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COMMITTEE OF LEGAL ADVISERS
ON PUBLIC INTERNATIONAL LAW
(CAHDI)

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EUROPEAN OBSERVATORY OF RESERVATIONS TO INTERNATIONAL TREATIES:

**LIST OF OUTSTANDING RESERVATIONS AND DECLARATIONS
TO INTERNATIONAL TREATIES**

Secretariat memorandum
Prepared by the Directorate General 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. In this context, the CAHDI regularly considers a list of outstanding reservations.
3. The following list includes two parts. Part I concerns reservations and declarations to treaties concluded outside the Council of Europe. The information contained therein can be consulted at the United Nations Treaty Collection site <http://untreaty.un.org/>.
4. Part II concerns reservations and declarations to Council of Europe treaties. Information was provided by the Treaty Office of the Directorate General of Legal Affairs of the Council of Europe and can be accessed via internet at the new URL <http://conventions.coe.int/>.
5. The format of the information is CONVENTION: **State reserving**, date of notification to the depository, date of notification by the depository (where those dates coincide they are indicated only once), deadline for objections. In as far as possible, the text of the reservation and declaration is included.

Action required

Members of the CAHDI are called upon to consider the following outstanding reservations and declarations in the context of its operation as an European observatory of reservations to international treaties.

List of outstanding reservations and declarations

PART I: RESERVATIONS AND DECLARATIONS TO NON-COUNCIL OF EUROPE TREATIES

1. OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT, NEW YORK, 25 MAY 2000¹

Mexico, 15 March 2002, 1 April 2002, 31 March 2003

Declaration:

In accordance with article 3, paragraph 2 of the Optional Protocol, the United Mexican States declares:

(i) That the minimum age for voluntary recruitment of its nationals into the armed forces is 18 years;

ii) That article 24 of the Military Service Act provides that only volunteers will be accepted into the armed forces for active service until the figure set annually by the Ministry of Defence has been met and provided that the following conditions are fulfilled:

I. They must submit an application;

II. They must be Mexican nationals who are over 18 but not over 30, and must be under 40 in the case of personnel enlisted as specialists in the army;

Those over 16 and under 18 shall be accepted into signals units for training as technicians under contracts with the State not exceeding five years in duration. Moreover, under article 25 of the Military Service Act, only the following persons may be accepted for early enlistment in the armed forces:

I. Those who wish to leave the country at the time when they would be required by law to undertake military service if they are over 16 at the time of requesting enlistment;

II. Those who are obliged to request early enlistment because of their studies.

The maximum number of individuals who may be allowed to enlist early shall be set every year by the Ministry of Defence; and

Interpretative declaration:

In ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, adopted by the General Assembly of the United Nations on 25 May 2000, the Government of the United Mexican States considers that any responsibility deriving there from for non-governmental armed groups for the recruitment of children under 18 years or their use in hostilities lies solely with such groups and shall not be applicable to the Mexican State as such. The latter shall have a duty to apply at all times the principles governing international humanitarian law.”

United States of America, 2 January 2003, 1st January 2004

¹ *Relevant provisions:*

Article 3.2

Each State Party shall deposit a binding declaration upon ratification of or accession to this Protocol that sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the safeguards that it has adopted to ensure that such recruitment is not forced or coerced.

Declaration:

The Government of the United States declares, pursuant to Article 3 (2) of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict that :

- (A) the minimum age at which the United States permits voluntary recruitment into the Armed Forces of the United States is 17 years of age;
- (B) The United States has established safeguards to ensure that such recruitment is not forced or coerced, including a requirement in section 505 (a) of title 10, United States Code, that no person under 18 years of age may be originally enlisted in the Armed Forces of the United States without the written consent of the person's parent or guardian, if the parent or guardian is entitled to the person's custody and control;
- (C) each person recruited into the Armed Forces of the United States perceives a comprehensive briefing and must sign an enlistment contract that, taking together, specify the duties involved in military service; and
- (D) all persons recruited into the Armed Forces of the United States must provide reliable proof of age before their entry into military service.

Understandings :

(1) NO ASSUMPTION OF OBLIGATIONS UNDER THE CONVENTION ON THE RIGHTS OF THE CHILD – The United States understands that the United States assumes no obligations under the Convention on the Rights of the Child by becoming a party to the Protocol.

(2) IMPLEMENTATION OF OBLIGATION NOT TO PERMIT CHILDREN TO TAKE DIRECT PART IN HOSTILITIES. The United States understands that, with respect to Article 1 of the Protocol-

(A) the term «feasible measures» means those measures that are practical or practically possible, taking into account all the circumstances ruling at the time, including humanitarian and military considerations;

(B) the phrase «direct part in hostilities» –

i) means immediate and actual action on the battlefield likely to cause harm to the enemy because there is a direct causal relationship between the activity engaged in and the harm done to the enemy; and

ii) does not mean indirect participation in hostilities, such as gathering and transmitting military information, transporting weapons, munitions, or other supplies, or forward deployment; and

(C) any decision by any military commander, military personnel, or other person responsible for planning, authorizing, or executing military action, including the assignment of military personnel, shall only be judged on the basis of all relevant circumstances and on the basis of that person's assessment of the information reasonably available to the person at the time the person planned, authorized, or executed the action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken.

3. MINIMUM AGE FOR VOLUNTARY RECRUITMENT. The United States understands that article 3 of the Protocol obliges States Parties to the Protocol to raise the minimum age for voluntary recruitment into their national armed forces from the current international standard of 15 years of age.

4. ARMED GROUPS. The United States understands that the term «armed groups» in Article 4 of the Protocol means nongovernmental armed groups such as rebel groups, dissident armed forces, and other insurgent groups.

5. NO BASIS FOR JURISDICTION BY ANY INTERNATIONAL TRIBUNAL. The United States understands that nothing in the Protocol establishes a basis for jurisdiction by any international tribunal, including the International Criminal Court.

2. INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF TERRORIST BOMBINGS, NEW YORK, 15 DECEMBER 1997²

Canada, 3 April 2002, 4 April 2002, 3 April 2003

Declaration

Canada declares that it considers the application of article 2 (3) (c) of the Terrorist Bombing Convention to be limited to acts committed in furthering a conspiracy of two or more persons to commit a specific criminal offence contemplated in paragraph 1 or 2 of article 2 of that Convention.

