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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**

Document prepared by the Secretariat of the CAHDI

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 a European observatory of reservations to international treaties (see meeting report of the CAHDI, document DI-S-RIT (98) 10).
2. In this context, the CAHDI regularly considers a list of outstanding reservations.
3. The following list concerns reservations and declarations to international treaties concluded outside of the Council of Europe. The information contained therein can be consulted at the United Nations Treaty Collection site <http://treaties.un.org/>.
4. For the 39th meeting of the CAHDI, no outstanding reservations or declarations to treaties concluded within the Council of Europe had been deposited with the Secretary General of the Council of Europe.
5. The format of the information is CONVENTION: **State reserving**, date of notification to the depositary, date of notification by the depositary (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 a European observatory of reservations to international treaties. A table of objections to these reservations and declarations is circulated as an Addendum to this document.

A. CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES, NEW YORK, 13 DECEMBER 2006¹

1. MAURITIUS, 8 January 2010, 18 January 2010, 17 January 2011

Reservation

The Republic of Mauritius declares that it shall not for the time being take any of the measures provided for in Articles 9.2 (d) and (e) in view of their heavy financial implication.

With regard to Article 24.2 (b), the Republic of Mauritius has a policy of inclusive education which is being implemented incrementally alongside special education.

2. MONACO, 23 September 2009, 22 September 2010

Interpretative declaration

The Government of His Serene Highness the Prince of Monaco declares that implementation of the Convention must take into account the unique features of the Principality of Monaco, particularly the small size of its territory and the needs of its people.

The Government of His Serene Highness the Prince of Monaco considers that articles 23 and 25 of the Convention must not be interpreted as recognizing an individual right to abortion except where expressly provided for under national law.

The Government of His Serene Highness the Prince of Monaco considers that the purpose of the Convention is to eliminate all discrimination on the basis of disability and to ensure that persons with disabilities have full enjoyment of all human rights and fundamental freedoms on an equal basis with others, but that the Convention does not imply that persons with disabilities should be afforded rights superior to those afforded to persons without disabilities, especially in terms of employment, accommodation and nationality.

¹ **Article 9.2:**

“States Parties shall also take appropriate measures to:

a. (...)

d. Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;

e. Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public; (...)”

Article 23:

“1. States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that: (...)”

Article 24.2:

“In realizing this right, States Parties shall ensure that:

a. (...)

b. Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live; (...)”

Article 25:

“States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall: (...)”

Article 46:

“1. Reservations incompatible with the object and purpose of the present Convention shall not be permitted.

2. Reservations may be withdrawn at any time.”

3. IRAN (ISLAMIC REPUBLIC OF), 23 October 2009, 3 November 2009, 2 November 2010

Declaration

“... with regard to Article 46, the Islamic Republic of Iran declares that it does not consider itself bound by any provisions of the Convention, which may be incompatible with its applicable rules.”

B. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN, NEW YORK, 18 DECEMBER 1979²

4. QATAR, 29 April 2009, 8 May 2009, 7 May 2010

Reservations and declarations

I. Reservations

For the reasons explained below, the State of Qatar does not consider itself bound by the following provisions of the Convention:

² Article 1:

“For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

Article 2:

“States Parties (...) undertake:

a. To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;(...)”

Article 5:

“States Parties shall take all appropriate measures:

a. To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;(...)”

Article 9.2:

“States Parties shall grant women equal rights with men with respect to the nationality of their children.”

Article 15.1:

“States Parties shall accord to women equality with men before the law.”

Article 15.4:

“States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.”

Article 16.1:

“States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

a. The same right to enter into marriage;

b. (...)

c. The same rights and responsibilities during marriage and at its dissolution;

d. (...)

f. The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;”

Article 29.2:

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

1. Article 2 (a) in connection with the rules of the hereditary transmission of authority, as it is inconsistent with the provisions of Article 8 of the Constitution.
2. Article 9, paragraph 2, as it is inconsistent with Qatar's law on citizenship.
3. Article 15, paragraph 1, in connection with matters of inheritance and testimony, as it is inconsistent with the provisions of Islamic law.
4. Article 15, paragraph 4, as it is inconsistent with the provisions of family law and established practice.
5. Article 16, paragraph 1 (a) and (c), as they are inconsistent with the provisions of Islamic law,
6. Article 16, paragraph 1 (f), as it is inconsistent with the provisions of Islamic law and family law. The State of Qatar declares that all of its relevant national legislation is conducive to the interest of promoting social solidarity.

