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COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW (CAHDI)

Reactions to reservations and declarations to international treaties
previously examined by the CAHDI

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Public International Law and Treaty Office Division
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cahdi@coe.int - www.coe.int/cahdi

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FOREWORD

Since 1998, the CAHDI operates as European Observatory of Reservations to International Treaties and regularly considers a list of outstanding reservations.

This document presents the reactions of member and observer States of the CAHDI to outstanding reservations and declarations examined by the Committee and for which the deadline for objection has expired. To this end, a table of objections to the reservations and declarations examined at the 52nd (Brussels, Belgium, 15-16 September 2016) and 53rd (Strasbourg, France, 23-34 March 2017) meetings of the CAHDI is set out.

Appendix I contains the text of the reservations and declarations to treaties concluded outside the Council of Europe. Appendix II presents the text of a partial withdrawal of a reservation. The format of the information contained in these appendices is the following:



TABLE OF OBJECTIONS

LEGEND

Sign. : Made upon signature

- State has objected
- ◆ State has made a declaration
- ◀ State has objected to the original reservation(s), in case of a (partial) withdrawal
- State considers the reservation to have been formulated belatedly

TREATIES

RESERVATIONS AND DECLARATIONS TO TREATIES CONCLUDED OUTSIDE THE COUNCIL OF EUROPE

- A. Convention on the Privileges and Immunities of the Specialized Agencies (1947)
- B. Convention on the Elimination of All Forms of Discrimination Against Women (1979)
- C. United Nations Convention Against Transnational Organized Crime (2000)
- D. United Nations Convention Against Corruption (2003)
- E. Convention on the Rights of Persons with Disabilities (2006)
- F. Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention on Biological Diversity (2010)

RESERVATIONS AND DECLARATIONS TO TREATIES CONCLUDED OUTSIDE THE COUNCIL OF EUROPE

- G. Third Protocol to the General Agreement on Privileges and Immunities of the Council of Europe (1959) – ETS No. 28
- H. Additional Protocol to the European Convention on Extradition (1975) – ETS No. 86
- I. Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (1981) – ETS No. 108
- J. Additional Protocol to the Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data, Regarding Supervisory Authorities and Transborder Data Flows (2001) – ETS No. 181
- K. Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (2001) - ETS No. 182
- L. Council of Europe Convention on Action Against Trafficking in Human Beings (2005) – CETS No. 197
- M. Third Additional Protocol to the European Convention on Extradition (2010) – CETS No. 209
- N. Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (2011) – CETS No. 210
- O. Fourth Additional Protocol to the European Convention on Extradition (2012) – CETS No. 212

PARTIAL WITHDRAWALS OF RESERVATIONS

- P. International Covenant on Civil and Political Rights (1966)

APPENDICES

APPENDIX I RESERVATIONS AND DECLARATIONS TO TREATIES CONCLUDED OUTSIDE THE COUNCIL OF EUROPE

A. CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES (1947)

1. KYRGYZSTAN, 7 June 2016, 8 June 2016, 8 June 2017

Reservation

“The privileges and immunities specified in paragraph “b” of section 19 (exemptions from taxation) and section 20 (exemptions from national service obligations) of the Convention shall not be applied to nationals of the Kyrgyz Republic.”

Section 19

Officials of the specialized agencies shall:

- (a) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;*
- (b) Enjoy the same exemptions from taxation in respect of the salaries and emoluments paid to them by the specialized agencies and on the same conditions as are enjoyed by officials of the United Nations;*
- (c) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;*
- (d) Be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions;*
- (e) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions;*
- (f) Have the right to import free of duty their furniture and effects at the time of first taking up their post in the country of question.*

Section 20

The officials of the specialized agencies shall be exempt from national service obligations, provided that, in relation to the states of which they are nationals, such exemption shall be confined to officials of the specialized agencies whose names have, by reason of their duties, been placed upon a list compiled by the executive head of the specialized agency and approved by the state concerned.

Should other officials of specialized agencies be called up for national service, the state concerned shall, at the request of the specialized agency concerned, grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption of the continuation of essential work.

B. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (1979)

2. BAHRAIN, 1 June 2016, 5 August 2016, 5 August 2017

Modification of reservations

“Having examined the Decree Law Number 5 for the year 2002, issued by His Majesty the King of the Kingdom of Bahrain, on 18 Dhul Hijjah 1422 H, corresponding to 2 March 2002, regarding the accession to the Convention on the Elimination of All Forms of Discrimination against Women, and Article Two of this Decree which stipulates that the Kingdom of Bahrain makes reservations with respect to the following provisions of the Convention:

- Article 2 to ensure that its implementation within the bound of the provisions of the Islamic Shariah.
- Article 9 paragraph 2.
- Article 15 paragraph 4.
- Article 16 in so far as it is incompatible with the Islamic Shariah.
- Article 29 paragraph 1.

And on the basis of the Decree Law Number 70 for the year 2014, issued by His Majesty the King of the Kingdom of Bahrain, on 4 Safar 1436 H, corresponding to 26 November 2014, amending some provisions of the Decree Law Number 5 for the year 2002, regarding the accession to the Convention on the Elimination of All Forms of Discrimination Against Women, which was approved by both the Council of Representatives on 27 Jumaadal Akhara, 1437 H. corresponding to 5 April 2016, and the Shura Council on 17 Rajab 1437 H, corresponding to 24 April 2016.

The Government of the Kingdom of Bahrain hereby declares:

- The Kingdom of Bahrain continues to make reservations with respect to para. 2 of Article 9 and para. 1 of Article 29 of the Convention on the Elimination of All Forms of Discrimination against Women. These Reservations are combined in Article One of the Decree Law Number 70 for the year 2014 which stipulates that "Article Two of the Decree Law Number 5 for the year 2002 regarding the accession to the Convention on the Elimination of All Forms of Discrimination against Women, be replaced with the following text:

Article Two:

The Kingdom of Bahrain makes reservation with respect to paragraphs 2 of Article 9, and 1 of Article 29 of the Convention on the Elimination of All Forms of Discrimination against Women",

- The Kingdom of Bahrain continues to make reservations with respect to Article 2 and Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women in a new formulation. The new formula of the reservation states that the implementation of these articles will be "without breaching the provisions of the Islamic Shariah".

