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COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW (CAHDI)

European Observatory of Reservations to International Treaties:

**List of Outstanding Reservations and Declarations to
International Treaties**

44th meeting
Paris, 19-20 September 2012

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FOREWORD

- 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.¹
- In this context, the CAHDI regularly considers a list of outstanding reservations.
- The following list usually includes two parts, one concerning reservations and declarations to treaties concluded outside the Council of Europe, which can be consulted at the United Nations Treaty Collection site <http://untreaty.un.org/>, and the other one concerning reservations and declarations to treaties concluded within the Council of Europe which can be consulted at the Council of Europe site <http://conventions.coe.int/>. As there is no outstanding reservation or declaration to the Council of Europe Conventions in the last six months, the current document does contain only one list relating to outstanding reservations and declarations to treaties concluded outside the Council of Europe.
- The format of the information contained in the present document is the following:



- Partial withdrawals of reservations are also listed in this document. As underlined by the CAHDI on several occasions, the notification by the depositary of a partial withdrawal does not set any new deadline for objection. In light of the practice in this matter, the objections registered against the "original" version of the reservation are maintained to the extent that they concern an aspect of the reservation which is covered by the withdrawal. Any objections which would be registered for the first time at the time of the partial withdrawal would have no effect.²
- Where required for the purposes of facilitating the understanding of the document, a note of the CAHDI Secretariat is added in order to provide further explanations.
- When the content of a notification is new and has not been discussed by the CAHDI yet, it is expressly mentioned in the document.

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. Tables of objections to these reservations and declarations are circulated in an Addendum to this document.

¹ Document DI-S-RIT (98) 10.

² Report of the 41st meeting of the CAHDI, paragraph 50.

RESERVATIONS AND DECLARATIONS TO TREATIES CONCLUDED OUTSIDE THE COUNCIL OF EUROPE

A. CONVENTION RELATING TO THE STATUS OF STATELESS PERSONS (1954)

1. **BULGARIA**, 22 March 2012, 28 March 2012, 27 March 2013

New

Reservations

“1. Reservation to Article 7, paragraph 2:

‘In accordance with Article 38, paragraph 1 of the Convention, the Republic of Bulgaria reserves the right not to apply the provision of Article 7, paragraph 2.’

2. Reservation to Article 21:

‘The Republic of Bulgaria shall apply Article 21 according to the conditions and the order provided for by the national legislation of the Republic of Bulgaria.’

3. Reservation to Article 23:

‘The Republic of Bulgaria shall apply Article 23 according to the conditions and the order provided for by the national legislation of the Republic of Bulgaria.’

4. Reservation to Article 24, paragraph 1, subparagraph (b) and Article 24, paragraph 2:

‘The Republic of Bulgaria shall apply Article 24, paragraph 1, subparagraph (b) and Article 24, paragraph 2 according to the conditions and the order provided for by the national legislation of the Republic of Bulgaria.’

5. Reservation to Article 24, paragraph 3:

‘The Republic of Bulgaria shall apply Article 24, paragraph 3 only concerning agreements which will be concluded in the future.’

5. Reservation to Article 27:

‘Pursuant to Article 27 of the Convention, the identity document (‘Stateless person foreign travel certificate’) shall be issued to stateless persons, who have been granted this status on the territory of the Republic of Bulgaria and having permanent or long-term residence permit in accordance with the national legislation of the Republic of Bulgaria. In accordance with the national legislation, the person who has been granted the status of stateless person will be granted right to residence and a document ‘Residence permit’, which is not an identity document, will be issued.’

7. Reservation to Article 28:

‘Pursuant to Article 28 of the Convention, the document ‘Stateless person foreign-travel certificate’, which is both an identity document and a travel document, will be issued to persons to whom the Republic of Bulgaria has granted status of stateless person and having permanent or long term residence permit on the territory of the Republic of Bulgaria. The above-mentioned document will not be issued to persons who have been granted status of stateless person in another country, unless they have permanent or long-term residence in the Republic of Bulgaria and because of insurmountable reasons, duly proven by respective documents, cannot renew their travel document from the state which initially issued it.’

