of emergency in the country, effective from 20 August 2002."

16 February 2005

"The Permanent Mission of the Kingdom of Nepal to the United Nations presents its compliments to the Secretary-General of the United Nations and, pursuant to Paragraph 3 of Article 4 of the International Covenant on Civil and Political Rights (1966), has the honour to inform him that in view of a grave emergency threatening the sovereignty, integrity and security of the Kingdom of Nepal, His Majesty the King has, in accordance with clause (1) of Article 115 (1) of the Constitution of the Kingdom of Nepal, 1990 (2047), issued an order of a State of Emergency in respect of the whole of the Kingdom of Nepal on 1 February 2005 with immediate effect. As the situation in the country had reached a point where the survival of multiparty democracy and the nation's sovereignty had been seriously threatened and the people of Nepal had to go through a miserable period of time due to untold sufferings brought about by the rise in terrorist activities throughout the country, and as the governments formed during the past few years had not been serious enough about initiating a dialogue with terrorists, His Majesty as the protector of the Constitution and the symbol of national unity, had no alternative but to declare a state of emergency to meet the exigencies in exercise of His State authority and in keeping with the spirit of the Constitution of the Kingdom ofl, 1990 and taking into account Article 27 (3) of the Constitution, to protect and preserve the sovereignty of the Nation. His Majesty the King has also, in accordance with clause (8) of Article 115 of the Constitution, suspended sub-clauses (a) freedom of thought and expression, (b) freedom to assemble peaceably and without arms, and (d) freedom to move and reside in any part of Nepal, of clause (2) of Article 12; clause (1) of Article 13 press and publication right which provides that no news item, article or any other reading material shall be censored; and Article 15: right against private detention; Article 16: right to information; Article 17: right to property; Article 22: right to privacy; and Article 23: and the right to constitutional remedy (with the exception of the right to the remedy of habeus corpus) of the Constitution of the Kingdom of Nepal, 1990 (2047).

The Permanent Mission would further like to inform the Secretary-General that such measures are not inconsistent with Nepal's other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

The Permanent Mission would also like to inform the Secretary-General that the non-derogable rights as set forth in Articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 of the International Covenant on Civil and PoliticalRights, which are guaranteed by the Constitution of the Kingdom of Nepal, 1990, have been kept intact."

29 March 2005

"…. following the declaration of a State of Emergency throughout the Kingdom of Nepal on 1 February 2005, [the Government of Nepal] has derogated itself from the obligations under the articles, mentioned below, of the International Covenant on Civil and Political Rights (ICCPR) for a period of the State of Emergency in the country. 1. Derogation from Article 19 of the ICCPR following the suspension of sub-clause (a) of Clause 2 of Article 12, Clause (1) of Article 1and Article 16 of the Constitution (freedom of opinion and expression, right to press and publication and right to information respectively). 2. Derogation from Articles 12.1 and 12.2 of the ICCPR following the suspension of sub-clause (d) of Clause 2 of Article 12 of the Constitution (freedom to move and reside in any part of the Kingdom of Nepal). 3. Derogation from Article 17 of the ICCPR following the suspension of Article 22 of the Constitution (right to privacy). 4. Derogation from Article 2.3 of the ICCPR following the suspension of Article 23 of the Constitution (right to constitutional remedy except the writ of habeas corpus)."

5 May 2005

On 5 May 2005, the Secretary-General received from the Government of Nepal a notification, dated the same, informing him that, as required by Article 4 (3) of the International Covenant on Civil and Political Rights, 1966, that *His Majesty the King* has, in accordance with clause (11) of Article 115 of the Constitution of the Kingdom of Nepal, 1990 (2047), revoked the Order of State of Emergency proclaimed on 1 Feburary 2005 in respect to fthe whole of the Kingdom of Nepal.

NICARAGUA

4 June 1980

The Governing Junta for National Reconstruction of the Republic of Nicaragua, by Decree No. 383 of 29 April 1980, rescinded the National Emergency Act promulgated on 22 July 1979 and revoked the state of emergency extended by Decree No. 365 of 11 April 1980.

14 April 1982

Suspension of articles 1-5, 8 (3), 10, 12-14, 17, 19-22, 26 and 27 in accordance with Decree No. 996 of 15 March 1982 (national emergency) from 15 March to 14 April 1982. Extension of the suspension to 14 May 1982.

8 June 1982

Extension of the suspension to 14 June 1982.

26 August 1982

Suspension of the above-mentioned articles of the Covenant in accordance with Decree No. 1082 of 26 July 1982 from 26 July 1982 to 26 January 1983.

14 December 1982

Extension of the suspension to 30 May 1983.

8 June 1984

Extension of the state of emergency for fifty days beginning on 31 May 1984 and derogation from article 2, paragraph 3; articles 9, 12 and 14; article 19, paragraphs 2 and 3; and article 21 of the Covenant.

1 August 1984

(Dated 10 June 1984)

Extension of the state of emergency until 30 May 1984 by Decree 1255 of 26 May 1984 and derogations from articles 1 to 5, article 8, paragraph 3; articles 9, 10, 12, 13, 14, 19 to 22; and articles 26 and 27.

22 August 1984

(Dated 2 August 1984)

Extension of the state of emergency until 20 October 1984 and derogation from articles 2 (3), 9 and 14 of the Covenant by Legislative Decree No. 1477 of 19 July 1984.

(Dated 9 August 1984)

Derogation from the implementation of articles 2 (3), 9 and 14 of the Covenant from 6 August to 20 October 1984, in respect of persons committing or suspected of committing the offences referred to in articles 1 and 2 of the Act concerning the Maintenance of Order and Public Security.

13 November 1985

(Dated 11 November 1985)

... [The] Government [of Nicaragua] has been obliged, as a resultf the foreign aggression to which it is being subjected, to suspend the application of certain of the provisions of the Covenant throughout the national territory, for a period of one year starting on 30 October 1985.

The reasons for this suspension are [the following]: the Government of the United States of America, against the express will of the majority of the world's governments and peoples and in violation of the norms of international law, has continued its unjust, unlawful and immoral aggression against the Nicaraguan people and their revolutionary government.

... The following provisions of the Covenant [are suspended] throughout the national territory for the period of one year, starting on 29 October 1985:

Article 8 (3); article 9; article 10, except paragraph 1; article 12 (2) and (4); article 14, except paragraphs 2 and 5 and subparagraphs (a), (b), (d) and (g) of paragraph 3; article 17; article 19; article 21 and article 22. Article 2 (2) remains in force for those rights that have not been suspended, and paragraph 3 of the same remains in force for all those offences which do not affect national security and public order.

30 January 1987

(Dated 29 January 1987)

Taking into account the continuation and the escalation of the military, political and economic aggressions by the United States of America, the State of National Emergency has been re-established as from 9 January 1987 by Decree No. 245. Accordingly and throughout the territory of Nicaragua and until 8 January 1988 the following provisions of the Covenant are suspended:

Article 2 (3) in respect of acts which undermine national security and public order and of the rights and guarantees set forth in those provisions of the Covenant which have been suspended;

Article 9 (solely for offences against national security and public order).

Article 12 and article 14 (3) (c); article 17, in so far as it relates to home and correspondence, with the other rights remaining in effect;

Articls 19, 21 and 22.

13 May 1987

(Dated 8 April 1987)

By Decree No. 250 dated 23 February 1987, confirming a previous Decree No. 245 of 9 January 1987, the Government of Nicaragua has reinstated the State of emergency for a year as of 28 February 1987, owing to the unjust, unlawful and cruel war of aggression waged against Nicaragua. Accordingly, the following articles of the Covenant are being derogated from:

Article 2, paragraph 3, in which we draw a distinction between administrative *amparo* which is suspended in respect of the rights and guarantees provided in the Covenant, which have been suspended, and the remedy of *habeas corpus*, which is not applicable to offences against national security and public order;

Article 9. It should be understood that the remedy referred to in paragraph 4 is suspended solely in respect of offences against national security and public order;

Article 12, regarding the right of residence, liberty of movement and freedom to enter and leave the country;

Article 14, paragraph (3), regarding the right to be tried without undue delay;

Article 17, in respect of the inviolability of the home and correspondence with the other rights remaining in effect;

Article 19, paragraphs (1) and (2), regarding the right to hold opinions and the freedom of expression.

8 February 1988

(Dated 4 February 1988)

Suspension of the state of emergency in force in the country, thus re-establishing the full enjoyment of all rights and guarantees of Nicaraguans laid down in the Constitution of Nicaragua.

20 May 1993

(Dated 19 May 1993)

Partial suspension for a period of 30 days by Decree 30-93 of 18 May 1993 as from that same date of the rights and guarantees provided for in articles 17 (in respect of the inviolability of the home), 9(1)(2)(3) and (5) within the 14 Nicaraguan municipalities located in the departments of Matagalpa, Jinotega, Estelí, Nueva Segovia and Madriz for the purpose of restoring lawnd order and public safety in accordance with the needs expressed since criminal offences have been perpetrated continually in certain municipalities in the country threatening public order and personal security. Moreover, some members of armed groups have continued to engage in unlawful rebel activities.

13 August 1993

(Dated 11 August 1993)

Re-establishment of the rights and guarantees provided for in articles 17 and 9 of the Covenant as from 17 June 1993 in the affected municipalities and throughout Nicaragua.

1 June 2005

On 1 June 2005, the Secretary-General received from the Government of Nicaragua a notification signed by the President dated 30 May 2005, made under article 4 (3) of the above Covenant, declaring a state of emergency had been established pursuant to Decree No. 34-2005 to reduce the impact of the socio-economic and political crisis that Nicaragua is undergoing.

The above notification specified that the provisions partially derogated from are article 2, paragraphs 1 and 3 (a), (b) and (c), and article 9, paragraph 3, of the Covenant.

3 June 2005

On 3 June 2005, the Secretary-General received from the Government of Nicaragua a notification made under article 4 (3) of the Covenant transmitting Decree No. 38-2005 dated 2 June 2005, which declared that the economic emergency which had been established by Decree No. 34-2005 was repealed and that the constitutional rights and guarantees have been restored.

PANAMA

21 June 1987

(Dated 11 June 1987)

Declaration of the State of emergency throughout the territory of the Republic of Panama. The notification specifies that the state of emergency was declared since, on 9 and 10 June 1987, there were outbreaks of violence, clashes between demonstrators and units of defence forces, and incitement to violence by individuals and political groups resulting in personal injury and considerable material damage. The measure was taken with a view to restoring law and order and safeguarding the life, the dignity and the property of Panamanian nationals and of foreigners living in Panama.

The articles of the Covenant being derogated from are articles 12, paragraph 1; 17, with regard to the inviolability of correspondence; 19 and 21.

1 July 1987

Termination of the State of emergency and reinstatement of all constitutional guarantees as at 30 June 1987.

PARAGUAY

27 April 2010

Through note DM/No. 105/2010, the Ministry of Foreign Affairs of the Republic of Paraguay notified the Secretary-General that in response to criminal acts that are causing serious internal disturbances within the Republic and which pose an immediate threat to the proper functioning of constitutional bodies and to the lives, liberty, rights and property of the populations concerned, by act No. 3,994/10, a state of emergency was declared in the Departments of Concepción, San Pedro, Amambay, Alto Paraguay and Presidente Hayes for a period of 30 days as from 24 April 2010.

PERU

[For notifications made by Peru received by the Secretary-General between 22 March 1983 and 12 December 2006, see note 1 under "Peru" in the "Historical Information" section in the front matter of this volume.]

24 January 2007

... by Supreme Decree No. 005-2007-PCM, issued on 18 January 2007, a state of emergency in the provinces of Huanta and La Mar, department of Ayacucho; the province of Tayacaja, department of Huancavelica; the province of La Convención, department of Cusco; the province of Satipo, Andamarca district of the province of Concepción, and Santo Domingo de Acobamba district of the province of Huancayo, department of Junín, has been extended for 60 days from 25 January 2007.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended.

21 February 2007

... by Supreme Decree No. 011-2007-PCM issued on 15 February 2007 together with a corrigendum, the state of emergency in the provinces of Marañón, Huacaybamba, Leoncio Prado and Huamalíes, department of Huánuco, the province of Tocache, department of San Martín, and the province of Padre Abad, department of Ucayali, has been extended for a period of 60 days. A previous extension was communicated in our note No. 7-1-SG/044 dated 20 October 2006.

During the state of emergency, the rights recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru are suspended.

30 March 2007

... by Supreme Decree No. 026-2007-PCM, issued on 22 March 2007, the state of emergency in the provinces of Huanta and La Mar, Department of Ayacucho; the province of Tayacaja, Department of Huancavelica; the province of La Convención, Department of Cusco; and the province of Satipo, the Andamarca district of the province of Concepción and the Santo Domingo de Acobamba district of the province of Huancayo, Department of Junín, has been extended for a period of 60 days as from 26 March 2007.

During the state of emergency, the rights to inviolability of the home, liberty of movement, freedom of assembly and liberty and security of person, which are recognized, respectively, in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, are suspended.

... by Supreme Decree No. 016-2007-PCM, issued on 2 March 2007, a state of emergency was declared in the

department of Arequipa, province of Islay, district of Cocachacra, for a period of 30 days.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, established in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru, and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

5 April 2007

... by Supreme Decree No. 030-2007-PCM, issued on 31 March 2007, the state of emergency in the department of Arequipa, province of Islay, district of Cocachacra, was extended for a period of 30 days from 1 April 2007.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, established in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru, and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

25 April 2007

... by Supreme Decree No. 039-2007-PCM issued on 18 April 2007, the state of emergency in the provinces of Marañón, Huacaybamba, Leoncio Prado and Huamalíes, department of Huánuco, the province of Tocache, department of San Martín, and the province of Padre Abad, department of Ucayali, has been extended for a period of 60 days. A previous extension was communicated in our note No. 7-1-SG/06 of 20 February 2007.

During the state of emergency, the rights to the inviolability of the home, freedom of movement and assembly, and liberty and security of person recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

6 June 2007

... by Supreme Decree No. 044-2007-PCM issued on 24 May 2007, a state of emergency in the provinces of Huanta and La Mar, Department of Ayacucho; the province of Tayacaja, Department of Huancavelica; the province of La Convención, Department of Cusco; and the province of Satipo, the Andamarca and Comas districts of the province of Concepción and the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, Department of Junín has been extended for a period of 60 days as from 25 May 2007. A previous extension was communicated in Note 7-1-SG/009 of 28 March 2007.

During the state of emergency, the rights to inviolability of the home, liberty of movement, freedom of assembly and liberty and security of person, which are recognized, respectively, in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, are suspended.

11 June 2007

... by Supreme Decree No. 045-2007-PCM issued on 25 May 2007, a state of emergency has been declared in the Santa Anita district of the province of Lima, Department of Lima, for a period of seven days.

During the state of emergency, the rights to inviolability of the home, liberty of movement, freedom of assembly and liberty and security of person, which are recognized, respectively, in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, are suspended.

11 July 2007

... by Supreme Decree No. 056-2007-PCM issued on 2 July 2007, a state of emergency in the provinces of Marañón, Huacaybamba, Leoncio Prado and Huamalíes, department of Huánuco, the province of Tocache, department of San Martín, and the province of Padre Abad, department of Ucayali, has been extended for a period of 60 days. A previous extension was communicated in our note No. 7-1-SG/013 of 24 April 2007.

During the state of emergency, the rights to the inviolability of the home, freedom of movement and assembly, and liberty and security of person recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

26 July 2007

... by Supreme Decree No. 065-2007-PCM, issued on 21 July 2007, extended the state of emergency in the provinces of Huanta and La Mar, Department of Ayacucho; the province of Tayacaja, Department of Huancavelica; the districts of Kimbiri, Pichari and Vilcabambaof the provinceof La Convención, Department of Cusco; and the province of Satipo, the Andamarca and Comas districts of the province of Concepción and the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, Department of Junín, for a period of 60 days as from 24 July 2007. A previous extension was communicated in Note 7-1-SG/017 of 6 June 2007.