- The Kingdom of Bahrain continues to make reservation with respect to para. 4 of Article 15 of the Convention on the Elimination of All Forms of Discrimination against Women in a new formulation which narrows the scope of this reservation. The new formula of the reservation states that the implementation of para. 4 of Article 15 will be "without breaching the provisions of the Islamic Shariah".

- Combining the reservations with respect to Article 2, para. 4 of Article 15, and Article 16 in Article Two of the Decree Law Number 70 for the year 2014, under a new and one formula of Reservation. The new formula states that the implementation of these Articles will be "without breaching the provisions of the Islamic Shariah", whereas Article Two of the Decree Law Number 70 for the 2014, stipulates that "a new Article is added to the Decree Law Number 5 for the year 2002 regarding the accession of the Convention on the Elimination of All Forms of Discrimination against Women under number two bis, the text of which is as follows:

Article Two *bis*:

The Kingdom of Bahrain is committed to implement the provisions of Articles 2, 15 paragraph 4 and 16 of the Convention on the Elimination of All Forms of Discrimination against Women without breaching the provisions of the Islamic Shariah".

"The Government of Bahrain indicated that the modifications do not imply an expansion of the scope of the original reservations and that they constitute editorial amendments that do not place any limitations on Bahrain's commitments made upon accession to the Convention."

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

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

- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;*
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;*
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;*
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;*
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;*
- (g) To repeal all national penal provisions which constitute discrimination against women.*

Article 9

- 1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of her husband.*
- 2. States Parties shall grant women equal rights with men with respect to the nationality of their children.*

Article 15

- 1. States Parties shall accord to women equality with men before the law.*
- 2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.*
- 3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.*
- 4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.*

Article 16

- 1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:*
 - (a) The same right to enter into marriage;*
 - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;*
 - (c) The same rights and responsibilities during marriage and at its dissolution;*
 - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;*
 - (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;*
 - (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;*
 - (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;*
 - (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.*
- 2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.*

Article 29

- 1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by 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 Party 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 that paragraph with respect to any State Party which has made such a reservation.*
- 3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.*

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

3. DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA, 17 June 2016, 17 June 2016, 17 June 2017

Reservations

"1. In accordance with paragraph 3 of Article 35 of the Convention, the Government of the Democratic People's Republic of Korea declares that it does not consider itself bound by paragraph 2 of Article 35."

"2. With regard to Article 10 of the Convention, the Government of the Democratic People's Republic of Korea declares that it does not consider itself bound, in part of Article 10, since the liability of legal person is not established in DPRK Criminal Law."

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 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.

D. UNITED NATIONS CONVENTION AGAINST CORRUPTION (2003)

4. HOLY SEE, 19 September 2016, 19 September 2016, 19 September 2017

Reservations and declarations

"By acceding to the United Nations Convention against Corruption, 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 such crime.

In conformity with its own nature, its Universal 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."

Reservations

“With regard to article 63.7, the Holy See, acting also in the name and on behalf of Vatican City State, specifically reserves the right to consent in each particular case, and on an ad hoc basis, to be subject to any mechanism or body to review the implementation of the Convention which has been established, or which may be established in the future, by the Conference of State Parties.”

“Pursuant to article 66.3 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 66.2 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.”

Declarations

“With regard to articles 43 to 48 of the Convention, the Holy See, acting also in the name and on behalf of Vatican City State, declares that, in light of its legal doctrine and the sources of its law (Vatican City State Law LXXI, 1 October 2008), nothing in the Convention shall be interpreted as imposing an obligation to extradite or to provide mutual legal assistance if there are substantial grounds for believing that the request is made for the purpose of prosecuting or punishing a person on account of that person’s race, religion, nationality, ethnic origin or political opinion; that compliance with the request would cause prejudice to that person’s position for any of these reasons; or that the person would be subject to the death penalty or to torture.

In light of its own nature and its legal order (article 207 of the Vatican Criminal Code, amended by article 21 of Law N. IX on Amendments to the Criminal Code and the Code of Criminal Procedure, of 11 July 2013, and Motu Proprio on the Jurisdiction of Judicial Authorities of Vatican City State in Criminal Matters, of 11 July 2013), the Holy See declares that the following persons are deemed “public officials” for the purposes of Vatican criminal law:

- a) any person holding a legislative, administrative or judicial office in the Vatican City State, whether appointed or elected, permanent or temporary, paid or unpaid, irrespective of that person’s seniority;
- b) any person who performs a public function in the Vatican City State, even for a public agency or public enterprise, or who provides a public service;
- c) members, officials and personnel of the various organs of the Roman Curia and of the Institutions connected to it;
- d) papal legates and diplomatic personnel of the Holy See;
- e) those persons who serve as representatives, managers or directors, as well as persons who even de facto manage or exercise control over the entities directly dependent on the Holy See and listed in the registry of canonical juridical persons kept by the Governorate of Vatican City State;
- f) any other person holding an administrative or judicial mandate in the Holy See, permanent or temporary, paid or unpaid, irrespective of that person’s seniority.”

Article 63 - Conference of the States Parties to the Convention

1. A Conference of the States Parties to the Convention is hereby established to improve the capacity of and cooperation between States Parties to achieve the objectives set forth in this Convention and to promote and review its implementation.

2. The Secretary-General of the United Nations shall convene the Conference of the States Parties not later than one year following the entry into force of this Convention. Thereafter, regular meetings of the Conference of the States Parties shall be held in accordance with the rules of procedure adopted by the Conference.

3. The Conference of the States Parties shall adopt rules of procedure and rules governing the functioning of the activities set forth in this article, including rules concerning the admission and participation of observers, and the payment of expenses incurred in carrying out those activities.

