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**AD HOC COMMITTEE OF LEGAL ADVISERS
ON PUBLIC INTERNATIONAL LAW
(CAHDI)**

**GROUP OF EXPERTS ON RESERVATIONS TO INTERNATIONAL TREATIES
(DI-E-RIT)**

**1st meeting
Vienna, *Hofburg*, 5 March 1999**

**EUROPEAN OBSERVATORY OF RESERVATIONS TO INTERNATIONAL TREATIES:
LIST OF OUTSTANDING RESERVATIONS AND DECLARATIONS
TO INTERNATIONAL TREATIES**

Secretariat memorandum
Prepared by the Directorate of Legal Affairs

Foreword

1. At its second meeting (Paris, 14-16 September 1998) the Group of Specialists on Reservations to International Treaties (DI-S-RIT) agreed to propose to the CAHDI to operate as an European observatory of reservations to international treaties (see meeting report, document DI-S-RIT (98) 10).
2. At its 16th meeting the CAHDI agreed to this proposal and adopted terms of reference for a Group of experts responsible for assisting the CAHDI in carrying out such activity (DI-E-RIT) (see meeting report, document CAHDI (98) 24).
3. In this context, the Group of experts and possibly the CAHDI will be regularly considering a list of reservations giving rise to doubts as to their admissibility.
4. The following list includes two parts. Part I concerns reservations and declarations to treaties concluded outside the Council of Europe. It was prepared on the basis of the information provided by delegation of Austria. It has been completed with information from the UN site (UN International Treaties Series – UNITS) <http://www.un.org/Depts/Treaty>, accessed on 04/09/98 and on 12/01/99.
5. Part II concerns reservations and declarations to Council of Europe treaties. Information was provided by the Central Division of the Directorate of Legal Affairs of the Council of Europe and can be accessed via internet at <http://www.coe.fr/eng/legaltxt/treaties.htm> (in English).
6. Reservations and declarations included hereafter, in particular those concerning Council of Europe treaties have been selected by the Chairman of the Group of experts on reservations to international treaties (DI-E-RIT), Ambassador CEDE (Austria) in co-operation with the Chairman of the CAHDI, Ambassador Dr. HILGER (Germany).
7. The format of the information is Convention: State reserving (date of notification to the depository/date of notification by the depository/deadline for objections). In as far as possible, the *text of the reservation and declaration* is included.
8. Regarding Part I, please note that reservations and declarations to Conventions 1-6 have been considered by the Group of Specialists on Reservations to International Treaties (DI-S-RIT) at their second meeting (Paris, 14-16 September 1998). They are included in so far as they are still outstanding.
9. In addition, reservations or declarations to Conventions 7-11 have not been notified by the Depository. The deadline for objections has therefore not commenced.

Action required

Members of the Group of experts are called upon to consider the following outstanding reservations and declaration and possibly bring to the attention of the CAHDI those raising doubts as to their admissibility in the context of the operation of the CAHDI as an European observatory of reservations to international treaties.

To this extent, the Chairman DI-E-RIT, Ambassador CEDE in consultation with the Chairman of the CAHDI, Ambassador Dr. HILGER wishes to bring the attention of the members of the Group to the following reservations and declarations in Part I of this document: 1, 2, 7, 8, 9 and 10.

List of outstanding reservations and declarations

PART I: reservations to non-Council of Europe treaties

- 1) Convention on Environmental Impact Assessment in a Trans-boundary Context (Espoo Convention) 25 February 1991

Canada (13 May 1998/27 May 1998/26 May 1999)

Reservation:

Inasmuch as under the Canadian constitutional system legislative jurisdiction in respect of environmental assessment is divided between the provinces and the federal government, the Government of Canada in ratifying this Convention, makes a reservation in respect of proposed activities (as defined in this Convention) that fall outside of federal legislative jurisdiction exercised in respect of environmental assessment.

- 2) UN Convention on Illicit Traffic in Narcotic Drugs and Psychotropic Substances (20 December 1988)

Lithuania (8 June 1998/7 July 1998/6 July 1999)

Declaration:

In accordance with article 6 of the said Convention the Republic of Lithuania declares that this Convention shall not be the legal basis for extradition of the Lithuanian citizens as it is provided in the Constitution of the Republic of Lithuania.

Reservation:

In accordance with paragraph 4 of article 32 of the said Convention the Republic of Lithuania will not apply provisions of paragraph 2 and 3 of Article 32, referring to the disputes relating to the interpretation or application of this Convention to the International Court of Justice.

Vietnam

Reservations to article 6 on Extradition, article 32 paragraph 2 and paragraph 3 on Dispute settlement.

- 3) Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents (14 December 1973)

Cuba (10 June 1998/7 July 1998/6 July 1999)

Declaration:

In accordance with article 13, paragraph 2 of the Convention, the Republic of Cuba declares that it does not consider itself bound by the provisions of article 13, paragraph 1, of the Convention.

4) Convention on the Rights of the Child (20 November 1989)

Croatia (26 May 1998/11 June 1998/ -)

Withdrawal of Reservation made in respect to Art 9 (1). The reservation read as follows:

The Republic of Croatia reserves the right not to apply paragraph 1 of article 9 of the Convention since the internal legislation of the Republic of Croatia provides for the right of competent authorities (Centres for Social Work) to determine on separation of a child from his/her parents without a previous judicial review.

5) Convention on the Elimination of All Forms of Discrimination Against Women (18 December 1979)

Mauritius (5 May 1998/ - / -)

Partial withdrawal of reservation (remaining reservation concerns jurisdiction of the ICJ).

6) International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (26 October 1961)

Romania (22 July 1998/7 September 1998/6 September 1999)

Declaration:

1. With regard to article 5, paragraph 3, Romania declares that it will not apply the criterion of fixation.

2. With regard to article 6, paragraph 2, Romania declares that it will protect radio and television broadcasts only if the headquarters of the broadcasting organisation is situated in another Contracting State and the broadcast was transmitted from a transmitter situated in that same Contracting State.

3. With reference to article 16, paragraph 1 (a) (iii) and (iv):

(iii) Romania will not apply any of the provisions of article 12, as regards phonograms the producer of which is not a national of another Contracting State.

(iv) For the producers of phonograms who are nationals of another Contracting State, the scope and length of the protection provided for in article 12 shall be limited to the extent to which and as long as that Contracting State grants protection to phonograms which were originally fixed by a national of Romania.

7) Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (10 December 1984)

Bangladesh (5 October 1998/-/-)

Declaration:

The Government of the People's Republic of Bangladesh will apply article 14 paragraph 1 in consonance with the existing laws and legislation in the country.

Indonesia (28 October 1998/-/-)

Declaration:

The Government of the Republic of Indonesia declares that the provisions of paragraphs 1, 2, and 3 of article 20 of the Convention will have to be implemented in strict compliance with the principles of the sovereignty and territorial integrity of States.

Reservation:

The Government of the Republic of Indonesia does not consider itself bound by the provision of article 30, paragraph 1, and takes the position that disputes relating to the interpretation and application of the Convention which cannot be settled through the channel provided for in paragraph 1 of the said article, may be referred to the International Court of Justice only with the consent of all parties to the disputes.

