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

**40<sup>th</sup> meeting  
Tromsø, 16-17 September 2010**

**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 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/>. Part II concerns reservations and declarations to treaties concluded within the Council of Europe. The information contained therein can be consulted at the Council of Europe site <http://conventions.coe.int/>.
4. 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.

## **List of outstanding reservations and declarations**

### **PART I: RESERVATIONS AND DECLARATIONS TO TREATIES CONCLUDED OUTSIDE THE COUNCIL OF EUROPE**

#### **A. CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES AND OPTIONAL PROTOCOL THERETO, NEW YORK, 13 DECEMBER 2006**

##### **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)<sup>1</sup> and (e)<sup>2</sup> in view of their heavy financial implication.

With regard to Article 24.2 (b)<sup>3</sup>, 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 made upon signature***

“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<sup>4</sup> and

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<sup>1</sup> **Article 9.2:** “States Parties shall also take appropriate measures to: (...) (d): Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;”

<sup>2</sup> **Article 9.2:** “States Parties shall also take appropriate measures to: (...) (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;”

<sup>3</sup> **Article 24.2 (b):** “In realizing this right, States Parties shall ensure that (...) 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.”

<sup>4</sup> **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:

a. The right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized;

b. The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided;

c. Persons with disabilities, including children, retain their fertility on an equal basis with others.

2. States Parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best interests of the child shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.

3. States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.

4. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.

5. States Parties shall, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.”

25<sup>5</sup> 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.”

### **3. IRAN, 23 October 2009, 3 November 2009, 2 November 2010**

#### ***Declaration***

“... with regard to Article 46<sup>6</sup>, 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.”

The Convention will enter into force for Iran (Islamic Republic of) on 22 November 2009 in accordance with its article 45 (2) which reads as follows:

"For each State or regional integration organization ratifying, formally confirming or acceding to the present Convention after the deposit of the twentieth such instrument, the Convention shall enter into force on the thirtieth day after the deposit of its own such instrument."

### **4. CANADA, 11 March 2010, 10 March 2011**

#### **Declarations and reservations**

"Canada recognises that persons with disabilities are presumed to have legal capacity on an equal basis with others in all aspects of their lives. Canada declares its understanding that Article 12<sup>7</sup> permits supported and substitute decision-making arrangements in appropriate circumstances and in accordance with the law.

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<sup>5</sup> **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:

- a. Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes;
- b. Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;
- c. Provide these health services as close as possible to people's own communities, including in rural areas;
- d. Require health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent by, inter alia, raising awareness of the human rights, dignity, autonomy and needs of persons with disabilities through training and the promulgation of ethical standards for public and private health care;
- e. Prohibit discrimination against persons with disabilities in the provision of health insurance, and life insurance where such insurance is permitted by national law, which shall be provided in a fair and reasonable manner;
- f. Prevent discriminatory denial of health care or health services or food and fluids on the basis of disability."

<sup>6</sup> **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."

<sup>7</sup> **Article 12:**

"1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.

2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.

3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.

To the extent Article 12 may be interpreted as requiring the elimination of all substitute decision-making arrangements, Canada reserves the right to continue their use in appropriate circumstances and subject to appropriate and effective safeguards. With respect to Article 12 (4), Canada reserves the right not to subject all such measures to regular review by an independent authority, where such measures are already subject to review or appeal.

Canada interprets Article 33 (2)<sup>8</sup> as accommodating the situation of federal states where the implementation of the Convention will occur at more than one level of government and through a variety of mechanisms, including existing ones.”

The Convention will enter into force for Canada on 10 April 2010 in accordance with its article 45 (2) which reads as follows:

“For each State or regional integration organization ratifying, formally confirming or acceding to the present Convention after the deposit of the twentieth such instrument, the Convention shall enter into force on the thirtieth day after the deposit of its own such instrument.”

**B. INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, NEW YORK, 16 DECEMBER 1966**

**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 so applied as to be in conformity with the Constitution and the relevant laws of the Lao People’s Democratic Republic.”<sup>9</sup>

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4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person’s circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person’s rights and interests.

5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.”

<sup>8</sup> **Article 33.2:** “States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.”

<sup>9</sup> **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.

## **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<sup>10</sup> 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."