4. The Conference of the States Parties shall agree upon activities, procedures and methods of work to achieve the objectives set forth in paragraph 1 of this article, including:

- (a) Facilitating activities by States Parties under articles 60 and 62 and chapters II to V of this Convention, including by encouraging the mobilization of voluntary contributions;

(b) Facilitating the exchange of information among States Parties on patterns and trends in corruption and on successful practices for preventing and combating it and for the return of proceeds of crime, through, inter alia, the publication of relevant information as mentioned in this article;

(c) Cooperating with relevant international and regional organizations and mechanisms and non-governmental organizations;

(d) Making appropriate use of relevant information produced by other international and regional mechanisms for combating and preventing corruption in order to avoid unnecessary duplication of work;

(e) Reviewing periodically the implementation of this Convention by its States Parties;

(f) Making recommendations to improve this Convention and its implementation;

(g) Taking note of the technical assistance requirements of States Parties with regard to the implementation of this Convention and recommending any action it may deem necessary in that respect.

5. For the purpose of paragraph 4 of this article, the Conference of the States Parties shall acquire the necessary knowledge of the measures taken by States Parties in implementing this Convention and the difficulties encountered by them in doing so through information provided by them and through such supplemental review mechanisms as may be established by the Conference of the States Parties.

6. Each State Party shall provide the Conference of the States Parties with information on its programmes, plans and practices, as well as on legislative and administrative measures to implement this Convention, as required by the Conference of the States Parties. The Conference of the States Parties shall examine the most effective way of receiving and acting upon information, including, inter alia, information received from States Parties and from competent international organizations. Inputs received from relevant non-governmental organizations duly accredited in accordance with procedures to be decided upon by the Conference of the States Parties may also be considered.

7. Pursuant to paragraphs 4 to 6 of this article, the Conference of the States Parties shall establish, if it deems it necessary, any appropriate mechanism or body to assist in the effective implementation of the Convention.

Article 66 – 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.

E. CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (2006)

5. **BRUNEI DARUSSALAM**, 11 April 2016, 18 April 2016, 18 April 2017

Reservation

“The Government of Brunei Darussalam expresses its reservation regarding those provisions of the said Convention that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, the official religion of Brunei Darussalam.”

F. NAGOYA PROTOCOL ON ACCESS TO GENETIC RESOURCES AND THE FAIR AND EQUITABLE SHARING OF BENEFITS ARISING FROM THEIR UTILIZATION TO THE CONVENTION ON BIOLOGICAL DIVERSITY (2010)

6. **FRANCE**, 31 August 2016, 6 September 2016, 6 September 2017

Declaration

“1. The French Republic reiterates the declaration that it made upon the ratification of the Convention on Biological Diversity concerning article 16 on the transfer of technology, with regard to the implementation of articles I and 23 of the Protocol.”

“2. The French Republic recalls the terms of decision UNEP/CBD/COP/DEC/ XII/12 of 25 June 2014 in connection with the use of the term 'indigenous peoples and local communities' instead of the term 'indigenous and local communities' found in various provisions of the Protocol:

- The use of the term 'indigenous peoples and local communities' in future decisions and all secondary documents under the Protocol shall have no effect on the legal meaning of the articles of the Protocol that use the term 'indigenous and local communities';
- The use of the term 'indigenous peoples and local communities' cannot be interpreted as implying for any Party the amendment of rights or obligations under the Protocol;
- The use of the term 'indigenous peoples and local communities' in future decisions and all secondary documents shall not serve as a context for the interpretation of the Protocol, or a subsequent agreement nor subsequent practice, among the Parties to the Protocol, within the meaning of article 31 of the Vienna Convention on the law of treaties of 23 May 1969, which codifies customary international law in this area.”

“With reference to the declaration that it made during the adoption of the United Nations Declaration on the Rights of Indigenous Peoples of 13 September 2007, France would recall that, in accordance with the constitutional principles of the indivisibility of the Republic and the unity of the French people, the French people is composed of all French citizens without distinction based on origin, race or religion. Under those principles and the principle of the equality of citizens before the law, only the French people as a whole can be granted rights.”

APPENDIX II
RESERVATIONS AND DECLARATIONS TO TREATIES CONCLUDED WITHIN THE COUNCIL OF EUROPE

G. THIRD PROTOCOL TO THE GENERAL AGREEMENT ON PRIVILEGES AND IMMUNITIES OF THE COUNCIL OF EUROPE (1959) – ETS No. 28

7. REPUBLIC OF MOLDOVA, 2 September 2016, 9 September 2016, 9 September 2017

Reservation and declaration

“With reference to Article 7, paragraph 4, subparagraph a, of the Protocol, the Republic of Moldova reserves the right not to guarantee the exemption from taxes on income derived from interests on bonds issued or loans contracted by the Council of Europe Development Bank.”

“The Ministry of Justice of the Republic of Moldova has been designated as the competent authority for the purpose of Article 3 of the Protocol.”

Article 7

The Resettlement Fund and its assets, income and other property shall be exempt from all direct taxes.

The Resettlement Fund shall be exempt from all taxes in the territory of members of the Fund in respect of transactions and operations relating to loans contracted by the Fund with a view to applying their proceeds, in accordance with its purpose, to the needs of refugees and surplus population or relating to loans granted or guaranteed by the Fund in accordance with its statutory provisions.

The Fund shall not be granted exemption from any rates, taxes or dues which are merely charges for public utility services.

Member governments shall, whenever possible, make appropriate arrangements for:

a. exemption from taxes on income derived from interest on bonds issued or loans contracted by the Fund;
b. the remission or return of excise duties and taxes which form part of the price to be paid for movable or immovable property or of the payment for services rendered, when the Fund, for official purposes, is making substantial purchases or procuring services the total cost of which includes such excise duties and taxes.

No tax of any kind shall be levied on any security or bond issued or guaranteed by the Fund (or any dividend or interest thereon) by whomsoever held:

a. which discriminates against such security or bond solely because it is issued or guaranteed by the Fund; or
b. if the sole legal basis for such tax is the place or currency in which the security or bond is issued, guaranteed, made payable or paid, or the location of the headquarters or of any office or place of business maintained by the Fund.