II. Declarations

1. The Government of the State of Qatar accepts the text of Article 1 of the Convention provided that, in accordance with the provisions of Islamic law and Qatari legislation, the phrase "irrespective of their marital status" is not intended to encourage family relationships outside legitimate marriage. It reserves the right to implement the Convention in accordance with this understanding.
2. The State of Qatar declares that the question of the modification of "patterns" referred to in article 5 (a) must not be understood as encouraging women to abandon their role as mothers and their role in child-rearing, thereby undermining the structure of the family.
3. In accordance with article 29, paragraph 2, of the Convention, the State of Qatar declares, under the terms of that text, that it does not consider itself bound by paragraph 1 of that article.
Therefore, having studied and approved the Convention, we confirm by this instrument that we accept the Convention, accede to it and undertake to abide its provisions, while affirming and bearing in mind the reservations and declarations mentioned above.

C. INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, NEW YORK, 16 DECEMBER 1966³

5. LAO PEOPLE'S DEMOCRATIC REPUBLIC, 25 September 2009, 15 October 2009, 14 October 2010

Reservation

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

Declarations

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

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

³ **Article 1:**

"1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations."

Article 22:

"1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention."

D. CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES, NEW-YORK, 21 NOVEMBER 1947⁴

6. SAUDI ARABIA, 20 April 2009, 1 May 2009, 30 April 2010

Reservation

1. Saudi Arabia does not consider itself bound by Article IX, Section 32 of the Convention with regard to any differences arising out of the interpretation or application of the Convention being referred to the International Court of Justice.

2. Should the authorities in Saudi Arabia suspect that the diplomatic pouch or any package therein contains matter that may not properly be conveyed through that pouch, those authorities may demand that the pouch is opened in their presence and that of a representative appointed by the accredited diplomatic mission. Should that demand be refused, the diplomatic pouch or package shall be returned to its place of origin.

In accordance with established practice, the instrument will be deposited with the Secretary-General upon receipt of the approval of the reservations by the Specialized Agencies concerned.

E. SECOND OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, AIMING AT THE ABOLITION OF THE DEATH PENALTY, NEW-YORK, 15 DECEMBER 1989⁵

7. BRAZIL, 25 September 2009, 28 September 2009, 27 September 2010

Reservation

“...with an express reservation to article 2”.

⁴ **Article IX, Section 32:**

“All differences arising out of the interpretation or application of the present Convention shall be referred to the International Court of Justice unless in any case it is agreed by the parties to have recourse another mode of settlement. If a difference arises between one of the specialized agencies on the one had, and a member on the other had, a request shall be made for an advisory opinion on any legal question involved in accordance with Article 96 of the Charter and Article 65 of the Statute of the Court and the relevant provisions of the agreements concluded between the United Nations and the specialized agency concerned. The opinion given by the Court shall be accepted as decisive by the parties.”

⁵ **Article 2:**

“1. No reservation is admissible to the present Protocol, except for a reservation made at the time of ratification or accession that provides for the application of the death penalty in time of war pursuant to a conviction for a most serious crime of a military nature committed during wartime.

2. The State Party making such a reservation shall at the time of ratification or accession communicate to the Secretary-General of the United Nations the relevant provisions of its national legislation applicable during wartime.

3. The State Party having made such a reservation shall notify the Secretary-General of the United Nations of any beginning or ending of a state of war applicable to its territory.”

F. UNITED NATIONS CONVENTION AGAINST CORRUPTION, NEW-YORK, 31 OCTOBER 2003⁶

8. VIET NAM, 19 August 2009, 25 August 2009, 24 August 2010

Declarations

1. Pursuant to principles of Vietnamese law, the Socialist Republic of Vietnam declares that it does not consider itself bound by the provisions with regard to criminalization of illicit enrichment set forth in Article 20 and the criminal liability of legal persons set forth in Article 26 of the United Nations Convention Against Corruption.

2. The Socialist Republic of Vietnam declares that the provisions of the United Nations Convention Against Corruption are non self-executing; the implementation of provisions set forth in the Convention shall be in accordance with Constitutional principles and substantive law of the Socialist Republic of Vietnam, on the basis of bilateral or multilateral cooperative agreements with other States Parties and the principle of reciprocity.

G. PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME, NEW-YORK, 15 NOVEMBER 2000⁷

9. SYRIAN ARAB REPUBLIC, 8 April 2009, 8 July 2009, 7 July 2010

⁶ **Article 20:**

"Subject to its constitution and the fundamental principles of its legal system, each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, illicit enrichment, that is, a significant increase in the assets of a public official that he or she cannot reasonably explain in relation to his or her lawful income."