Pakistan, 6 September 2002, 5 September 2003

Declaration:

The Government of the Islamic Republic of Pakistan declares that nothing in this Convention shall be applicable to struggles, including armed struggle, for the realization of right of self-determination launched against any alien or foreign occupation or domination, in accordance with the rules of international law. This interpretation is consistent with Article 53 of the Vienna Convention on the Law of Treaties 1969 which provides that an agreement or treaty concluded in conflict with an existing jus cogens or preemptory norm of international law is void and, the right of self-determination is universally recognized as a jus cogens.

Turkey, 4 June 2002, 3 June 2003

Reservation:

1) The Republic of Turkey declares that Articles (9) and (12) should not be interpreted in such a way that offenders of these crimes are neither tried nor prosecuted.

² *Relevant provisions:*

Article 19.2

The activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law, are not governed by this Convention, and the activities undertaken by military forces of a State in the exercise of their official duties, inasmuch as they are governed by other rules of international law, are not governed by this Convention.

Article 20

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months from the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice, by application in conformity with the Statute of the Court.

2. Each State may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1 with respect to any State Party which has made such a reservation.

3. Any State which has made a reservation in accordance with paragraph 2 may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

2) The Republic of Turkey declares its understanding that the term international humanitarian law referred to in Article (19) of the Convention for the Suppression of Terrorist Bombings shall be interpreted as comprising the relevant international rules excluding the provisions of Additional Protocols to Geneva Conventions of 12 August 1949, to which Turkey is not a Party. The first part of the second paragraph of the said article should not be interpreted as giving a different status to the armed forces and groups other than the armed forces of a state as currently understood and applied in international law and thereby as creating new obligations for Turkey.

Ukraine, 26 March 2002, 3 April 2002, 2 April 2003

Reservation:

The provisions of article 19, paragraph 2, do not preclude Ukraine from exercising its jurisdiction over the members of military forces of a state and their prosecution, should their actions be illegal. The Convention will be applied to the extent that such activities are not governed by other rules of international law.

3. INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE FINANCING OF TERRORISM, NEW YORK, 9 DECEMBER 1999³

Russian Federation, 10 December 2002, 9 December 2003

Declarations:

1. The Russian Federation, pursuant to article 7, paragraph 3, of the Convention, declares that it establishes its jurisdiction over the acts recognized as offences under

³ *Relevant provisions:*

Article 2.1

1. Any person commits an offence within the meaning of this Convention if that person by any means, directly or indirectly, unlawfully and willfully, provides or collects funds with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out:

(a) An act which constitutes an offence within the scope of and as defined in one of the treaties listed in the annex; or

(b) Any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.

Article 7.3

Upon ratifying, accepting, approving or acceding to this Convention, each State Party shall notify the Secretary-General of the United Nations of the jurisdiction it has established in accordance with paragraph 2. Should any change take place, the State Party concerned shall immediately notify the Secretary-General.

Article 14

None of the offences set forth in article 2 shall be regarded for the purposes of extradition or mutual legal assistance as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

Article 24

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months from the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice, by application, in conformity with the Statute of the Court.

2. Each State may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1. The other States Parties shall not be bound by paragraph 1 with respect to any State Party which has made such a reservation.

3. Any State which has made a reservation in accordance with paragraph 2 may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

article 2 of the Convention in the cases provided for in article 7, paragraphs 1 and 2, of the Convention;

2. It is the position of the Russian Federation that the provisions of article 15 of the Convention must be applied in such a way as to ensure the inevitability of responsibility for perpetrating crimes falling within the purview of the Convention, without prejudice to the effectiveness of international cooperation with regard to the questions of extradition and legal assistance.

Turkey, 9 July 2002, 8 July 2003

Reservation:

1. The Republic of Turkey declares that the application of Paragraph 1(b) of Article (2) of the Convention does not necessarily indicate the existence of an armed conflict and the term "armed conflict", whether it is organized or not, describes a situation different from the commitment of acts that constitute the crime of terrorism within the scope of criminal law.

2. The Republic of Turkey declares its understanding that Paragraph 1(b) of Article (2) of the International Convention for the Suppression of the Financing of Terrorism, as stated in Article (21) of the said Convention, shall not prejudice the obligations of states under international law including the Charter of the United Nations, in particular the obligation of not providing financial support to terrorist and armed groups acting in the territory of other states.

4. OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY, NEW YORK, 25 MAY 2000⁴

Turkey, 23 August 2002, 22 August 2003

Declaration:

The Republic of Turkey declares that it will implement the provisions of the existing Optional Protocol only to the States Parties which it recognizes and with which it has diplomatic relations.

5. ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT ,ROME , 17 JULY 1998⁵

Jordan, 11 April 2002, 22 April 2002, 21 April 2003

Interpretative Declaration

The government of the Hashemite Kingdom of Jordan hereby declares that nothing under its national law including the Constitution, is inconsistent with the Rome Statute of the International Criminal Court . As such , it interprets such national law as giving effect to the full application of the Rome Statute and the exercise of relevant jurisdiction there under .

⁴ Note by the Secretariat : the Optional Protocol contains no provisions relating to reservations or declarations.

⁵ Relevant provisions:

Article 120 - Reservations

No reservations may be made to this Statute.

Malta, 13 December 2002, 12 December 2003

Declarations:

Article 20, paragraphs 3 (a) and (b)

With regard to article 20 paragraphs 3 (a) and (b) of the Rome Statute of the International Criminal Court Malta declares that according to its constitution no person who shows that has been tried by any competent court for a criminal offence and either convicted or acquitted shall again be tried for that offence or for any other criminal offence of which he could have been convicted at the trial for that offence save upon the order of a superior court made in the course of appeal or review proceedings relating to the conviction or acquittal; and no person shall be tried for a criminal offence if he shows that he has been pardoned for that offence.

It is presumed that under the general principles of law a trial as described in paragraphs 3 (a) and (b) of Article 20 of the Statute would be considered a nullity and would not be taken into account in the application of the above constitutional role. However the matter has never been the subject of any judgment before the Maltese courts.

The prerogative of mercy will only be exercised in Malta in conformity with its obligations under International law including those arising from the Rome Statute of the International Criminal Court.

Article 87, paragraph 2

Malta declares, pursuant to article 87, paragraph 2 of the Statute, that requests for cooperation and any documents supporting the request, must be in English or accompanied, where necessary, by a translation into English.

Uruguay, 9 July 2002, 8 July 2003

Interpretative Declaration:

As a State party to the Rome Statute, the Eastern Republic of Uruguay shall ensure its application to the full extent of the powers of the State insofar as it is competent in that respect and in strict accordance with the Constitutional provisions of the Republic.