## **6. PAKISTAN, 23 June 2010, 29 June 2010, 28 June 2011**

### **Reservation**

"The Islamic Republic of Pakistan declares that the provisions of Articles 3, 6, 7, 18 and 19 shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan and the Sharia laws.<sup>11</sup>

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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. "

#### <sup>10</sup> **Article 18:**

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

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

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

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

#### <sup>11</sup> **Article 3:**

"The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant."

#### **Article 6:**

" 1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant."

#### **Article 7:**

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation."

#### **Article 18:**

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

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

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

The Islamic Republic of Pakistan declares that the provisions of Articles 25<sup>14</sup> shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan.

The Government of the Islamic Republic of Pakistan hereby declares that it does not recognize the competence of the Committee provided for in Article 40<sup>15</sup> of the Covenant.”

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

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

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

**Article 19:**

“1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (ordre public), or of public health or morals.”

<sup>12</sup> **Article 12:**

“1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.”

<sup>13</sup> **Article 13:**

“An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.”

<sup>14</sup> **Article 25:**

“Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country.”

<sup>15</sup> **Article 40:**

“1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights: (a) Within one year of the entry into force of the present Covenant for the States Parties concerned;

(b) Thereafter whenever the Committee so requests.

2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.

3. The Secretary-General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.

4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.

5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.”

**C. SECOND OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, AIMING AT THE ABOLITION OF THE DEATH PENALTY, NEW YORK, 15 DECEMBER 1989**

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

***Reservation***

"... with an express reservation to article 2<sup>16</sup>."

The Protocol will enter into force for Brazil on 25 December 2009 in accordance with its article 8 (2) which reads as follows:

"For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or accession."

**D. 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 2000**

**8. 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;"<sup>17</sup>

***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;"<sup>18</sup>

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<sup>16</sup> **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."

<sup>17</sup> **Article 5 - Criminalization**

"1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol, when committed intentionally.

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

( a ) Subject to the basic concepts of its legal system, attempting to commit an offence established in accordance with paragraph 1 of this article;

( b ) Participating as an accomplice in an offence established in accordance with paragraph 1 of this article; and

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

<sup>18</sup> **Article 15:**

"1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Protocol through negotiation.

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".

The Protocol will enter into force for Indonesia on 28 October 2009 in accordance with its article 17 (2) which reads as follows:

"For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Protocol after the deposit of the fortieth instrument of such action, this Protocol shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument or on the date this Protocol enters into force pursuant to paragraph 1 of this article, whichever is the later."

**E. PROTOCOL AGAINST THE SMUGGLING OF MIGRANTS BY LAND, SEA AND AIR, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME, NEW YORK, 15 NOVEMBER 2000**

**9. 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<sup>19</sup>, Article 9 paragraph (1)<sup>20</sup> subparagraph a, and Article 9 paragraph (2)<sup>21</sup> 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; ..."<sup>22</sup>

The Protocol will enter into force for Indonesia on 28 October 2009 in accordance with its article 22 (2) which reads as follows:

"For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Protocol after the deposit of the fortieth instrument of such action, this Protocol shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument or on the date this Protocol enters into force pursuant to paragraph 1 of this article, whichever is the later."

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<sup>19</sup> **Article 6.2 (c):** "Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences: (...); Organizing or directing other persons to commit an offence established in accordance with paragraph 1 of this article."

<sup>20</sup> **Article 9.1 (a):** "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;"

<sup>21</sup> **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."

<sup>22</sup> **Article 20:**

"1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Protocol through negotiation.

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".



**F. INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF ACTS OF NUCLEAR TERRORISM, NEW YORK, 13 APRIL 2005**

**10. MOROCCO**, 31 March 2010, 6 April 2010, 5 April 2011

***Reservation***

“The Kingdom of Morocco does not consider itself bound by article 23, paragraph 1<sup>23</sup>, which provides that any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation or by other means may be referred to the International Court of Justice by application of one of the concerned parties.

The Kingdom of Morocco declares that a dispute may be referred to the International Court of Justice only by agreement of all concerned parties on a case-by-case basis.”

The Convention will enter into force for Morocco on 30 April 2010 in accordance with its article 25 (2) which reads as follows:

“For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the twenty-second instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification, acceptance, approval or accession.”