8. Reservation to Article 31:

‘Article 31 shall not oblige the Republic of Bulgaria to grant to stateless persons a status more favourable than that accorded to aliens in general.’ ”

Article 7 – Exemption from reciprocity

1. Except where this Convention contains more favourable provisions, a Contracting State shall accord to stateless persons the same treatment as is accorded to aliens generally.

2. After a period of three years’ residence, all stateless persons shall enjoy exemption from legislative reciprocity in the territory of the Contracting States.

3. Each Contracting State shall continue to accord to stateless persons the rights and benefits to which they were already entitled, in the absence of reciprocity, at the date of entry into force of this Convention for that State.

4. The Contracting States shall consider favourably the possibility of according to stateless persons, in the absence of reciprocity, rights and benefits beyond those to which they are entitled according to paragraphs 2 and 3, and to extending exemption from reciprocity to stateless persons who do not fulfill the conditions provided for in paragraphs 2 and 3.

5. The provisions of paragraphs 2 and 3 apply both to the rights and benefits referred to in articles 13, 18, 19, 21 and 22 of this Convention and to rights and benefits for which this Convention does not provide.

Article 21 – Housing

As regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to stateless persons lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

Article 23 – Public relief

The Contracting States shall accord to stateless persons lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals.

Article 24 – Labour legislation and social security

1. The Contracting States shall accord to stateless persons lawfully staying in their territory the same treatment as is accorded to nationals in respect of the following matters:

(a) In so far as such matters are governed by laws or regulations or are subject to the control of administrative authorities; remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on work, minimum age of employment, apprenticeship and training, women's work and the work of young persons, and the enjoyment of the benefits of collective bargaining;

(b) Social security (legal provisions in respect of employment injury, occupational diseases, maternity, sickness, disability, old age, death, unemployment, family responsibilities and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations:

(i) There may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;

(ii) National laws or regulations of the country of residence may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfill the contribution conditions prescribed for the award of a normal pension.

2. The right to compensation for the death of a stateless person resulting from employment injury or from occupational disease shall not be affected by the fact that the residence of the beneficiary is outside the territory of the Contracting State.

3. The Contracting States shall extend to stateless persons the benefits of agreements concluded between them, or which may be concluded between them in the future, concerning the maintenance of acquired rights and rights in the process of acquisition in regard to social security, subject only to the conditions which apply to nationals of the States signatory to the agreements in question.

4. The Contracting States will give sympathetic consideration to extending to stateless persons so far as possible the benefits of similar agreements which may at any time be in force between such Contracting States and non-contracting States.

Article 27 – Identity papers

The Contracting States shall issue identity papers to any stateless person in their territory who does not possess a valid travel document.

Article 28 – Travel documents

The Contracting States shall issue to stateless persons lawfully staying in their territory travel documents for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require, and the provisions of the schedule to this Convention shall apply with respect to such documents. The Contracting States may issue such a travel document to any other stateless person in their territory; they shall in particular give sympathetic consideration to the issue of such a travel document to stateless persons in their territory who are unable to obtain a travel document from the country of their lawful residence.

Article 31 – Expulsion

1. The Contracting States shall not expel a stateless person lawfully in their territory save on grounds of national security or public order.

2. The expulsion of such a stateless person shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the stateless person shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority.

3. The Contracting States shall allow such a stateless person a reasonable period within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures as they may deem necessary.

Article 38 – Reservations

1. At the time of signature, ratification or accession, any State may make reservations to articles of the Convention other than to articles 1, 3, 4, 16 (1) and 33 to 42 inclusive.

2. Any State making a reservation in accordance with paragraph 1 of this article may at any time withdraw the reservation by a communication to that effect addressed to the Secretary-General of the United Nations.

2. REPUBLIC OF MOLDOVA, 19 April 2012, 20 April 2012, 19 April 2013

New

Reservations

“According to article 38 part 1 from the Convention, [the] Republic of Moldova reserves the right to apply [the] provisions of articles 23, 24, 25 and 31 from the Convention according to the national legislation.

According to article 38 part 1 from the Convention, [the] Republic of Moldova reserves the right to apply the provisions of article 27 from the Convention only in regards with stateless which statute has being recognized by the Republic of Moldova, and for that who have permission to stay on the territory of [the] Republic of Moldova.”