During the state of emergency, the rights to inviolability of the home, liberty of movement, freedom of assembly and liberty and security of person, which are recognized, respectively, in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, are suspended.

13 September 2007

... by Supreme Decree No. 077-2007-PCM, issued on 30 August 2007, extended the state of emergency in the provinces of Marañón, Huacaybamba, Leoncio Prado and Huamalíes, department of Huánuco, the province of Tocache, department of San Martín, and the province of Padre Abad, department of Ucayali, has been extended for a period of 60 days as from 31 August 2007.

During the state of emergency, the rights to inviolability of the home, liberty of movement, freedom of assembly and liberty and security of person, which are recognized, respectively, in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12 , 21 and 9 of the International Covenant on Civil and Political Rights, are suspended.

7 January 2008

... by Supreme Decree No. 099-2007-PCM, issued on 28 December 2007, thestate of emergency in the Districts of San Buenaventura and Cholón, Province of Marañón, in the Province of Leoncio Prado and in the District of Monzón, Province of Huamalíes, Department of Huánuco; in the Province of Tocache, Department of San Martín; and in the Province of Padre Abad, Department of Ucayali, has been extended for 60 days as from 29 December 2007.

During the state of emergency the rights to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

12 February 2008

... by Supreme Decree No. 005-2008-PCM, published on 19 January 2008, the state of emergency in the provinces of Huanta and La Mar, department of Ayacucho, the province of Tayacaja, department of Huancavelica, the Kimbiri, Pichari and Vilcabamba districts of the province of La Convención, department of Cusco, the province of Satipo, the Andamarca and Comas

districts of the province of Concepción and the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancaya, department of Junín, has been extended for sixty days, beginning 20 January 2008. A previous extension and declaration were communicated in Note 7-1-SG/009 of 28 March 2007.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of association and liberty and security of the person, recognized in article 2, paragraphs 9, 11, 12 and 24(f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shallbe suspended.

21 February 2008

... by Supreme Decree No. 012-2008-PCM, published on 18 February 2008, a state of emergency has been declared in the Provinces of Huaura, Huaral and Barranca, Department of Lima; in the Provinces of Huarmey, Casma and Santa, Department of Ancash; and in the Province of Virú, Department of La Libertad, for a period of seven days.

During the state of emergency the rights to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

12 March 2008

... by Supreme Decree No. 019-2008-PCM, issued on 6 March 2008, a state of emergency has been declared in Cholón district of the province of Marañón, in Monzón district of the province of Huamalíes and in Leoncio Prado province, department of Huánuco; in Tocache province, department of San Martín; and Padre Abad province, department of Ucayali, for a period of 60 days.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended.

8 May 2008

... by Supreme Decree No. 019-2008-PCM, issued on 4 May 2008, the state of emergency in Cholón district of the Province of Marañón, in Monzón district of the Province of Huamalíes and in the Province of Leoncio Prado, Department of Huánuco; the Province of Tocache, Department of San Martín; and the Province of Padre Abad, Department of Ucayali, has been extended for a period of 60 days, beginning 6 May 2008. A previous extension was communicated in Note 7-1-SG/09 of 12 March 2008.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended.

9 July 2008

... by Supreme Decree No. 045-2008-PCM, published on 3 July 2008, the state of emergency in the Cholón district in Marañón province, the Monzón district in Huamalíes province, and Leoncio Prado province, all of which are located in the department of Huánuco; Tocache province, department of San Martín; and Padre Abad province, department of Ucayali, has been extended for 60 days from 5 July 2008.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

21 July 2008

... by Supreme Decree No. 046-2008-PCM, issued on 12 July 2008, the state of emergency in the provinces of Huanta and La Mar, department of Ayacucho; the province of Tayacaja, department of Huancavelica; the Kimbiri, Pichari and Vilcabamba districts of the

province of La Convención, department of Cusco; the province of Satipo; the Andamarca and Comas districts of the province of Concepción; and the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, department of Junín has been extended for 60 days as from 18 July 2008.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

8 August 2008

... by Supreme Decree No. 045-2008-PCM, published on 3 July 2008, the state of emergency in the Cholón district in Marañón province, the Monzón district in Huamalíes province, and Leoncio Prado province, all of which are located in the department of Huánuco; Tocache province, department of San Martín; and Padre Abad province, department of Ucayali, has been extended for 60 days from 5 July 2008.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

8 August 2008

... by Supreme Decree No. 038-2008-PCM, issued on 15 May 2008, the state of emergency in the provinces of Huanta and La Mar, department of Ayacucho, the province of Tayacaja, department of Huancavelica, the Kimbiri, Pichari and Vilcabamba districts of the province of La Convención, department of Cusco, the province of Satipo, the Andamarca and Comas districts of the province of Concepción and the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, department of Junín, has been extended for sixty days, beginning 19 May 2008.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of association and liberty and security of the person, recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

22 August 2008

... by Supreme Decree No. 058-2008-PCM, issued on 18 August 2008, a state of emergency was declared in the Provinces of Bagua

and Utcubamba, Department of Amazonas; the Province of Datem del Marañón, Department of Loreto; and the Echarate district of the Province of La Convención, Department of Cusco, for a period of thirty days as from 19 August 2008.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

2 September 2008

... by Supreme Decree No. 060-2008-PCM, issued on 28 August 2008, the state of emergency in the Cholón District in Marañón Province, the Monzón District in Huamalíes Province, and Leoncio Prado Province, all of which are located in the Department of Huánuco; in Tocache Province, Department of San Martín; and in Padre Abad Province, Department of Ucayali, has been extended for a period of 60 days from 3 September 2008.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person enshrined in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended.

2 September 2008

... by Supreme Decree No. 061-2008-PCM, which was issued on 28 August 2008, Supreme Decree No. 058-2008-PCM, which established a state of emergency in the Provinces of Bagua and Utcubamba in the Department of Amazonas; in the Province of Datem del Marañón in the Department of Loreto; and in the Echarate District of La Convención Province in the Department of Cusco, has been declared null and void.

18 September 2008

... by Supreme Decree No. 063-2008-PCM, issued on 12 September 2008, the state of emergency in the provinces of Huanta and La Mar, department of Ayacucho; in the province of Tayacaja, department of Huancavelica; in the Kimbiri, Pichari and Vilcabamba districts of the province of La Convención, department of Cusco; in the province of Satipo; in the Andamarca and Comas

districts of the province of Concepción; and in the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, department of Junín, has been extended for 60 days, beginning 16 September 2008.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of the person, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the InternationalCovenant on Civil and Political Rights, respectively, shall be suspended.

12 November 2008

... by Supreme Decree No. 070-2008-PCM, issued on 4 November 2008, a state of emergency has been declared, as from 5 November 2008, in the provinces of Tacna, Jorge Basadre, Candarave and Tarata, department of Tacna.

During the state of emergency the rights to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

18 November 2008

... by Supreme Decree No. 072-2008-PCM, published on 13 November 2008, the state of emergency has been extended for a period

of 60 days, beginning 15 November 2008, in the provinces of Huanta and La Mar, department of Ayacucho; in the province of Tayacaja, department of Huancavelica; in the districts of Kimbiri, Pichari and Vilcabamba in the province of La Convención, department of Cusco; in the province of Satipo; in the districts of Andamarca and Comas in the province of Concepción and in the districts of Santo Domingo de Acobamba and Pariahuanca in the province of Huancayo, department of Junín.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended.

16 December 2008

... by Supreme Decree No. 072-2008-PCM, published on 13 November 2008, the state of emergency has been extended for 60 days,

beginning 15 November 2008, in the provinces of Huanta and La Mar, department of Ayacucho; in the province of Tayacaja, department of Huancavelica; in the districts of Kimbiri, Pichari and Vilcabamba in the province of La Convención, department of Cusco; in the province of Satipo; in the districts of Andamarca and Comas in the province of Concepción; and in the districts of Santo Domingo de Acobamba and Pariahuanca in the province of Huancayo, department of Junín.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24(f) of the Political Constitutionof Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

14 January 2009

... by Supreme Decree No. 001-2009-PCM, published on 10 January 2009, the state of emergency has been extended for 60 days,

with effect from 14 January 2009, in the provinces of Huanta and La Mar, department of Ayacucho; in the province of Tayacaja, department of Huancavelica; in the districts of Kimbiri, Pichari and Vilcabamba in the province of La Convención, department of Cusco; in the province of Satipo; and in the districts of Andamarca and Comas in the province of Concepción and the districts of Santo Domingo de Acobamba and Pariahuanca in the province of Huancayo, department of Junín.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of thePolitical Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

30 March 2009

... by Supreme Decree No. 015-2009-PCM, issued on 12 March 2009, the state of emergency has been extended for 60 days, with effect from 15 March 2009, in the provinces of Huanta and La Mar, department of Ayacucho; in the province of Tayacaja,

department of Huancavelica; in the districts of Kimbiri, Pichari and Vilcabamba in the province of La Convención, department of Cusco; in the province of Satipo; and in the districts of Andamarca and Comas in the province of Concepción and the districts of Santo Domingo de Acobamba and Pariahuanca in the province of Huancayo, department of Junín.

During the state of emergency, the rights to inviolability of the home, liberty of movement, freedom of assembly, and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

27 April 2009

... by Supreme Decree No. 013-2009-PCM, issued on 26 February 2009, the state of emergency in the Cholón district of the province of Marañón, the Monzón district of the province of Huamalíes and the province of Leoncio Prado, department of Huánuco; the

province of Tocache, department of San Martín; and the province of Padre Abad, department of Ucayali, has been extended for sixty days with effect from 2 March 2009.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

15 May 2009

... by Supreme Decree No. 027-2009-PCM, issued on 9 May 2009, a state of emergency was declared in the Echarate and Kimbiri districts of the province of La Convención, department of Cuzco; the Sepahua district of the province of Atalaya, department of Ucayali; the Napo district of the province of Maynas, department of Loreto; the Andoas, Pastaza, Morona and Manseriche districts of the province of Datem del Marañón, department of Loreto; and the Imaza district of the province of Bagua, department of Amazonas, for a period of 60 days, with effect from 10 May 2009.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

9 June 2009

... by Supreme Decree No. 035-2009-PCM issued on 5 June 2009, the state of emergency declared under Supreme Decree No. 027-2009-PCM has been extended throughout the department of Amazonas, Datem del Marañón province of the department of Loreto and Jaén and San Ignacio provinces of the department of Cajamarca.

During the state of emergency, the right to the inviolability of the home, freedom of movement, freedom of association and liberty and security of person, contained in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru, and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, have been suspended.

29 June 2009

... by Supreme Decree No. 028-2009-PCM, issued on 13 May 2009, the state of emergency in the provinces of Huanta and La Mar, department of Ayacucho; the province of Tayacaja, department of Huancavelica; the Kimbiri, Pichari and Vilcabamba districts of the

province of La Convención, department of Cusco; the province of Satipo; the Andamarca and Comas districts of the province of Concepción and the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, department of Junín, has been extended for 60 days, with effect from 14 May 2009.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, recognized in article 2, paragraphs 9, 11, 12 and 24(f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

29 June 2009

... by Supreme Decree No. 039-2009-PCM, issued on 22 June 2009, the state of emergency declared by Supreme Decree No. 027-

2009-PCM, and extended by Supreme Decree No. 035-2009-PCM, in all the territorial areas covered by those legal provisions (the Echarate and Kimbiri districts of the province of La Convención, department of Cusco; the Sepahua district of the province of Atalaya, department of Ucayali; the Napo district of the province of Maynas, department of Loreto; the Andoas, Pastaza, Morona and Manseriche districts of the province of Datem del Marañón, department of Loreto; and the Imaza district of the province of Bagua, department of Amazonas) has been lifted.

It should be noted that the state of emergency in the Kimbiri district of the province of La Convención, departmentof Cusco, will remain in effect pursuant to Supreme Decree No. 028-2009-PCM.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, recognized in article 2, paragraphs 9, 11, 12 and 24(f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

30 June 2009

... by Supreme Decree No. 041-2009-PCM, issued on 26 June 2009, the state of emergency in the Cholón district of the province of Marañón, the Monzón district of the province of Huamalíes and the province of Leoncio Prado, department of Huánuco; the province of Tocache, department of San Martín; and the province of Padre Abad, department of Ucayali, has been extended for sixty days with

effect from 1 July 2009.

During the state of emergency, the rights of inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of the person recognized in article 2, paragraphs 9, 11, 12, and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

20 July 2009

... by Supreme Decree No. 043-2009-PCM, issued on 9 July 2009, a state of emergency has been declared in the department of Ica, the provinces of Cañete and Yauyos of the department of Lima; and the provinces of Castrovirreyna, Huaytará and the districts of

Acobambilla and Manta of the province of Huancavelica, for a period of sixty days.

During the state of emergency, the rights of inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of the person recognized in article 2, paragraphs 9, 11, 12, and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended.

20 July 2009

... by Supreme Decree No. 044-2009-PCM, issued on 9 July 2009, the state of emergency in the provinces of Huanta and La Mar, department of Ayacucho; the province of Tayacaja, department of Huancavelica; the Kimbiri, Pichari and Vilcabamba districts of the

province of La Convención, department of Cusco; the province of Satipo; the Andamarca and Comas districts of the province of Concepción and the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, department of Junín, has been extended for 60 days, with effect from 13 July 2009.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, recognized in article 2, paragraphs 9, 11, 12 and 24(f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

10 September 2009

... by Supreme Decree No. 055-2009-PCM, issued on 3 September 2009, the state of emergency in the provinces of Huanta and La

Mar, department of Ayacucho; the province of Tayacaja, department of Huancavelica; the Kimbiri, Pichari and Vilcabamba districts of the province of La Convención, department of Cusco; the province of Satipo; the Andamarca and Comas districts of the province of Concepción and the Santo Domingo de Acobamba and

Pariahuanca districts of the province of Huancayo, department of Junín, has been

extended for 60 days, with effect from 11 September 2009.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, recognized in article 2, paragraphs 9, 11, 12 and 24(f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

16 September 2009

... by Supreme Decree No. 060-2009-PCM, published on 10 September 2009, a state of emergency has been declared in the Cholón

district of the province of Marañón, the Monzón district of the province of Huamalíes and the province of Leoncio Prado, all of which are located in the department of Huánuco; the province of Tocache, department of San Martín; and the province of Padre Abad, department of Ucayali, for a period of 60 days with effect from 11 September 2009.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended.

23 November 2009

... by Supreme Decree No. 068-2009-PCM, issued on 30 October 2009, the state of emergency in the provinces of Huanta and La Mar, department of Ayacucho; the province of Tayacaja, department of Huancavelica; the Kimbiri, Pichari and Vilcabamba districts of the province of La Convención, department of Cusco; the province of Satipo; the Andamarca and Comas districts of the province of Concepción and the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, department of Junín, has been extended for 60 days, with effect from 10 November 2009.…

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, recognized in article 2, paragraphs 9, 11, 12 and 24(f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

23 November 2009

... by Supreme Decree No. 070-2009-PCM, published on 5 November 2009, the state of emergency in the Cholón district of the province of Marañón, the Monzón district of the province of Huamalíes and the province of Leoncio Prado, all of which are located in the department of Huánuco; the province of Tocache, department of San Martín; and the province of Padre Abad, department of Ucayali, has been extended for 60 days with effect from 10 November 2009.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended.

6 January 2010

... by Supreme Decree No. 077-2009-PCM, published on 1 December 2009, a state of emergency was declared in the province of

Abancay, department of Apurimac, for a period of 60 days as from 2 November 2009.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, provided for in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru, and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, have been suspended.