Zambia (7 October 1998/-/-)

Reservation to art. 20

8) International Covenant on Economic, Social and Cultural Rights (16 December 1966)**Bangladesh** (5 October 1998/-/-)

Declarations:

Article 1:

It is the understanding of the Government of the people's Republic of Bangladesh that the words "the right of self-determination of peoples" appearing in this article apply In the historical context of colonial rule, administration, Foreign domination, occupation and similar situations.

Articles 2 and 3:

The Government of the people's Republic of Bangladesh will Implement articles 2 and 3 in so far as they relate to Equality between man and woman, in accordance with the Relevant provisions of its constitution and in particular, In respect to certain aspects of economic rights viz. Law of Inheritance.

Articles 7 and 8:

The Government of the people's republic of Bangladesh will apply articles 7 and 8 under the conditions and in Conformity with the procedures established in the Constitution and the relevant legislation of Bangladesh.

Articles 10 and 13:

While the Government of the people's Republic of Bangladesh accepts the provisions embodied in articles 10 and 13 of the Covenant in principle, it will implement the said provisions in a progressive manner, in keeping with the existing economic conditions and the development plans of the country.

9) Convention on the Political Rights of Women (31 March 1953)

Bangladesh (5 October 1998/-/-)

Declaration:

Article iii:

The Government of the people's Republic of Bangladesh will apply article iii of the convention in consonance with the relevant provisions of the constitution of Bangladesh and in particular, article 28(4) allowing special provision in favour of women; article 29.3(c) allowing reservation of any class of employment or office for one sex on the ground that it is considered by its nature to be unsuited to members of the opposite sex; and article 65(3) provident for reservation of 30 seats in the national assembly for women in addition to the provision allowing women to be elected to any and all of the 300 seats.

10) Convention on the Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (10 December 1962)

Bangladesh (5 October 1998/-/-)

Reservations:

Articles 1 and 2:

The Government of the people's Republic of Bangladesh reserves the right to apply the provisions of articles 1 and 2 in so far as they relate to the question of legal validity of child marriage, in accordance with the personal laws of different religious communities of the country.

Article 2:

The Government of the people's Republic of Bangladesh, in acceding to the convention will not be bound by the exception clause of article 2 viz. "except where a competent authority has granted a dispensation as to age, for serious reasons, in the interest of the intending spouses."

11) Vienna Convention on the Law of Treaties (23 May 1969)

Cuba (9 September 1998/-/-)

Reservation:

The Government of the Republic of Cuba enters an explicit reservation to the procedure established under article 66 of the Convention, since it believes that any dispute should be settled by any means adopted by agreement between the parties to the dispute; the Republic of Cuba therefore cannot accept solutions which provide means for one of the parties, without the consent of the other, to submit the dispute to procedures for judicial settlement, arbitration and conciliation.

Declaration:

The Government of the Republic of Cuba declares that [the said Convention] essentially codified and systematised the norms that had been established by custom and other sources of international law concerning negotiation, signature, ratification, entry into force, termination and other stipulations relating to international treaties; hence, those provisions, owing to their compulsory character, by virtue of having

been established by universally recognised sources of international law, particularly those relating to invalidity, termination and suspension of the application of treaties, are applicable [to] any treaty negotiated by the Republic of Cuba prior to the aforesaid Convention, essentially, treaties, covenants and concessions negotiated under conditions of inequality or which disregard or diminish its sovereignty and territorial integrity.

Part II : reservations and declarations to Council of Europe treaties

- 12) Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 005) (4 November 1950)

Finland (30 April 1998, 8 June 1998, 7 June 1999)

Partial withdrawal of reservation:

Whereas the instrument of ratification contained inter alia a reservation to Article 6, paragraph 1, of the Convention, whereas after partial withdrawal of the reservation on 12 December 1996 paragraph 1 of the reservation reads as follows:

"For the time being, Finland cannot guarantee a right to an oral hearing insofar as the current Finnish laws do not provide such a right. This applies to:

1. proceedings before the Courts of Appeal, the Supreme Court, the Water Courts and the Water Court of Appeal in accordance with Chapter 26, Sections 7 and 8, as well as Chapter 30, Section 20, of the Code of Judicial Procedure, and Chapter 16, Sections 14 and 39, of the Water Act, as well as civil and criminal proceedings in accordance with Chapter 15, Section 23, of the Water Act. This also concerns consideration of petition, appeal and executive assistance cases, relating to a decision given before the entry into force of the Act on Administrative Judicial Procedure on 1 December 1996, before the Water Court of Appeal, in accordance with Chapter 15, Section 23, of the Water Act, as well as consideration of an appeal on such a matter in a superior appellate authority".

Whereas the relevant provisions of the Finnish legislation have been amended so as to better correspond to Article 6, paragraph 1, of the Convention as far as proceedings before the Courts of Appeal and the Water Court of Appeal are concerned,

The Republic of Finland withdraws the reservation in paragraph 1 above, as far as it concerns proceedings before the Courts of Appeal, with the exception of consideration of petition, civil and criminal cases to which Chapter 26, Sections 7 and 8, of the Code of Judicial Procedure are applied, and with the exception of consideration of criminal cases which have been pending before a District Court at the time of entry into force of the Criminal Proceedings Act on 1 October 1997 and to which existing provisions have been applied by the District Court.

The Republic of Finland also withdraws the reservation as far as it concerns proceedings before the Water Courts, with the exception of proceedings in accordance with Chapter 16, Section 14, of the Water Act, and as far as it concerns the Water Court of Appeal, with the exception of consideration of criminal and civil cases in accordance with Chapter 15, Section 23, of the Water Act, if the decision of the Water Court has been given before the entry into force of the Act Amending the Code of Judicial Procedure on 1 May 1998.

APPENDIX INCLUDING THE TEXTS OF THE RESPECTIVE LAWS REFERRED TO IN THE PARTIAL WITHDRAWAL OF THE RESERVATION

Chapter 27, Section 5, of the Act Amending the Code of Judicial Procedure (165/1998)

This Act shall enter into force on 1 May 1998.

This Act shall apply to the consideration of civil cases and petitions, if the appealed decision has been given or pronounced by the District Court after the entry into force of this Act.

This Act shall apply to the consideration of criminal cases, if the matter, in respect of which appeal has been made, has been considered by the District Court in accordance with the Criminal Proceedings Act and if the decision has been given or pronounced after the entry into force of this Act.

Chapter 13, Section 1, of the Criminal Proceedings Act (689/1997)

(This Act has entered into force on 1 October 1997).

Those criminal cases which are pending in a court at the time of entry into force of this Act shall be considered in accordance with the existing provisions at the time of entry into force of this Act.

A criminal case which is to be considered by a court but which is not pending shall become pending at the time of entry into force of this Act.

Chapter 16, section 14, of the Water Act (308/1990)

When an inspection has been arranged upon application and the documents have been received by the Water Court and the prescribed time for objections, claims and complaints has expired, the Water Court shall hold an oral hearing, if the objections, claims or complaints submitted on the basis of the report of the executive officials so require, or if the Court for some other reason deems an oral hearing necessary. The record of proceedings shall be kept available for inspection prior to the oral hearings at the office of the Water Court. The Court may also request the engineer appointed to oversee the proceedings to submit a statement on the objections, claims and complaints.