H. ADDITIONAL PROTOCOL TO THE EUROPEAN CONVENTION ON EXTRADITION (1975) – ETS No. 86

8. TURKEY, 11 July 2016, 13 July 2016, 13 July 2017

Declaration

“Turkey declares that its signing/ratification of the Additional Protocol to the European Convention on Extradition neither amounts to any form of recognition of the Greek Cypriot Administration’s pretention to represent the defunct “Republic of Cyprus” as party to the Additional Protocol to the European Convention on Extradition, nor should it imply any obligations on the part of Turkey to enter into any dealing with the so-called Republic of Cyprus within the framework of the said Additional Protocol to the European Convention on Extradition.

“The Republic of Cyprus” was founded as a Partnership State in 1960 by Greek and Turkish Cypriots in accordance with international treaties. This partnership was destroyed by the Greek Cypriot side when it unlawfully seized the state by forcibly ejecting all Turkish Cypriot members in all the state organs in 1963. Eventually, Turkish Cypriots who were excluded from the Partnership State in 1963 have organized themselves under their territorial boundaries and exercise governmental authority, jurisdiction and sovereignty. There is no single authority which in law or in

fact is competent to represent jointly the Turkish Cypriots and the Greek Cypriots and consequently Cyprus as a whole. Thus, the Greek Cypriots cannot claim authority, jurisdiction or sovereignty over the Turkish Cypriots who have equal status or over the entire Island of Cyprus.”

I. CONVENTION FOR THE PROTECTION OF INDIVIDUALS WITH REGARD TO AUTOMATIC PROCESSING OF PERSONAL DATA (1981) – ETS No. 108

9. TURKEY, 2 May 2016, 6 May 2016, 6 May 2017

Declarations

“In accordance with Article 3, paragraph 2, sub-paragraph c, of the Convention, the Republic of Turkey declares that the Convention will also apply to personal data files which are not processed automatically.”

“Turkey declares that its ratification of the Convention For The Protection of Individuals With Regard to Automatic Processing Of Personal Data neither amounts to any form of recognition of the Greek Cypriot Administration's pretention to represent the defunct “Republic of Cyprus” as party to that Convention, nor should it imply any obligation on the part of Turkey to enter into any dealing with the so-called Republic of Cyprus within the framework of the said Convention.”

“In accordance with Article 13, paragraph 2, sub-paragraph a, of the Convention, the Republic of Turkey declares that the competent authority is the Personal Data Protection Council.”

“In accordance with Article 3, paragraph 2.a, of the Convention, the Republic of Turkey declares that it does not apply the Convention to the following personal data:

- a) The automatic processing of personal data realised by natural persons exclusively for their personal use or household purposes,
- b) Public registers specifically regulated by Law in Turkey,
- c) Data which are available to the general public information in accordance with Law,
- d) Personal data which are processed by public institutions for the purposes of national security, defence and to the investigation and prevention of criminal offences.”

Article 3 – Scope

1. *The Parties undertake to apply this Convention to automated personal data files and automatic processing of personal data in the public and private sectors.*

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;

b. that it will also apply this Convention to information relating to groups of persons, associations, foundations, companies, corporations and any other bodies consisting directly or indirectly of individuals, whether or not such bodies possess legal personality;

c. that it will also apply this Convention to personal data files which are not processed automatically.

3. *Any State which has extended the scope of this Convention by any of the declarations provided for in sub-paragraph 2.b or c above may give notice in the said declaration that such extensions shall apply only to certain categories of personal data files, a list of which will be deposited.*

4. *Any Party which has excluded certain categories of automated personal data files by a declaration provided for in sub-paragraph 2.a above may not claim the application of this Convention to such categories by a Party which has not excluded them.*

5. *Likewise, a Party which has not made one or other of the extensions provided for in sub-paragraphs 2.b and c above may not claim the application of this Convention on these points with respect to a Party which has made such extensions.*

6. *The declarations provided for in paragraph 2 above shall take effect from the moment of the entry into force of the Convention with regard to the State which has made them if they have been made at the time of signature or deposit of its instrument of ratification, acceptance, approval or accession, or three months after their receipt by the Secretary*

General of the Council of Europe if they have been made at any later time. These declarations may be withdrawn, in whole or in part, by a notification addressed to the Secretary General of the Council of Europe. Such withdrawals shall take effect three months after the date of receipt of such notification.

Article 13 – Co-operation between Parties

1. The Parties agree to render each other mutual assistance in order to implement this Convention.

2. For that purpose:

a. each Party shall designate one or more authorities, the name and address of each of which it shall communicate to the Secretary General of the Council of Europe;

b. each Party which has designated more than one authority shall specify in its communication referred to in the previous sub-paragraph the competence of each authority.

3. An authority designated by a Party shall at the request of an authority designated by another Party:

a. furnish information on its law and administrative practice in the field of data protection;

b. take, in conformity with its domestic law and for the sole purpose of protection of privacy, all appropriate measures for furnishing factual information relating to specific automatic processing carried out in its territory, with the exception however of the personal data being processed.

J. ADDITIONAL PROTOCOL TO THE CONVENTION FOR THE PROTECTION OF INDIVIDUALS WITH REGARD TO AUTOMATIC PROCESSING OF PERSONAL DATA, REGARDING SUPERVISORY AUTHORITIES AND TRANSBORDER DATA FLOWS (2001) – ETS No. 181

10. TURKEY, 11 July 2016, 13 July 2016, 13 July 2017

Declaration

“Turkey declares that its signing/ratification of the Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and transborder data flows (ETS No. 181) neither amounts to any form of recognition of the Greek Cypriot Administration’s pretention to represent the defunct “Republic of Cyprus” as party to the Protocol, nor should it imply any obligations on the part of Turkey to enter into any dealing with the so-called Republic of Cyprus within the framework of the said Protocol.

“The Republic of Cyprus” was founded as a Partnership State in 1960 by Greek and Turkish Cypriots in accordance with international treaties. This partnership was destroyed by the Greek Cypriot side when it unlawfully seized the state by forcibly ejecting all Turkish Cypriot members in all the state organs in 1963. Eventually, Turkish Cypriots who were excluded from the Partnership State in 1963 have organized themselves under their territorial boundaries and exercise governmental authority, jurisdiction and sovereignty. There is no single authority which in law or in fact is competent to represent jointly the Turkish Cypriots and the Greek Cypriots and consequently Cyprus as a whole. Thus, the Greek Cypriots cannot claim authority, jurisdiction or sovereignty over the Turkish Cypriots who have equal status or over the entire Island of Cyprus.”