9 April 2010

... by Supreme Decree No. 042-2010-PCM, issued on 31 March 2010 [...], a state of emergency was declared in the provinces of Nazca, Palpa and San Juan de Marcona, department of Ica; the provinces Tambopata and Manú, department of Madre de Dios; and the provinces of Carevelí and Camaná, department of Arequipa, for a period of 60 days as from 1 April 2010.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, provided for in article 2, paragraphs 9, 11, 12 and 24(f), of the Political Constitution of Peru, and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

6 May 2010

[...] by Supreme Decree No. 049-2010-PCM, issued on 29 April 2010 (copy attached), the state of emergency in the provinces of Huanta and La Mar, department of Ayacucho; the province of Tayacaja, department of Huancavelica; the Kimbiri, Pichari and Vilcabamba districts of the province of La Convención, department of Cusco; the province of Satipo; the Andamarca and Comas districts of the province of Concepción and the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, department of Junín, has been extended for 60 days, with effect from 9 May 2010.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, recognized in article 2, paragraphs 9, 11, 12 and 24(f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended.

[...]

21 May 2010

[...] by Supreme Decree No. 055-2010-PCM of 15 May 2010, the public order having been disturbed in the provinces of Marañón, Leoncio Prado and Humanalíes, a state of emergency has been declared in the Cholón district of the province of Marañón, the Monzón district of the province of Huamalíes and the province of Leoncio Prado, all located in the department of Huánuco; in the province of Tocache, department of San Martín; and in the province of Padre Abad, department of Ucayali, for a period of 60 days with efect from 16 May 2010.

During the state of emergency, the rights to inviolability of the home, liberty of movement, freedom of assembly and liberty and security of person, recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

21 May 2010

[...] by Supreme Decree No. 057-2010-PCM, issued on 18 May 2010, a state of emergency has been declared in the constitutional province of Callao for a period of 60 days, with effect from 19 May 2010.

During the state of emergency, the rights to inviolability of the home, liberty of movement, freedom of assembly and liberty and security of person, recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, shall be suspended.

11 August 2010

[...] by Supreme Decree No. 078-2010-PCM, published on 31 July 2010 [...], a state of emergency has been declared in the Echarate district of the province of

La Convención, department of Cusco, for a period of 60 days with effect from 1 August 2010.

During the state of emergency, the rights to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended.

31 August 2010

[...] by Supreme Decree No. 087-2010-PCM, issued on 26 August 2010 [...], the state of emergency in the provinces of Huanta and La Mar, department of Ayacucho; the province of Tayacaja, department of Huancavelica; the Kimbiri, Pichari and Vilcabamba districts of the province of La Concepción, department of Cusco; the province of Satipo; the Andamarca and Comas districts of the province of Concepción; and the Santo Domingo de Acobamba and Pariahuanca districts of the province of Huancayo, department of Junín, has been extended for 60 days, with effect from 6 September 2010.

During the State of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended.

17 September 2010

[...] by Supreme decree No. 091-2010-PCM, issued on 11 September 2010 [...], the state of emergency in the Cholón district in Marañón province, the Monzón district in Huamalíes province, and Leoncio Prado province, all of which are located in the department of Huánuco; Tocache province, department of San Martín; and Padre Abad province departmetn of Ucayali, has been extended for 60 days, with effect from 12 September 2010.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended.

1 November 2010

[...] by Supreme Decree No. 091-2010-PCM, issued on 11 September 2010 [...], the State of emergency in the Cholón district in Marañón province, the Monzón district in Huamalíes province, and Leoncio Prado province, all of which are located in the department of Huánuco; Tocache province, department of San Martín; and Padre Abad province, department of Ucayali, has been extended for 60 days, with effect from 12 September 2010.

During the state of emergency, the right to inviolability of the home, freedom of movement, freedom of assembly, and liberty and security of person, which are recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, will be suspended.

POLAND

1 February 1982

"In connection with the proclamation of martial law by the Council of State of the Polish People's Republic, as based on article 33, paragraph 2, of Poland's Constitution, there has been temporary derogation from or limitation of application of provisions of articles 9, 12 (paragraphs1 and 2), 14 (paragraph 5), 19 (paragraphs 2, 21 and 22) of the Covenant, to the extent strictly required by the exigencies of the situation ...

Temporary limitation of certain rights of citizens has been prompted by the supreme national interest. It was caused by the exigencies of averting a civil war, economic anarchy as well as destabilization of state and social structures ...

The restrictive measures in question are of a temporary nature. They have already been considerably cut back and along with the stabilizing of the situation, will be successively terminated."

22 December 1982

Basing on the law by the Diet (Seym) of the Polish People's Republic of 18 December 1982 concerning special legal regulation in the time of suspension of martial law, derogation from Covenant's articles 9, 12 paragraphs 1 and 2, articles 21 and 22, has been terminated as of 31 December 1982.

By terms of the same law as well as a result of earlier successive measures, restrictions in the application of Covenant provisions which are still derogated from, namely article 14 paragraph 5 and article 19 paragraph 2, have also been considerably reduced.

For instance, with reference to Covenant's article 14 paragraph 5, emergency procedures have been lifted in relation to crimes and offences committed in social conflicts out of political motivations, they have only been retained with regard to crimes most dangerous to State's basic economic interests as well as to life, health and property of its citizens.

25 July 1983

Termination as from 22 July 1983 of derogations.

RUSSIAN FEDERATION

18 October 1988

(Dated 13 October 1988)

[Owing to] nationalistic clashes in the Soviet Union in the Nagorno-Karabach Autonomous Region and the Agdam district of the Azerbaydzhan Soviet Socialist Republic [and to] contraventions of public order, accompanied in a number of cases by the use of weapons, [which] have unfortunately resulted in casualties and damage to the property of the State and of private individuals [and owing to the attack of] some State institutions ... a state of emergency has been temporarily imposed, and a curfew is in effect, in the Nagorno-Karabach Autonomous Region and the Agdam district of the Azerbaydzhan SSR, as of 21 September 1988. The state of emergency has been imposed in order to restore public order, protect citizens' individual and property rights and enforce strict compliance with the law, in accordance with the powers conferred by the Presidium of the Supreme Soviet of the USSR.

While the state of emergency is in force, demonstrations, rallies, meetings and strikes are banned. The movements of civilians and vehicles are restricted between 9 p.m. and 6 a.m. These restrictions represent a partial departure from the provisions of articles 12 and 21 of the International Covenant on Civil and Political Rights. Steps to ensure the safety of civilians and maintain public order are being taken by units of the militia and the armed forces. The local and central organs of power and government are taking steps to normalize the situation; and elucidation effort is in progress, with the aim of preventing criminal acts and incitement to national hatred.

Further [information will be provided as concerns] the date on which the state of emergency is lifted after the normalization of the situation.

17 January 1990

(Dated 15 January 1990)

Proclamation of the state of emergency as from 11 p.m. local time on 15 January 1990, in territory of the Nagorno-Karabach autonomous region, the regions of the Azerbaijan SSR adjacent thereto, the Gorissa region of the Armenian SSR and the border zone along the state frontier between the USSR and the territory of the Azerbaijan SSR. The state of emergency was proclaimed

owing to incitement by extremist groups which are organizing disorders, stirring up dissension and hostility between nationalities, and do not hesitate to mine roads, open fire in inhabited areas and take hostages. Articles 9, 12, 19, 21 and 22 of the Covenant were accordingly suspended.

25 January 1990

(Dated 29 January 1990)

Proclamation of the state of emergency, as from 20 January in the city of Baku and application to that territory of the Decree adopted by the Presidium of the Supreme Soviet of the USSR on 15 January 1990, in the light of massive disorders organized by criminal extremist forces to overthrow the Government, and also with a view to ensure the protection and security of citizens. Articles 9, 12, 19, 21 and 22 of the Covenant are accordingly suspended.

26 March 1990

(Dated 23 March 1990)

Establishment of the state of emergency as from 12 February 1990 in Dushanbe (Tadzhik SSR) because of widespread disorders, arson and other criminal acts which resulted in a threat to the citizens. Articles 9, 12 and 21 of the Covenant were accordingly suspended.

5 November 1992

(Dated 3 November 1992)

Establishment of the state of emergency from 2 p.m. on 2 November 1992 to 2 p.m. on 2 December 1992 in the territory of the North Ossetian SSR and the Ingush Republic as a result of the serious deterioration in the situation with mass disturbances and conflicts between minorities accompanied by violence involving the use of weapons and military equipment and leading to the loss of human lives, and also in view of the threat to the security and territorial integrity of the Russian Federation. Articles 9, 12, 19, 21 and 22 of the Covenant were accordingly suspended.

7 April 1993

(Dated 7 April 1993)

Establishment of thetate of emergency from 1400 hours on 31 March 1993 to 1400 hours on 31 May 1993 in the Prigorodny district and adjacent areas of the North Ossetian SSR and part of the Nazran district of the Ingush Republic due to "the continuing deterioration of the situation in parts of the North Ossetian Socialist Republic and the Ingush Republic, popular unrest and inter-ethnic conflicts, accompanied by violence involving the use of arms and military equipment".

The provisions from which it has derogated are articles 9, 12, 19, 21 and 22 of the Covenant.

13 August 1993

(Dated 10 August 1993)

Proclamation of the state of emergency by Decree No. 1149 of 27 and 30 July 1993, as from 31 July 1993 at 1400 hours until 30 September 1993 at 1400 hours in the territories of the Mozdok district, the Prigorodny district and adjacent localities of the North Ossetian Soviet Socialist Republic (SSR) and the Malgobek and Nazran districts of the Ingush Republic due to the deterio ration of the situation in certain parts of these territories.

The provisions from which it has derogated are articles 12 (1), 13, 17(1), 19(2), 21 and 22.

5 October 1993

(Dated 4 October 1993)

Proclamation of the state of emergency as from 3 October 1993 at 4 p.m. to 10 October 1993 at 4 p.m. in the city of Moscow "in connection with the attempts of extremist forces to provoke mass violence through organized attacks against the representatives of authority and the Police". The provisions from which it has derogated are articles 12(1), 13, 19(2) and 22.

22 October 1993

(Dated 21 October 1993)

Extension of the state of emergency in the city of Moscow pursuant to Decree No. 1615 of 9 October 1993 until 18 October 1993 at 5 a.m. owing to "the need to ensure further normalization of the situation in Moscow, strengthen the rule of law and ensure the security of the inhabitants after the attempted armed *coup d'état* of 3-4 October 1993

27 October 1993

Teration of the state of emergency established in Moscow pursuant to Decree of 3 October 1993 and extended pursuant to Decree of 9 October 1993, as from 18 October 1993 at 5 a.m.

28 October 1993

(Dated 28 October 1993)

Proclamation of the state of emergency pursuant to Presidential Decree of 29 September 1993 as from 30 September 1993 at 1400 hours until 30 November 1993 at 1400 hours in the territories of the Mozdok district, the Prigorodny district and adjacent localities of the North Ossetian Soviet Socialist Republic and the Malgobek and Nazran districts of the Ingush Republic. The Government of the Russian Federation specified that the reasons for the state of emergency were the deterioration of the situation in a number of districts of the North Ossetian Soviet Socialist Republic and the Ingush Republic as a result of the non-implementation of the agreements concluded earlier by the two sides and the decisions of the interim administration regarding the settlement of the conflict, and the increase in the number of acts of terrorism and violence. (Derogations from articles 12(1), 13, 19(2) and 22.)

29 December 1993

(Dated 23 December 1993)

Extension of the state of emergency until 31 January 1994 at 1400 hours by Presidential Decree to parts of the territories of the Republic of North Ossetia and the Ingush Republic ... necessitated by the worsening of the situation in a number of districts of the Republic of North Ossetia and the Ingush Republic.

18 February 1994

(Dated 22 June 1993)

In view of the deterioration of the situation and the increased frequency of terrorist acts and widespread disorder on national soil involving the use of firearms, the President of Russia issued a Decree on 29 May 1993 declaring a state of emergency from 1400 hours on 31 May 1993 to 1400 hours on 31 July 1993 in the Mozdok district, the Prigorodny district and adjacent localities of the North Ossetian SSR and in the Malgobek and Nazran dtricts of the Ingush Republic.

The Government of the Russian Federation has specified that the provisions from which it has derogated are articles 9, 12, 19, 21 and 22 of the Covenant.

25 April 1994

(Dated 22 April 1994)

In view of the continuing state of tension in a number of districts of the Republic of North Ossetia and the Ingush Republic, the unceasing acts of terrorism and violence, including violence against the civilian population, and the still unresolved problem of refugees, the President of the Russian Federation issued Decree No. 657 on 4 April 1994 declaring a state of emergency from 1400 hours on 31 March 1994 until 1400 hours on 31 May 1994 in territories of the Mozdok district, the Pravoberezhny district, the Prigorodny district and the city of Vladikavkaz (Republic of North Ossetia) and of the Malgobek and Nazran districts (Ingush Republic).

The Government of the Russian Federation has specified that the provisions from which it has derogated are articles 12 (1) and (2), 19 (2), 21 and 22 (1) and (2) of the Covenant.

23 May 1994

(Dated 20 May 1994)

Proclamation of the state of emergency by Decree No. 836 on 27 April 1994 from 2 p.m. on 27 April 1994 to 2 p.m. on 31 May 1994 in a portion of the territory of the Republic of North Ossetia. The said Decree extends the applicability of paragraphs 3 to 8 of presidential Decree No. 657 of 4 April 1994 to the territories of the Prigorodny district (the Oktyabrskoe, Kambileevskoe and Sunja populated areas) and Vladikavkaz (the Sputnik military cantonment), in the Republic of North Ossetia. *(In this regard, reference is made to the notification received on 25 April 1994 and dated 22 April 1994).*

The Government of the Russian Federation has specified that the provisions from which it has derogated are articles 12 (1) and (2), 19 (2), 21 and 22 (1) and (2) of the Covenant.

21 June 1994

(Dated 21 June 1994)

Lifting, as from 31 May 1994, by virtue of Decreeo. 1112 of 30 May 1994, of the state of emergency in part of the territories of the Republic of North Ossetia and the Ingush Republic, instituted by the President of the Russian Federation under Decrees Nos. 657 of 4 April 1994 and 836 of 27 April 1994. *(In this regard, reference is made to the notifications received on 25 April and 23 May 1994, and dated 22 April and 20 May 1994, respectively)* .

Declaration of the state of emergency as from 31 May 1994 at 1400 hours until 31 July 1994 at 1400 hours in the following territories: Mozdok district, the Pravoberezhny district, the Prigorodny district, the city of Vladikavkaz (Republic of North Ossetia, the Malgobek, Nazran, Sunzha and Dzheirakh districts (Ingush Republic) by Decree 1112 of 30 May 1994, in view of the continuing state of tension in those districts and the need to ensure the return of refugees and forcibly displaced persons to their places of permanent residence and implement a set of measures aimed at eliminating the consequences of the armed conflict.

Derogation from the provisions of article 12 (1) and (2), 19 (2), 21 and 22 (1) and (2) of the Covenant.

12 August 1994

(Dated 12 August 1994)

Lifting as from 31 July 1994 of the state of emergency in part of the territories of the Republic of North Ossetia and the Ingush Republic, instituted on 30 May 1994 *(in this regard, reference is made to the notification received on 21 June 1994)* , and proclamation of a state of emergency from 1400 hours on 31 July 1994 until 1400 hours on 30 September 1994 in the territories of the Mozdok, Pravoberezhny, and Prigorodny districts, the city of Vladikavkaz (Republic of North Ossetia), and of Malgobek, Nazran, Sunja and Dzheirakh districts (Ingush Republic) in view of the continuing state of tension in those territories and the need for refugees and forcibly displaced persons to return to their places of permanent residence as well as for the elimination of the consequences of armed confict.

Derogation from the provisions of article 12 (1) and (2), 19 (2), 21 and 22 (1) and (2) of the Covenant.