Pursuant to the provisions of part 9 of the Statute entitled «International cooperation and judicial assistance», the Executive shall within six months refer to the Legislature a bill establishing the procedures for ensuring the application of the Statute.

6. INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION, NEW YORK, 7 MARCH 1966**Thailand**, 6 February 2003, 5 May 2003

Interpretative declaration

General Interpretative Declaration:

The Kingdom of Thailand does not interpret and apply the provisions of this Convention as imposing upon the Kingdom of Thailand any obligation beyond the confines of the Constitution and the laws of the Kingdom of Thailand. In addition, such interpretation and application shall be limited to or consistent with the

obligations under other international human rights instruments to which the Kingdom of Thailand is party.

Reservations:

1. The Kingdom of Thailand interprets Article 4 of the Convention as requiring a party to the Convention to adopt measures in the fields covered by subparagraphs (a), (b) and (c) of that article only where it is considered that the need arises to enact such legislation.
2. The Kingdom of Thailand does not consider itself bound by the provisions of Article 22 of the Convention.

PART II: RESERVATIONS AND DECLARATIONS TO COUNCIL OF EUROPE TREATIES

1. CONVENTION ON THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (ETS NO. 5), 4 NOVEMBER 1950⁶

Turkey, 29 January 2002, not notified as of 01/02/2002

The Government of Turkey withdraws its notification of derogation made on 5 May 1992, in accordance with Article 15, paragraph 3, of the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning Article 5 of the said Convention, the recent constitutional amendments having fixed to four days the maximum duration of the detention in the whole national territory.

Note by the Secretariat : The withdrawal of derogation has been formulated in conformity with the relevant provisions.

Azerbaijan, 15 April 2002, 25 April 2002, 24 April 2003

According to Article 57 of the Convention, the Republic of Azerbaijan makes a reservation in respect of Articles 5 and 6 to the effect that the provisions of those Articles shall not hinder the application of extrajudicial disciplinary penalties involving the deprivation of liberty in accordance with Articles 48, 49, 50, 56-60 of the Disciplinary Regulations of Armed Forces adopted by the Law of the Republic of Azerbaijan No. 885 of 23 September 1994.

⁶ *Relevant provisions:*

Article 15 – Derogation in time of emergency

- 1 In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.
- 2 No derogation from Article 2, except in respect of deaths resulting from lawful acts of war, or from Articles 3, 4 (paragraph 1) and 7 shall be made under this provision.
- 3 Any High Contracting Party availing itself of this right of derogation shall keep the Secretary General of the Council of Europe fully informed of the measures which it has taken and the reasons therefore. It shall also inform the Secretary General of the Council of Europe when such measures have ceased to operate and the provisions of the Convention are again being fully executed.

Article 57 – Reservations

- 1 Any State may, when signing this Convention or when depositing its instrument of ratification, make a reservation in respect of any particular provision of the Convention to the extent that any law then in force in its territory is not in conformity with the provision. Reservations of a general character shall not be permitted under this article.
- 2 Any reservation made under this article shall contain a brief statement of the law concerned.

Disciplinary Regulations of Armed Forces adopted by the Law of the Republic of Azerbaijan No. 885 of 23 September 1994 (Official Gazette of the Supreme Council of the Republic of Azerbaijan » (« Azerbaijan Respublikasi Ali Sovetinin Melumatı »), 1995, No. 5-6, Article 93)

48. *Soldiers and sailors:*

... d) can be arrested up to 10 days in "hauptvakht"(military prison).

49. *Temporary service ensigns:*

... g) can be arrested up to 10 days in "hauptvakht"(military prison).

50. *Outer-limit service ensigns:*

... g) can be arrested up to 10 days in "hauptvakht"(military prison).

56. *Battalion (4th degree naval) commander has the power:*

... g) to arrest soldiers, sailors and ensigns up to 3 days.

57. *Company (3rd degree naval) commander has the power:*

... g) to arrest soldiers, sailors and ensigns up to 5 days.

58. *Regiment (brigade) commander has the power:*

... g) to arrest soldiers, sailors and ensigns up to 7 days.

59. *Division, special brigade (naval brigade) commanders have the additional powers other than those given to the Regiment (brigade) commanders:*

... a) to arrest soldiers, sailors and ensigns up to 10 days.

60. *Corps commanders, commanders of any type of army, of the different types of armed forces, as well as deputies of Defense Minister have the power to wholly impose the disciplinary penalties, prescribed in the present Regulations, in respect of soldiers, sailors and ensigns under their charge."*

Note by the Secretariat : The reservation has been formulated in conformity with the relevant provisions.

According to Article 57 of the Convention, the Republic of Azerbaijan makes a reservation in respect of Article 10, paragraph 1, to the effect that the provisions of that paragraph shall be interpreted and applied in accordance with Article 14 of the Law of the Republic of Azerbaijan "on Mass Media" of 7 December 1999.

*Law of the Republic of Azerbaijan "on Mass Media" of 7 December 1999
(Compilation of Legislation of the Republic of Azerbaijan
(« Azerbaijan Respublikasinin Qanuvericilik Toplusu »), 2000, n° 2, Article 82)*

Article 14 :

... the establishment of mass media by legal persons and citizens of foreign states in the territory of the Republic of Azerbaijan shall be regulated by

interstate treaties concluded by the Republic of Azerbaijan ("legal person of a foreign state" means a legal person of which the charter fund or more than 30% of the shares are owned by legal persons or citizens of foreign states, or a legal person of which 1/3 of founders are legal persons or citizens of foreign states)."

Note by the Secretariat : The reservation has been formulated in conformity with the relevant provisions.

The Republic of Azerbaijan declares that it will be unable to guarantee the application of the provisions of the Convention in the territories occupied by the Republic of Armenia until these territories are liberated from that occupation (the schematic map of the occupied territories of the Republic of Azerbaijan is enclosed).

Note by the Secretariat : Azerbaijan formulated a similar declaration to the Framework Convention for the Protection of National Minorities (ETS No. 157). The schematic map is reproduced as Appendix 1 to this document.

Armenia, 26 April 2002, 3 June 2002, 2 June 2003

In accordance with Article 57 of the Convention (as amended by Protocol No.11) the Republic of Armenia makes the following reservation: The provisions of Article 5 shall not affect the operation of the Disciplinary Regulations of the Armed Forces of the Republic of Armenia approved by Decree No. 247 of 12 August 1996 of the Government of the Republic of Armenia, under which arrest and isolation as disciplinary penalties may be imposed on soldiers, sergeants, ensigns and officers.

