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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

55th meeting
Strasbourg (France), 22-23 March 2018

Public International Law and Treaty Office Division
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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 53rd (Strasbourg, France, 23-34 March 2017) and 54th (Strasbourg, France, 21-22 September 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. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)
- B. Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organized Crime (2000)

RESERVATIONS AND DECLARATIONS TO TREATIES CONCLUDED OUTSIDE THE COUNCIL OF EUROPE

- C. Framework Convention for the Protection of National Minorities (1955) – ETS No. 157
- D. Convention on Cybercrime (2001) – ETS No. 185
- E. Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events (2016) – CETS No. 218

Conventions		Conventions concluded outside the Council of Europe			Conventions concluded within the Council of Europe				
		A	B	C	D	E	F	G	
Reservation		1	2	3	4	5	6	7	8
CAHDI members, participants and observers ↓	State Deadline	Bahrain 05/08/2017	Venezuela 28/10/17	Afghanistan 03/02/18	Spain 18/11/17	Greece 27/01/18	Poland 29/04/16	Azerbaijan 02/12/17	Poland 02/12/17
Albania									
Andorra									
Armenia								●	
Austria				●			●		
Azerbaijan									
Belgium				●					
Bosnia and Herzegovina									
Bulgaria				●					
Croatia				●					
Cyprus									
Czech Republic				●					
Denmark									
Estonia				●					
Finland				●			●		
France									
Georgia									
Germany				●					
Greece				●					
Hungary				●					
Iceland									
Ireland									
Italy				●					
Latvia				●*					
Liechtenstein									
Lithuania				●					
Luxembourg									
Malta									
Republic of Moldova									
Monaco									
Montenegro									

* However, this was notified on the 13 February 2018 as a Communication due to the deadline for objection having passed.

Conventions		Conventions concluded outside the Council of Europe			Conventions concluded within the Council of Europe				
		A	B	C	D	E	F	G	
Reservation		1	2	3	4	5		6	7
CAHDI members, participants and observers ↓	State Deadline	Bahrain 05/08/2017	Venezuela 28/10/17	Afghanistan 03/02/18	Spain 18/11/17	Greece 27/01/18	Poland / Pologne 29/04/16	Azerbaijan 02/12/17	Poland 02/12/17
Netherlands		●		●			●		
Norway				●			●		
Poland				●					
Portugal				●					
Romania				●					
Russian Federation									
San Marino									
Serbia									
Slovak Republic				●					
Slovenia				●					
Spain				●					
Sweden				●			●		
Switzerland							●		
“the former Yugoslav Republic of Macedonia”									
Turkey									
Ukraine									
United Kingdom		●							
Australia									
Canada		●							
Holy See									
Israel									
Japan									
Mexico			●	●					
New Zealand									
United States of America									

APPENDICES

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

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

1. **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 paragraphs 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.

B. INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES (1990)

2. VENEZUELA, 25 October 2016, 28 October 2016, 28 October 2017

Declaration

“With regard to the provisions of article 26, paragraph 1, of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the Bolivarian Republic of Venezuela considers that the right to join freely any trade union, contained in subparagraph (b), applies exclusively to migrant workers.”

“Considering the provisions of article 92, paragraph 2, of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the Bolivarian Republic of Venezuela declares that it does not consider itself bound by paragraph 1 of said article. Consequently, it does not consider itself bound to resort to arbitration as a means of dispute settlement, and does not recognize the binding jurisdiction of the International Court of Justice.”

Article 26

1. States Parties recognize the right of migrant workers and members of their families:

a) To take part in meetings and activities of trade unions and of any other associations established in accordance with law, with a view to protecting their economic, social, cultural and other interests, subject only to the rules of the organization concerned;

b) To join freely any trade union and any such association as aforesaid, subject only to the rules of the organization concerned;

c) To seek the aid and assistance of any trade union and of any such association as aforesaid.

2. No restrictions may be placed on the exercise of these rights other than those that are prescribed by law and which are necessary in a democratic society in the interests of national security, public order (ordre public) or the protection of the rights and freedoms of others.