The applicant, all persons having submitted objections or claims, and the authorities referred to in Section 8 of this Chapter shall be notified of the oral hearings by registered letter or other verifiable manner fourteen days prior to the proposed date.

Russia (5 May 1998, 27 July 1998, 26 July 1999)

Reservations and Declarations:

In accordance with Article 64 of the Convention, the Russian Federation declares that the provisions of Article 5, paragraphs 3 and 4, shall not prevent the application of the following provisions of the legislation of the Russian Federation:

- the temporary application, sanctioned by the second paragraph of point 6 of Section Two of the 1993 Constitution of the Russian Federation, of the procedure for the arrest, holding in custody and detention of persons suspected of having committed a criminal offence, established by Article 11, paragraph 1, Article 89, paragraph 1, Articles 90, 92, 96, 96¹, 96², 97, 101 and 122 of the RSFSR Code of Criminal Procedure of 27 October 1960, with subsequent amendments and additions;*
- Articles 51-53 and 62 of the Disciplinary Regulations of the Armed Forces of the Russian Federation, approved by Decree no. 2140 of the President of the Russian Federation of 14 December 1993 – based on Article 26, paragraph 2, of the Law of the Russian Federation “On the Status of Servicemen” of 22 January 1993 – instituting arrest and detention in the guard-house as a disciplinary measure imposed under extra-judicial procedure on servicemen – private soldiers, seamen, conscripted non-commissioned officers, non commissioned officers and officers.*

The period of validity of these reservations shall be the period required to introduce amendments to the Russian federal legislation which will completely eliminate the incompatibilities between the said provisions and the provisions of the Convention.

In accordance with Article 25 of the Convention, the Russian Federation recognises the competence of the European Commission of Human Rights to receive petitions from any person, non-governmental organisation or group of individuals claiming to be the victim of a violation by the Russian Federation of the rights set forth in the Convention and the aforementioned Protocols¹ thereto, where the alleged violation has taken place after the entry into force of these instruments in respect of the Russian Federation.

In accordance with Article 46 of the Convention, the Russian Federation recognises as compulsory ipso facto and without special agreement the jurisdiction of the European Court of Human Rights in all matters concerning the interpretation and application of the Convention and its Protocols in the event of an alleged violation by the Russian Federation of the provisions of these instruments, where the alleged violation has taken place after their entry into force in respect of the Russian Federation.

APPENDICES TO THE RESERVATIONS

CODE OF CRIMINAL PROCEDURE OF THE RSFSR (extracts)²

adopted by the third session of the Supreme Soviet of the RSFSR (fifth convocation) on 27 October 1960

("Vedomosti Verkhovnogo Soveta RSFSR", 1960, No. 40, page 593)

"Article 11, paragraph 1 Personal inviolability

No one may be arrested otherwise than on the basis of a judicial decision or a prosecutor's order (wording of the Decree of the Presidium of the Supreme Soviet of the RSFSR of 8 August 1983; of the Law of the Russian Federation of 23 May 1992; of the Federal Law of 15 June 1996 – Vedomosti Verkhovnogo Soveta RSFSR, 1983, No. 32, page 1153 – Vedomosti Syezda Narodnykh Deputatov Rossiyskoy Federatsii i Verkhovnogo Soveta Rossiyskoy Federatsii, 1992, No. 25, page 1389; Sobraniye Zakonodatelstva Rossiyskoy Federatsii, 1996, No. 25, page 2964)."

"Article 89, paragraph 1 Application of preventive measures

When there are sufficient grounds for believing that an accused person would evade an inquiry, preliminary investigation or trial or will obstruct the establishment of the truth in a criminal case or will engage in criminal activity, as well as in order to ensure execution of a sentence, the person conducting the inquiry, the investigator, the prosecutor and the court may apply one of the following preventive measures in respect of the accused: a written undertaking not to leave a specified place; a personal guarantee or a guarantee by a public organisation; placing in custody."

¹ Note from the Secretariat: The instrument of ratification comprises the Convention on the Protection of Human Rights and Fundamental Freedoms (ETS 5) – as amended by its Protocols Nos. 3 (ETS 45), 5 (ETS 55) and 8 (ETS 118), and as completed by its Protocol No. 2 (ETS 44) –, its Additional Protocol (ETS 9) and its Protocols Nos. 4 (ETS 46), 7 (ETS 117), 9 (ETS 140), 10 (ETS 146) and 11 (ETS 155).

² The articles and parts of articles of the Code of Criminal Procedure of the RSFSR that are cited are those referred to in reservations entered by the Russian Federation at the time of ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950.

The texts of the extracts include all amendments and additions as at 1 October 1997. Official publishing sources are indicated in the texts of the articles.

“Article 90 *Application of a preventive measure in respect of a suspect*

In exceptional cases a preventive measure may be applied to a person suspected of having committed a criminal offence even before a charge is brought against him. In such a case the charge shall be brought not later than ten days from the time of the application of the preventive measure. If no charge is brought within this period, the preventive measure shall be cancelled.”

“Article 92 *Order and decision on the application of a preventive measure*

On the application of a preventive measure a person conducting an inquiry, an investigator and a prosecutor shall make a reasoned order, and a court shall give a reasoned decision specifying the criminal offence which the individual concerned is suspected of having committed, as well as the grounds for choosing the preventive measure applied. The order or decision shall be notified to the person concerned, to whom at the same time the procedure for appealing against the application of the preventive measure shall be explained.

A copy of the order or decision on the application of the preventive measure shall be immediately handed to the person concerned (wording of the Law of the Russian Federation of 23 May 1992 – Vedomosti Syezda Narodnykh Deputatov Rossiyskoy Federatsii i Verkhovnogo Soveta Rossiyskoy Federatsii, 1992, No. 25, page 1389).”

“Article 96 *Placing in custody*

Placing in custody as a preventive measure shall be done in accordance with the requirements of Article 11 of this Code concerning criminal offences for which the law prescribes a penalty in the form of deprivation of freedom for a period of more than one year. In exceptional cases, this preventive measure may be applied in criminal matters for which a penalty in the form of deprivation of freedom for a period of less than one year is prescribed by law (wording of the Decrees of the Presidium of the Supreme Soviet of the RSFSR of 10 September 1963, of 21 May 1970, of 17 April 1973, of 15 July 1974, of 11 March 1977 and of 8 August 1983; of the Laws of the Russian Federation of 23 May 1992, of 29 April 1993 and of 1 July 1993; of the Federal Laws of 1 July 1994, of 17 December 1995, of 15 June 1996 and of 21 December 1996 – Vedomosti Verkhovnogo Soveta RSFSR, 1963, No. 36, page 661; 1970, No. 22, page 442; 1973, No. 16, page 353; 1974, No. 29, page 782; 1977, No. 12, page 257; and 1983, No. 32, page 1153 – Vedomosti Syezda Narodnykh Deputatov Rossiyskoy Federatsii i Verkhovnogo Soveta Rossiyskoy Federatsii, 1992, No. 25, page 389, 1993, No. 22, page 789, No. 32, page 1231 – Sobraniye Zakonodatelstva Rossiyskoy Federatsii, 1994, No. 10, page 1109, 1995, No. 51, page 4973; 1996, No. 25, page 2964, and No. 52, page 5881).”