Extract of the Disciplinary Regulations of the Armed Forces of the Republic of Armenia (approved by Decree No. 247 of 12 August 1996 of the Government of the Republic of Armenia)

Paragraph 51. Disciplinary penalties may be imposed on a serviceman for the breach of disciplinary order or public order and he will be subject to individual disciplinary responsibility.

[Servicemen who are subject to disciplinary sanctions]

Disciplinary penalties to be imposed on soldiers and sergeants:

Paragraph 54

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

Paragraph 55

The following disciplinary penalties may be imposed on conscripted sergeants:

- a. reprimand;*
- b. severe reprimand;*

- c. deprivation of regularly scheduled leave from the unit;
- d. arrest and isolation 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;
- i. deprivation of the rank, as well as transfer to a lower post.

Paragraph 56

The following penalties may be imposed on sergeants serving under contract:

- a. reprimand;
- b. severe reprimand;
- c. arrest and isolation in the guard-house for up to seven days;
- d. deprivation of the badge of excellence;
- e. demotion in post;
- f. deprivation of the rank, as well as transfer to a lower post;
- g. early transfer to the reserve;
- h. deprivation of the sergeant's rank with the transfer to the reserve during peaceful period.

Paragraph 67

The following penalties may be imposed on ensigns:

- a. reprimand;
- b. severe reprimand;
- c. arrest and isolation in the guard-house for up to seven days;
- d. issue of a warning on service misfit;
- e. demotion in post;
- f. demotion in rank of senior ensign by one grade;
- g. demotion in rank of senior ensign by one grade with transfer to a lower post;
- h. early transfer to the reserve;
- i. deprivation of the rank of ensign, senior ensign with the transfer to the reserve during peaceful period.

Paragraph 74

The following penalties may be imposed on army officers (with the exception of high officers' staff):

- a. reprimand;
- b. severe reprimand;
- c. arrest and isolation in the guard-house for up to five days (officers commanding a regiment and a brigade, officers with colonelcy are not subject to isolation);
- d. issue of a warning on service misfit;
- e. demotion in post;
- f. demotion in rank by one grade starting from the lieutenant colonels and persons having lower ranks;
- g. early transfer to the reserve starting from the deputies of officers commanding a regiment and a brigade and officers having lower posts.

[Authorities entitled to impose disciplinary penalties]

Paragraph 62

Subparagraph d. Officers commanding a company are entitled to arrest and isolate soldiers, sergeants in the guard-house for up to three days.

Paragraph 63

Subparagraph d. Officers commanding a battalion are entitled to arrest and isolate in the guard-house conscripted soldiers and sergeants for up to five days and soldiers and sergeants serving under a contract for up to three days.

Paragraph 64

Subparagraph d. Officers commanding a regiment and a brigade are entitled to arrest in the guard-house conscripted soldiers and sergeants for up to ten days and servicemen and sergeants serving under a contract for up to seven days.

Paragraph 70

Subparagraph b. Officers commanding a regiment and a brigade are entitled to arrest and isolate ensigns in the guard-house for up to three days.

Paragraph 71

Subparagraph b. Officers commanding a brigade and a division are entitled to arrest and isolate ensigns in the guard-house for up to five days.

Paragraph 72

Subparagraph b. Officers commanding corps are entitled to arrest and isolate ensigns in the guard-house for up to seven days.

Paragraph 77

Subparagraph c. Officers commanding a regiment and a brigade are entitled to arrest and isolate officers of ensigns in the guard-house for up to three days.

Paragraph 78

Subparagraph a. Officers commanding corps, a brigade and a division are entitled to arrest and isolate officers of ensigns in the guard-house for up to four days.

Paragraph 79

Subparagraph a. Army commander is entitled to arrest and isolate officers in the guard-house for up to five days.

Note by the Secretariat : The reservation has been formulated in conformity with the relevant provisions.

2. ADDITIONAL PROTOCOL TO THE CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (ETS No. 9), 20 MARCH 1952⁷

⁷ Relevant provisions :

"Article 1 – Protection of property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Article 2 – Right to education

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions."

Azerbaijan, 15 April 2002, 25 April 2002, 24 April 2003

The Republic of Azerbaijan declares that it interprets the second sentence of Article 2 of the Protocol in the sense that this provision does not impose on the State any obligation to finance religious education.

Note by the Secretariat : Similar interpretative declarations have been formulated by Bulgaria, Georgia, Germany, Moldova and Romania.

The Republic of Azerbaijan declares that it will be unable to guarantee the application of the provisions of the Protocol in the territories occupied by the Republic of Armenia until these territories are liberated from that occupation (the schematic map of the occupied territories of the Republic of Azerbaijan is enclosed).

Note by the Secretariat : Azerbaijan formulated similar declarations to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5) and the Framework Convention for the Protection of National Minorities (ETS No. 157). The schematic map is reproduced as Appendix 1 to this document.

Georgia, 7 June 2002, 12 August 2002, 11 August 2003

The Parliament of Georgia declares that:

1. Article 1 of the Protocol shall not apply to persons who have or will obtain status of "internally displaced persons" in accordance with "the Law of Georgia on Internally Displaced Persons" until the elimination of circumstances motivating the granting of this status (until the restoration of the territorial integrity of Georgia). In accordance with the aforementioned law, Georgia assumes responsibility to ensure the exercise of rights over property that exist on the place of permanent residence of internally displaced persons after the reasons mentioned in Article 1, paragraph 1, of this law have been eliminated.
2. Article 1 of the Protocol shall be applied to the operational sphere of "the Law of Georgia on the Ownership of Agricultural Land" in accordance with the requirements of Articles 4, 8, 15 and 19 of this Law.
3. Article 1 of the Protocol shall be applied within the limits of Articles 2 and 3 of the Law of Georgia on Transference into Private Property of the Non-Agricultural Lands Being in Possession of Natural Persons and Legal Persons of Private Law".
4. Article 1 of the Protocol shall be applied within the limits of the "Law of Georgia on Privatisation of the State Property".
5. With regard to the compensation of pecuniary assets placed on accounts of the former Georgian public-commercial banks, Article 1 of the Protocol shall be applied within the limits of the normative act adopted in pursuance of the Decree No. 258 of the President of Georgia of 2 July 2001.
6. Georgia declares that it interprets Article 2 of the Protocol as not imposing on the State additional financial commitments relating to special educational establishments (with a specific philosophical or religious orientation) other than those provided by the legislation of Georgia."