K. SECOND ADDITIONAL PROTOCOL TO THE EUROPEAN CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS (2001) – ETS No. 182

11. TURKEY, 11 July 2016, 13 July 2016, 13 July 2017

Reservations

“In connection with Article 16, the Republic of Turkey does not accept directly address by post of judicial decisions and other documents by foreign authorities to the persons who are in the territory of Turkey via mail.”

“In accordance with Article 33, paragraph 2, of the Second Additional Protocol, the Republic of Turkey declares that it does not accept Article 17 of the Second Additional Protocol.”

Declarations

“In accordance with Article 4, paragraph 8.b and c of the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, the Republic of Turkey declares that it reserves the right to ensure that:

- requests, except urgent ones, are forwarded to the Central Authority designated in the declaration;
- in case of direct transmission to the judicial authorities for reasons of urgency, a copy of the request is transmitted simultaneously to the Central Authority.”

“In accordance with Article 11, paragraph 4, of the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, the Republic of Turkey declares that it reserves the right not to be bound by the conditions imposed by Article 11, paragraph 2, of the Protocol unless it receives prior notice of the nature of the information to be provided by the other State and that the information is to be forwarded to another person.”

“In accordance with Article 27 of the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, the Republic of Turkey declares that for the purposes of Article 1, paragraph 3, administrative authorities are those that are authorized to impose administrative sanctions which may be subject to proceedings before a judicial authority having jurisdiction in criminal matters.”

“In line with Article 6 of the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, the Republic of Turkey declares that courts and chief public prosecutor's offices in Turkey shall be designated as judicial authorities.”

“Turkey declares that its signing/ratification of the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters neither amounts to any form of recognition of the Greek Cypriot Administration's pretention to represent the defunct “Republic of Cyprus” as party to the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, nor should it imply any obligations on the part of Turkey to enter into any dealing with the so-called Republic of Cyprus within the framework of the said Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters.

“The Republic of Cyprus” was founded as a Partnership State in 1960 by Greek and Turkish Cypriots in accordance with international treaties. This partnership was destroyed by the Greek Cypriot side when it unlawfully seized the state by forcibly ejecting all Turkish Cypriot members in all the state organs in 1963. Eventually, Turkish Cypriots who were excluded from the Partnership State in 1963 have organized themselves under their territorial boundaries and exercise governmental authority, jurisdiction and sovereignty. There is no single authority which in law or in fact is competent to represent jointly the Turkish Cypriots and the Greek Cypriots and consequently Cyprus as a whole. Thus, the Greek Cypriots cannot claim authority, jurisdiction or sovereignty over the Turkish Cypriots who have equal status or over the entire Island of Cyprus.”

Article 1 – Scope

Article 1 of the Convention shall be replaced by the following provisions:

- 1. The Parties undertake promptly to afford each other, in accordance with the provisions of this Convention, the widest measure of mutual assistance in proceedings in respect of offences the punishment of which, at the time of the request for assistance, falls within the jurisdiction of the judicial authorities of the requesting Party.*
- 2. This Convention does not apply to arrests, the enforcement of verdicts or offences under military law which are not offences under ordinary criminal law.*
- 3. Mutual assistance may also be afforded in proceedings brought by the administrative authorities in respect of acts which are punishable under the national law of the requesting or the requested Party by virtue of being infringements of the rules of law, where the decision may give rise to proceedings before a court having jurisdiction in particular in criminal matters.*
- 4. Mutual assistance shall not be refused solely on the grounds that it relates to acts for which a legal person may be held liable in the requesting Party.”*

Article 4 – Channels of communication

Article 15 of the Convention shall be replaced by the following provisions:

- "1. Requests for mutual assistance, as well as spontaneous information, shall be addressed in writing by the Ministry of Justice of the requesting Party to the Ministry of Justice of the requested Party and shall be returned through the same channels. However, they may be forwarded directly by the judicial authorities of the requesting Party to the judicial authorities of the requested Party and returned through the same channels.
2. Applications as referred to in Article 11 of this Convention and Article 13 of the Second Additional Protocol to this Convention shall in all cases be addressed by the Ministry of Justice of the requesting Party to the Ministry of Justice of the requested Party and shall be returned through the same channels.
3. Requests for mutual assistance concerning proceedings as mentioned in paragraph 3 of Article 1 of this Convention may also be forwarded directly by the administrative or judicial authorities of the requesting Party to the administrative or judicial authorities of the requested Party, as the case may be, and returned through the same channels.
4. Requests for mutual assistance made under Articles 18 and 19 of the Second Additional Protocol to this Convention may also be forwarded directly by the competent authorities of the requesting Party to the competent authorities of the requested Party.
5. Requests provided for in paragraph 1 of Article 13 of this Convention may be addressed directly by the judicial authorities concerned to the appropriate authorities of the requested Party, and the replies may be returned directly by those authorities. Requests provided for in paragraph 2 of Article 13 of this Convention shall be addressed by the Ministry of Justice of the requesting Party to the Ministry of Justice of the requested Party.
6. Requests for copies of convictions and measures as referred to in Article 4 of the Additional Protocol to the Convention may be made directly to the competent authorities. Any Contracting State may, at any time, by a declaration addressed to the Secretary General of the Council of Europe, define what authorities it will, for the purpose of this paragraph, deem competent authorities.
7. In urgent cases, where direct transmission is permitted under this Convention, it may take place through the International Criminal Police Organisation (Interpol).
8. Any Party may, at any time, by a declaration addressed to the Secretary General of the Council of Europe, reserve the right to make the execution of requests, or specified requests, for mutual assistance dependent on one or more of the following conditions:
- that a copy of the request be forwarded to the central authority designated in that declaration;
 - that requests, except urgent requests, be forwarded to the central authority designated in that declaration;
 - that, in case of direct transmission for reasons of urgency, a copy shall be transmitted at the same time to its Ministry of Justice;
 - that some or all requests for assistance shall be sent to it through channels other than those provided for in this article.
9. Requests for mutual assistance and any other communications under this Convention or its Protocols may be forwarded through any electronic or other means of telecommunication provided that the requesting Party is prepared, upon request, to produce at any time a written record of it and the original. However, any Contracting State, may by a declaration addressed at any time to the Secretary General of the Council of Europe, establish the conditions under which it shall be willing to accept and execute requests received by electronic or other means of telecommunication.
10. The provisions of this article are without prejudice to those of bilateral agreements or arrangements in force between Parties which provide for the direct transmission of requests for assistance between their respective authorities."