Article 25 – Administrative assistance

1. When the exercise of a right by a stateless person would normally require the assistance of authorities of a foreign country to whom he cannot have recourse, the Contracting State in whose territory he is residing shall arrange that such assistance be afforded to him by their own authorities.

2. The authority or authorities mentioned in paragraph 1 shall deliver or cause to be delivered under their supervision to stateless persons such documents or certifications as would normally be delivered to aliens by or through their national authorities.

3. Documents or certifications so delivered shall stand in the stead of the official instruments delivered to aliens by or through their national authorities and shall be given credence in the absence of proof to the contrary.

4. Subject to such exceptional treatment as may be granted to indigent persons, fees may be charged for the services mentioned herein, but such fees shall be moderate and commensurate with those charged to nationals for similar services.

5. The provisions of this article shall be without prejudice to articles 27 and 28.

B. CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS (1958)**3. TAJIKISTAN**, 14 August 2012, 22 August 2012, 21 August 2013

New

Reservation

“The Republic of Tajikistan will apply this Convention to differences and arbitral [a]wards arised out after entering into force of this Convention with respect to the Republic of Tajikistan and made in the territory of another Contracting State;

The Republic of Tajikistan will not apply this Convention with regard to differences related to immovable property.”

C. SINGLE CONVENTION ON NARCOTIC DRUGS AS AMENDED BY THE PROTOCOL AMENDING THE SINGLE CONVENTION ON NARCOTIC DRUGS (1961)**4. BOLIVIA (State plurinational of)**, 29 December 2011, 10 January 2012, 9 January 2013**Communication**

“The Plurinational State of Bolivia reserves the right to allow in its territory; traditional coca leaf chewing; the consumption and use of the coca leaf in its natural state for cultural and medicinal purposes; its use in infusions; and also the cultivation, trade and possession of the coca leaf to the extent necessary for these licit purposes.

At the same time, the Republic of Bolivia will continue to take all necessary legal measures to control the illicit cultivation of coca in order to preevent its abuse and the illicit production of the narcotic drugs which may be extracted from the leaf.

The effective accession of Bolivia to the aforementioned convention is subject to the authorization of this reservation.”

Note of the CAHDI Secretariat: Bolivia has acceded to this instrument for the first time on 23 September 1976. It has deposited its instrument of denunciation on 29 June 2011, with effect as of 1st January 2012 in conformity with paragraph 2 of Article 46 of the Convention. On 29 December 2011, the depositary has received a letter of the President of the Plurinational State of Bolivia containing a new instrument of accession to the Convention which includes a reservation. The Government of Bolivia has indicated that this reservation has been submitted in accordance with article 50, paragraph 3 of the Convention. It has also confirmed that its accession remains subject to the authorisation of the reservation by the States parties to the Convention and, that the instrument of accession is not to be deposited at this stage.

Article 46 – Denunciation

“1. After the expiry of two years from the date of the coming into force of this Convention (article 41, paragraph 1) any Party may, on its own behalf or on behalf of a territory for which it has international responsibility, and which has withdrawn its consent given in accordance with article 42, denounce this Convention by an instrument in writing deposited with the Secretary-General.

2. The denunciation, if received by the Secretary-General on or before the first day of July in any year, shall take effect on the first day of January in the succeeding year, and, if received after the first day of July, shall take effect as if it had been received on or before the first day of July in the succeeding year.

3. This Convention shall be terminated if, as a result of denunciations made in accordance with paragraph 1, the conditions for its coming into force as laid down in article 41, paragraph 1, cease to exist.”

Article 50 – Other reservations

“1. No reservations other than those made in accordance with article 49 or with the following paragraphs shall be permitted.

2. Any State may at the time of signature, ratification or accession make reservations in respect of the following provisions of this Convention: Article 12, paragraphs 2 and 3; article 13, paragraph 2; article 14, paragraphs 1 and 2; article 31, paragraph 1 b) and article 48.

3. A State which desires to become a Party but wishes to be authorized to make reservations other than those made in accordance with paragraph 2 of this article or with article 49 may inform the Secretary-General of such intention. Unless by the end of twelve months after the date of the Secretary-General's communication of the reservation concerned, this reservation has been objected to by one third of the States that have ratified or acceded to this Convention before the end of that period, it shall be deemed to be permitted, it being understood however that States which have objected to the reservation need not assume towards the reserving State any legal obligation under this Convention which is affected by the reservation.