Article 92

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention that 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 the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of the present article. The other States Parties shall not be bound by that paragraph with respect to any State Party that has made such a declaration.

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

C. PROTOCOL AGAINST THE SMUGGLING OF MIGRANTS BY LAND SEA AND AIR, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME (2000)

3. AFGHANISTAN, 2 February 2017, 3 February 2017, 3 February 2018

Reservation

“... the Government of the Islamic Republic of Afghanistan registers its reservation in relation to Article 18 of the said Protocol.”

Article 18 - Return of smuggled migrants

1. *Each State Party agrees to facilitate and accept, without undue or unreasonable delay, the return of a person who has been the object of conduct set forth in article 6 of this Protocol and who is its national or who has the right of permanent residence in its territory at the time of return.*
2. *Each State Party shall consider the possibility of facilitating and accepting the return of a person who has been the object of conduct set forth in article 6 of this Protocol and who had the right of permanent residence in its territory at the time of entry into the receiving State in accordance with its domestic law.*
3. *At the request of the receiving State Party, a requested State Party shall, without undue or unreasonable delay, verify whether a person who has been the object of conduct set forth in article 6 of this Protocol is its national or has the right of permanent residence in its territory.*
4. *In order to facilitate the return of a person who has been the object of conduct set forth in article 6 of this Protocol and is without proper documentation, the State Party of which that person is a national or in which he or she has the right of permanent residence shall agree to issue, at the request of the receiving State Party, such travel documents or other authorization as may be necessary to enable the person to travel to and reenter its territory.*
5. *Each State Party involved with the return of a person who has been the object of conduct set forth in article 6 of this Protocol shall take all appropriate measures to carry out the return in an orderly manner and with due regard for the safety and dignity of the person.*
6. *States Parties may cooperate with relevant international organizations in the implementation of this article.*
7. *This article shall be without prejudice to any right afforded to persons who have been the object of conduct set forth in article 6 of this Protocol by any domestic law of the receiving State Party.*
8. *This article shall not affect the obligations entered into under any other applicable treaty, bilateral or multilateral, or any other applicable operational agreement or arrangement that governs, in whole or in part, the return of persons who have been the object of conduct set forth in article 6 of this Protocol.*

APPENDIX II

RESERVATIONS AND DECLARATIONS TO TREATIES CONCLUDED WITHIN THE COUNCIL OF EUROPE

D. FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES (1995) – ETS No. 157

4. SPAIN, 14 November 2016, 18 November 2016, 18 November 2017

Communication*

“The Government of Spain has the honour to communicate that, following the previous information provided by Spain as contained in the letter of 26 June 2003 addressed to the President of the Advisory Committee of the Framework Convention for the Protection of National Minorities, copy of which was transmitted by the Permanent Representative of Spain to the Secretary General of the Council of Europe on the same date, Spain reiterates that, in line with its constitutional provisions, it has consistently interpreted the Framework Convention in the sense that no national minority exists in its territory. The Framework Convention applies to the Spanish citizens of the “comunidad gitana” (roma, gipsies) although these citizens do not constitute a national minority.”

** Note of the Secretariat: Spain ratified ETS No. 157 on 1 September 1995 without depositing, on that occasion, any reservation or declaration.*

E. CONVENTION ON CYBERCRIME (2001) – ETS No. 185

5. GREECE, 25 January 2017, 27 January 2017, 27 January 2018

Reservations and declarations

“In accordance with Article 42 and Article 14, paragraph 3, of the Convention, the Hellenic Republic reserves the right to apply the measures referred to in Article 20 (Real-time collection of traffic data) only to offences to which the measures referred to in Article 21 (interception of content data) apply.”

“In accordance with Article 42 and Article 29, paragraph 4, of the Convention, the Hellenic Republic reserves the right to refuse a request for preservation under Article 29 in cases where the condition of dual criminality is not fulfilled.”