(21 October 1994)

(Dated 21 October 1994)

Lifting of the state of emergency instituted by Decree No. 1541 of 25 July 1994 and proclamation of a state of emergency with effect from 1400 hours on 3 October 1994 until 1400 hours on 2 December 1994 in the territories of the Mozdok, Pravoberzhny and Prigorodny districts and the city of Vladikavkaz (Republic of North Ossetia) and the Malgobek, Nazran, Sunja and Djeirakh districts (Ingush Republic) in view of the continuing state of tension and the need to ensure the return of forcibly displaced persons to their places of permanent residence and the implementation of a set of measures to deal with the aftermath of the armed conflict in order to guarantee State and public security.

Derogation from the provisions of articles 12 (1) and (2), 19 (2), 21 and 22 (1) and (2) of the Covenant.

5 January 1995

(Dated 4 January 1995)

Proclamation by Decree No. 2145 of 2 December 1994 of the state of emergency from 1400 hours on 3 December 1994 until 1400 hours on 31 January 1995 in the territories of the Mozdok district, the Pravoberezhny district, the Pigorodny district and the city of Vladikavkaz (Republic of North Ossetia) and of the Malgobek, Narzan, Sunzha and Dzheyrakh districts (Ingush Republic) for the same reasons as those given in notification of 21 October 1994.

Derogation from the provisions of articles 12, 19 (2), 21 and 22 (1) and (2) of the Covenant.

SERBIA

13 March 2003

(Dated 12 March 2003)

On 13 March 2003, the Secretary-General received from the Government of Serbia and Montenegro a notification, made under article 4 (3) of the above Covenant, transmitting the Decision and the Order dated 12 March 2003 from the Acting President of the Republic, concerning the declaration of a state of emergency in the Republic.

The above Order, issued by the Acting President of the Republic of Serbia concerning special measures to be applied during the state of emergency, provides for the derogation from rights guaranteed by Articles 9, 12, 14, 17, 19, 21 and 22 (2) of the Covenant.

24 April 2003

(Dated 23 April 2003)

Termination of the state of emergency as proclaimed on 12 March 2003.

SRI LANKA

21 May 1984

Proclamation of state of emergency throughout Sri Lanka, and derogation as a consequence from articles 9 (3) and 14 (3) (b) of the Covenant as from 18 May 1983.

23 May 1984

The Government of Sri Lanka specified that the Emergency regulations and Special Laws were temporary measures necessitated by the existence of an extraordinary security situation and that it was not intended to continue with them longer than it was absolutely necessary.

16 January 1989

(Dated 13 January 1989)

Termination of the state of emergency as from 11 January 1989.

29 August 1989

(Dated 18 August 1989)

Establishment of the state of emergency for a period of 30 days as from 20 June 1989 and derogation from provisions of article 9 (2).

The notification specifies that the state of emergency was declared in view of the progressive escalation of violence, acts of sabotage and the disruption of essential services throughout the country as from the termination of the state of emergency on 11 January 1989 *(see previous notification of 16 January 1989)* .

4 October 1994

(Dated 29 September 1994)

Lifting of the state of emergency established on 20 June 1989 and notified by notification of 18 August 1989, as from 4 September 1994, except with regard to the Northern and Eastern Provinces and certain areas which border the above two Provinces specifically designated in the Presidential Proclamation dated 1 September 1994.

30 May 2000

(Dated 30 May 2000)

Declaration of a State of emergency in Sri Lanka

Derogation from articles 9 (2), 9 (3), 12 (1), 12 (2), 14 (3), 17 (1), 19 (2), 21 and 22.

9 June 2010

"On 2nd May 2010 His Excellency the President of Sri Lanka promulgated the Emergency Regulations under Section 5 of the Public Security Ordinance (PSO). The Emergency Regulations have been officially proclaimed by the Gazette Extraordinary No. 1651/24 dated 2nd May 2010. The new proclamation amends and repeals a number of Emergency Regulations that have been in operation since their publication in the Gazette Extraordinary No. 1405/14 of 13th August 2005 as amended from time to time.

The Emergency Regulations prior to the recent amendments were promulgated in August 2005 immediately after the assassination of the former Foreign Minister of Sri Lanka Mr. Lakshman Kadirgamar. These Regulations were amended from time to time and continued due to the conflict situation which prevailed in certain areas of the island. As a result of the successful security operations launched by the Government of Sri Lanka, this situation ended in mid May 2009, with the elimination of the menace of terrorism posed by the ruthless organization styling itself the Liberation Tigers of Tamil Eelam (LTTE). However, there does remain a need for vigilance to ensure the complete recovery of arms caches secreted by the LTTE and the reintegration back into society of LTTE cadres, after successfully completing programmes of rehabilitation and of vocational training. Moreover, Sri Lanka requires to be alert against attempts by residues of the LTTE operating overseas to channel funds for de-stabilization and to try to re-kindle the embers of secession through endeavours such as the Provisional Transnational Government of Tamil Eelam. It is in this context that the Government of Sri Lanka decided to further significantly scale down the Emergency Regulations, while keeping in force only a limited number essential for national security.

The recent amendments to the Emergency Regulations that have come into effect from 2nd May 2010 are in keeping with the consistent commitment of Sri Lanka towards the promotion of human rights and the maintenance of strong judicial safeguards. It is in this context that the Government of Sri Lanka at the outset wishes to enumerate the terminations of derogations of the following ICCPR articles [: 9 (2), 12, 14 (3), 17 (1), 19 (2), 21 and 22 (1)] ... "

SUDAN

14 February 1992

(Dated 21 August 1991)

"The state of emergency was declared all over the Sudan on June 30, 1989, when the Revolution for National Salvation took over the power, in order to ensure security and safety of the country. *[The articles of the Covenant which are being derogated from are articles 2 and 22 (1) as subsequently indicated by the Government of the Sudan.]*

The reasons for declaring the State of Emergency were [that] the Revolution has in June 1989, inherited a very chaotic socio-economic and political situation with a civil war raging in the South (the Civil War started in 1983 and since then the state of emergency was declared), and lawlessness engulfing the North, and armed-robbery being practised, in a serious manner, in the west (as a result of the present crisis in Tchad), and also in the east, in addition to possible threats of foreign interventions.

The emergency regulations were also issued to complement the provisions of the Constitutional Decree No. (2) (the State of Emergency) which contain more that 40 sections aimed at ensuring security and safety of the country. But no person has ever been convicted till now, or sentenced to death in accordance with these regulations since the declaration of the state of emergency. The army officers who were executed on July 26, 1990, were charged in accordance with: -

I) The People's Armed Forces Act (Section 47).

II) Rules of Procedure for the People's Armed Forces Act, 1983 (Section127).

III) The Penal Code, 1983 (Section 96).

Other three civilians were sentenced to death in accordance with the provisions of the Dealing in Currency Act, 1981.

It has to be mentioned that the President of the National Salvation Revolution Command Council had issued last April a general amnesty by which all the political detainees were released, and powers of detention entrusted to the Judiciary. Also a decree had been issued abrogating the Special courts which were established in accordance with the constitution of the Special Courts Act, 1989 and its Amendment of January 30, 1990, to have Jurisdiction over acts and charges arising from violation of the Constitutional Decrees and the Emergency Regulations.

Under those circumstances, it became necessary for the Revolution to proclaim the State of Emergency Regulations.

In conclusion, it was to be emphasised that the existence of the state of emergency in the Sudan came well before the eruption of the National Salvation Revolution in June 1989. As stated above, it initially came as a direct result of the political and military situation that existed, and still exists, in the Southern part of the country.

However, with the achievement of progress in the peace process and the establishment of the political system, which is currently underway, the State of Emergency will naturally be lifted."

17 August 2001

The Government of the Sudan informed [the Secretary-General] that the state of emergency in the Sudan has been extended until 31 December 2001.

20 December 2001

(Dated 19 December 2001)

The Government of the Sudan informed [the Secretary-General] that the state of emergency in the Sudan has been extended until 31 December 2002.

SURINAME

18 March 1991

Termination, as from 1 September 1989, of the state of emergency declared on 1 December 1986 in the territory of the Districts of Marowijne, Commewijne, Para, Brokopondo and in part of the territory of the district of Sipaliwini (between the Marowijne river and 56 ^{o} WLO. The articles of the Covenant being derogated from were articles 12, 21 and 22 of the Covenant.

THAILAND

14 April 2010

"[...] pursuant to Paragraph 3 of Article 4 of the International Covenant on Civil and Political Rights (ICCPR), and has the honour to inform [...] that the Royal Thai Government has declared a severe emergency situation in the areas of Bangkok; Nonthaburi Province; Muang, Bang Phli, Phra Pradang, Phra Samut Chedi, Bang Boh and Bang Sao Thong Districts, Samut Prakan Province; Thanyaburi, Lad Lumkaew, Sam Kok, Lam Luk Ka and Khlong Luang Districts, Pathumthani Province; Phutthamonthon District, Nakhon Pathom Province; and Wang Noi, Bang Pa-in, Bang Sai and Lat

Bua Luang Districts, Ayutthaya Province, since 7 April 2010.

The Declaration of a Severe Emergency Situation was promulgated by Mr. Abhisit Vejjajiva, Prime Minister of Thailand, in accordance with Sections 5 and 11 of the Emergency Decree on Public Administration in Emergency Situations B.E. 2548 (2005), as well as Section 29 in conjunction with Sections 32, 33, 34, 36, 38, 41, 43, 45 and 63 of the Constitution of the Kingdom of Thailand, to deal effectively with the actions of a group of persons that caused grave disturbances and led to disorder in certain parts of the country. The Emergency Decree was invoked in order to quickly resolve and put an end to the situation of turmoil as well as to restore normalcy in the country.

In light of the above-mentioned reasons, the Royal Thai Government has exercised its right to derogation under Paragraph 1 of Article 4 of the Covenant, specifically in relation to its obligations under Articles 12 (right to liberty of movement), 19 (freedom of expression and freedom of the press) and 21 (right of peaceful assembly) of the Covenant for the duration of the Emergency Situation in the aforementioned areas.

The Permanent Mission would further like to inform [..] that the non-derogable rights as set forth in Articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 of the Covenant, which are guaranteed by the Constitution of the Kingdom of Thailand, have been kept intact.

[...]"

9 February 2011

"The Permanent Mission of Thailand to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to the former's Note no. 56101/242 dated 14 April 2010, has the honour to inform the latter that the Royal Thai Government has lifted the declaration of a severe emergency situation as referred to in the above-mentioned Note and that, in accordance with Paragraph 3 of Article 4 of the International Covenant on Civil and Political Rights (ICCPR), any and all derogations of rights covered under the Covenant made pursuant to the said declaration have been terminated effective as of 22 December 2010.

The Permanent Mission would therefore appreciate it if the Secretary-General could notify other States Parties to the Covenant of the foregoing information as required by Article 4 of the Covenant."

TRINIDAD AND TOBAGO

6 November 1990

(Dated 15 August 1990)

Proclamation of state of emergency in the Republic of Trinidad and Tobago as from 28 July 1990 for a period of ninety days and derogation from articles 9, 12, 21 and 14 (3).

18 August 1995

(Dated 11 August 1995)

By a Proclamation issued on 3 August 1995, a state of emergency has been declared in the City of Port of Spain as of 3 August 1995 owing to the fact that, as indicated by the Government of Trinidad and Tobago, action has been taken or is immediately threatened by persons or bodies of persons of such a nature and on so extensive a scale as to be likely to endanger the public safety or to deprive the community of supplies or services essential to life. The provisions of the Covenant from which the Government of Trinidiad and Tobago has derogated are articles 9, 12, 14 (3) and 21.

The said state of emergency was lifted on 7 August 1995 by a resolution of the House of Representatives.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

17 May 1976

"The Government of the United Kingdom notify other States Parties to the present Covenant, in accordance with article 4, of their intention to take and continue measures derogating from their obligations under the Covenant.

"There have been in the United Kingdom in recent years campaigns of organised terrorism related to Northern Irish affairs which have manifested themselves in activities which have included murder, attempted murder, maiming, intimidation and violent civil disturbances and in bombing and fire-raising which have resulted in death, injury and widespread destruction of property. This situation constitutes a public emergency within the meaning of article 4 (1) of the Covenant. The emergency commenced prior to the ratification by United Kingdom of the Covenant and Legislation has, from time to time, been promulgated with regard to it.

"The Government of the United Kingdom have found it necessary (and in some cases continue to find it necessary) to take powers, to the extent strictly required by the exigencies of the situation, for the protection of life, for the protection of property and the prevention of outbreaks of public disorder, and including the exercise of powers of arrest and detention and exclusion. In so far as any of these measures is inconsistent with the provisions of articles 9, 10 (2), 10 (3), 12 (1), 14, 17, 19 (2), 21 or 22 of the Covenant, the United Kingdom hereby derogates from its obligations under those provisions."

22 August 1984

Termination forthwith of derogations from articles 9, 10 (2), 10 (3), 12 (1), 14, 17, 19 (2), 21 and 22 of the Covenant.

23 December 1988

[The Government of the United Kingdom of Great Britain and Northern Ireland] have found it necessary to take or continue measures derogating in certain respects from their obligations under article 9 of the Covenant. *(For the reasons of that decision, see paragraph 2 of a previous notification of 17 May 1976, which continue to apply)* .

Persons reasonably suspected of involvement in terrorism connected with the affairs of Northern Ireland, or of offences under the legislation and who have been detained for 48 hours may be, on the authority of the Secretary of State, further detained without charge for periods of up to five days.

Notwithstanding the judgement of 29 November 1988 by the European Court of Human Rights in the case of *Brogan and Others* the Government has found it necessary to continue to exercise the powers described above but to the extent strictly required by the exigencies of the situation to enable necessary enquiries and investigations properly to be completed in order to decide whether criminal proceedings should be instituted. [This notice is given] in so far as these measures may be inconsistent with article 9 (3) of the Covenant.

31 March 1989

(Dated 23 March 1989)

Replacement as from 22 March 1989, of the measures indicated in the previous notification of 23 December 1988 by section 14 of and paragraph 6 of Schedule 5 to the Prevention of Terrorism (Temporary Provisions) Act 1989, which make comparable provisions.

18 December 1989

(Dated 12 December 1989)

"The Government of the United Kingdom have [previously] found it necessary to take and continue [various measures], derogating in certain respects from obligations under Article 9 of the International Covenant on Civil and Political Rights.

On 14 November 1989 the Home Secretary announced that the Government had concluded that a satisfactory procedure for the review of detention of terrorist suspects involving the judiciary had not been identified and that the derogation notified under Article 4 of the Covenant

would therefore remain in place for as long as circumstances require."

21 February 2001

(Dated 20 February 2001)

Notification to the effect that the derogation from article 9 (3) of the Covenant is terminated with effect from Mony, 26 February 2001.

The notification further states that the termination of the derogation only applies to the United Kingdom of Great Britain and Northern Ireland and that it is not yet possible to terminate the derogation in respect of the Bailiwick of Jersey, the Bailiwick of Guernsey and the Isle of Man.

18 December 2001

"Notification of the United Kingdom's derogation from article 9 of the International Covenant on Civil and Political Rights: [..The Government of the United Kingdom conveys] the following information in order to ensure compliance with the obligations of Her Majesty's Government in the United Kingdom under Article 4 (3) of the International Covenant on Civil and Political Rights adopted by the General Assembly on 16 December 1966.

Public emergency in the United Kingdom

The terrorist attacks in New York, Washington, D.C. and Pennsylvania on 11th September 2001 resulted in several thousand deaths, including many British victims and others from 70 different countries. In its resolutions 1368 (2001) and 1373 (2001), the United Nations Security Council recognised the attacks as a threat to international peace and security.

The threat from international terrorism is a continuing one. In its resolution 1373 (2001), the Security Council, acting under Chapter VII of the United Nations Charter, required all States to take measures to prevent the commission of terrorist attacks, including by denying safe haven to those who finance, plan, support or commit terrorist attacks.

There exists a terrorist threat to the United Kingdom from persons suspected of involvement in international terrorism. In particular, there are foreign nationals present in the United Kingdom who are suspected of being concerned in the commission, preparation or instigation of acts of international terrorism, of being members of organisations or groups which are so concerned or of having links with members of such organisations orand who are a threat to the national security of the United Kingdom.