Brief Statement of the Laws

(Reservations made by Georgia in respect of the provisions of the Additional Protocol to the European Convention on Human Rights)

I. In accordance with paragraph 1, Article 1 (Internally Displaced Person) of "the Law of Georgia on Internally Displaced Persons" adopted on June 28, 1996:

1. A citizen (national) of Georgia or a non-citizen but permanent resident of Georgia who was forced to leave the place of permanent residence and move (within the territory of Georgia) by reason of threat to his/her life, health or liberty, or that of his/her family members due to aggression from a foreign State, internal conflict or mass violation of human rights, is considered as internally displaced person.

2. Article 1 of the Protocol shall not apply to persons who, in accordance with this law, have or shall acquire the status of "internally displaced persons", until the elimination of circumstances motivating the granting of such a status (until the restoration of the territorial integrity of Georgia) as stipulated by the requirement of the mentioned law, according to which Georgia assumes the responsibility to ensure the exercise of rights over the property existing on the place of permanent residence of internally displaced persons after the elimination of the reasons mentioned in Article 1, paragraph 1 of this law.

II. In accordance with Article 4 (Ownership of agricultural land) of "the law of Georgia on the Ownership of Agricultural Land" adopted on March 22, 1996:

1. Agricultural land is owned only by a Georgian citizen and a legal person registered in Georgia in accordance with the Georgian legislation.

2. The right to property of agricultural land is held by a natural person, family unit and a legal person registered in Georgia in accordance with the Georgian legislation.

3. In high mountainous regions, land may be held under private, community or state ownership.

4. In the villages of high mountainous regions, where community traditions are still in force, a community rule of ownership of pastures shall apply.

5. Pastures in high mountainous regions constitute the common village and community ownership. The boundaries of pastures among the villages are set with traditionally existing margins in accordance with the agreement between Sakrebulo (self-governing body) of neighbouring villages. In case of disagreement the dispute shall be settled by a court. Meadows are held under family unit ownership and are distributed by the Sakrebulo on the basis of the arrangement between the family units.

6. The village or community grants the possibility of returning to the village to those, who so desire out of the former permanent residents of this village by allotting them an agricultural land and a meadow territory. The issue of settlement in the deserted villages shall be decided jointly by town and village local self-governing bodies in accordance with the rule determined by the Georgian legislation.

7. "sakrebulo" of a village shall provide the newly settled persons with financial assistance obtained from local budget and the fund created through the donations, exploitation of natural resources, renting of pastures, various entrepreneurial activities and non-budgetary financial resources.

In accordance with Article 8 (General Limitation of Alienation and Preferential Right over the Purchase of Share of Common Property) of the same Law :

Each shareholder of an agricultural land existing under co-ownership, may dispose his share. However, the shared land shall only be disposed on a joint basis. In case of share sale, other shareholders shall have a preferential right to share procurement.

In accordance with Article 15 (Transactions, the Validity of which Requires a Special Permission) :

1. The alienation of an agricultural land and the transfer of a plot of land to another person on the basis of agreement, shall require a special permission in case of :

- a. use of agricultural lands for non-agricultural purposes (the change in purpose of use);
- b. transfer of a plot of land to the green zone, when the plot shall not be used for agriculture.

2. The following are equated with the alienation of the plot of land :

- a. ceding or alienation of a common property share on the plot of land ;
- b. burdening of a plot of land with the right to usufruct. Rule of usufruct is determined by the Civil Code of Georgia.

3. The decisive condition for the determination of the moment of alienation shall be :

- a. concluding the agreement according to which the property has to be transferred to purchaser;
- b. commencing the levying of a plot of land;
- c. while changing the purpose of use, the factory by which the authorized person is permitted to use land for non-agricultural use, or the act of a proprietor which causes the change of purpose in use of property;
- d. commencing the transfer of a plot of agricultural land to the green zone.

In accordance with Article 19 (The prohibitions while using and alienating a plot of agricultural land) :

The use of a plot of agricultural land for non-agricultural purposes is prohibited, except the cases prescribed by law.

III. In accordance with Article 2 (Application sphere of the law) of the "Law of Georgia on Transference into Private Property of the Non-agricultural Lands Being in Possession of Natural Persons and Legal Persons of Private Law" (October 28, 1998):

1. This law regulates the issue related to the granting of the right to private ownership on non-agricultural land of state property, that is in possession of natural persons and legal persons of private law.

2. The natural persons and legal persons of private law are accorded the right to private ownership on the following non-agricultural lands of state property used by them :

- a. plots of non-agricultural land, used by privatized (private) enterprises;
- b. plots of non-agricultural land apportioned, according to the established rule, for use by natural persons and legal persons of private law.

3. This law does not apply to :

- a. non-agricultural lands of state property in use of legal persons of public law;
- b. non-agricultural lands of state property in use of budgetary enterprises;
- c. lands occupied by main pipe-lines, underground communications, high-voltage power-transmission lines, railroad and other transport mains, seaports, hydro-technical constructions and the lands pertaining to their sanitary-technical zone, as well as the territories for moorage exploitations purposes and the lands of protective zones of state property constructions considered by a state as monuments of historical, natural and cultural heritage;
- d. plots of non-agricultural land allotted with the right of temporary use, which, according to the request of local self-government or administration should be restored to the original condition, mentioned in the document verifying the land use right;
- e. plots of non-agricultural land, which, after the enactment of the Civil Code of Georgia are qualified as the property of natural persons or legal persons of private law;
- f. all other plots of non-agricultural land which are not envisaged by the paragraph 2 of this article.

According to Article 3 (The rule of according the right to property on the plots of land used by natural persons and legal persons of private law:

1. Citizens of Georgia and legal persons of private law registered in accordance with the Georgian legislation are granted the right to private property on those non-agricultural plots of land which, prior to the entering into force of this law, have been allotted to them on the basis of the document verifying the use of land. To these plots of land the rules on the immovable things envisaged by the Civil Code of Georgia shall apply.

2. While according the right to property on a plot of land, a natural person or a legal person of private law shall pay one-time charge for each square metre, according to the annual tax rate for the non-agricultural land determined for October 1, 1998 by the Tax Code of Georgia.

3. The one-time charge determined by the paragraph 2 of this article, shall be paid before December 31, 1998; after the expiration of this period the amount shall be redoubled.

4. In case a natural person or a legal person of private law does not pay the one-time payment determined by this law, he/it shall be obliged to legalize a plot of land in the form of use (lease, right to build, usufruct, rental) stipulated by the Civil Code of Georgia. After paying the one-time payment defined by the paragraphs 2 and 3 of this article he/it shall be accorded the right to property on a land.