4. A State which has made reservations may at any time by notification in writing withdraw all or part of its reservations.”

D. CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (1984)

UNITED ARAB EMIRATES, 19 July 2012, 24 July 2012, 23 July 2013

New

Reservations and declaration

“In accordance with paragraph 1 of article 28 of the Convention, the United Arab Emirates declares that it does not recognize the competence of the Committee against Torture referred to in article 20 of the Convention.

In accordance with paragraph 2 of article 30 of the Convention, the United Arab Emirates does not consider itself bound by paragraph 1 of article 30 relating to arbitration in this Convention.”

“The United Arab Emirates also confirms that the lawful sanctions applicable under national law, or pain or suffering arising from or associated with or incidental to these lawful sanctions, do not fall under the concept of “torture” defined in article 1 of this Convention or under the concept of cruel, inhuman or degrading treatment or punishment mentioned in this Convention.”

Article 1

1. For the purposes of this Convention, the term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other

person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Article 20

1. If the Committee receives reliable information which appears to it to contain well-founded indications that torture is being systematically practised in the territory of a State Party, the Committee shall invite that State Party to co-operate in the examination of the information and to this end to submit observations with regard to the information concerned.

2. Taking into account any observations which may have been submitted by the State Party concerned, as well as any other relevant information available to it, the Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to the Committee urgently.

3. If an inquiry is made in accordance with paragraph 2 of this article, the Committee shall seek the co-operation of the State Party concerned. In agreement with that State Party, such an inquiry may include a visit to its territory.

4. After examining the findings of its member or members submitted in accordance with paragraph 2 of this article, the Commission shall transmit these findings to the State Party concerned together with any comments or suggestions which seem appropriate in view of the situation.

5. All the proceedings of the Committee referred to in paragraphs 1 to 4 of this article shall be confidential, and at all stages of the proceedings the co-operation of the State Party shall be sought. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2, the Committee may, after consultations with the State Party concerned, decide to include a summary account of the results of the proceedings in its annual report made in accordance with article 24.

Article 28

1. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not recognize the competence of the Committee provided for in article 20.

2. Any State Party having made a reservation in accordance with paragraph 1 of this article may, at any time, withdraw this reservation by notification to the Secretary-General of the United Nations.

Article 30

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation 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 request in conformity with the Statute of the Court.

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

3. Any State Party having made a reservation in accordance with paragraph 2 of this article may at any time withdraw this reservation by notification to the Secretary-General of the United Nations.

E. UNITED NATIONS CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (1988)

6. HOLY SEE, 25 January 2012, 2 February 2012, 1st February 2013

Reservation and declarations

“Pursuant to article 32.4 of this Convention, the Holy See, acting also in the name and on behalf of Vatican City State, declares that it does not consider itself bound by either article 32.1 or article 32.2 of the Convention. The Holy See, acting also in the name and on behalf of Vatican City State, specifically reserves the right to agree in a particular case, on an *ad hoc* basis, to any convenient means to settle any dispute arising out of this Convention.”

“The Holy See declares that articles 6.6 and 7.15 of the Convention shall be interpreted in light of its legal doctrine and the sources of its law (Vatican City State Law LXXI, of 1 October 2008).”

“The Holy See is well aware that one of the problems of contemporary society is the phenomenon of drug abuse and the related problem of illicit trafficking in narcotics and psychotropic substances. This trafficking has already become so widespread and so highly organized as to involve both the developed countries and those on the road to development.

Through its Representatives, the Holy See has followed the various phases of the drawing-up of the Convention text, a process that has been long and laborious.

Pope John Paul II, on the occasion of last year's Conference in Vienna on the abuse of and illicit trafficking in drugs, pointed out that the criminal activity of production and illicit trafficking must be opposed by cooperation between States. He stated that 'the common struggle against the plague of drug abuse and illicit trafficking is motivated by a serious spirit of mission, on behalf of humanity and for the very future of society, a mission whose success demands a mutual commitment and a generous response on the part of all' (17th June 1987).