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

**11. YEMEN**, 3 March 2010, 10 March 2010, 9 March 2011

***Reservations***

“[The Government of the Republic of Yemen has ratified the Convention] ... subject to reservations to the following articles:

(a) Article 2, paragraph 1(b)<sup>24</sup>;

(b) Article 24, paragraph 1<sup>25</sup>.

The accession of the Republic of Yemen to this Convention shall in no way signify recognition of Israel or entry into any relations with it.”

The Convention will enter into force for Yemen on 2 April 2010 in accordance with its article 26 (2) which reads as follows:

“For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the twenty-second instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification, acceptance, approval or accession.”

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<sup>23</sup> **Article 23.1:** “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 of 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.”

<sup>24</sup> **Article 2.1 (b):** “Any person commits an offence within the meaning of this Convention if that person by any means, directly or indirectly, unlawfully and wilfully, 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 (...) 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.”

<sup>25</sup> **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.”

**PART II: RESERVATIONS AND DECLARATIONS TO COUNCIL OF EUROPE TREATIES**

**A. CONVENTION FOR THE PROTECTION OF INDIVIDUALS WITH REGARD TO AUTOMATIC PROCESSING OF PERSONAL DATA (ETS No. 108), 1 OCTOBER 1985**

**1. AZERBAIJAN, 3 May 2010, 7 May 2010, 6 May 2011**

***Declaration***

“In accordance with Article 3, paragraph 2, sub-paragraph a<sup>26</sup>, of the Convention, the Republic of Azerbaijan declares that the provisions of the Convention will not be applied to the categories of personal data files, which are subject to State secret and processed by natural persons exclusively for personal and family needs in compliance with the rules defined by the legislation.

In accordance with Article 3, paragraph 2, sub-paragraph c<sup>27</sup>, of the Convention, the Republic of Azerbaijan declares that the provisions of the Convention will be applied to personal data files which are not processed automatically.

In accordance with Article 13, paragraph 2, sub-paragraph a, of the Convention, the Ministry of Justice of the Republic of Azerbaijan is designated as a competent authority for furnishing information on the law and administrative practice in the field of data protection and for furnishing factual information. The contact information are the following:

Ministry of Justice of the Republic of Azerbaijan  
1, Inshaatchilar Avenue,  
Baky city, AZ 1073  
Republic of Azerbaijan  
Email : [contact@justice.gov.az](mailto:contact@justice.gov.az).

The Republic of Azerbaijan declares that it is unable to guarantee the implementation of the provisions of the Convention in its territories occupied by the Republic of Armenia until the liberation of those territories from the occupation and complete elimination of the consequences of that occupation.

The Republic of Azerbaijan declares that the rights and obligations set out in the provisions of the Convention shall not be applied by the Republic of Azerbaijan in respect of the Republic of Armenia.”

**B. COUNCIL OF EUROPE CONVENTION ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS (CETS 197), 1 FEBRUARY 2008**

**2. AZERBAIJAN, 23 June 2010, 2 July 2010, 1 July 2011**

***Reservation***

“The Republic of Azerbaijan declares that the rights and obligations set out in the provisions of the Convention shall not be applied by the Republic of Azerbaijan in respect of Armenia.

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<sup>26</sup> **Article 3.2:** “Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, or at any later time, give notice by a declaration addressed to the Secretary General of the Council of Europe: (a) that it will not apply this convention to certain categories of automated personal data files, a list of which will be deposited. In this list it shall not include, however, categories of automated data files subject under its domestic law to data protection provisions. Consequently, it shall amend this list by a new declaration whenever additional categories of automated personal data files are subjected to data protection provisions under its domestic law;”

<sup>27</sup> **Article 3.2:** “Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, or at any later time, give notice by a declaration addressed to the Secretary General of the Council of Europe: (c) that it will also apply this convention to personal data files which are not processed automatically.”

The Republic of Azerbaijan declares that it is unable to guarantee the implementation of the provisions of the Convention in its territories occupied by the Republic of Armenia (the Nagorno-Karabakh region of the Republic of Azerbaijan and its seven districts surrounding that region), until the liberation of these territories from the occupation and complete elimination of the consequences of that occupation."