5. The payment of one-time charge for the acquisition of the right to property on land, does not release the subject having acquired a plot as private property from tax on land envisaged by the Tax Code of Georgia.

6. The plot of land apportioned, under the determined rule, to the natural and legal persons for the construction of block of flats, which according to the Civil Code of Georgia has not been declared as private property shall pass free of charge into the ownership of these persons, except those plots of land which have been assigned to the state bodies and organisations for the construction of block of flats.

IV. "The Law of Georgia on the Privatization of State Property" (May 30, 1997)

1. This law defines legal, economic, organizational and social basis for the privatization of state property, fundamental conditions of the realization of privatization and ensures, the process of acquisition of state property by natural and legal persons or their associations.

2. This law does not regulate the privatization of land and state housing funds.

V. In accordance with the Decree of the President of Georgia (July 2, 2001) "On some Measures for the Improvement of the Situation with Regard to the Compensation to the Population of Georgia of Pecuniary Assets Placed on Accounts of Former Georgian Public-Commercial Banks"

The decree of the President of Georgia envisages normative regulation of the above-mentioned issue and particularly, further indexation and regulation of the process of consecutive payback to the Georgian population of pecuniary assets placed on accounts of former state-commercial banks."

Note by the Secretariat : The reservations have been formulated in conformity with the relevant provisions.

Georgia declares, that due to the existing situation in Abkhazia and Tskhinvali region, Georgian authorities are unable to undertake commitments concerning the respect and protection of the provisions of the Convention and its Additional Protocols on these territories. Georgia therefore declines its responsibility for violations of the provisions of the Protocol by the organs of self-proclaimed illegal forces on the territories of Abkhazia and Tskhinvali region until the possibility of realization of the full jurisdiction of Georgia is restored over these territories.

Note by the Secretariat : Georgia has formulated similar declarations with respect to the European Convention on Extradition (ETS No. 24) and its Additional Protocol (ETS No. 86), the European Convention on the Suppression of Terrorism (ETS No. 90), the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126) and Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 177). However, Georgia has not deposited such declaration with respect to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5). An exchange of views has taken place during CAHDI's September 2001 meeting. It was stressed that CAHDI would not prejudice a possible decision from the European Court of Human Rights concerning Georgia's declaration.

3. EUROPEAN CONVENTION ON EXTRADITION (ETS No. 24), 13 DECEMBER 1957⁸

Azerbaijan, 28 June 2002, 12 August 2002, 11 August 2003

Article 1

The Republic of Azerbaijan reserves the right not to grant extradition on humanitarian grounds taking into consideration the age or state of health of the person sought.

The Republic of Azerbaijan will refuse the extradition if there are sufficient grounds for supposing that the extradition would affect the sovereignty or national security of the Republic of Azerbaijan.

The Republic of Azerbaijan will refuse to grant extradition if there are sufficient grounds for supposing that the person requested for extradition will be exposed to torture or other cruel, inhuman or degrading treatment or punishment in the requesting State.

The Republic of Azerbaijan will not grant extradition if there are sufficient grounds for supposing that the person requested for the extradition will be persecuted for reasons of race, nationality, language, religion, citizenship or political opinion.

Article 6, paragraph 1a

The Republic of Azerbaijan declares that according to Article 53 (II) of the Constitution of the Republic of Azerbaijan in no circumstances a citizen of the Republic of

⁸ *Relevant provisions:*

"Article 1 – Obligation to extradite

The Contracting Parties undertake to surrender to each other, subject to the provisions and conditions laid down in this Convention, all persons against whom the competent authorities of the requesting Party are proceeding for an offence or who are wanted by the said authorities for the carrying out of a sentence or detention order."

"Article 6 – Extradition of nationals

- 1 a A Contracting Party shall have the right to refuse extradition of its nationals."

"Article 21 - Transit

(...)

- 5 A Party may, however, at the time of signature or of the deposit of its instrument of ratification of, or accession to, this Convention, declare that it will only grant transit of a person on some or all of the conditions on which it grants extradition. In that event, reciprocity may be applied.

(...)"

"Article 23 – Language to be used

The documents to be produced shall be in the language of the requesting or requested Party. The requested Party may require a translation into one of the official languages of the Council of Europe to be chosen by it."

Azerbaijan shall be extradited to another State. In this respect the Republic of Azerbaijan in any case will refuse to extradite its citizens.

Article 21

The Republic of Azerbaijan declares that transit of extradited persons through the territory of the Republic of Azerbaijan will be allowed subject to the observance of the same conditions as for extradition.

Article 23

The Republic of Azerbaijan declares that the requests for extradition and the documents annexed thereto must be submitted with a translation into Azerbaijani language."

Note by the Secretariat : The reservations and declarations have been formulated in conformity with the relevant provisions. With regard to the choice of languages (Article 23), the Convention provides however that the requested State may require a translation into one of the official languages of the Council of Europe.

The Republic of Azerbaijan declares that it is unable to guarantee the application of the provisions of the Convention and its additional Protocols in the territories occupied by the Republic of Armenia until these territories are liberated from that occupation (the schematic map of the occupied territories of the Republic of Azerbaijan is enclosed).

Note by the Secretariat : Azerbaijan formulated similar declarations to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5) and the Framework Convention for the Protection of National Minorities (ETS No. 157). The schematic map is reproduced as Appendix 1 to this document.

4. PROTOCOL NO. 4 TO THE CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, SECURING CERTAIN RIGHTS AND FREEDOMS OTHER THAN THOSE ALREADY INCLUDED IN THE CONVENTION AND IN THE FIRST PROTOCOL THERETO (ETS No. 46), 16 SEPTEMBER 1963

Azerbaijan, 15 April 2002, 25 April 2002, 24 April 2003

The Republic of Azerbaijan declares that it is unable to guarantee the application of the provisions of the Protocol in the territories occupied by the Republic of Armenia until these territories are liberated from that occupation (the schematic map of the occupied territories of the Republic of Azerbaijan is enclosed).

Note by the Secretariat : Azerbaijan formulated similar declarations to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5) and the Framework Convention for the Protection of National Minorities (ETS No. 157). The schematic map is reproduced as Appendix 1 to this document.