In consideration of this position, the Holy See has decided to sign the Convention against illicit trafficking in narcotics as a gesture of encouragement vis-à-vis the commitment of the countries that intend to fight against such criminal activity. In adhering to this Convention, the Holy See does not intend to prescind in any way from its specific mission which is of a religious and moral character."

Article 6 - Extradition

"(...)

6. In considering requests received pursuant to this article, the requested State may refuse to comply with such requests where there are substantial grounds leading its judicial or other competent authorities to believe that compliance would facilitate the prosecution or punishment of any person on account of his race, religion, nationality or political opinions, or would cause prejudice for any of those reasons to any person affected by the request. (...)"

Article 7 – Mutual legal assistance

"(...)

15. Mutual legal assistance may be refused:

- a) If the request is not made in conformity with the provisions of this article;
- b) If the requested Party considers that execution of the request is likely to prejudice its sovereignty, security, ordre public or other essential interests;
- c) If the authorities of the requested Party would be prohibited by its domestic law from carrying out the action requested with regard to any similar offence, had it been subject to investigation, prosecution or proceedings under their own jurisdiction;
- d) If it would be contrary to the legal system of the requested Party relating to mutual legal assistance for the request to be granted."

Article 32 – Settlement of disputes

"1. If there should arise between two or more Parties a dispute relating to the interpretation or application of this Convention, the Parties shall consult together with a view to the settlement of the dispute by negotiation, enquiry, mediation, conciliation, arbitration, recourse to regional bodies, judicial process or other peaceful means of their own choice.

2. Any such dispute which cannot be settled in the manner prescribed in paragraph 1 of this article shall be referred, at the request of any one of the States Parties to the dispute, to the International Court of Justice for decision. (...)

4. Each State, at the time of signature or ratification, acceptance or approval of this Convention or accession thereto, or each regional economic integration organization, at the time of signature or deposit of an act of formal confirmation or accession, may declare that it does not consider itself bound by paragraphs 2 and 3 of this article. The other Parties shall not be bound by paragraphs 2 and 3 with respect to any Party having made such a declaration. (...)"

F. CONVENTION ON THE RIGHTS OF THE CHILD (1989)

7. SYRIAN ARAB REPUBLIC, 13 June 2012

Partial withdrawal

Note of the CAHDI Secretariat: States Parties have been informed by the depositary, on 13 June 2012, of the partial withdrawal made by the Government of the Syrian Arab Republic of its reservations to articles 20 and 21 of the Convention made upon ratification on 15 July 1993. The remaining reservation will now read as follows:

“The Syrian Arab Republic has reservations on the Convention’s provisions which are not in conformity with the Syrian Arab legislations and with the Islamic Shariaa’s principles, in particular the content of Article 14 related to the Right of the Child to the freedom of religion [...]”

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
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.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

- (a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
- (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
- (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
- (d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
- (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

G. TAMPERE CONVENTION ON THE PROVISION OF TELECOMMUNICATION RESOURCES FOR DISASTER MITIGATION AND RELIEF OPERATIONS (1998)

8. LUXEMBOURG, 8 June 2012, 11 June 2012, 10 June 2013

New

Reservation

“To the extent to which certain provisions of the Tampere Convention on the Provision of Telecommunications Resources for Disaster Mitigation and Relief Operations fall within the area of responsibility of the European Community, the full implementation of the Convention by Luxembourg has to be done in accordance with the procedures of this international organisation.”

H. PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF THE INTERNATIONAL SEABED AUTHORITY (1998)

9. FRANCE, 23 January 2012, 26 January 2012, 25 January 2013

Reservation

“France intends to limit the exemption from taxation provided for in articles 8 (c) and 9 (e) of the Protocol:

- To the officials of the Authority referred to in Article 8, excluding the experts on mission for the Authority referred to in article 9;
- To the salaries and emoluments received from the Authority by these officials, excluding any other form of payment which may be made to them by the Authority.”

Article 8 – Officials

“1. The Secretary-General will specify the categories of officials to which the provisions of paragraph 2 of this article shall apply. The Secretary-General shall submit these categories to the Assembly. Thereafter these categories shall be communicated to the Governments of all members of the Authority. The names of the officials included in these categories shall from time to time be made known to the Governments of members of the Authority.