As a result, a public emergency, within the meaning of Article 4(1) of the Covenant, exists in the United Kingdom.

The Anti-terrorism, Crime and Security Act 2001

As a result of the public emergency, provision is made in the Anti-terrorism, Crime and Security Act 2001, inter alia, for an extended power to arrest and detain a foreign national which will apply where it is intended to remove or deport the person from the United Kingdom but where removal or deportation is not for the time being possible, with the consequence that the detention would be unlawful under existing domestic law powers. The extended power to arrest and detain will apply where the Secretary of State issues a certificate indicating his belief that the person's presence in the United Kingdom is a risk to national security and that he suspects the person of being an international terrorist. That certificate will be subject to an appeal to the Special Immigration Appeals Commission ('SIA'), established under the Special Immigration Appeals Commission Act 1997, which will have power to cancel it if it considers that the certificate should not have been issued. There will be an appeal on a point of law from a ruling by SIAC. In addition, the certificate will be reviewed by SIAC at regular intervals. SIAC will also be able to grant bail, where appropriate, subject to conditions. It will be open to a detainee to end his detention at any time by agreeing to leave the United Kingdom.

The extended power of arrest and detention in the Anti-terrorism, Crime and Security Act 2001 is a measure which is strictly required by the exigencies of the situation. It is a temporary provision which comes into force for an initial period of 15 months and then expires unless renewed by Parliament. Thereafter, it is subject to annual renewal by Parliament. If, at any time, in the Government's assessment, the public emergencyer exists or the extended power is no longer strictly required by the exigencies of the situation, then the Secretary of State will, by Order, repeal the provision.

Domestic law powers of detention (other than under the Anti-terrorism, Crime and Security Act 2001)

The Government has powers under the Immigration Act 1971 ('the 1971 Act') to remove or deport persons on the ground that their presence in the United Kingdom is not conducive to the public good on national security grounds. Persons can also be arrested and detained under Schedules 2 and 3 to the 1971 Act pending their removal or deportation. The courts in the United Kingdom have ruled that this power of detention can only be exercised during the period necessary, in all the circumstances of the particular case, to effect removal and that, if it becomes clear that removal is not going to be possible within a reasonable time, detention will be unlawful (Rv Governor of Durham Prison, ex parte Singh [1984] All ER 983).

Article 9 of the Covenant

In some cases, where the intention remains to remove or deport a person on national security grounds, continued detention may not be consistent with Article 9 of the Covenant. This may be the case, for example, if the person has established that removal to their own country might result in treatment contrary to Article 7 of the Covenant. In such circumstances, irrespective of the gravity of the threat to national security posed by the person concerned, it is well established that the international obligations of the United Kingdom prevent removal or deportation to a place where there is a real risk that the person will suffer treatment contrary to that article. If no alternative destination is immediately available then removal or deportation may not, for the time being, be possible even though the ultimate intention remains to remove or deport the person once satisfactory arrangements can be made. In addition, it may not be possto prosecute the person for a criminal offence given the strict rules on the admissibility of evidence in the criminal justice system of the United Kingdom and the high standard of proof required.

Derogation under Article 4 of the Covenant

The Government has considered whether the exercise of the extended power to detain contained in the Anti-terrorism, Crime and Security Act 2001 may be inconsistent with the obligations under Article 9 of the Covenant. To the extent that the exercise of the extended power may be inconsistent with the United Kingdom's obligations under Article 9, the Government has decided to avail itself of the right of derogation conferred by Article 4(1) of the Covenant and will continue to do so until further notice.]

15 March 2005

(Dated 15 March 2005)

"The provisions referred to in the 18 December 2001 notification, namely the extended power of arrest and detention in the Anti-terrorism, Crime and Security Act 2001, ceased to operate on 14 March 2005. Accordingly, the notification is withdrawn as from that date, and the Government of the United Kingdom confirm that the relevant provisions of the Covenant will again be executed as from then."

URUGUAY

30 July 1979

[The Government of Uruguay] has the honour to request that the requirement laid down in article 4 (3) of the International Covenant on Civil and Political Rights should be deemed to have been formally fulfilled with regard to the existence and maintenance in Uruguay of a public emergency as referred to in article 4 (1).

This emergency situation, the nature and consequences of which match the description given in article 4, namely that they threaten the life of the nation, is a matter of universal knowledge, and the present communication might thus appear superfluous in so far as the provision of substantive information is concerned.

This issue has been the subject of countless official statements at both the regional and the international level.

Nonetheless, [the Government of Uruguay] wishes both to comply formally with the above-mentioned requirement and to reiterate that the emergency measures which it has taken, and which comply strictly with the requirements of article 4 (2), are designed precisely to achieve genuine, effective and lasting protection of human rights, the observance and promotion of which are the essence of our existence as an independent and sovereign nation.

Notwithstanding what has been stated above, the information referred to in article 4 (3) concerning the nature and duration of the emergency measures will be provided in more detailed form when the report referred to in article 40 of the Covenant is submitted, so that the scope and evolution of these measures can be fully understood.

VENEZUELA (BOLIVARIAN REPUBLIC OF)

12 April 1989

(Dated 17 March 1989)

Establishment of emergency measures and derogation from articles 9, 12, 17, 19 and 21 throughout Venezuela. The notification stipulates that derogation was effected due to a series of serious breaches of the peace having taken place throughout Caracas and in other cities in the country and outbursts of violence, acts of vandalism and violations of the security of Venezuelan individuals and households, leading to loss of life and the destruction of much property, thus causing a further deterioration in the economic situation of the country.

(Dated 31 March 1989)

Re-establishment as from 22 March 1989 of the constitutional safeguards which had been suspended as stated in the previous notification of 17 March 1989.

5 February 1992

(Dated 4 February 1992)

Temporary suspension of certain constitutional guarantees throughout Venezuela with a view to facilitating the full restoration of public order throughout the national territory.

The Government of Venezuela specified that "the measures were made necessary after criminal attempt was made to assassinate the President of the Republic with the aim of upsetting the rule of law and undermining the constitutional order of the Re public thereby constituting an attempt against the achievements of the Venezuelan people over more than three decades of fully democratic government".

The constitutional guarantees suspended in Venezuela relate to the rights provided for in articles 9, 12, 17, 19 and 21. The right to strike was also temporarily suspended.

24 February 1992

(Dated 21 February 1992)

Restoration, as from 17 February 1991, of the guarantees provided for under articles 12 and 19 of the Covenant and also of the right to strike.

6 May 1992

(Dated 30 April 1992)

Restoration, as from 21 February 1991, of the guarantees provided for in articles 9, 17 and 21 of the Covenant, thereby fully ending the state of emergency declared on 4 February 1992.

2 December 1992

(Dated 30 November 1992)

On 27 November 1992, certain constitutional guarantees relating to the rights provided for in articles 9, 17, 19 and 21 of the Covenant have been suspended in Venezuela.

This measure was made necessary after a group of civil subversives in connivance with a small military squad took over Palo Negro air base in the city of Maracay, Aragua State, and Francisco de Miranda Base in the city of Caracas, which services as Headquarters of the Air Force Command, thereby threatening the democratic system.

On 28 November 1992, restoration, as from that date, of the rights provided for in article 21 of the Covenant, so as to allow public electioneering in contemplation of the elections to be held on 6 December 1992.

5 March 1993

Restoration, pursuant to Decree No. 2764 of 16 January 1993, of rights regarding personal liberty corresponding to articles 9 (1) and 11 of the Covenant throughout the national territory. Rights regarding liberty and security of person as well as the inviolability of the home and the right to demonstrate had been restored as from 22 December 1992.

Restoration, pursuant to Decree No. 2672 of 1 December 1992 of certain rights which had been suspended by Decree No. 2668 of 27 November 1992.

Suspension, pursuant to Decree 2765 of 16 January 1993, of certain rights in the State of Sucre as a result of a breach of the peace in that State. These rights, corresponding to articles 12 (1) and 21, were restored by Decree No. 2780 on 25 January 1993.

7 July 1994

(Dated 29 June 1994)

By Decree No. 241 of 27 June 1994, suspension of certain constitutional guarantees in view of the fact that the economic and financial situation of the country has created circumstances liable to endanger public order.

Derogation from the provisions of articles 9, 12 and 17 of the Covenant.

1 September 1995

(Dated 18 July 1995)

By Decree No. 739 of 6 July 1995, restoratif the constitutional guarantees, suspended by Decree No. 241 of 27 June 1994 *[see notification received on 7 July 1994]* , throughout the national territory, except in the autonomous municipalities of Rosario de Perijá and Catatumbo, State of Zulia; García de Hevia, Pedro María Ureña, Bolivar, Panamericano and Fernández Feo, State of Táchira; Páez, Pedro Camejo and Rómulo Gallegos, State of Apure; and Atures, Atuana, Manapiare, Atabapo, Alto Orinoco and Guainía, State of Amazonas. The Government considers that the situation in these border municipalities, where the theatre of conflict and the theatre of operations No. 1 were decreed, requires that, in the interest of protecting its borders, the above guarantees remain suspended.

22 March 1999

(Dated 3 March 1999)

Resoration of the guarantees provided for in articles 9, 12 and 17 of the Covenant, suspended by Decree No. 739 of 6 July 1995 . *[See notification received on 1 September 1995.]*

12 April 1989

(Dated 17 March 1989)

Establishment of emergency measures and derogation from articles 9, 12, 17, 19 and 21 throughout Venezuela. The notification stipulates that derogation was effected due to a series of serious breaches of the peace having taken place throughout Caracas and in other cities in the country and outbursts of violence, acts of vandalism and violations of the security of Venezuelan individuals and households, leading to loss of life and the destruction of much property, thus causing a further deterioration in the economic situation of the country.

(Dated 31 March 1989)

Re-establishment as from 22 March 1989 of the constitutional safeguards which had been suspended as stated in the previous notification of 17 March 1989.

5 February 1992

(Dated 4 February 1992)

Temporary suspension of certain constitutional guarantees throughout Venezuela with a view to facilitating the full restoration of public order throughout the national territory.

The Government of Venezuela specified that "the measures were made necessary after criminal attempt was made to assassinate the President of the Republic with the aim of upsetting the rule of law and undermining the constitutional order of the Re public thereby constituting an attempt against the achievements of the Venezuelan people over more than three decades of fully democratic government".

The constitutional guarantees suspended in Venezuela relate to the rights provided for in articles 9, 12, 17, 19 and 21. The right to strike was also temporarily suspended.

24 February 1992

(Dated 21 February 1992)

Restoration, as from 17 February 1991, of the guarantees provided for under articles 12 and 19 of the Covenant and also of the right to strike.

6 May 1992

(Dated 30 April 1992)

Restoration, as from 21 February 1991, of the guarantees provided for in articles 9, 17 and 21 of the Covenant, thereby fully ending the state of emergency declared on 4 February 1992.

2 December 1992

(Dated 30 November 1992)

On 27 November 1992, certain constitutional guarantees relating to the rights provided for in articles 9, 17, 19 and 21 of the Covenant have been suspended in Venezuela.

This measure was made necessary after a group of civil subversives in connivance with a small military squad took over Palo Negro air base in the city of Maracay, Aragua State, and Francisco de Miranda Base in the city of Caracas, which services as Headquarters of the Air Force Command, thereby threatening the democratic system.

On 28 November 1992, restoration, as from that date, of the rights provided for in article 21 of the Covenant, so as to allow public electioneering in contemplation of the elections to be held on 6 December 1992.

5 March 1993

Restoration, pursuant to Decree No. 2764 of 16 January 1993, of rights regarding personal liberty corresponding to articles 9 (1) and 11 of the Covenant throughout the national territory. Rights regarding liberty and security of person as well as the inviolability of the home and the right to demonstrate had been restored as from 22 December 1992.

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Suspension, pursuant to Decree 2765 of 16 January 1993, of certain rights in the State of Sucre as a result of a breach of the peace in that State. These rights, corresponding to articles 12 (1) and 21, were restored by Decree No. 2780 on 25 January 1993.

7 July 1994

(Dated 29 June 1994)

By Decree No. 241 of 27 June 1994, suspension of certain constitutional guarantees in view of the fact that the economic and financial situation of the country has created circumstances liable to endanger public order.

Derogation from the provisions of articles 9, 12 and 17 of the Covenant.

1 September 1995

(Dated 18 July 1995)

By Decree No. 739 of 6 July 1995, restoratif the constitutional guarantees, suspended by Decree No. 241 of 27 June 1994 *[see notification received on 7 July 1994]* , throughout the national territory, except in the autonomous municipalities of Rosario de Perijá and Catatumbo, State of Zulia; García de Hevia, Pedro María Ureña, Bolivar, Panamericano and Fernández Feo, State of Táchira; Páez, Pedro Camejo and Rómulo Gallegos, State of Apure; and Atures, Atuana, Manapiare, Atabapo, Alto Orinoco and Guainía, State of Amazonas. The Government considers that the situation in these border municipalities, where the theatre of conflict and the theatre of operations No. 1 were decreed, requires that, in the interest of protecting its borders, the above guarantees remain suspended.

22 March 1999

(Dated 3 March 1999)

Resoration of the guarantees provided for in articles 9, 12 and 17 of the Covenant, suspended by Decree No. 739 of 6 July 1995 . *[See notification received on 1 September 1995.]*

YUGOSLAVIA (FORMER)[1]

Territorial Application

Participant	*Date of receipt of the notification*	*Territories*
Netherlands[31]	11 Dec 1978	Netherlands Antilles
Portugal[4]	27 Apr 1993	Macau
United Kingdom of Great Britain and Northern Ireland[6,42]	20 May 1976	Belize, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands (Malvinas) and Dependencies, Gibraltar, Gilbert Islands, Guernsey, Hong Kong, Isle of Man, Bailiwick of Jersey, Montserrat, Pitcairn Island, St.

Participant	*Date of receipt of the notification*	*Territories*
		Helena and Dependencies, Solomon Islands, Turks and Caicos Islands and Tuvalu

Notes:

[1] The former Yugoslavia had signed and ratified the Convenant on 8 August 1967 and 2 June 1971, respectively. It will be recalled that the former Yugoslavia had deposited the following notifications under article 4(3) of the Covenant (Derogations), on the dates indicated hereinafter:

17 April 1989 (Dated 14 April 1989)

Derogation from articles 12 and 21 of the Covenant in the Autonomous Province of Kosovo as from 28 March 1989. The measure became necessary because of disorders which led to the loss of human lives and which had threatened the established social system. This situation which represented a general danger was a threat to the rights, freedoms and security of all the citizens of the Province regardless of nationality.

30 May 1989 (Dated 29 May 1989)

Termination of the derogation from the provisions of article 12 of the Covenant in the Autonomous Province of Kosovo as from 21 May 1989. The right of public assembly [article 21] continues to be temporarily suspended but only as concerns demonstrations. This is aimed at protecting public order, peace and the rights of citizens, regardless of nationality.

20 March 1990 (Dated 19 March 1990)

As of 21 February 1990 and owing to the escalation of disorders which had led to the loss of human lives, the movement of persons in Kosovo was prohibited from 9 PM to 4 AM, thereby derogating from article 12; and that public assembly was prohibited for the purpose of demonstration, thereby derogating from article 21. The Government of Yugoslavia further indicated that the measure derogating from article 12 had been terminated as of 10 March 1990.

26 April 1990 (Dated 24 April 1990)

Termination of the state of emergency with effect from 18 April 1990.

See also note 1 under "Bosnia and Herzegovina", "Croatia", "former Yugoslavia", "Slovenia", "The Former Yugoslav Republic of Macedonia" and "Yugoslavia" in the "Historical Information" section in the front matter of this volume.

[2] Although Democratic Kampuchea had signed both [the International Covenant on Economic, Social and Political Rights and the International Covenant on Civil and Political Rights] on 17 October 1980, the Government of Cambodia deposited an instrument of accession to the said Covenants.