5. ADDITIONAL PROTOCOL TO THE EUROPEAN CONVENTION ON EXTRADITION (ETS No. 86), 15 OCTOBER 1975

Azerbaijan, 28 June 2002, 12 August 2002, 11 August 2003

The Republic of Azerbaijan declares that it is unable to guarantee the application of the provisions of the Convention and its additional Protocols in the territories occupied by the Republic of Armenia until these territories are liberated from that occupation (the schematic map of the occupied territories of the Republic of Azerbaijan is enclosed).

Note by the Secretariat : Azerbaijan formulated similar declarations to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5) and the Framework Convention for the Protection of National Minorities (ETS No. 157). The schematic map is reproduced as Appendix 1 to this document.

6. SECOND ADDITIONAL PROTOCOL TO THE EUROPEAN CONVENTION ON EXTRADITION (ETS No. 98), 13 MARCH 1978

Azerbaijan, 28 June 2002, 12 August 2002, 11 August 2003

The Republic of Azerbaijan declares that it is unable to guarantee the application of the provisions of the Convention and its additional Protocols in the territories occupied by the Republic of Armenia until these territories are liberated from that occupation (the schematic map of the occupied territories of the Republic of Azerbaijan is enclosed).

Note by the Secretariat : Azerbaijan formulated similar declarations to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5) and the Framework Convention for the Protection of National Minorities (ETS No. 157). The schematic map is reproduced as Appendix 1 to this document.

7. PROTOCOL NO. 6 TO THE CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS CONCERNING THE ABOLITION OF THE DEATH PENALTY (ETS NO. 114), 28 APRIL 1983

Azerbaijan, 15 April 2002, 25 April 2002, 24 April 2003

The Republic of Azerbaijan declares that it is unable to guarantee the application of the provisions of the Protocol in the territories occupied by the Republic of Armenia until these territories are liberated from that occupation (the schematic map of the occupied territories of the Republic of Azerbaijan is enclosed).

Note by the Secretariat : Azerbaijan formulated similar declarations to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5) and the Framework Convention for the Protection of National Minorities (ETS No. 157). The schematic map is reproduced as Appendix 1 to this document.

8. PROTOCOL NO. 7 TO THE CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (ETS No. 117), 22 NOVEMBER 1984

Azerbaijan, 15 April 2002, 25 April 2002, 24 April 2003

The Republic of Azerbaijan declares that it is unable to guarantee the application of the provisions of the Protocol in the territories occupied by the Republic of Armenia until these territories are liberated from that occupation (the schematic map of the occupied territories of the Republic of Azerbaijan is enclosed).

Note by the Secretariat : Azerbaijan formulated similar declarations to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5) and the Framework Convention for the Protection of National Minorities (ETS No. 157). The schematic map is reproduced as Appendix 1 to this document.

9. EUROPEAN CONVENTION FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT AS AMENDED BY ITS PROTOCOLS No. 1 AND No. 2 (ETS No. 126), 26 NOVEMBER 1987

Azerbaijan, 15 April 2002, 25 April 2002, 24 April 2003

The Republic of Azerbaijan declares that it is unable to guarantee the application of the provisions of the Convention in the territories occupied by the Republic of Armenia until these territories are liberated from that occupation (the schematic map of the occupied territories of the Republic of Azerbaijan is enclosed).

Note by the Secretariat : Azerbaijan formulated similar declarations to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5) and the Framework Convention for the Protection of National Minorities (ETS No. 157). The schematic map is reproduced as Appendix 1 to this document.

10. EUROPEAN CHARTER ON REGIONAL OR MINORITY LANGUAGES (ETS No. 148), 5 NOVEMBER 1992⁹

Cyprus, 26 August 2002, 25 September 2002, 24 September 2003

The Republic of Cyprus communicates that it considers the Armenian language to be a non-territorial language, in the Republic, as described in Article 1, paragraph c, of the Charter.

Therefore, in view of Article 7, paragraph 5, of the Charter, the Republic of Cyprus shall apply the following paragraphs chosen from Part III of the Charter to the Armenian language :

Article 8 – Education

Paragraph 1, sub-paragraphs a i., b i., c i.

⁹ Dispositions pertinentes :

"Article 1 – Definitions

(...)

- c "non-territorial languages" means languages used by nationals of the State which differ from the language or languages used by the rest of the State's population but which, although traditionally used within the territory of the State, cannot be identified with a particular area thereof.

Article 2 – Undertakings

- 1 Each Party undertakes to apply the provisions of Part II to all the regional or minority languages spoken within its territory and which comply with the definition in Article 1.
- 2 In respect of each language specified at the time of ratification, acceptance or approval, in accordance with Article 3, each Party undertakes to apply a minimum of thirty-five paragraphs or sub-paragraphs chosen from among the provisions of Part III of the Charter, including at least three chosen from each of the Articles 8 and 12 and one from each of the Articles 9, 10, 11 and 13.

Article 3 – Practical arrangements

- 1 Each Contracting State shall specify in its instrument of ratification, acceptance or approval, each regional or minority language, or official language which is less widely used on the whole or part of its territory, to which the paragraphs chosen in accordance with Article 2, paragraph 2, shall apply.
- 2 Any Party may, at any subsequent time, notify the Secretary General that it accepts the obligations arising out of the provisions of any other paragraph of the Charter not already specified in its instrument of ratification, acceptance or approval, or that it will apply paragraph 1 of the present article to other regional or minority languages, or to other official languages which are less widely used on the whole or part of its territory.
- 3 The undertakings referred to in the foregoing paragraph shall be deemed to form an integral part of the ratification, acceptance or approval and will have the same effect as from their date of notification.

Article 7 – Objectives and principles

(...)

- 5 The Parties undertake to apply, *mutatis mutandis*, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned."

Article 9 – Judicial Authorities
Paragraph 1, sub-paragraphs a iv., b iii., c iii.

Article 11 – Media
Paragraph 1, sub-paragraph b ii.

Article 12 – Cultural Activities and Facilities
Paragraph 1, sub-paragraphs d, f.
Paragraph 3.

Article 13 – Economic and Social life
Paragraph 1, sub-paragraph c.

Note by the Secretariat : Cyprus has not designated, in accordance with Article 2, paragraph 2, regional or minority languages to which each Party undertakes to apply a minimum of thirty-five paragraphs or sub-paragraphs chosen from among the provisions of Part III of the Charter. However, Cyprus applies a limited number of provisions of Part III of the Charter to the Armenian language that it has designated as a non-territorial language as defined in Article 1, paragraph c, of the Charter.

11. EUROPEAN SOCIAL CHARTER (REVISED) (ETS No. 163), 3 MAY 1996¹⁰

¹⁰ *Relevant provisions :*

"Article 2 – The right to just conditions of work (...)