2. Officials of the Authority, regardless of nationality, shall:

(...) (c) be exempt from tax in respect of salaries and emoluments paid or any other form of payment made by the Authority; (...)

Article 9 – Experts on mission for the Authority

“1. Experts (other than officials coming within the scope of article 8) performing missions for the Authority shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular they shall be accorded:

(...) (e) exemption from tax in respect of salaries and emoluments paid or any other form of payment made by the Authority. This provision is not applicable as between an expert and the member of the Authority of which he or she is a national; (...)

2. Privileges and immunities are accorded to experts, not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the Authority. The Secretary-General shall have the right and the duty to waive the immunity of any expert where, in the opinion of the Secretary-General, the immunity would impede the course of justice, and it can be waived without prejudice to the interests of the Authority.”

I. INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE FINANCING OF TERRORISM (1999)

10. HOLY SEE, 25 January 2012, 2 February 2012, 1st February 2013

Reservation and declarations

“Pursuant to article 24.2 of the Convention, the Holy See, acting also in the name and on behalf of Vatican City State, declares that it does not consider itself bound by article 24.1 of the Convention. The Holy See, acting also in the name and on behalf of Vatican City State, specifically reserves the right to agree in a particular case, on an ad hoc basis, to any convenient means to settle any dispute arising out of this Convention.”

“By acceding to the International Convention for the Suppression of the Financing of Terrorism, the Holy See, acting also in the name and on behalf of Vatican City State, intends to contribute and to give its moral support to the global prevention, repression and prosecution of terrorism and to the protection of victims of such crimes.

In conformity with its own nature, its mission, and the particular character of Vatican City State, the Holy See upholds the values of brotherhood, justice and peace between persons and peoples, whose protection and strengthening require the primacy of the rule of law and respect for human rights, and it reaffirms that instruments of criminal and judicial cooperation constitute effective safeguards in the face of criminal activities that jeopardize human dignity and peace.

The Holy See, acting also in the name and on behalf of the Vatican City State, declares that its accession to the Convention does not constitute consent to be bound by or to become a party to any of the treaties listed in the Annex to the Convention. Considering that, at the date of its accession to the Convention, the Holy See is not a party to any of the treaties listed in the Annex, for the purposes of article 2.2(a) of the Convention, none of them should be deemed to be included within the scope of the Convention pursuant to its article 2.1(a). In the future, should the Holy See ratify or acceded to any of those treaties, once it has come into force for the Holy See, the treaty in question shall be deemed to be included within the scope of the Convention pursuant to its article 2.1(a).

In respect to article 5 of the Convention, the Holy See notes that, due to the particular nature of the Holy See and of Vatican City State, the concept of criminal liability of legal persons is not embodied in their domestic legal principles.

Pursuant to article 11.2 of the Convention, the Holy See declares that it takes the Convention as the legal basis for cooperation on extradition with other Parties to the Convention, subject to the limitations to the extradition of persons provided for by its domestic law.

With regard to article 15 of the Convention, the Holy See declares that the terms ‘prosecuting or punishing a person on account of that person’s race, religion, nationality, ethnic origin or political opinion’ and ‘prejudice to that person’s position’ shall be interpreted in light of its legal doctrine and the sources of its law (Vatican City State Law LXXI, 1 October 2008).”

Article 2

“1. 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:

(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.

2. (a) On depositing its instrument of ratification, acceptance, approval or accession, a State Party which is not a party to a treaty listed in the annex may declare that, in the application of this Convention to the State Party, the treaty shall be deemed not to be included in the annex referred to in paragraph 1, subparagraph (a). The declaration shall cease to have effect as soon as the treaty enters into force for the State Party, which shall notify the depositary of this fact;

(b) When a State Party ceases to be a party to a treaty listed in the annex, it may make a declaration as provided for in this article, with respect to that treaty. (...)”

Article 5

"1. Each State Party, in accordance with its domestic legal principles, shall take the necessary measures to enable a legal entity located in its territory or organized under its laws to be held liable when a person responsible for the management or control of that legal entity has, in that capacity, committed an offence set forth in article 2. Such liability may be criminal, civil or administrative.