Article 6 – Judicial authorities

Article 24 of the Convention shall be replaced by the following provisions:

"Any State shall at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by means of a declaration addressed to the Secretary General of the Council of Europe, define what authorities it will, for the purpose of the Convention, deem judicial authorities. It subsequently may, at any time and in the same manner, change the terms of its declaration."

Article 11 – Spontaneous information

1. Without prejudice to their own investigations or proceedings, the competent authorities of a Party may, without prior request, forward to the competent authorities of another Party information obtained within the framework of their own investigations, when they consider that the disclosure of such information might assist the receiving Party in initiating or carrying out investigations or proceedings, or might lead to a request by that Party under the Convention or its Protocols.
2. The providing Party may, pursuant to its national law, impose conditions on the use of such information by the receiving Party.
3. The receiving Party shall be bound by those conditions.
4. However, any Contracting State may, at any time, by means of a declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right not to be bound by the conditions imposed by the providing Party under paragraph 2 above, unless it receives prior notice of the nature of the information to be provided and agrees to its transmission.

Article 16 – Service by post

1. The competent judicial authorities of any Party may directly address, by post, procedural documents and judicial decisions, to persons who are in the territory of any other Party.
2. Procedural documents and judicial decisions shall be accompanied by a report stating that the addressee may obtain information from the authority identified in the report, regarding his or her rights and obligations concerning the service of the papers. The provisions of paragraph 3 of Article 15 above shall apply to that report.
3. The provisions of Articles 8, 9 and 12 of the Convention shall apply *mutatis mutandis* to service by post.
4. The provisions of paragraphs 1, 2 and 3 of Article 15 above shall also apply to service by post.

Article 17 – Cross-border observations

1. Police officers of one of the Parties who, within the framework of a criminal investigation, are keeping under observation in their country a person who is presumed to have taken part in a criminal offence to which extradition may apply, or a person who it is strongly believed will lead to the identification or location of the above-mentioned person, shall be authorised to continue their observation in the territory of another Party where the latter has authorised cross-border observation in response to a request for assistance which has previously been submitted. Conditions may be attached to the authorisation.

On request, the observation will be entrusted to officers of the Party in whose territory it is carried out.

The request for assistance referred to in the first sub-paragraph must be sent to an authority designated by each Party and having jurisdiction to grant or to forward the requested authorisation.

2. Where, for particularly urgent reasons, prior authorisation of the other Party cannot be requested, the officers conducting the observation within the framework of a criminal investigation shall be authorised to continue beyond the border the observation of a person presumed to have committed offences listed in paragraph 6, provided that the following conditions are met:

a. the authorities of the Party designated under paragraph 4, in whose territory the observation is to be continued, must be notified immediately, during the observation, that the border has been crossed;

b. a request for assistance submitted in accordance with paragraph 1 and outlining the grounds for crossing the border without prior authorisation shall be submitted without delay.

Observation shall cease as soon as the Party in whose territory it is taking place so requests, following the notification referred to in a. or the request referred to in b. or where authorisation has not been obtained within five hours of the border being crossed.

3. The observation referred to in paragraphs 1 and 2 shall be carried out only under the following general conditions:

a. The officers conducting the observation must comply with the provisions of this article and with the law of the Party in whose territory they are operating; they must obey the instructions of the local responsible authorities.

b. Except in the situations provided for in paragraph 2, the officers shall, during the observation, carry a document certifying that authorisation has been granted.

c. The officers conducting the observation must be able at all times to provide proof that they are acting in an official capacity.

d. The officers conducting the observation may carry their service weapons during the observation, save where specifically otherwise decided by the requested Party; their use shall be prohibited save in cases of legitimate self-defence.

e. Entry into private homes and places not accessible to the public shall be prohibited.

f. The officers conducting the observation may neither stop and question, nor arrest, the person under observation.

g. All operations shall be the subject of a report to the authorities of the Party in whose territory they took place; the officers conducting the observation may be required to appear in person.

h. The authorities of the Party from which the observing officers have come shall, when requested by the authorities of the Party in whose territory the observation took place, assist the enquiry subsequent to the operation in which they took part, including legal proceedings.

4. Parties shall at the time of signature or when depositing their instrument of ratification, acceptance, approval or accession, by means of a declaration addressed to the Secretary General of the Council of Europe, indicate both the officers and authorities that they designate for the purposes of paragraphs 1 and 2 of this article. They subsequently may, at any time and in the same manner, change the terms of their declaration.

5. The Parties may, at bilateral level, extend the scope of this article and adopt additional measures in implementation thereof.

6. The observation referred to in paragraph 2 may take place only for one of the following criminal offences:

–assassination;

–murder;

–rape;

–arson;

–counterfeiting;

–armed robbery and receiving of stolen goods;

–extortion;

–kidnapping and hostage taking;

–traffic in human beings;

–illicit traffic in narcotic drugs and psychotropic substances;

–breach of the laws on arms and explosives;

–use of explosives;

–illicit carriage of toxic and dangerous waste;

–smuggling of aliens;

–sexual abuse of children.

Article 27 – Administrative authorities

Parties may at any time, by means of a declaration addressed to the Secretary General of the Council of Europe, define what authorities they will deem administrative authorities for the purposes of Article 1, paragraph 3, of the Convention.

Article 33 – Reservations

1. Reservations made by a Party to any provision of the Convention or its Protocol shall be applicable also to this Protocol, unless that Party otherwise declares at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession. The same shall apply to any declaration made in respect or by virtue of any provision

of the Convention or its Protocol.

2. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, declare that it avails itself of the right not to accept wholly or in part any one or more of Articles 16, 17, 18, 19 and 20. No other reservation may be made.

3. Any State may wholly or partially withdraw a reservation it has made in accordance with the foregoing paragraphs, by means of a declaration addressed to the Secretary General of the Council of Europe, which shall become effective as from the date of its receipt.

4. Any Party which has made a reservation in respect of any of the articles of this Protocol mentioned in paragraph 2 above, may not claim the application of that article by another Party. It may, however, if its reservation is partial or conditional, claim the application of that provision in so far as it has itself accepted it.

L. COUNCIL OF EUROPE CONVENTION ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS (2005) – CETS No. 197

12. TURKEY, 2 May 2016, 6 May 2016, 6 May 2017

Declaration

“Turkey declares that its ratification of the “Council of Europe Convention on Action against Trafficking in Human Beings” neither amounts to any form of recognition of the Greek Cypriot Administration's pretention to represent the defunct “Republic of Cyprus” as party to that Convention, nor should it imply any obligation on the part of Turkey to enter into any dealing with the so-called Republic of Cyprus within the framework of the said Convention.”

M. THIRD ADDITIONAL PROTOCOL TO THE EUROPEAN CONVENTION ON EXTRADITION (2010) – CETS No. 209

13. TURKEY, 11 July 2016, 13 July 2016, 13 July 2017

Reservations and declarations

“The Republic of Turkey declares that all the documents defined in Article 12 of the Convention need to be submitted, in cases where the simplified extradition procedure is applied, in accordance with paragraph 1, Article 2 of the Third Additional Protocol.”

“In accordance with Article 4, paragraph 5, of the Third Additional Protocol to the Convention on Extradition, the Republic of Turkey declares that consent to extradition under the simplified procedure and renunciation of entitlement to the rule of specialty may be revoked.”

“In accordance with Article 5 of the Third Additional Protocol to the Convention on Extradition, the Republic of Turkey declares that the rules laid down in Article 14 of the Convention do not apply where the person extradited by Republic of Turkey, consents to extradition and expressly renounces his or her entitlement to the rule of specialty.”

“Turkey declares that its signing/ratification of the Third Additional Protocol to the European Convention on Extradition neither amounts to any form of recognition of the Greek Cypriot Administration's pretention to represent the defunct “Republic of Cyprus” as party to the Third Additional Protocol to the European Convention on Extradition, nor should it imply any obligations on the part of Turkey to enter into any dealing with the so-called Republic of Cyprus within the framework of the said Third Additional Protocol to the European Convention on Extradition.

“The Republic of Cyprus” was founded as a Partnership State in 1960 by Greek and Turkish Cypriots in accordance with international treaties. This partnership was destroyed by the Greek Cypriot side when it unlawfully seized the state by forcibly ejecting all Turkish Cypriot members in all the state organs in 1963. Eventually, Turkish Cypriots who were excluded from the Partnership State in 1963 have organized themselves under their territorial boundaries and exercise

governmental authority, jurisdiction and sovereignty. There is no single authority which in law or in fact is competent to represent jointly the Turkish Cypriots and the Greek Cypriots and consequently Cyprus as a whole. Thus, the Greek Cypriots cannot claim authority, jurisdiction or sovereignty over the Turkish Cypriots who have equal status or over the entire Island of Cyprus.”

Article 2 – Initiation of the procedure

1. When the person sought is the subject of a request for provisional arrest in accordance with Article 16 of the Convention, the extradition referred to in Article 1 of this Protocol shall not be subject to the submission of a request for extradition and supporting documents in accordance with Article 12 of the Convention. The following information provided by the requesting Party shall be regarded as adequate by the requested Party for the purpose of applying Articles 3 to 5 of this Protocol and for taking its final decision on extradition under the simplified procedure:

- a. the identity of the person sought, including his or her nationality or nationalities when available;
- b. the authority requesting the arrest;
- c. the existence of an arrest warrant or other document having the same legal effect or of an enforceable judgment, as well as a confirmation that the person is sought in accordance with Article 1 of the Convention;
- d. the nature and legal description of the offence, including the maximum penalty or the penalty imposed in the final judgment, including whether any part of the judgment has already been enforced;
- e. information concerning lapse of time and its interruption;
- f. a description of the circumstances in which the offence was committed, including the time, place and degree of involvement of the person sought;
- g. in so far as possible, the consequences of the offence;
- h. in cases where extradition is requested for the enforcement of a final judgment, whether the judgment was rendered in absentia.

2. Notwithstanding paragraph 1, supplementary information may be requested if the information provided for in the said paragraph is insufficient to allow the requested Party to decide on extradition.

3. In cases where the requested Party has received a request for extradition in accordance with Article 12 of the Convention, this Protocol shall apply *mutatis mutandis*.

Article 4 – Consent to extradition

1. The consent of the person sought and, if appropriate, his or her express renunciation of entitlement to the rule of speciality shall be given before the competent judicial authority of the requested Party in accordance with the law of that Party.

2. Each Party shall adopt the measures necessary to ensure that consent and, where appropriate, renunciation, as referred to in paragraph 1, are established in such a way as to show that the person concerned has expressed them voluntarily and in full awareness of the legal consequences. To that end, the person sought shall have the right to legal counsel. If necessary, the requested Party shall ensure that the person sought has the assistance of an interpreter.

3. Consent and, where appropriate, renunciation, as referred to in paragraph 1, shall be recorded in accordance with the law of the requested Party.

4. Subject to paragraph 5, consent and, where appropriate, renunciation, as referred to in paragraph 1, shall not be revoked.

5. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, or at any later time, declare that consent and, where appropriate, renunciation of entitlement to the rule of speciality, may be revoked. The consent may be revoked until the requested Party takes its final decision on extradition under the simplified procedure. In this case, the period between the notification of consent and that of its revocation shall not be taken into consideration in establishing the periods provided for in Article 16, paragraph 4, of the Convention. Renunciation of entitlement to the rule of speciality may be revoked until the surrender of the person concerned. Any revocation of the consent to extradition or the renunciation of entitlement to the rule of speciality shall be recorded in accordance with the law of the requested Party and notified to the requesting Party immediately.