“Article 96¹ *Procedure for detaining persons placed in custody*

The procedure for detaining persons in respect of whom placing in custody has been chosen as a preventive measure is laid down in the Regulations (Polojenie) on pre-trial custody.

In cases where persons referred to in the preceding paragraph of this article are detained for up to three days in places of detention, they shall be subject to the rules laid down in the Regulations on procedure for short-term detention of persons suspected of having committed a criminal offence (brought into effect by the Decree of the Presidium of the Supreme Soviet of the RSFSR of 21 May 1970; wording of the Decrees of the Presidium of the Supreme Soviet of the RSFSR of 30 December 1976 and 8 August 1983 – Vedomosti Verkhovnogo Soveta RSFSR, 1970, No. 22, page 442; 1977, No. 1, pages 2; 1983, No. 32, page 1153).”

“Article 96² *Time-limits for detaining persons placed in custody in temporary detention centres*

Suspects and accused persons who have been placed in custody as a preventive measure may be detained in a temporary detention centre for not more than three days.

Suspects and accused persons detained in an investigation centre may be transferred to a temporary detention centre when this is necessary for the carrying out of investigatory activities and the judicial examination of cases beyond the boundaries of the populated area within which the investigation centre is situated and from which the persons concerned cannot be conveyed every day. Such transfer may be effected for the duration of investigatory activities and court proceedings but not for more than 10 days in any one month (brought into effect by the Decree of the Presidium of the Supreme Soviet of the RSFSR of 21 May 1970; wording of the Federal Law of 15 June 1996 – Vedomosti Verkhovnogo Soveta RSFSR, 1970, No. 22, page 442; Sobraniye Zakonodatelstva Rossiyskoy Federatsii, 1996, No. 25, page 2964).”

“Article 97 *Time-limits for keeping in custody*

A period of custody during the investigation of offences in criminal cases may not last longer than two months. This time-limit may be extended up to three months by a district or municipal prosecutor, a military prosecutor of a garrison, strategical unit or group of units and comparable prosecutors if it is impossible to complete the investigation and there are no grounds for altering the preventive measure. A further extension up to six months from the day of placement in custody may be effected only on account of the special complexity of the case by a prosecutor of a subject of the Russian Federation, a prosecutor of a military district, a military force grouping, naval fleet, the Strategic Missile Forces, the Federal Frontier Service of the Russian Federation or comparable prosecutors.

An extension of the time-limit for keeping persons in custody beyond six months shall be permissible in exceptional cases and solely in respect of persons accused of committing serious criminal offences or highly serious criminal offences. Such an extension shall be effected by a deputy of the Prosecutor General of the Russian Federation (up to one year) and by the Prosecutor General of the Russian Federation (up to 18 months).

No further extension of the time-limit shall be permissible, and the accused held in custody shall be releasable immediately.

The documents of a completed investigation of a criminal case shall be produced for consultation by the accused and his defence counsel not later than one month before the expiry of the maximum time-limit for holding in custody as prescribed in the second paragraph of the present article. In the event of the accused being unable to consult the case documents before the expiry of the maximum time-limit for holding in custody, the Prosecutor General of the Russian Federation, a prosecutor of a subject of the Russian Federation, a prosecutor of a military district, a military force grouping, a naval fleet, the Strategic Missile Forces, the Federal Frontier Service of the Russian Federation and comparable prosecutors may, not later than five days before the expiry of the maximum time-limit for holding in custody, apply to the judge of the "oblast", "kray" or comparable court for an extension of this time-limit.

Not later than five days from the day of receipt of the application, the judge shall take one of the following decisions:

1. *decision to extend the time-limit for holding in custody up to the completion by the accused and his counsel of their consultation of the documents of the case and the referral of the case to the court by the prosecutor, but not for more than six months;*
2. *decision to reject the prosecutor's application and to release the person concerned from custody.*

Under the same procedure the time-limit for holding in custody may be extended in the case of need to accede to a request by the accused or his counsel to pursue the preliminary investigation further.

If a court returns for a new investigation a case regarding which the time-limit for holding the accused in custody has expired but the circumstances of the case preclude any modification of the preventive measure in the form of holding in custody, the time-limit for holding in custody shall be extended by the prosecutor supervising the investigation for up to one month from the date on which the case reaches him. Any further extension of the time-limit shall take account of the time spent by the accused in custody before the referral of the case to the court and shall be effected in the manner and within the limits prescribed in the first and second paragraphs of this article.

An extension of the time-limit for holding in custody in accordance with the present article shall be a ground for appealing to a court against the holding in custody and for a judicial verification of its legality and justification under the procedure provided for in Articles 220¹ and 220² of the present Code (wording of the Decree of the Presidium of the Supreme Soviet of the RSFSR of 11 December 1989; of the Law of the Russian Federation of 23 May 1992; of the Federal Law of 31 December 1996 – Vedomosti Verkhovnogo Soveta RSFSR, 1989, No. 50, page 1478 – Vedomosti Syezda Narodnykh Deputatov Rossiyskoy Federatsii i Verkhovnogo Soveta Rossiyskoy Federatsii, 1992, No. 25, page 1389; Sobraniye Zakonodatelstva Rossiyskoy Federatsii, 1997, No. 1, page 4)."

"Article 101 *Cancellation or modification of a preventive measure*

A preventive measure shall be cancelled when it ceases to be necessary, or else changed into a stricter or a milder one if the circumstances of the case so require. The cancellation or modification of a preventive measure shall be effected by a reasoned order of the person carrying out the inquiry, the investigator or the prosecutor, or by a reasoned court decision after the case has been transferred to a court.

The cancellation or modification, by the person conducting the inquiry or by the investigator, of a preventive measure chosen on the prosecutor's instructions shall be permissible only with the prosecutor's approval."

"Article 122 *Apprehension of a person suspected of committing a criminal offence*

An organ of inquiry may apprehend a person suspected of committing a criminal offence punishable by a custodial sentence in one of the following instances only:

1. *when the said person was caught at the time of commission of the criminal offence or immediately after its commission;*
2. *when eye witnesses, including victims, directly indicate that person as the perpetrator of the criminal offence;*
3. *when clear traces of the criminal offence are found on the suspected person or his clothing, with him or at his home.*

When there are other factors constituting grounds for suspecting an individual of having committed a criminal offence, the individual may be apprehended only if he has attempted to escape or if he has no fixed abode or if he has not been identified.

On every case of apprehension of a person suspected of committing a criminal offence the organ of inquiry shall draw up a report indicating the relevant grounds and reasons, the day, time, year, month and place of apprehension, the explanations of the person apprehended and the time of drawing up the report, and shall inform the prosecutor in writing within 24 hours. The apprehension report shall be signed by the person who drew it up and by the person apprehended. Within 48 hours of being notified of the apprehension the prosecutor shall be required either to approve the placing of the person apprehended in custody or to release that person (wording of the Decree of the Presidium of the Supreme Soviet of the RSFSR of 30 December 1976, – Vedomosti Verkhovnogo Soveta RSFSR, 1977, No. 1, page 2)."