2. Such liability is incurred without prejudice to the criminal liability of individuals having committed the offences.

3. Each State Party shall ensure, in particular, that legal entities liable in accordance with paragraph 1 above are subject to effective, proportionate and dissuasive criminal, civil or administrative sanctions. Such sanctions may include monetary sanctions."

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 15

"Nothing in this Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance, if the requested State Party has substantial grounds for believing that the request for extradition for offences set forth in article 2 or for mutual legal assistance with respect to such offences has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons."

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.

J. UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME (2000)

11. HOLY SEE, 25 January 2012, 3 February 2012, 2 February 2013

Reservation and declarations

"Pursuant to article 35.3 of the Convention, the Holy See, acting also in the name and on behalf of Vatican City State, declares that it does not consider itself bound by article 35.2 of the Convention. The Holy See, acting also in the name and on behalf of Vatican City State, specifically reserves the right to agree in a particular case, on an *ad hoc* basis, to any convenient means to settle any dispute arising out of this Convention."

"By acceding to the United Nations Convention against Transnational Organized Crime, the Holy See, acting also in the name and on behalf of Vatican City State, intends to contribute and to give its moral support to the global prevention, repression and prosecution of transnational organized crime and to the protection of victims of such crimes.

In conformity with its own nature, its mission, and the particular character of Vatican City State, the Holy See upholds the values of brotherhood, justice and peace between persons and peoples, whose protection and strengthening require the primacy of the rule of law and respect for human rights, and it reaffirms that instruments of criminal and judicial cooperation constitute effective safeguards in the face of criminal activities that jeopardize human dignity and peace.

In respect to article 10 of the Convention, the Holy See notes that, due to the particular nature of the Holy See and of Vatican City State, the concept of criminal liability of legal persons is not embodied in their domestic legal principles.

The Holy See declares that articles 16.14 and 18.21 of the Convention shall be interpreted in light of its legal doctrine and the sources of its law (Vatican City State Law LXXI, of 1 October 2008)."

Article 10 – Liability of legal persons

"1. Each State Party shall adopt such measures as may be necessary, consistent with its legal principles, to establish the liability of legal persons for participation in serious crimes involving an organized criminal group and for the offences established in accordance with articles 5, 6, 8 and 23 of this Convention.

2. Subject to the legal principles of the State Party, the liability of legal persons may be criminal, civil or administrative.

3. Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offences.

4. Each State Party shall, in particular, ensure that legal persons held liable in accordance with this article are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions."

Article 16 - Extradition

"(...) 14. Nothing in this Convention shall be interpreted as imposing an obligation to extradite if the requested State Party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person's sex, race, religion, nationality, ethnic origin or political opinions or that compliance with the request would cause prejudice to that person's position for any one of these reasons."

Article 18 – Mutual legal assistance

"(...) 21. Mutual legal assistance may be refused:

(a) If the request is not made in conformity with the provisions of this article;

(b) If the requested State Party considers that execution of the request is likely to prejudice its sovereignty, security, ordre public or other essential interests;

(c) If the authorities of the requested State Party would be prohibited by its domestic law from carrying out the action requested with regard to any similar offence, had it been subject to investigation, prosecution or judicial proceedings under their own jurisdiction;

(d) If it would be contrary to the legal system of the requested State Party relating to mutual legal assistance for the request to be granted. (...)"

Article 35 – Settlement of disputes

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

2. Any dispute between two or more States Parties concerning the interpretation or application of this Convention 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.

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

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

12. VIET NAM, 8 June 2012, 14 June 2012, 13 June 2013

New

Reservation and declarations

“The Socialist Republic of Viet Nam does not consider itself bound by the provisions of paragraph 2 of Article 35 of this Convention.”

The Socialist Republic of Viet Nam declares that the provisions of the United Nations Convention against Transnational Organized Crime are non-self-executing. The implementation of provisions of this Convention shall be in accordance with Constitutional principles and substantive law of the Socialist Republic of Viet Nam, on the basis of bilateral or multilateral cooperative agreements with other States and the principle of reciprocity.

Pursuant to principles of the Vietnamese law, the Socialist Republic of Viet Nam declares that it does not consider itself bound by the provisions with regard to the criminal liability of legal persons set forth in Article 10 of this Convention.