- 6 to ensure that workers are informed in written form, as soon as possible, and in any event not later than two months after the date of commencing their employment, of the essential aspects of the contract or employment relationship;"

"Article 6 – The right to bargain collectively

With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake:

- 1 to promote joint consultation between workers and employers;
- 2 to promote, where necessary and appropriate, machinery for voluntary negotiations between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements;
- 3 to promote the establishment and use of appropriate machinery for conciliation and voluntary arbitration for the settlement of labour disputes;
and recognise:
- 4 the right of workers and employers to collective action in cases of conflicts of interest, including the right to strike, subject to obligations that might arise out of collective agreements previously entered into."

"Article A – Undertakings

- 1 Subject to the provisions of Article B below, each of the Parties undertakes:
 - a to consider Part I of this Charter as a declaration of the aims which it will pursue by all appropriate means, as stated in the introductory paragraph of that part;
 - b to consider itself bound by at least six of the following nine articles of Part II of this Charter: Articles 1, 5, 6, 7, 12, 13, 16, 19 and 20;
 - c to consider itself bound by an additional number of articles or numbered paragraphs of Part II of the Charter which it may select, provided that the total number of articles or numbered paragraphs by which it is bound is not less than sixteen articles or sixty-three numbered paragraphs.
- 2 The articles or paragraphs selected in accordance with sub-paragraphs b and c of paragraph 1 of this article shall be notified to the Secretary General of the Council of Europe at the time when the instrument of ratification, acceptance or approval is deposited.
- 3 Any Party may, at a later date, declare by notification addressed to the Secretary General that it considers itself bound by any articles or any numbered paragraphs of Part II of the Charter which it has not already accepted under the terms of paragraph 1 of this article. Such undertakings subsequently given shall be deemed to be an integral part of the ratification, acceptance or approval and shall have the same effect as from the first day of the month following the expiration of a period of one month after the date of the notification.
- 4 Each Party shall maintain a system of labour inspection appropriate to national conditions."

Portugal, 30 May 2002, 28 June 2002, 27 June 2003

The Republic of Portugal declares that:

a) it will not apply Article 2, paragraph 6 to contracts with a duration not exceeding one month or to those with an ordinary working week not exceeding eight hours, and to those of a particular or occasional nature;

b) the obligation under Article 6 does not prejudice, with respect to paragraph 4, the prohibition of *lockouts*, as specified in paragraph 4 of Article 57 of the Constitution.

Note by the Secretariat : Portugal accepted all the provisions contained in Part II of the Charter, subject to the two above-mentioned declarations.

12. CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND DIGNITY OF THE HUMAN BEING WITH REGARD TO THE APPLICATION OF BIOLOGY AND MEDICINE: CONVENTION ON HUMAN RIGHTS AND BIOMEDICINE (ETS No. 164), 4 APRIL 1997¹¹

Moldova, 26 November 2002, 19 December 2002, 18 December 2003

According to Article 35 of the Convention, the Republic of Moldova declares that it will apply the provisions of the Convention only on the territory controlled by the Government of the Republic of Moldova until the full establishment of the territorial integrity of the Republic of Moldova.

Note by the Secretariat : Moldova deposited quite similar declarations to the, *inter alia*, Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5), European Convention on Information on Foreign Law (ETS No. 62) and its Additional Protocol (ETS No. 97), Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS No. 141), European Agreement relating to persons participating in procedures of the European Court of Human Rights (ETS No. 161) as well as to the Sixth Additional Protocol to the General Agreement on Privileges and Immunities of the Council of Europe (ETS No. 162).

13. EUROPEAN CONVENTION ON NATIONALITY (ETS NO. 166), 6 NOVEMBER 1997¹²

¹¹ Dispositions pertinentes :

"Article 35 – Territories

- 1 Any Signatory may, at the time of signature or when depositing its instrument of ratification, acceptance or approval, specify the territory or territories to which this Convention shall apply. Any other State may formulate the same declaration when depositing its instrument of accession."

¹² *Relevant provisions* :

"Article 12 – Right to a review

Each State Party shall ensure that decisions relating to the acquisition, retention, loss, recovery or certification of its nationality be open to an administrative or judicial review in conformity with its internal law."

"Article 22 – Exemption from military obligations or alternative civil service

Except where a special agreement which has been, or may be, concluded provides otherwise, the following provisions are also applicable to persons possessing the nationality of two or more States Parties:

(...)

- b persons who are nationals of a State Party which does not require obligatory military service shall be considered as having satisfied their military obligations when they have their habitual residence in the territory of that State Party. Nevertheless, they should be deemed not to have

Denmark, 24 July 2002, 12 August 2002, 11 August 2003

"Denmark makes the reservation to the effect that Article 12 of the Convention shall not be binding on Denmark.

Referring to Article 29, paragraph 2, of the Convention, Denmark wishes, in that connection, to notify the Secretary General of the Council of Europe of the following:

Pursuant to section 44 of the Danish Constitution, naturalisation shall be granted by law. The Folketing (Danish Parliament) and, on behalf of the Folketing, the Naturalisation Committee of the Folketing are not part of the public administration and, consequently, are not bound by the general rules of administrative law, which implies that there is no right to an administrative review.

Introducing a right to review into the Danish procedure of considering applications for Danish nationality by naturalisation, cf. Article 12 of the Convention, would require an amendment to the Danish Constitution.

Pursuant to Article 22, sub-paragraph b of the Convention, Denmark shall uphold her declaration of 9 July 1980 concerning Article 6, paragraph 3, second sub-paragraph, of the European Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality as amended by the Protocol of 24 November 1977.

It follows from this declaration that persons who are also nationals of a State Party, which does not require obligatory military service, shall be exempted from Danish military obligations only when they have had their habitual residence in the territory of that State Party from the age of 18 years to the age of 26 years.

Note by the Secretariat : The reservations and the declaration have been formulated in conformity with the relevant provisions.

satisfied their military obligations in relation to a State Party or States Parties of which they are equally nationals and where military service is required unless the said habitual residence has been maintained up to a certain age, which each State Party concerned shall notify at the time of signature or when depositing its instruments of ratification, acceptance or accession;

(...)"

"Article 29 – Reservations

(...)

- 2 Any State which makes one or more reservations shall notify the Secretary General of the Council of Europe of the relevant contents of its internal law or of any other relevant information."

Appendix 1

Schematic map - Azerbaijan

Schematic map of the territories of
the Republic of Azerbaijan occupied by the Republic of Armenia