DISCIPLINARY REGULATIONS OF THE ARMED FORCES OF THE RUSSIAN FEDERATION

*(extracts)*³

Approved by Decree No. 2140 of the President of the Russian Federation, of 14 December 1997 (Collection of Instruments of the President and the Government of the Russian Federation, 1993, No. 51, page 4931)

"51. The following punishments may be imposed on private soldiers and seamen:

- a. reprimand;*
- b. severe reprimand;*
- c. deprivation of conscripted soldiers and seamen of scheduled leave from their unit or ship;*
- d. detailing of conscripted soldiers and seamen to up to five extra tours of duty;*
- e. arrest and detention in the guard-house for up to seven days in the case of soldiers and seamen serving under a contract and for up to ten days in the case of conscripted soldiers and seamen;*
- f. deprivation of the badge of excellence;*
- g. early transfer to the reserve in the case of soldiers and seamen serving under a contract."*

"52. The following punishments may be imposed on conscripted non-commissioned officers:

- a. reprimand;*
- b. severe reprimand;*
- c. deprivation of ordinary leave from the unit or ship;*
- d. arrest and detention in the guard-house for up to ten days;*
- e. deprivation of the badge of excellence;*
- f. demotion in post;*
- g. demotion in rank by one grade;*
- h. demotion in rank by one grade with transfer to a lower post."*

"53. The following punishments may be imposed on non-commissioned officers serving under a contract:

- a. reprimand;*
- b. severe reprimand;*
- c. arrest and detention in the guard-house for up to seven days;*
- d. deprivation of the badge of excellence;*
- e. demotion in post;*
- f. early transfer to the reserve."*

³ The articles of the Disciplinary Regulations of the Armed Forces of the Russian Federation that are cited are those referred to in the reservations entered by the Russian Federation at the time of ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950.

The texts of extracts are in their 1 July 1997 version.

The punishments specified in item (c) of the present article and in items (c)-(e) of Article 51 may not be imposed on women serving as private soldiers, seamen and non-commissioned officers.”

“62. The following punishments may be imposed on officers:

- a. reprimand;
- b. severe reprimand;
- c. arrest and detention in the guard-house for up to five days;
- d. warning about inadequate suitability for duty;
- e. demotion in post;
- f. early transfer to the reserve.

The punishment specified in item (c) of the present article may not be imposed on women serving as officers.”

13) European Social Charter (ETS n° 35) (18 December 1961)

Slovakia (22 June 1998, 7 July 1998, 6 July 1999)

Declaration:

In accordance with Article 20, paragraph 2, of the European Social Charter, the Slovak Republic considers itself bound by the following provisions of the European Social Charter :

- Article 1. *The right to work (paragraphs 1-4)*
- Article 2. *The right to just conditions of work (paragraphs 1-5)*
- Article 3. *The right to safe and healthy working conditions (paragraphs 1-3)*
- Article 4. *The right to a fair remuneration (paragraphs 1-5)*
- Article 5. *The right to organise*
- Article 6. *The right to bargain collectively (paragraphs 1-4)*
- Article 7. *The right of children and young persons to protection (paragraphs 1-10)*
- Article 8. *The right of employed women to protection (paragraphs 1-4)*
- Article 9. *The right to vocational guidance*
- Article 10. *The right to vocational training (paragraphs 1-4)*
- Article 11. *The right to protection of health (paragraphs 1-3)*
- Article 12. *The right to social security (paragraphs 1-4)*
- Article 13. *The right to social and medical assistance (paragraphs 1-3)*
- Article 14. *The right to benefit from social welfare services (paragraphs 1-2)*
- Article 15. *The right of physically or mentally disabled persons to vocational training, rehabilitation and social resettlement (paragraphs 1-2)*
- Article 16. *The right of the family to social, legal and economic protection*
- Article 17. *The right of mothers and children to social and economic protection*
- Article 18. *The right to engage in a gainful occupation in the territory of other Contracting Parties (paragraphs 1, 2, 4)*

- 14) Convention on the Conservation of European Wildlife and Natural Habitat (ETS n° 104) (19 September 1979)

Poland (20 May 1998, 25 June 1998, 24 June 1999)

Reservations:

Pursuant to Article 22, paragraph 1, the Republic of Poland makes the following reservations regarding Appendices I, II and III:

1. *The undermentioned flora species specified in Appendix I as "strictly protected" are not endangered in Poland and will not be placed under protection:*

Marsilea quadrifolia L., Botrychium simplex Hitchc., Ophioglossum polyphyllum A. Braun, Caldesia parnassifolia (L.) Parl., Luronium natans (L.) Raf., Ligularia sibirica (L.) Cass., Saxifraga hirculus L., Najas flexilis (Willd.) Rostk. & W.L. Schmidt, Thesium ebracteatum Hayne, Lindernia procumbens (Krocker) Philcox, Angelica palustris (Besser) Hoffman, Drepanocladus vernicosus (Mitt.) Warnst., Buxbaumia viridis (Moug. ex Lam & DC.) Brid, ex Moug & Nestl., Dichelyma capillaceum (With.) Myr., Pyramidula tetragona (Brid.) Brid., Meesia longiseta Hedw., Orthotrichum rogeri Brid.

2. *From among fauna species listed in Appendix II as "strictly protected", Canis lupus will enjoy in Poland another regime of protection than provided for by the Convention.*

3. *From among fauna species listed in Appendix III, Leucaspis delineatus is not a species endangered in Poland and will not be placed under protection.*

"The former Yugoslav Republic of Macedonia" (17 December 1998, 22 December 1998, 21 December 1999)

Reservations:

The Republic of Macedonia shall be considered bound by all the paragraphs of the Convention, with the following exceptions:

1. *Appendix II – Strictly protected fauna species does not apply to Canis lupus, Felis silvestris, Anser erythropus, Gallinago media and Accipiter gentilis.*
2. *Appendix III – Protected fauna species does not apply to Meles meles, Mustela nivalis, Putorius putorius, Vormela perugusna, Martes martes, Martes foina, Phalacrocorax carbo and Ardea cinerea.*

Ukraine (5 January 1999, 5 February 1999, 4 February 2000)

Reservations:

The Verkhovna Rada of Ukraine declares that Ukraine has become a party of the Convention, with reservations as follows:

1. *It is allowed in Ukraine, in restricted number and under conditions of relevant control, towards such species mentioned in Appendix II to the Convention:*
 - *spot regulation of number of Canis lupus and ursus arctos with a view to prevent their negative influence on other species, serious harm to livestock and other objects of property;*

- exploitation of *Gallinago media* because of its big number and diffusion.

2. It is allowed to use the following means and methods of killing, capture and other forms of exploitation, mentioned in Appendix IV to the Convention:

- snares and nets – for catching mammals and birds, mentioned in Appendix III, with scientific purpose and migration;
- traps – for exploitation of *Canis lupus*, mentioned in Appendix II; *Marmota marmota bobac*, *Castor fiber*, *Putorius (Mustela) putorius*, *Martes martes*, *Martes foina*, mentioned in Appendix III to the Convention.