[3] The signature was effected by Democratic Kampuchea. In this regard the Secretary-General received, on 5 November 1980, the following communication from the Government of Mongolia:

"The Government of the Mongolian People's Republic considers that only the People's Revolutionary Council of Kampuchea as the sole authentic and lawful representative of the Kampuchean people has the right to assume international obligations on behalf of the Kampuchean people. Therefore the Government of the Mongolian People's Republic considers that the signature of the Human Rights Covenants by the representative of the so-called Democratic Kampuchea, a régime that ceased to exist as a result of the people's revolution in Kampuchea, is null and void.

"The signing of the Human Rights Covenants by an individual, whose régime during its short period of reign in Kampuchea had exterminated about 3 million people and had thus grossly violated the elementary norms of human rights, each and every provision of the Human Rights Covenants is a regrettable precedence, which discredits the noble aims and lofty principles of the United Nations Charter, the very spirit of the above-mentioned Covenants, gravely impairs the prestige of the United Nations."

Thereafter, similar communications were received from the Government of the following States on the dates indicated and their texts were circulated as depositary notifications or, at the request of the States concerned, as official documents of the General Assembly (A/33/781 and A/35/784):

Participant:	***Date of receipt:***		
German Democratic Republic	11	Dec	1980
Poland	12	Dec	1980
Ukraine	16	Dec	1980
Hungary	19	Jan	1981
Bulgaria	29	Jan	1981
Belarus	18	Feb	1981
Russian Federation	18	Feb	1981
Czechoslovakia	10	Mar	1981

[4] On 3 December 1999, the Government of China notified the Secretary-General that:

1. The application of the Covenant, and its article 1 in particular, to the Macao Special Administrative Region shall not affect the status of Macao as defined in the Joint Declaration and in the Basic Law.

2. The provisions of the Covenant which are applicable to the Macao Special Administrative Region shall be implemented in Macao through legislation of the Macao Special Administrative Region.

The residents of Macao shall not be restricted in the rights and freedoms that they are entitled to, unless otherwise provided for by law. In case of restrictions, they shall not contravene the

provisions of the Covenant that are applicable to the Macao Special Administrative Region.

Within the above ambit, the Government of the People's Republic of China will assume the responsibility for the international rights and obligations that place on a Party to the Covenant.

Subsequently, the Secretary-General received communications concerning the status of Macao from China and Portugal (see note 3 under “China” and note 1 under “Portugal” regarding Macao in the “Historical Information” section in the front matter of this volume). Upon resuming the exercise of sovereignty over Macao, China notified the Secretary-General that the Covenant with the statement made by China will also apply to the Macao Special Administrative Region.

[5] Signed on behalf of the Republic of China on 5 October 1967. See note 1 under “China” in the “Historical Information” section in the front matter of this volume.

With reference to the above-mentioned signature, communications have been addressed to the Secretary-General by the Permanent Representatives of Permanent Missions to the United Nations of Bulgaria, Byelorussian SSR, Czechoslovakia, Mongolia, Romania, the Ukrainian SSR, the Union of Soviet Socialist Republics and Yugoslavia, stating that their Governments did not recognize the said signature as valid since the only Government authorized to represent China and to assume obligations on its behalf was the Government of the People's Republic of China.

In letters addressed to the Secretary-General in regard to the above-mentioned communications, the Permanent Representative of China to the United Nations stated that the Republic of China, a sovereign State and Member of the United Nations, had attended the twenty-first regular session of the General Assembly of the United Nations and contributed to the formulation of, and signed the Covenants and the Optional Protocol concerned, and that "any statements or reservations relating to the above-mentioned Covenants and Optional Protocol that are incompatible with or derogatory to the legitimate position of the Government of the Republic of China shall in no way affect the rights and obligations of the Republic of China under these Covenants and Optional Protocol".

[6] With regard to the application of the Covenant to Hong Kong, the Secretary-General received communications concerning the status of Hong Kong from the United Kingdom and China (see note 2 under “United Kingdom of Great Britain and Northern Ireland” and note 2 under “China” in the “Historical Information” section in the front matter of this volume). Upon resuming the exercise of sovereignty over Hong Kong, China notified the Secretary-General that the Covenant will also apply to the Hong Kong Special Administrative Region.

[7] Czechoslovakia had signed and ratified the Convention on 7 October 1968 and 23 December 1975, respectively, with reservations and declarations. For the texts of the reservations and declarations made upon signature and ratification, see United Nations, *Treaty Series* , vol. 999, pp. 283 and 289.

Subsequently, on 12 March 1991, the Government of Czechoslovakia had declared the following:

[The Czech and Slovak Federal Republic] recognizes the competence of the Human Rights Committee established on the basis of article 28 of the Covenant to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant.

Further, on 7 June 1991, the Government of Czechoslovakia had made the following objection:

"The Government of the Czech and Slovak Federal Republic considers the reservations entered by the Government of the Republic of Korea to the provisions of paragraphs 5 and 7 of article 14 and article 22 of the International Covenant on Civil and Political Rights as incompatible with the object and purpose of the Covenant. In the opinion of the Czechoslovak Government these reservations are in contradiction to the generally recognized principle of international law according to which a state cannot invoke the provisions of its own internal law as justification for its failure to perform a treaty.

"Therefore, the Czech and Slovak Federal Republic does not recognize these reservations as valid. Nevertheless the present declaration will not be deemed to be an obstacle to the entry into force of the Covenant between the Czech and Slovak Federal Republic and the Republic of Korea."

See also note 1 under “Czech Republic” and note 1 under “Slovakia” in the “Historical Information” section in the front matter of this volume.

[8] On 25 August 1997, the Secretary-General received from the Government of the Democratic People's Republic of Korea a notification of withdrawal from the Covenant, dated 23 August 1997.

As the Covenant does not contain a withdrawal provision, the Secretariat of the United Nations forwarded on 23 September 1997 an aide-mémoire to the Government of the Democratic People's Republic of Korea explaining the legal position arising from the above notification.

As elaborated in this aide-mémoire, the Secretary-General is of the opinion that a withdrawal from the Covenant would not appear possible unless all States Parties to the Covenant agree with such a withdrawal.

The above notification of withdrawal and the aide-mémoire were duly circulated to all States Parties under cover of C.N.467.1997.TREATIES-10 of 12 November 1997.

[9] See note 1 under “Germany” regarding Berlin (West) in the “Historical Information” section in the front matter of this volume.

[10] The German Democratic Republic had signed and ratified the Covenant with reservations and declarations, on 23 March 1973 and 8 November 1973, respectively. For the text of the reservations and declarations, see United Nations, *Treaty Series* , vol. 999, p. 294. See also note 2 under “Germany” in the “Historical Information” section in the front matter of this volume.

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

[12] See note 1 under "New Zealand" regarding Tokelau in the "Historical Information" section in the front matter of this volume.

[13] With respect to the interpretative declarations made by Algeria the Secretary-General received, on 25 October 1990, from the Government of Germany the following declaration:

[The Federal Republic of Germany] interprets the declaration under paragraph 2 to mean that the latter is not intended to eliminate the obligation of Algeria to ensure that the rights guaranteed in article 8, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights and in article 22 of the International Covenant on Civil and Political Rights may be restricted only for the reasons mentioned in the said articles and that such restrictions shall be prescribed by law.

It interprets the declaration under paragraph 4 to mean that Algeria, by referring to its domestic legal system, does not intend to restrict its obligation to ensure through appropriate steps equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution.

[14] By a communication received on 6 November 1984, the Government of Australia notified the Secretary-General of its decision to withdraw the reservations and declarations made upon ratification with regard to articles 2 and 50, 17, 19, 25 and to partially withdraw its reservations to articles 10 and 14. For the text of the reservations and declarations, see United Nations, *Treaty Series* , vol. 1197, p. 411.

[15] The reservation was lodged with the Secretary-General on 4 December 2006 by Bahrain, following its accession to the Covenant on 20 September 2006.

In keeping with the depositary practice followed in similar cases, the Secretary-General proposed to receive the reservation in question for deposit in the absence of any objection on the part of any of the Contracting States, either to the deposit itself or to the procedure envisaged, within a period of 12 months from the date of the relevant depositary notification. In the absence of any such objection, the above reservation would be accepted in deposit upon the expiration of the above-stipulated 12 month period, that is on 28 December 2007.

In view of the below objections, the Secretary-General did not accept the reservation made by Bahrain in deposit. The Secretary-General received the following objections on the dates indicated hereinafter:

Netherlands (27 July 2007):

"The Government of the Kingdom of the Netherlands has examined the reservations made by the Kingdom of Bahrain to the International Covenant on Civil and Political Rights. Since the reservations were made after the accession of the Kingdom of Bahrain to the Covenant, the Government of the Kingdom of the Netherlands considers that the reservations were too late and therefore inconsistent with article 19 of the Vienna Convention on the Law of Treaties.

Furthermore, the reservation with respect to articles 3, 18 and 23 of the Covenant is a reservation incompatible with the object and purpose of the Covenant.

The Government of the Kingdom of the Netherlands considers that with this reservation the application of the International Covenant on Civil and Political Rights is made subject to the Islamic Shariah. This makes it unclear to what extent the Kingdom of Bahrain considers itself bound by the obligations of the Covenant and therefore raises concerns as to the commitment of the Kingdom of Bahrain to the object and purpose of the Covenant.

The Governmnt of the Kingdom of the Netherlands recalls that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty is not permitted.

It is in the common interest of States that treaties to which they have chosen to become party are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of the Kingdom of the Netherlands objects to all of the reservations made by the Kingdom of Bahrain since they were made after accession, and specifically objects to the content of the reservation on articles 3, 18 and 23 made by the Kingdom of Bahrain to the International Covenant on Civil and Political Rights. This objection shall not preclude the entry into force of the Covenant between the Kingdom of the Netherlands and the Kingdom of Bahrain."

Latvia (13 August 2007):

"The Government of the Republic of Latvia has noted that the reservation made by the Kingdom of Bahrain is submitted to the Secretary General on 4 December 2006, but the consent to be bound by the said Covenant by accession is expressed on 20 September 2006. In accordance with Article 19 of the Vienna Convention on the Law of Treaties reservations might be made upon signature, ratification, acceptance, approval or accession. Taking into considerations the aforementioned, the Government of the Republic of Latvia considers that the said reservation is not in force since its submission."

Portugal (29 August 2007):

"The Government of the Portuguese Republic has carefully examined the reservations made by the Government of the Kingdom of Bahrain to the International Covenant on Civil and Political Rights (ICCPR). The Government of the Portuguese Republic notes that the reservations were made after the accession of the Kingdom of Bahrain to the Covenant and is of the view that the practice of late reservations should be discouraged.

According to the first part of the reservation, the Government of the Kingdom of Bahrain interprets the provisions of articles 3, 18 and 23 as not affecting in any way the prescriptions of the Islamic Shariah. These provisions deal namely with the questions of equality between men and women, freedom of thought, conscience and religion and the protection of family and marriage.

Portugal considers that these articles are fundamental provisions of the Covenant and the first reservation makes it unclear to what extent the Kingdom of Bahrain considers itself bound by the obligations of the Covenant, raises concerns as to

the commitment of the Kingdom of Bahrain to the object and purpose of the Covenant and, moreover, contribute to undermining the basis of international law.

It is in the common interest of all States that treaties to which they have chosen to become parties are respected as to their object and purpose by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under these treaties.

The Government of the Portuguese Republic, therefore, objects to the above mentioned reservation made by the Kingdom of Bahrain to the ICCPR.

This objection shall not preclude the entry into force of the Convention between Portugal and Bahrain."

Czech Republic (12 September 2007):

"The Government of the Czech Republic has carefully examined the contents of reservation made by the Kingdom of Bahrain to the International Covenant on Civil and Political Rights, adopted on 16 December 1966, in respect of Articles 3, 18 and 23 thereof. Since the reservation was made after the accession of the Kingdom of Bahrain to the Covenant, the Government of the Czech Republic considers that the reservation was too late and therefore inconsistent with article 19 of the Vienna Convention on the Law of Treaties.

Furthermore the Government of the Czech Republic is of the opinion that the aforementioned reservation is in contradiction with the general principle of treaty interpretation according to which a State party to a treaty may not invoke the provisions of its internal law as justification for failure to perform according to the obligations set out by the treaty. Furthermore, the reservation consists of a general reference to the Constitution without specifying its content and as such does not clearly define to other Parties to the Covenant the extent to which the reserving State commits itself to the Covenant.

The Government of the Czech Republic recalls that it is in the common interest of States that treaties to which they have chosen to become party are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties. According to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation that is incompatible with the object and purpose of a treaty shall not be permitted.

The Government of the Czech Republic therefore objects to the aforesaid reservation made by the Kingdom of Bahrain to the Covenant. This objection shall not preclude the entry into force of the Covenant between the Czech Republic and the Kingdom of Bahrain, without the Kingdom of Bahrain benefiting from its reservation."

Estonia (12 September 2007):

"The Government of Estonia has carefully examined the reservations made by the Kingdom of Bahrain to the International Covenant on Civil and Political Rights. Since the reservations were made after the accession of the Kingdom of Bahrain to the Covenant, the Government of Estonia considers that the reservations were late and therefore inconsistent with international customary law as codified into Article 19 of the Vienna Convention on the Law of Treaties.

Furthermore, the reservations made by the Kingdom of Bahrain to Articles 3, 18 and 23 of the Covenant make a general reference to the prescriptions of the Islamic Shariah. The Government of Estonia is of the view that in the absence of any further clarification, the reservation makes it unclear to what extent the Kingdom of Bahrain considers itself bound by the obligations of the Convention and therefore raises concerns as to the commitment of the Kingdom of Bahrain to the object and purpose of the Covenant.

Therefore, the Government of Estonia objects to all of the reservations made by the Kingdom of Bahrain to the International Covenant on Civil and Political Rights since they were made after the accession, and specifically objects to the content of the reservations to Articles 3, 18 and 23.

Nevertheless, this objection shall not preclude the entry into force of the International Covenant on Civil and Political Rights as between Estonia and the Kingdom of Bahrain."

Canada (18 September 2007):

"The Government of Canada has carefully examined the declaration made by the Government of the Kingdom of Bahrain upon acceding to the International Covenant on Civil and Political Rights, in accordance with which the Government of the Kingdom of Bahrain ‘interprets the Provisions of Article 3, 18 and 23 as not affecting in any way the prescriptions of the Islamic Shariah'.

The Government of Canada notes that these declarations constitute in reality reservations and that they should have been lodged at the time of accession by Bahrain to the Covenant.

The Government of Canada considers that by making the interpretation of articles 3, 18 and 23 of the Covenant subject to the prescriptions of the Islamic Shariah, the Government of the Kingdom of Bahrain is formulating reservations with a general, indeterminate scope, such that they make it impossible to identify the modifications to obligations under the Covenant, which they purport to introduce and they do not clearly define for the other States Parties to the Convention the extent to which the reserving State haaccepted the obligations of the Convention.

The Government of Canada notes that the reservations made by the Government of the Kingdom of Bahrain, addressing some of the most essential provisions of the Covenant, and aiming to exclude the obligations under those provisions, are in contradiction with the object and purpose of the Covenant. In addition, article 18 of the Covenant is among the provisions from which no derogation is allowed, according to article 4 of the Covenant.

The Government of Canada therefore objects to the aforesaid reservation made by the Government of the Kingdom of Bahrain. This objection does not preclude the entry into force in its entirety of the Covenant between Canada and the Kingdom of Bahrain."

Australia (18 September 2007):

"The Government of Australia has examined the reservation made by the Kingdom of Bahrain to the International Covenant on Civil and Political Rights. As the reservations were made after the accession of the Kingdom of Bahrain to the Covenant, the Government of Australia considers that the reservations were late and therefore inconsistent with article 19 of the Vienna Convention on the Law of Treaties.