⁷ **Article 5.2:**

"Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences:

- a. (...)
- c. Organizing or directing other persons to commit an offence established in accordance with paragraph 1 of this article."

Article 6.3:

"Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of:

- a. Appropriate housing;(...)
- b. (...)
- d. Employment, educational and training opportunities."

Article 7.1:

"In addition to taking measures pursuant to article 6 of this Protocol, each State Party shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases."

Article 15.2:

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

Reservations

The Syrian Arab Republic expresses reservations with respect to the Protocol to prevent, suppress and punish trafficking in Persons, Especially Women and Children, article 7, paragraph 1, and Article 15, paragraph 2.

Declaration

“... The Government of the Syrian Arab Republic interprets the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, article 6, paragraph 3, subparagraph (a), as follows: “Appropriate housing” means “ensuring appropriate temporary shelter for victims of trafficking in persons until such time as they are returned to their countries”.”

10. QATAR, 29 May 2009, 10 June 2009, 9 June 2010

Reservations

First – The State of Qatar has reservations on the following:

1. Paragraph 3 (d) of Article 6, which reads: “Employment, educational and training opportunities”.
2. Paragraph 1 of Article 7, which states that: “each State Party shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases”.

Second – The State of Qatar declares that it does not consider itself bound by the provisions of Paragraph 2 of Article 15 which deals with the issues of settlement of disputes concerning the interpretation or application of this Protocol.

11. INDONESIA, 28 September 2009, 27 October 2009, 26 October 2010

Declaration

“... the Government of the Republic of Indonesia declares that the provisions of Article 5 paragraph (2) sub-paragraph c of the Protocol will have to be implemented in strict compliance with the principle of the sovereignty and territorial integrity of a state; ...”

Reservation

“... the Government of the Republic of Indonesia conveys her reservation not to be bound by the provision of Article 15 (2) and takes the position that dispute[s] relating to the interpretation and application on the Protocol which have not been 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 concern of all Parties to the dispute...”

H. PROTOCOL AGAINST THE SMUGGLING OF MIGRANTS BY LAND, SEA AND AIR, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSITIONAL ORGANIZED CRIME, NEW-YORK, 15 NOVEMBER 2000⁸

12. INDONESIA, 28 September 2009, 26 October 2009, 25 October 2010

Declaration

“... the Government of the Republic of Indonesia conveys her declaration on the provision of Article 6 paragraph (2) subparagraph c, Article 9 paragraph (1) subparagraph a, and Article 9 paragraph (2) of the Protocol [which] will have to be implemented in strict compliance with the principles of the sovereignty and territorial integrity of a state; ...”

Reservation

“... the Government of the Republic of Indonesia conveys her reservation not to be bound by the provision of Article 20 (2) and takes the position that disputes relating to the interpretation and application on the Protocol which have not been 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 concern of all Parties to the dispute; ...”

⁸ **Article 6.2:**

“Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences:

a. (...)

c. Organizing or directing other persons to commit an offence established in accordance with paragraph 1 of this article.”

Article 9.1:

“1. Where a State Party takes measures against a vessel in accordance with article 8 of this Protocol, it shall:

a. Ensure the safety and humane treatment of the persons on board;(“...”)

Article 9.2:

“Where the grounds for measures taken pursuant to article 8 of this Protocol prove to be unfounded, the vessel shall be compensated for any loss or damage that may have been sustained, provided that the vessel has not committed any act justifying the measures taken.”

Article 20.2:

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

I. **INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE FINANCING OF TERRORISM, NEW-YORK, 9 DECEMBER 1999**⁹

13. PAKISTAN, 17 June 2009, 19 June 2009, 18 June 2010

Reservations

“Article 11 – The Government of the Islamic Republic of Pakistan declares that pursuant to Article 11 paragraph 2, of the Convention, it does not take this Convention as the legal basis for cooperation on extradition with other States Parties.

Article 14 – Extradition to other countries shall be subject to the domestic laws of Pakistan

Article 24 – The Government of the Islamic Republic of Pakistan does not consider itself bound by Article 24, Paragraph 1 of the International Convention for the Suppression of the Financing of Terrorism. The Government of Islamic Republic of Pakistan hereby declares that, for a dispute to be referred to the International Court of Justice, the agreement of all parties in every case be required.”

⁹ **Article 11.2:**

“When a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, the requested State Party may, at its option, consider this Convention as a legal basis for extradition in respect of the offences set forth in article 2. Extradition shall be subject to the other conditions provided by the law of the requested State.”

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.”