Article 5 – Renunciation of entitlement to the rule of speciality

Each State may declare, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, or at any later time, that the rules laid down in Article 14 of the Convention do not apply where the person extradited by this State, in accordance with Article 4 of this Protocol:

- a. consents to extradition; or
- b. consents to extradition and expressly renounces his or her entitlement to the rule of speciality.

N. COUNCIL OF EUROPE CONVENTION ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE (2011) – CETS No. 210

14. **LATVIA**, 18 May 2016, 20 May 2016, 20 May 2017

Reservation

“In accordance with Article 78, paragraph 2, of the Convention, the Republic of Latvia declares that it reserves the right not to apply Article 55, paragraph 1, in respect of Article 35 regarding minor offences.”

Declaration

“The Republic of Latvia declares that it will apply the Convention in conformity with the principles and provisions of the Constitution of the Republic of Latvia.”

Article 35 – Physical violence

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of committing acts of physical violence against another person is criminalised.

Article 55 – Ex parte and ex officio proceedings

1. *Parties shall ensure that investigations into or prosecution of offences established in accordance with Articles 35, 36, 37, 38 and 39 of this Convention shall not be wholly dependent upon a report or complaint filed by a victim if the offence was committed in whole or in part on its territory, and that the proceedings may continue even if the victim withdraws her or his statement or complaint.*

2. *Parties shall take the necessary legislative or other measures to ensure, in accordance with the conditions provided for by their internal law, the possibility for governmental and non-governmental organisations and domestic violence counsellors to assist and/or support victims, at their request, during investigations and judicial proceedings concerning the offences established in accordance with this Convention.*

Article 78 – Reservations

1. *No reservation may be made in respect of any provision of this Convention, with the exceptions provided for in paragraphs 2 and 3.*

2. *Any State or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right not to apply or to apply only in specific cases or conditions the provisions laid down in:*

–Article 30, paragraph 2;

–Article 44, paragraphs 1.e, 3 and 4;

–Article 55, paragraph 1 in respect of Article 35 regarding minor offences;

–Article 58 in respect of Articles 37, 38 and 39;

–Article 59.

3. *Any State or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right to provide for non-criminal sanctions, instead of criminal sanctions, for the behaviours referred to in Articles 33 and 34.*

4. *Any Party may wholly or partly withdraw a reservation by means of a declaration addressed to the Secretary General of the Council of Europe. This declaration shall become effective as from its date of receipt by the Secretary General.*

O. FOURTH ADDITIONAL PROTOCOL TO THE EUROPEAN CONVENTION ON EXTRADITION (2012) – CETS No. 212

15. **TURKEY**, 11 July 2016, 13 July 2016, 13 July 2017

Reservations and declarations

“With regard to Article 1 of the Fourth Additional Protocol, when Turkey is the requested Party for extradition, it shall not accept the requests barred by the statute of limitation in accordance with Turkish law.”

“Turkey declares that its signing/ratification of the Fourth Additional Protocol to the European Convention on Extradition neither amounts to any form of recognition of the Greek Cypriot Administration’s pretention to represent the defunct “Republic of Cyprus” as party to the Fourth Additional Protocol to the European Convention on Extradition, nor should it imply any obligations on the part of Turkey to enter into any dealing with the so-called Republic of Cyprus within the framework of the said Fourth Additional Protocol to the European Convention on Extradition.

“The Republic of Cyprus” was founded as a Partnership State in 1960 by Greek and Turkish Cypriots in accordance with international treaties. This partnership was destroyed by the Greek Cypriot side when it unlawfully seized the state by forcibly ejecting all Turkish Cypriot members in all the state organs in 1963. Eventually, Turkish Cypriots who were excluded from the Partnership State in 1963 have organized themselves under their territorial boundaries and exercise governmental authority, jurisdiction and sovereignty. There is no single authority which in law or in fact is competent to represent jointly the Turkish Cypriots and the Greek Cypriots and consequently Cyprus as a whole. Thus, the Greek Cypriots cannot claim authority, jurisdiction or sovereignty over the Turkish Cypriots who have equal status or over the entire Island of Cyprus.”

Article 1 – Lapse of time

Article 10 of the Convention shall be replaced by the following provisions:

“Lapse of time

- 1. Extradition shall not be granted when the prosecution or punishment of the person claimed has become statute-barred according to the law of the requesting Party.*
- 2. Extradition shall not be refused on the ground that the prosecution or punishment of the person claimed would be statute-barred according to the law of the requested Party.*
- 3. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, declare that it reserves the right not to apply paragraph 2:*
 - a. when the request for extradition is based on offences for which that State has jurisdiction under its own criminal law; and/or*
 - b. if its domestic legislation explicitly prohibits extradition when the prosecution or punishment of the person claimed would be statute-barred according to its law.*
- 4. When determining whether prosecution or punishment of the person sought would be statute-barred according to its law, any Party having made a reservation pursuant to paragraph 3 of this article shall take into consideration, in accordance with its law, any acts or events that have occurred in the requesting Party, in so far as acts or events of the same nature have the effect of interrupting or suspending time-limitation in the requested Party.”*

**APPENDIX III
PARTIAL WITHDRAWALS OF RESERVATIONS**

P. INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (1966)

16. KUWAIT, 20 May 2016, 7 June 2016, 7 June 2017

Partial withdrawal of reservation*

“On 20 May 2016, the Government of the State of Kuwait notified the Secretary-General of its decision to partially withdraw the reservation to article 25 (b) made upon its accession to the Covenant. The remaining reservation to article 25 (b) reads as follows:

[The Government of the State of Kuwait] declares that the provisions of [article 25 (b)] shall not apply to members of the armed forces or the police.”

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.

* **Note of the Secretariat:** the original text of the reservation made upon accession by Kuwait in 1996 reads as follows:
“The Government of Kuwait wishes to formulate a reservation with regard to article 25 (b). The provisions of this paragraph conflict with the Kuwait electoral law, which restricts the right to stand and vote in elections to males. It further declares that the provisions of the article shall not apply to members of the armed forces or the police.”