The Government of Australia considers that the reservation with respect to articles 3, 18 and 23 of the Covenant is a reservation incompatible with the object and purpose of the Covenant. The Government of Australia recalls that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty is not permitted.

It is in the common interest of States that treaties to which they have chosen to become party are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Australia considers that the Kingdom of Bahrain is, through this reservation, purporting to make the application of the International Covenant on Civil and Political Rights subject to Islamic Shariah law. As a result, it is unclear to what extent the Kingdom of Bahrain considers itself bound by the obligations of the Covenant and therefore raises concerns as to the commitment of the Kingdom of Bahrain to the object and purpose of the Covenant.

The Government of Australia recalls the general principle of treaty interpretation, codified in the Vienna Convention on the Law of Treaties, according to which a party may not invoke the provisions of its internal lawas justification for its failure to perform a treaty.

Further, as regards the reservation with respect to article 18, the Government of Australia recalls that according to article 4 (2) of the Covenant, no derogation of article 18 is permitted.

The Government of Australia objects to all of the reservations made by the Kingdom of Bahrain as they were made after accession, and specifically objects to the content of the reservation on article 3, 18 and 23 made by the Kingdom of Bahrain to the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between Australia and the Kingdom of Bahrain."

Ireland (27 September 2007):

"The Government of Ireland has examined the reservations made on 4 December 2006 by the Government of the Kingdom of Bahrain to the International Covenant on Civil and Political Rights.

The Government of Ireland notes that the reservation was not made by the Kingdom of Bahrain at the time of its accession to the International Covenant on Civil and Political Rights on 20 September 2006.

The Government of Ireland further notes that the Kingdom of Bahrain subjects application of Articles 3, 18 and 23 of the International Covenant on Civil and Political Rights to the prescriptions of the Islamic Shariah. The Government of Ireland is of the view that a reservation which consists of a general reference to religious law may cast doubts on the commitment of the reserving State to fulfil its obligations under the Covenant. The Government of Ireland is furthermore of the view that such a general reservation may undermine the basis of international treaty law and is incompatible with the object and purpose of the Covenant.

The Government of Ireland also notes that the Kingdom of Bahrain does not consider that Article 9 (5) detracts from its right to layout the basis and rules of obtaining the compensation mentioned therein. The Government of Ireland is of the view that a reservation which is vague and general in nature as to the basis and rules referred to may similarly make it unclear to what extent the reserving State considers itself bound by the obligations of the Covenant and cast doubts on the commitment of the reserving State to fulfil its obligations under the Covenant.

The Government of Ireland further notes that the Kingdom of Bahrain considers that no obligation arises from Article 14 (7) beyond those contained in Article 10 of its national Criminal Law. The Government of Ireland is of the view that such a reservation may cast doubts on the commitment of the reserving State to fulfil its obligations under the Covenant and may undermine the basis of international treaty law.

The Government of Ireland therefore objects to the aforesaid reservations made by the Government of the Kingdom of Bahrain to the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between Ireland and the Kingdom of Bahrain."

Italy (1 November 2007):

"The Government of Italy has examined the reservation made by the Government of the Kingdom of Bahrain to Articles 3, 18 and 23 of the International Covenant on Civil and Political Rights.

The Government of Italy considers that the reservation of the Government of the Kingdom of Bahrain, whereby it excludes any interpretation of the provisions of Articles 3, 18 and 23, which would affect the prescription of the Islamic Shariah, does not clearly define the extent to which the reserving State has accepted the obligation under these Articles.

This reservation raises serious doubts about the real extent of the commitment undertaken by the Government of the Kingdom of Bahrain and is capable of contravening the object and purpose of the Covenant.

The Government of Italy therefore objects to the above-mentioned reservation made by the Government of the Kingdom of Bahrain. This objection, however, shall not preclude the entry into force of the Covenant between the Government of Italy and the Government of the Kingdom of Bahrain."

Poland (3 December 2007)

“The Government of the Republic of Poland has examined the reservations made by the Kingdom of Bahrain after its accession to the International Covenant on Civil and Political Rights,

opened for signature at New York on 19 December 1966, hereinafter called the Covenant, in respect of article 3, article 9 paragraph 5, article 14 paragraph 7, article 18 and article 23.

The Government of the Republic of Poland considers that the reservations made by the Kingdom of Bahrain are so called late reservations, since they were made after the date of accession of the Kingdom of Bahrain to the Covenant. Therefore the reservations are inconsistent with article 19 of the Vienna Convention on the Law of Treaties, which provides for the possibility of formulation of reservations only when signing, ratifying, accepting, approving or acceding to a treaty.

Furthermore, the Government of the Republic of Poland considers that as a result of reservations with respect to articles 3, 18 and 23 of the Covenant, the implementation of provisions of these articles by the Kingdom of Bahrain is made subject to the prescriptions of the Islamic Shariah, with the result that the extent to which the Kingdom of Bahrain has accepted the obligations of the said articles of the Covenant is not defined precisely enough for the other State Parties. The Republic of Poland considers that these reservations lead to differentiation in enjoyment of the rights warranted in the Covenant, which is incompatible with the purpose and object of the Covenant and therefore not permitted (article 19 c) of the Vienna Convention on the Law of Treaties).

The Government of the Republic of Poland therefore objects to the reservations made by the Kingdom of Bahrain.

However this objection does not preclude the entry into force of the Covenant between the Republic of Poland and the Kingdom of Bahrain."

Sweden (3 December 2007)

"The Government of Sweden notes that the reservations made by the Kingdom of Bahrain were made after its accession to the Covenant. Since these reservations were formulated late they are to be considered inconsistent with the general principle of pacta sunt servanda as well as customary international law as codified in the Vienna Convention on the Law of Treaties.

Furthermore the Government of Sweden notes that the Government of the Kingdom of Bahrain has made a reservation with respect to articles 3, 18 and 23 giving precedence to the provisions of Islamic Shariah and national legislation over the application of the provisions of the Covenant. This reservation does not, in the opinion of the Government of Sweden, clearly specify the extent of the derogation by the Government of the Kingdom of Bahrain from the provisions in question and raises serious doubts as to the commitment of the Kingdom of Bahrain to the object and purpose of the Covenant.

The Government of Sweden would like to recall that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of a treaty shall not be permitted. It is in the common interest of States that treaties, to which they have chosen to become a party, are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Sweden therefore objects to all of the reservations made by the Government of the Kingdom of Bahrain to the International Covenant on Civil and Political Rights, as they were made after accession, and specifically objects to the content of the reservations on articles 3, 18 and 23 made by the Government of the Kingdom of Bahrain to the Covenant, and considers them null and void.

This objection shall not preclude the entry into force of the Covenant [in] its entirety between the Kingdom of Bahrain and Sweden, without the Kingdom of Bahrain benefiting from its reservations."

Hungary (4 December 2007)

"The Government of the Republic of Hungary has carefully examined the contents of the reservation made by the Kingdom of Bahrain to the International Covenant on Civil and Political Rights, adopted on 16 December 1966, in respect of Articles 3, 18 and 23 thereof. Since the reservation was made after the accession of the Kingdom of Bahrain to the Covenant, the Government of the Republic of Hungary considers that the reservation was too late and therefore inconsistent with article 19 of the Vienna Convention on the Law of Treaties.

Furthermore the Government of the Republic of Hungary is of the opinion that the aforementioned reservation is in contradiction with the general principle of treaty interpretation according to which a State party to a treaty may not invoke the provisions of its internal law as justification for failure to perform according to the obligations set out by the treaty. Furthermore, the reservation consists of a general reference to the Constitution without specifying its content and as such does not clearly define to other Parties to the Covenant the extent to which the reserving State commits itself to the Covenant.

The Government of the Republic of Hungary recalls that it is in the common interest of States that treaties to which they have chosen to become party are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties. According to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation that is incompatible with the object and purpose of a treaty shall not be permitted.

The Government of the Republic of Hungary therefore objects to the aforesaid reservation made by the Kingdom of Bahrain to the Covenant. This objection shall not preclude the entry into force of the Covenant between the Republic of Hungary and the Kingdom of Bahrain."

Mexico (13 December 2007)

The Permanent Mission of Mexico to the United Nations presents its compliments to the Treaty Section of the Office of Legal Affairs and has the honour to refer to the accession of the Kingdom of Bahrain to the 1966 International Covenant on Civil and Political Rights on 20 December 2006 and to the reservations that it made to various provisions, including articles 3, 18 and 23.

In that regard, the Permanent Mission of Mexico would like to state that the Government of Mexico has studied the content of Bahrain's reservation and is of the view that it should be considered invalid because it is incompatible with the object and purpose of the Covenant.

The reserve formulated, if applied, would have the unavoidable result of making implementation of the articles mentioned subject to the provisions of Islamic Shariah, which would constitute discrimination in the enjoyment and exercise of the rights enshrined in the Covenant; this is contrary to all the articles of this international instrument. The principles of the equality of men and women and non-discrimination are enshrined in the preamble and article 2, paragraph 1 of the Covenant and in the preamble and Article 1, paragraph 3 of the Charter of the United Nations.

The objection of the Government of Mexico to the reservation in question should not be interpreted as an impediment to the entry into force of the Covenant between Mexico and the Kingdom of Bahrain.

Slovakia (18 December 2007):

"The Government of Slovakia has carefully examined the content of the reservations made by the Kingdom of Bahrain upon its accession to the International Covenant on Civil and Political Rights.

The Government of Slovakia is of the opinion that the reservation of the Kingdom of Bahrain, whereby it excludes any interpretation of the provisions of Articles 3, 18 and 23, which would affect the prescription of the Islamic Shariah, does not clearly define the extent to which the reserving State has accepted the obligation under these Articles. This reservation is too general and raises serious doubts as to the commitment of the Kingdom of Bahrain to the object and the purpose of the Covenant.

For these reasons, the Government of Slovakia objects to the above mentioned reservations made by the Government of the Kingdom of Bahrain upon its accession to the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between Slovakia and the Kingdom of Bahrain. The Covenant enters into force in its entirety between Slovakia and the Kingdom of Bahrain without the Kingdom of Bahrain benefiting from its reservations."

United Kingdom of Great Britain and Northern Ireland (27 December 2007):

"The United Kingdom objects to Bahrain's reservations as they were made after the date of Bahrain's accession to the Covenant.

The United Kingdom further objects to the substance of Bahrain's first reservation, to Articles 3, 18 and 23. In the view of the United Kingdom a reservation should clearly define for the other States Parties to the Covenant the extent to which the reserving State has accepted the obligations of the Covenant. A reservation which consists of a general reference to a system of law without specifying its contents does not do so.

These objections shall not preclude the entry into force of the Covenant between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Bahrain. However on account of their lateness the reservations shall have no effect as between Bahrain and the United Kingdom."

[16] On 30 September 1992, the Government of Belarus notified the Secretary-General its decision to withdraw the reservation made upon signature and confirmed upon ratification. For the text of the declaration regarding article 48 (1) so withdrawn, see United Nations, *Treaty Series* , vol. 999, p. 282.

[17] In a notification received on 14 September 1998, the Government of Belgium informed the Secretary-General that it had decided to withdraw its reservation with regard to articles 2, 3 and 25 made upon ratification. For the text of the reservation, see United Nations, *Treaty Series* , vol. 1312, p. 328.

[18] With regard to the reservation made by Botswana upon signature and confirmed upon ratification, the Secretary-General received, from the following States, communications on the dates indicated hereinafter:

Austria (17 October 2001):

"Austria has examined the reservation made by the Government of the Republic of Botswana upon signature of the 1966 International Covenant on Civil and Political Rights, and confirmed upon ratification, regarding Articles 7 and 12 para. 3 of the Covenant.

The fact that Botswana is making the said articles subject to a general reservation referring to the contents of existing national legislation, in the absence of further clarification raises doubts as to the commitment of Botswana to the object and purpose of the Covenant. According to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted. In Austria's view the reservation in question is therefore inadmissible to the extent that its application could negatively affect the compliance by Botswana with its obligations under Articles 7 and 12 para. 3 of the Covenant.

For these reasons, Austria objects to the reservation made by the Government of the Republic of Botswana to the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant in its entirety between Botswana and Austria, without Botswana benefiting from its reservation."

Italy (20 December 2001):

"The Government of the Italian Republic has examined the reservations made by the Republic of Botswana upn signature of the International Covenant on Civil and Political Rights, and confirmed upon ratification, regarding articles 7 and 12, paragraph 3 of the Covenant.

The Government of the Italian Republic notes that the aforesaid articles of the Covenant are being made subject to a general reservation referring to the contents of exsing legislation in Botswana. The Government of the Italian Republic is of the view that, in the absence of further clarification, these reservations referring to international legislation raise doubts as to the commitment of Botswana to fulfill its obligation under the Covenant.

The Government of the Italian Republic considers these reservations to be incompatible with the object and the purpose of the Covenant according to article 19 of the 1969 Vienna Convention on the law of treaties. These reservations do not fall

within the rule of article 20, paragraph 5, and can be objected at any time.

Therefore, the Italian Government objects to the aforesaid reservations made by the Republic of Botswana to the Covenant.

This objection does not preclude the entry into force of the Covenant between Italy and Botswana".

[19] In communications received on 29 March 1985 and 26 July 1990, the Government of Finland notified the Secretary-General of its decision to withdraw the reservations made upon ratification with respect to articles 13 and 14 (1) (the notification indicates that the withdrawal was effected because the relevant provisions of the Finnish legislation have been amended as to correspond fully to articles 13 and 14 (1) of the Covenant), and with respect to articles 9 (3) and 14 (3) (d), respectively. For the text of the reservations, see United Nations, *Treaty Series* , vol. 999, p. 291.

[20] In this connection, the Secretary-General received, on 23 April 1982 from the Government of the Federal Republic of Germany, the following declaration with regard to that declaration made by France concerning article 27 of the said Covenant:

The Federal Government refers to the declaration on article 27 made by the French Government and stresses in this context the great importance attaching to the rights guaranteed by article 27. It interprets the French declaration as meaning that the Constitution of the French Republic already fully guarantees the individual rights protected by article 27.

[21] In a communication received on 22 March 1988, the Government of France notified the Secretary-General of its decision to withdraw, with effect from that date, its reservation with regard to article 19 made upon accession to the said Covenant. For the text of the reservation, see United Nations, *Treaty Series* , vol. 1202, p. 395.

[22] In a communication received on that same date, the Government of Germany indicated that it wishes to call attention to the reservations made by the Federal Republic of Germany upon ratification of the Covenant with regard to articles 19, 21 and 22 in conjunction with articles 2 (1), 14 (3), 14 (5) and 15 (1).

[23] On 18 October 1993, the Government of Iceland notified the Secretary-General of its decision to withdraw as of 18 October 1993, the reservation to paragraph 3(a) of article 8, made upon ratification. For the text of the reservation, see United Nations, *Treaty Series* , vol. 1144, p. 386.

[24] On 19 October 2009, the Government of Iceland notified the Secretary-General of its decision to withdraw the reservation concerning article 13 (3), made upon ratification to the Covenant. The text of the reservation withdrawn reads as follows:

Article 13, to the extent that it is inconsistent with the Icelandic legal provisions in force relating to the right of aliens to object to a decision on their expulsion.

[25] On 12 April 1994 and 24 August 1998, respectively, the Government of Ireland notified the Secretary-General of its decision to withdraw the declaration with respect to article 6 (5), on the one hand, and the reservations made to articles 14 (6) and 23 (4), on the other, made upon ratification. For the text of the declaration and reservations, see United Nations, *Treaty Series* , vol. 1551, p. 352.

On 26 January 2009, the Government of Ireland notified the Secretary-General that it had decided to withdraw the reservation with respect to article 14 made upon ratification, which read as follows: "Ireland reserves the right to have minor offences against military law dealt with summarily in accordance with current procedures, which may not, in all respects, conform to the requirements of article 14 of the Covenant."