15) European Charter for Regional or Minority Languages (ETS n° 148) (5 December 1992)

Germany (16 September 1998, 12 November 1998, 11 November 1999)

Declarations:

Minority languages within the meaning of the European Charter for Regional or Minority Languages in the Federal Republic of Germany shall be the Danish, Upper Sorbian, Lower Sorbian, North Frisian and Sater Frisian languages and the Romany language of the German Sinti and Roma; a regional language within the meaning of the Charter in the Federal Republic shall be the Low German language.

Pursuant to Article 3, paragraph 1, of the Charter, the Federal Republic of Germany specifies the regional or minority languages to which the provisions selected pursuant to Article 2, paragraph 2, of the Charter shall apply upon the entry into force of the Charter in the Federal Republic of Germany:

Danish in the Danish language area in Land Schleswig-Holstein:

Article 8, paragraph 1 a iv; b iv; c iii/iv; d iii; e ii; f ii/iii; g; h; i; paragraph 2;

Article 9, paragraph 1 b iii; c iii; paragraph 2 a;

Article 10, paragraph 1 a v; paragraph 4 c; paragraph 5;

Article 11, paragraph 1 b ii; c ii; d; e ii; f ii; paragraph 2;

Article 12, paragraph 1 c; d; e; f; g; paragraph 2; paragraph 3;

Article 13, paragraph 1 a; c; d; paragraph 2 c;

Article 14 a; b.

Upper Sorbian in the Upper Sorbian language area in the Free State of Saxony:

Article 8, paragraph 1 a iii; b iv; c iv; d iv; e ii; f iii; g; h; i; paragraph 2;

Article 9 paragraph 1 a ii; a iii; b ii; b iii; c ii; c iii; d; paragraph 2 a;

Article 10, paragraph 1 a iv/v; paragraph 2 a; b; g; paragraph 3 b/c; paragraph 4 c; paragraph 5;

Article 11, paragraph 1 b ii; c ii; d; e i; f ii; paragraph 2;

Article 12, paragraph 1 a; b; c; d; e; f; g; h; paragraph 2, paragraph 3;

Article 13, paragraph 1 a; c; d; paragraph 2 c.

Lower Sorbian in the Lower Sorbian language area in Land Brandenburg:

Article 8, paragraph 1 a iv; b iv; c iv; e iii; f iii; g; h; i;

Article 9, paragraph 1 a ii; a iii; b iii; c iii; paragraph 2 a;

Article 10, paragraph 1 a iv/v; paragraph 2 b; g; paragraph 3 b/c; paragraph 4 a; c; paragraph 5;

Article 11, paragraph 1 b ii; c ii; d; e i; paragraph 2;

Article 12, paragraph 1 a; b; c; d; e; f; g; h; paragraph 2; paragraph 3;

Article 13, paragraph 1 a; c; d.

North Frisian in the North Frisian language area in Land Schleswig-Holstein:

Article 8, paragraph 1 a iii/iv; b iv; c iv; e ii; f iii; g; h; i; paragraph 2;

Article 9, paragraph 1 b iii; c iii; paragraph 2 a;

Article 10, paragraph 1 a v; paragraph 4 c; paragraph 5;

Article 11, paragraph 1 b ii; c ii; d; e ii; f ii; paragraph 2;

Article 12, paragraph 1 a; b; c; d; e; f; g; h; paragraph 2; paragraph 3;

Article 13, paragraph 1 a; c; d;

Article 14 a.

Sater Frisian in the Sater Frisian language area in Land Lower Saxony:

Article 8, paragraph 1 a iv; e ii; f iii; g; i;

Article 9, paragraph 1 b iii; c iii; paragraph 2 a;

Article 10, paragraph 1 a v; c; paragraph 2 a; b; c; d; e; f; paragraph 4 a; c; paragraph 5;

Article 11, paragraph 1 b ii; c ii; d; e ii; f ii; paragraph 2;

Article 12, paragraph 1 a; b; c; d; e; f; g; paragraph 2; paragraph 3;

Article 13, paragraph 1 a; c; d.

Low German in the Länder Free Hanseatic City of Bremen, Free and Hanseatic City of Hamburg, Mecklenburg-Western Pomerania, Lower Saxony and Schleswig-Holstein:

Obligations regarding Low German in the territory of the Länder Free Hanseatic City of Bremen, Free and Hanseatic City of Hamburg, Mecklenburg-Western Pomerania, Lower Saxony and Schleswig-Holstein:

Article 8, paragraph 1 a iv; e ii; g;

Article 9, paragraph 1 b iii; c iii; paragraph 2 a;

Article 10, paragraph 1 a v; c; paragraph 2 a; b; f;

Article 11, paragraph 1 b ii; c ii; d; e ii; f ii; paragraph 2;

Article 12, paragraph 1 a; d; f; paragraph 3;

Article 13, paragraph 1 a; c;

and additionally:

- in the Free Hanseatic City of Bremen:

Article 8, paragraph 1 b iii; c iii; f i; h;

Article 10, paragraph 2 c; d; e;

Article 11, paragraph 1 g;

Article 12, paragraph 1 b; c; e; g;

Article 13, paragraph 2 c;

- in the Free and Hanseatic City of Hamburg:

Article 8, paragraph 1 b iii; c iii; d iii; f ii; h; i;

Article 10, paragraph 2 e; paragraph 4 c;

Article 11, paragraph 1 g;

Article 12, paragraph 1 g;

Article 13, paragraph 1 d; paragraph 2 c;

- in Land Mecklenburg-Western Pomerania:

Article 8, paragraph 1 b iii; c iii; d iii; h; i;

Article 10, paragraph 4 c;

Article 12, paragraph 1 b; c; e; h;

Article 13, paragraph 1 d, paragraph 2 c;

- in Land Lower Saxony:

Article 8, paragraph 1 f iii; i;

Article 10, paragraph 2 c; d; e; paragraph 4 a; c;

Article 12, paragraph 1 b; c; e; g; paragraph 2;

Article 13, paragraph 1 d;

Article 14 a; b;

- in Land Schleswig-Holstein:

Article 8, paragraph 1 b iii; c iii; f iii; h; i; paragraph 2;

Article 10, paragraph 4 c;

Article 12, paragraph 1 b; c; g;

Article 13, paragraph 1 d; paragraph 2 c.

The separate specification of these provisions for the territories of each individual Land is in keeping with the federal structure of the Federal Republic of Germany and takes into account the situation of each of these languages in the Land in question.

The Romany language of the German Sinti and Roma in the territory of the Federal Republic of Germany and Low German language in the territory of the Länder Brandenburg, North-Rhine/Westphalia and Saxony-Anhalt shall be protected pursuant to Part II of the Charter.