The Socialist Republic of Viet Nam, pursuant to Article 16 of this Convention, declares that it shall not take this Convention as the direct legal basis for extradition. The Socialist Republic of Viet Nam shall carry out extradition in accordance with the provisions of the Vietnamese law, on the basis of treaties on extradition and the principle of reciprocity.”

Articles 10, 16 and 35 are reproduced above.

K. OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY (2000)

13. MALAYSIA, 12 April 2012, 19 April 2012, 18 April 2013

New

Declaration

“1. The Government of Malaysia declares that the words ‘any representation’ in article 2 paragraph (c), shall be interpreted to mean ‘any visual representation’.

2. The Government of Malaysia understands that article 3 paragraph (1)(a)(ii) of the said Optional Protocol is applicable only to States Parties to the Convention on Protection of Children and cooperation in Respect of Intercountry Adoption, done at the Hague on 29 May 1993.”

Article 3

1. Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnationally or on an individual or organized basis:
(a) In the context of sale of children as defined in article 2: (...)
(ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption; (...)”

L. WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL (2003)

14. CZECH REPUBLIC, 1 June 2012, 15 June 2012, 14 June 2013

New

Interpretative declaration

“The Czech Republic makes the following interpretative declaration to the Convention:

The Czech Republic welcomes international cooperation in the field of tobacco control aimed at strengthening public health protection.

The Czech Republic declares that it does not consider guidelines adopted by the Conference of the Parties as instruments directly establishing legal obligations under the Convention.

The Czech Republic declares that it will not support any future proposals amending the Convention or relating to its Protocols which would be in contradiction with the constitutional principles of the Czech Republic as well as commitments arising from its membership in the European Union and from international agreements on free trade to which the Czech Republic has acceded.

The Czech Republic also declares that it considers Article 5 (3) a provision not affecting the right to non-discriminatory treatment of the tobacco industry by the Parties and thus permitting the necessary extent of cooperation with the tobacco industry as regards tobacco control.”

Article 5 – General obligations

1. Each Party shall develop, implement, periodically update and review comprehensive multisectoral national tobacco control strategies, plans and programmes in accordance with this Convention and the protocols to which it is a Party.

2. Towards this end, each Party shall, in accordance with its capabilities:

(a) establish or reinforce and finance a national coordinating mechanism or focal points for tobacco control; and
(b) adopt and implement effective legislative, executive, administrative and/or other measures and cooperate, as appropriate, with other Parties in developing appropriate policies for preventing and reducing tobacco consumption, nicotine addiction and exposure to tobacco smoke.

3. In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law.

4. The Parties shall cooperate in the formulation of proposed measures, procedures and guidelines for the implementation of the Convention and the protocols to which they are Parties.

5. The Parties shall cooperate, as appropriate, with competent international and regional intergovernmental organizations and other bodies to achieve the objectives of the Convention and the protocols to which they are Parties.

6. The Parties shall, within means and resources at their disposal, cooperate to raise financial resources for effective implementation of the Convention through bilateral and multilateral funding mechanisms.

M. OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (2008)

15. ARGENTINA, 24 October 2011, 27 October 2011, 26 October 2012

Declaration

“On the occasion of its ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Argentine Government recalls that on 3 October 1983 the Argentine Republic rejected the extension of the application of the International Covenant on Economic, Social and Cultural Rights to the Malvinas Islands, South Georgia Islands and South Sandwich Islands.

The Argentine Government recalls that the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas are an integral part of the Argentine national territory and, being illegally occupied by the United Kingdom of Great Britain and Northern Ireland, are the subject of a sovereignty dispute between the two countries which is recognized by the United Nations and other international organizations.

In this connection, the General Assembly of the United Nations has adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, in which the sovereignty dispute referred to as the “Question of the Malvinas Islands” is recognized and the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland are urged to resume negotiations in order to find as soon as possible a peaceful and lasting solution to the dispute. Concurrently, the Special Committee on Decolonization of the United Nations has repeatedly affirmed this view. Also, the General Assembly of the Organization of American States adopted, on 24 June 2010, a new pronouncement, in similar terms, on the question.

In ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Argentine Republic does so on the understanding that the system of communications provided for under that instrument does not apply to the right of peoples to self-determination in any context related to sovereignty disputes.”

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