[26] With reference to the ratification of the above Covenant by Italy, the Government of Italy informed the Secretary-General, by a notification received on 20 December 2005, of its decision to withdraw the following reservations in respect of articles 9 (5), 12 (4) and 14 (5), made upon ratification of the Covenant:

Article 9, paragraph 5

The Italian Republic, considering that the expression "unlawful arrest or detention" contained in article 9, paragraph 5, could give rise to differences of interpretation, declares that it interprets the aforementioned expression as referring exclusively to cases of arrest or detention contrary to the provisions of article 9, paragraph 1.

Article 12, paragraph 4

Article 12, paragraph 4, shall be without prejudice to the application of transitional provision XIII of the Italian Constitution, respecting prohibition of the entry into and sojourn in the national territory of certain members of the House of Savoy.

Article 14, paragraph 5

Article 14, paragraph 5, shall be without prejudice to the application of existing Italian provisions which, in accordance with the Constitution of the Italian Republic, govern the conduct, at one level only, of proceedings instituted before the Constitutional Court in respect of charges brought against the President of the Republic and its Ministers.

[27] With regard to the reservation made by the Lao People's Democratic Republic upon ratification, the Secretary-General received, from the following States, communications on the dates indicated hereinafter:

United Kingdom of Great Britain and Northern Ireland (21 October 2010):

"The United Kingdom of Great Britain and Northern Ireland has carefully examined the reservation made by the Government of the Lao People's Democratic Republic upon ratification of the International Covenant on Civil and Political rights.

The United Kingdom considers that with this reservation the application of Article 22 of the Covenant is made subject to national law in force in the Lao People's Democratic Republic. This makes it unclear to what extent the Lao People's

Democratic Republic considers itself bound by the obligations under Article 22 of the Covenant.

The United Kingdom considers that a reservation should clearly define for the other States Parties to the Covenant the extent to which the reserving State has accepted the obligations of the Covenant. A reservation which consists of a general reference to national law without specifying its implications does not do so.

The United Kingdom therefore objects to the reservation made by the Government of the Lao People's Democratic Republic to Article 22 of the Covenant. This objection shall not preclude the entry into force of the Covenant between the United Kingdom of Great Britain and Northern Ireland and the Lao People's Democratic Republic."

Sweden (18 October 2010):

"The Government of Sweden notes that the Lao People's Democratic Republic has reserved the right to interpret Article 22 in accordance with Article 1, and to apply to Article 22 as to be in conformity with the Constitution and relevant national laws of the Lao People's Democratic Republic. The Government of Sweden is of the belief that this reservation, which does not clearly specify the extent of the derogation, raises serious doubt as to the commitment of the Lao People's Democratic Republic to the object and purpose of the Covenant.

According to international customary law, as codified in Article 19 of the Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of a Convention shall not be permitted. It is in the common interest of all States that treaties, to which they have chosen to become parties, are respected as to their object and purpose by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligation under the treaties.

Furthermore, the Government of Sweden recalls that the designation assigned to a statement whereby the legal effect of certain provisions of a treaty is modified or excluded does not determine its status as a reservation to the treaty. It is the understanding of the Government of Sweden that the declaration of the Lao People's Democratic Republic concerning articles 1 and 18 of the Covenant modifies the legal effect of the provisions of the Covenant in their application to Lao People's Democratic Republic. Hence the Government of Sweden considers that these interpretative declarations in substance constitute reservations.

The Government of Sweden therefore objects to the aforesaid reservations made by the Lao People's Democratic Republic to the International Covenant on Civil and Political Rights and considers the reservations null and void.

This objection does not preclude the entry into force of the Covenant between the Lao People's Democratic Republic and Sweden. The Covenant enters into force in its entirety between the two States, without Lao People's Democratic Republic benefiting from its reservations."

[28] On 28 April 2000, the Government of Liechtenstein informed the Secretary-General that it had decided to withdraw its reservation to article 20 paragraph 2 of the Covenant made upon accession. The text of the reservation reads as follows:

"The Principality of Liechtenstein reserves the right not to adopt further measures to ban propaganda for war, which is prohibited by article 20, paragraph 1 of the Covenant. The Principality of Liechtenstein reserves the right to adopt a criminal provision which will take into account the requirements of article 20, paragraph 2, on the occasion of its possible accession to the Convention of 21 December 1965 on the Elimination of All Forms of Racial Discrimination."

On 13 October 2009, the Government of Liechtenstein informed the Secretary-General that it had decided to withdraw its reservation concerning article 24 paragraph 3 of the Covenant made upon accession. The text of the reservation withdrawn reads as follows:

"The Principality of Liechtenstein reserves the right to apply the Liechtenstein legislation according to which Liechtenstein nationality is granted under certain conditions."

[29] With regard to the reservation made by Maldives upon accession, the Secretary-General received, from the following States, communications on the dates indicated hereinafter:

Italy (1 November 2007):

"The Government of Italy has examined the reservation made by the Republic of Maldives with respect to Article 18 of the International Covenant on Civil and Political Rights.

The Government of Italy considers that, by providing that the application of Article 18 is without prejudice to the Constitution of the Republic of Maldives, the reservation does not clearly define the extent to which the reserving State has accepted the obligation under that Article. This reservation raises serious doubts about the real extent of the commitment undertaken by the Republic of Maldives and is capable of contravening the object and purpose of the Covenant.

The Government of Italy therefore objects to the above-mentioned reservation made by the Republic of Maldives.

This objection, however, shall not preclude the entry into force of the Covenant between the Government of Italy and the Republic of Maldives."

Slovakia (21 December 2007):

"The Government of Slovakia has carefully examined the content of the reservations made by the Republic of Maldives upon its accession to the International Covenant on Civil and Political Rights.

The Government of Slovakia is of the view that general reservation made by the Republic of Maldives that (The application of the principles set out in Article 18 of the Covenant shall be without prejudice to the Constitution of the Republic of Maldives(is too general and does not clearly specify the extent of the obligations under the Covenant for the Republic of Maldives.

According to the Maldivian legal system, mainly based on the principles of Islamic law, the reservation raises doubts as to the commitment of of the Republic of Maldives to its obligations under the Covenant, essential for the fulfillment of its object and purpose.

The Government of Slovakia objects for these reasons to the above mentioned reservation made by the Government of the Republic of Maldives upon its accession to the International Covenant on Civil and Political Rights.

[30] On 15 March 2002, the Government of Mexico notified the Secretary-General of a partial withdrawal of its reservation to article 25 (b) made upon accession. The reservation made upon accession read as follows:

Article 25, subparagraph (b):

The Government of Mexico also makes a reservation to this provision, since article 130 of the Political Constitution of the United Mexican States provides that ministers of religion shall have neither an active nor a passive vote, nor the right to form associations for political purposes.

[31] In a communication received on 20 December 1983, the Government of the Netherlands notified the Secretary-General that it was withdrawing its reservation with regard to article 25 (c). The text of the reservation read as follows:

"The Kingdom of the Netherlands does not accept this provision in the case of the Netherlands Antilles."

See also note 1 under “Netherlands” regarding Aruba/Netherlands Antilles in the ”Historical Information” section in the front matter of this volume.

[32] In a notification received by the Secretary-General on 12 December 1979, the Government of Norway withdrew the reservation formulated simultaneously in respect of article 6 (4).

[33] On 15 March 1991, 19 January 1993 and 2 April 2007, respectively, the Government of the Republic of Korea notified the Secretary-General of its decision to withdraw the reservations made in respect of article 23 (4) (with effect from 15 March 1991), of article 14 (7) (with effect from 21 January 1993) and of article 14 (5) (with effect from 2 April 2007) made upon accession.

[34] On 16 October 1995, the Government of Switzerland notified the Secretary-General that it had decided to withdraw its reservation to article 20, paragraph 2 made upon accession, which reads as follows:

Switzerland reserves the right to adopt a criminal provision which will take into account the requirements of article 20, paragraph 2, on the occasion of its forthcoming accession to the 1966 International Convention on the Elimination of All Forms of Racial Discrimination.

Further, on 12 January 2004, the Government of Switzerland notified the Secretary-General that it had decided to withdraw its reservation to article 14, paragraph 3, sub-paragraphs (d) and (f) made upon accession, which reads as follows:

The guarantee of free legal assistance assigned by the court and of the free assistance of an interpreter does not definitively exempt the beneficiary from defraying the resulting costs.

Further, on 1 May 2007, the Government of Switzerland notified the Secretary-General that it had decided to withdraw its reservations to article 10, paragraph 2 (b) and article 14, paragraph 1 and 5 made upon accession, which reads as follows:

(a) Reservation concerning article 10, paragraph 2 (b):

The separation of accused juvenile persons from adults is not unconditionally guaranteed.

(b) Reservations concerning article 14, paragraph 1:

The principle of a public hearing is not applicable to proceedings which involve a dispute relating to civil rights and obligations or to the merits of the prosecution's case in a criminal matter; these, in accordance with cantonal laws, are held before an administrative authority. The principle that any judgement rendered shall be made public is adhered to without prejudice to the cantonal laws on civil and criminal procedure, which provide that a judgement shall not be rendered at a public hearing, but shall be transmitted to the parties in writing.

The guarantee of a fair trial has as its sole purpose, where disputes relating to civil right and obligations are concerned, to ensure final judicial review of the acts or decisions of public authorities which have a bearing on such rights or obligations. The Term "final judicial review" means a judicial examination which is limited to the application of the law, such as a review by a Court of Cassation.

The right to liberty of movement and freedom to choose one's residence is applicable, subject to the federal laws on aliens, which provide that residence and establishment permits shall be valid only for the canton which issues them.

(c) Reservation concerning article 14, paragraph 5:

The reservation applies to the federal laws on the organization of criminal justice, which provide for an exception to the right of anyone convicted of a crime to have his conviction and sentence reviewed by a higher tribunal, where the person concerned is tried in the first instance by the highest tribunal.

[35] In a communication received by the Secretary-General on 31 January 1979, the Government of Trinidad and Tobago confirmed that paragraph (vi) constituted an interpretative declaration which did not aim to exclude nor modify the legal effect of the provisions of the Covenant.

[36] In a communication received on 2 February 1993, the Government of the United Kingdom of Great Britain and Northern Ireland notified the Secretary-General of its decision to withdraw the reservation to sub-paragraph c) of article 25 made upon ratification. For the text of the reservation, see United Nations, *Treaty Series* , vol. 1007, p. 394.

[37] The formality was effected by Democratic Yemen. See also note 1 under “Yemen” in the “Historical Information” section in the front matter of this volume.

[38] See "ENTRY INTO FORCE:" at the beginning of this chapter.

[39] A previous declaration received on 18 June 1992 expired on 18 June 1997.

[40] Previous declarations, received 22 April 1976, 28 March

1981, 24 March 1986, 10 May 1991 and 22 January 1997 expired on 28 March 1981, 28 March 1986, 28 March 1991, 10 May 1996 and 22 January 2002.

[41] A note verbal, dated 28 January 1998, transmitting the text of the declaration made by the Government of Spain recognizing the competence of the Human Rights Committee under article 41 of the Covenant was deposited on 30 January 1998. Subsequently, in order to correct an error contained in that decalration, the Secretary-General received from the Government of Spain a note verbal dated 9 March 1998, transmitting a corrected and signed text of the declaration which was deposited on 11 March 1998.

Previous declarations were received on 25 January 1985 and 21 December 1988, and expired on 25 January 1988 and 21 December 1993, respectively.

[42] On 3 October 1983, the Secretary-General received from the Government of Argentina the following declaration in respect of the territorial application of the Covenant to the Falkland Islands:

[The Government of Argentina makes a] formal objection to the [declaration] of territorial extension issued by the United Kingdom with regard to the Malvinas Islands (and dependencies), which that country is illegally occupying and refers to as the "Falkland Islands".

The Argentine Republic rejects and considers null and void the [said declaration] of territorial extension.

With reference to the above-mentioned objection the Secretary-General received on 28 February 1985 from the Government of the United Kingdom of Great Britain and Northern Ireland, the following declaration:

"The Government of the United Kingdom of Great Britain and Northern Ireland have no doubt as to their right, by notification to the Depositary under the relevant provisions of the above-mentioned Convention, to extend the application of the Convention in question to the Falkland Islands or to the Falkland Islands Dependencies, as the case may be.

For this reason alone, the Government of the United Kingdom are unable to regard the Argentine [communication] under reference as having any legal effect."

With reference to the above-mentioned declaration by the Government of the United Kingdom of Great Britain and Northern Ireland, the Secretary-General received from the Government of Argentina the following declaration made upon ratification:

The Argentine Republic rejects the extension, notified to the Secretary-General of the United Nations on 20 May 1976 by the United Kingdom of Great Britain and Northern Ireland, of the application of the International Covenant on Economic, Social and Cultural Rights,adopted by the General Assembly of the United Nations on 16 December 1966, to the Malvinas, South Georgia and South Sandwich Islands, and reaffirms its sovereign rights to those archipelagos, whichrm anntegral part of its national territory.

The General Assembly of the United Nations had adopted resol- utions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6 and 40/21 in which it recognizes the existence of a sovereignty dispute regarding the question of the Falkland Islands (Malvinas) and urges the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to pursue negotiations in order to find as soon as possible a peaceful and definitive solution to the dispute, through the good offices of the Secretary-General of the United Nations, who shall inform the General Assembly of the progress made."

With reference to the above-mentioned declaration by the Govern- ment of Argentina, the Secretary-General received on 13 January 1988 from the Government of the United Kingdom of Great Britain and Northern Ireland the following communication:

"The Government of the United Kingdom of Great Britain and Northern Irelan d rejects the statements made by the Argentine Republic, regarding the Falkland Islands and South Georgia and the South Sandwich Islands, when ratifying [the said Covenants and acceding to the said Protocol].

The Government of the United Kingdom of Great Britain and Northern Ireland has no doubt as to British sovereignty over the Falkland Islands and South Georgia and the South Sandwich Islands and its consequent right to extend treaties to those territories."

Subsequently, on 5 October 2000, the Secretary-General recieved the from the Government of Argentina the following communication:

[The Argentine Republic] wishes to refer to the report submitted by the United Kingdom of Great Britain and Northern Ireland to the Human Rights Committee concerning its overseas territories (CCPR/C/UKOT/99/5).

In that connection, the Argentine Republic wishes to recall that by its note of 3 October 1983 it rejected the extension of the application of the International Covenant on Civil and Political Rights to the Malvinas Islands, which waseffected bythe United Kingdom of Great Britain and Northern Ireland on 20 May 1976.

The Government of Argentina rejects the designation of the Malvinas Islands as Overseas Dependent Territories of the United Kingdom or any other similar designation.

Consequently, the Argentine Republic does not recognize the section concerning the Malvinas Islands contained in the report which the United Kingdom has submitted to the Human Rights Committee (CCPR/C/UKOT/99/5) or any other document or instrument having a similar tenor that may derive from this alleged territorial extension.

The United Nations General Assembly has adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, in which it recognizes that a dispute exists concerning sovereignty over the Malvinas Islands and urges the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to continue negotiations with a view to resolving the dispute peacefully and definitively as soon as possible, assisted by the good offices of the Secretary-General of the United Nations, who is to report to the General Assembly on the progress made.

The Argentine Republic reaffirms its rights of sovereignty over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime spaces, which are an integral part of its national territory.

Further, on 20 December 2000, the Secretary-General received from the Government of the United Kingdom of Great Britain and Northern Ireland, the following communcation:

"The Government of the United Kingdom of Great Britain and Northern Ireland rejects as unfounded the claims made by the Argentine Republic in its communication to the depositary of 5 [October] 2000. The Government of the United Kingdom recalls that in its declaration received by the depositary on 13 January 1988 it rejected the objection by the Argentine Republic to the extension by the United Kingdom of the International Covenant on Civil and Political Rights to the Falkland Islands and to South Georgia and the South Sandwich Islands. The Government of the United Kingdom has no doubt about the sovereignty of the United Kingdom over the Falkland Islands and over South Georgia and the South Sandwich Islands and its consequential rights to apply the Convention with respect to those territories."