Part II of the European Charter for Regional or Minority Languages shall be applied to Romany, the minority language of the German Sinti and Roma in the territory of the Federal Republic of Germany, and to the regional language Low German in the territory of the Länder Brandenburg, North-Rhine/Westphalia and Saxony-Anhalt upon its entry into force in the Federal Republic of Germany in accordance with the declaration of the Federal Republic of Germany of 23 January 1998. The objectives and principles laid down in Article 7 of the Charter shall form the bases with regard to

these languages. At the same time, German law and Germany's administrative practice thus meet individual requirements laid down in Part III of the Charter:

With regard to Romania:

for the territory of the Federal Republic of Germany:

Article 8, paragraph 1 f iii; g; h;
 Article 9, paragraph 1 b iii; c iii; paragraph 2 a;
 Article 10, paragraph 5;
 Article 11, paragraph 1 d; e ii; f ii; g; paragraph 2;
 Article 12, paragraph 1 g; paragraph 3;
 Article 13, paragraph 1 a; c; d;
 Article 14 a;

and additionally:

- in Land Baden-Württemberg:

Article 8, paragraphs 1 a iv, 1 e iii;
 Article 10, paragraph 4 c;
 Article 12, paragraphs 1 a, 1 d; f; paragraph 2.

- in Land Berlin:

Article 8, paragraph 1 a i/ii; b i/ii/iii/iv; e i/ii/iii; i; paragraph 2;
 Article 11, paragraph 1 b i/ii: c ii; e i/ii;
 Article 12, paragraph 1 a; d; f;

- in the Free and Hanseatic City of Hamburg:

Article 8, paragraph 1 b iv; c iv;
 Article 11, paragraph 1 b ii; c ii;
 Article 12, paragraph 1 a; d; f;

- in Land Hesse:

Article 8, paragraph 1 a iii/iv; b iv; c iv; d iv; e iii; i; paragraph 2;
 Article 11, paragraph 1 b ii; c ii; e i;
 Article 12, paragraph 1 a; d; f; paragraph 2;

- in Land North-Rhine/Westphalia:

Article 8, paragraph 1 e iii; paragraph 2;
 Article 12, paragraph 1 a; d; f; paragraph 2;

- in Land Lower Saxony:

Article 12, paragraph 1 a; d; f;

- in Land Rhineland-Palatinate:

Article 8, paragraph 1 a iv; e iii;
 Article 11, paragraph 1 c ii;
 Article 12, paragraph 1 a; d; f;

- in Land Schleswig-Holstein:

Article 10, paragraph 1 a v; paragraph 2 b; paragraph 4 c;

Article 11, paragraph 1 b ii; c ii;

Article 12, paragraph 1 a; d; f; paragraph 2.

With regard to Low German:

- in Land Brandenburg:

Article 8, paragraph 1 a iv; b iv; c iv; f iii; g;

Article 9, paragraph 2 a;

Article 10, paragraph 2 b; paragraph 3 c;

Article 11, paragraph 1 b ii; c ii; d; e ii; f ii; paragraph 2;

Article 12, paragraph 1 a; f; g;

- in Land North-Rhine/Westphalia:

Article 8, paragraph 1 e iii; g; h; paragraph 2;

Article 9, paragraph 1 b iii; c iii; paragraph 2 a;

Article 11, paragraph 1 d; paragraph 2;

Article 12, paragraph 1 a; d; e; f; g; h; paragraph 2;

Article 13, paragraph 1 a; c; d;

- in Land Saxony-Anhalt:

Article 8, paragraph 1 a iv; b iv; c iv; g; h;

Article 9, paragraph 2 a;

Article 11, paragraph 1 b ii; c ii; e ii; paragraph 2;

Article 12, paragraph 1 a; f; g; h.

The separate specification of these provisions for the territory of each individual Land is in keeping with the federal structure of the Federal Republic of Germany and takes into account the situation of each of these languages in the Land in question.

In accordance with the national distribution of competencies, the way in which the above-mentioned provisions of Part III of the Charter are implemented through legal regulations and Germany's administrative practice with due regard to the objectives and principles specified in Article 7 of the Charter shall be the responsibility of either the Federation or the competent Land. Details will be provided in the procedure for implementing the federal act with which the legislature consents to the Charter as laid down in the Memorandum to the Charter.

- 16) Framework Convention for the Protection of National Minorities (ETS n° 157)
(1 February 1995)

Russia (21 August 1998, 22 September 1998, 21 September 1999)

Declaration:

The Russian Federation considers that none is entitled to include unilaterally in reservations or declarations, made while signing or ratifying the Framework Convention for the Protection of National Minorities, a definition of the term "national

minority”, which is not contained in the Framework Convention. In the opinion of the Russian Federation, attempts to exclude from the scope of the Framework Convention the persons who permanently reside in the territory of States Parties to the Framework Convention and previously had a citizenship but have been arbitrarily deprived of it, contradict the purpose of the Framework Convention for the Protection of National Minorities.

- 17) Additional Protocol to the European Social Charter providing for a system of collective complaints (ETS No. 158) (9 November 1995)

Finland (26 August 1998, 8 September 1998, 7 September 1999)

Declaration:

The Government of Finland declares, in accordance with Article 2 of the Additional Protocol to the European Social Charter providing for a system of collective complaints, that Finland recognises the right of any representative national non-governmental organisation within its jurisdiction which has particular competence in the matters governed by the Charter, to lodge complaints against it.

- 18) European Convention on the Exercise of Children's Rights (ETS No. 160) (25 January 1996)

Malta⁴ (20 January 1999, 5 February 1999, 4 February 2000)

Declaration:

In accordance with Article 1, paragraph 4, of the Convention, Malta declares that these rights should apply in the following proceedings:

1. *Separation Proceedings;*
2. *Nullity of Marriage;*
3. *Adoption Proceedings.*

- 19) European Social Charter (revised) (ETS No. 163) (3 May 1996)

Sweden (29 May 1998, 18 June 1998, 17 June 1999)

Declarations:

In accordance with Part III, Article A, paragraph 2, of the Charter, Sweden considers itself bound by the following Articles in Part II.

- | | |
|------------------|--|
| <i>Article 1</i> | <i>The right to work (paragraphs 1-4, all)</i> |
| <i>Article 2</i> | <i>The right to just conditions of work (paragraphs 3, 5-6)</i> |
| <i>Article 3</i> | <i>The right to safe and healthy working conditions (paragraphs 1-3)</i> |
| <i>Article 4</i> | <i>The right to a fair remuneration (paragraphs 1, 3-4)</i> |
| <i>Article 5</i> | <i>The right to organise</i> |
| <i>Article 6</i> | <i>The right to bargain collectively (paragraphs 1-4, all)</i> |

⁴ Declaration made at the time of signature.

Article 7	<i>The right of children and young persons to protection (paragraphs 1-4, 7-10)</i>
Article 8	<i>The right of employed women to protection of maternity (paragraphs 1 and 3)</i>
Article 9	<i>The right to vocational guidance</i>
Article 10	<i>The right to vocational training (paragraphs 1-5, all)</i>
Article 11	<i>The right to protection of health (paragraphs 1-3, all)</i>
Article 12	<i>The right to social security (paragraphs 1-3)</i>
Article 13	<i>The right to social and medical assistance (paragraphs 1-4, all)</i>
Article 14	<i>The right to benefit from social welfare services (paragraphs 1-2, all)</i>
Article 15	<i>The right of persons with disabilities to independence, social integration and participation in the life of the community (paragraphs 1-3, all)</i>
Article 16	<i>The right of the family to social, legal and economic protection</i>
Article 17	<i>The right of children and young persons to social, legal and economic protection (paragraphs 1-2, all)</i>
Article 18	<i>The right to engage in a gainful occupation in the territory of other Parties (paragraphs 1-4, all)</i>
Article 19	<i>The right of migrant workers and their families to protection and assistance (paragraphs 1-12, all)</i>
Article 20	<i>The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex</i>
Article 21	<i>The right to information and consultation</i>
Article 22	<i>The right to take part in the determination and improvement of the working conditions and working environment</i>
Article 23	<i>The right of elderly persons to social protection</i>
Article 25	<i>The right of workers to the protection of their claims in the event of the insolvency of their employer</i>
Article 26	<i>The right to dignity at work (paragraphs 1-2, all)</i>
Article 27	<i>The right of workers with family responsibilities to equal opportunities and equal treatment (paragraphs 1-3, all)</i>
Article 29	<i>The right to information and consultation in collective redundancy procedures</i>
Article 30	<i>The right to protection against poverty and social exclusion</i>
Article 31	<i>The right to housing (paragraphs 1-3, all)</i>

Sweden considers that Preferential treatment shall not be considered as incompatible with Article E of the Charter.

20) European Convention on Nationality (ETS No. 166) (6 November 1997)**Austria** (17 September 1998, 13 January 1999, 12 January 2000)

Reservations and Declarations:

Reservation concerning Article 6 and Article 7

Austria declares that the term “parents/parents” used in Articles 6 and 7 of this Convention does not, according to the Austrian legislation on nationality, include the father of children born out of wedlock.

Declaration concerning Article 6 and Article 9

Austria declares that the term “lawful and habitual residence/résidence légale et habituelle” used in Articles 6 and 9 of this Convention will be interpreted according to the Austrian legislation on nationality as “Hauptwohnsitz” (main domicile) in the sense of the Austrian legislation concerning the main domicile.

Declaration concerning Article 6, paragraph 1, lit (b)

Austria declares to retain the right that foundlings found in the territory of the Republic are regarded, until proven to the contrary, as nationals by descent only if they are found under the age of six months.

Reservation concerning Article 6, paragraph 2, lit (b)

Austria declares to retain the right to grant an alien nationality only if he:

- 1. was born in the territory of the Republic and has been stateless since birth;*
- 2. has had his ordinary residence in the territory of the Republic for a period of not less than ten years, of which a continuous period of not less than five years must precede the granting of nationality;*
- 3. has not been convicted with final effect by a domestic court for certain offences, specified in section 14, paragraph 1, sub-paragraph 3, of the Law on Nationality 1985 as amended;*
- 4. has neither been sentenced with final effect by a domestic nor a foreign court to imprisonment of five or more years; if the offences underlying the sentence pronounced by the foreign court are also punishable under domestic law and the sentence was passed in proceedings complying with the principles of Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4th November 1950;*
- 5. applies for naturalisation after completing the age of eighteen and not later than two years after attaining majority.*

Reservation concerning Article 6, paragraph 4, lit (g)

Austria declares to retain the right not to facilitate the acquisition of its nationality for stateless persons and recognised refugees lawfully and habitually resident on its territory (i.e. main domicile) for this reason alone.

Reservations concerning Article 7

- i) Austria declares to retain the right to deprive a national of its nationality if:*

1. *he acquired the nationality more than two years ago either through naturalisation or the extension of naturalisation under the Law on Nationality of 1985 as amended;*
2. *neither Section 10, paragraph 4, nor Section 16, paragraph 2, nor Section 17, paragraph 4, of the Law on Nationality 1985 as amended were applied;*
3. *on the day of naturalisation (extension of naturalisation) he was not a refugee as defined in the Convention of 28th July 1951 or the Protocol relating to the legal Status of Refugees of 31st January 1967, and*
4. *despite the acquisition of its nationality he has retained a foreign nationality for reasons he is accountable for.*

ii) Austria declares to retain the right to deprive a national of its nationality, if such person, being in the service of a foreign State, conducts himself in a manner seriously prejudicial to the interests or the reputation of the Republic of Austria.

Reservation concerning Article 7 in conjunction with Article 7, paragraph 1, lit (c)

Austria declares to retain the right to deprive a national of its nationality, if such person voluntarily enters the military service of a foreign State.

Reservation concerning Article 7 in conjunction with Article 7, paragraph 1, lit (f)

Austria declares to retain the right to deprive a national of its nationality whenever it has been ascertained that the conditions leading to the acquisition of nationality ex lege, as defined by its internal law, are not fulfilled any more.

Reservation concerning Article 8, paragraph 1

Austria declares to retain the right of permitting renunciation of its nationality by a national only in the case that:

1. *the national possesses a foreign nationality;*
2. *no criminal procedure or execution of a criminal sentence is pending in Austria for an offence punishable with more than six months of imprisonment;*
3. *in the case of the national, being a male person, he is not a member of the Federal Armed Forces and:*
 - a) *has not yet passed the age of sixteen or has already passed the age of thirty-six;*
 - b) *has fulfilled his regular military or civilian service obligations;*
 - c) *has been found unfit for military service by the Recruiting Commission or has been declared permanently unfit for any kind of civilian service by the competent administrative physician;*
 - d) *has been dispensed from recruitment to the Federal army for reasons of mental illness or mental disorder, or*
 - e) *has fulfilled the military obligations, or in their place service obligations in another State of which he is a national and is therefore dispensed from regular military or civilian service on the basis of a bilateral agreement or an international convention.*

The conditions listed under sub-paragraphs 2 and 3 do not apply if the person renouncing his nationality has had his ordinary residence outside the territory of the Republic for a continuous period of not less than five years.

10) *Reservation concerning Article 22, lit (a)*

Austria declares to retain the right that a person who has been exempted from his military obligations in relation to one State Party is not deemed having fulfilled his military obligation in relation to the Republic of Austria.

11) *Declaration concerning Article 22, lit (b)*

Austria declares that in the Republic of Austria the age referred to in Article 22, lit (b) is considered to have been reached with completion of age 35.

12) *Reservation concerning Article 21 and Article 22*

Austria declares that the terms "military obligations/obligations militaires" used in Articles 21 and 22 of this Convention will be interpreted in a manner that they only comprise the obligation of an individual to fulfil his compulsory military service. Other military obligations are not affected by this Convention.

Slovakia (27 May 1998, 16 June 1998, 15 June 1999)

Declaration:

According to Article 22, paragraph b, the Slovak Republic declares that persons who are nationals of a State Party which does not require obligatory military service and who are equally nationals of the Slovak Republic shall be considered as having satisfied their military obligations when they have their habitual residence in the territory of the Slovak Republic.

21) Additional Protocol to the Convention for the protection of Human Rights and dignity of the human being with regard to the application of biology and medicine, on the prohibition of cloning human beings (ETS No. 168) (12 January 1998)

Netherlands (4 May 1998, 28 May 1998, 27 May 1999)

Declaration⁵:

In relation to Article 1 of the Protocol, the Government of the Kingdom of the Netherlands declares that it interprets the term "human being" as referring exclusively to a human individual, i.e. a human being who has been born.

⁵ Declaration made at the time of signature.