“The Hellenic Republic designates as the authority responsible under Article 24 and 27 of the Convention for making or receiving requests for extradition or provisional arrest in the absence of a treaty and for sending and answering requests for mutual assistance and for the execution of such requests or their transmission to the competent authorities, the following authority:
[address]”

Article 2 – Illegal access

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the access to the whole or any part of a computer system without right. A Party may require that the offence be committed by infringing security measures, with the intent of obtaining computer data or other dishonest intent, or in relation to a computer system that is connected to another computer system.

Article 3 – Illegal interception

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the interception without right, made by technical means, of non-public transmissions of computer data to, from or within a computer system, including electromagnetic emissions from a computer system carrying such computer data. A Party may require that the offence be committed with dishonest intent, or in relation to a computer system that is connected to another computer system.

Article 4 – Data interference

1. Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the damaging, deletion, deterioration, alteration or suppression of computer data without right.
2. A Party may reserve the right to require that the conduct described in paragraph 1 result in serious harm.

Article 6 – Misuse of devices

1. Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right:
 - a. the production, sale, procurement for use, import, distribution or otherwise making available of:
 - i. a device, including a computer program, designed or adapted primarily for the purpose of committing any of the offences established in accordance with Articles 2 through 5;
 - ii. a computer password, access code, or similar data by which the whole or any part of a computer system is capable of being accessed with intent that it be used for the purpose of committing any of the offences established in Articles 2 through 5; and
 - b. the possession of an item referred to in paragraphs a.i or ii above, with intent that it be used for the purpose of committing any of the offences established in Articles 2 through 5. A Party may require by law that a number of such items be possessed before criminal liability attaches.
2. This article shall not be interpreted as imposing criminal liability where the production, sale, procurement for use, import, distribution or otherwise making available or possession referred to in paragraph 1 of this article is not for the purpose of committing an offence established in accordance with Articles 2 through 5 of this Convention, such as for the authorised testing or protection of a computer system.
3. Each Party may reserve the right not to apply paragraph 1 of this article, provided that the reservation does not concern the sale, distribution or otherwise making available of the items referred to in paragraph 1 a.ii of this article.

Article 7 – Computer-related forgery

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the input, alteration, deletion, or suppression of computer data, resulting in inauthentic data with the intent that it be considered or acted upon for legal purposes as if it were authentic, regardless whether or not the data is directly readable and intelligible. A Party may require an intent to defraud, or similar dishonest intent, before criminal liability attaches.

Article 9 – Offences related to child pornography

1. Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the following conduct:
 - a. producing child pornography for the purpose of its distribution through a computer system;
 - b. offering or making available child pornography through a computer system;
 - c. distributing or transmitting child pornography through a computer system;
 - d. procuring child pornography through a computer system for oneself or for another person;
 - e. possessing child pornography in a computer system or on a computer-data storage medium.
2. For the purpose of paragraph 1 above, the term "child pornography" shall include pornographic material that visually depicts:
 - a. a minor engaged in sexually explicit conduct;
 - b. a person appearing to be a minor engaged in sexually explicit conduct;
 - c. realistic images representing a minor engaged in sexually explicit conduct.
3. For the purpose of paragraph 2 above, the term "minor" shall include all persons under 18 years of age. A Party may, however, require a lower age-limit, which shall be not less than 16 years.
4. Each Party may reserve the right not to apply, in whole or in part, paragraphs 1, sub-paragraphs d and e, and 2, sub-paragraphs b and c.

Article 14 – Scope of procedural provisions

1. Each Party shall adopt such legislative and other measures as may be necessary to establish the powers and procedures provided for in this section for the purpose of specific criminal investigations or proceedings.
2. Except as specifically provided otherwise in Article 21, each Party shall apply the powers and procedures referred to in paragraph 1 of this article to:
 - a. the criminal offences established in accordance with Articles 2 through 11 of this Convention;
 - b. other criminal offences committed by means of a computer system; and
 - c. the collection of evidence in electronic form of a criminal offence.
3.
 - a. Each Party may reserve the right to apply the measures referred to in Article 20 only to offences or categories of offences specified in the reservation, provided that the range of such offences or categories of offences is not more restricted than the range of offences to which it applies the measures referred to in Article 21. Each Party shall consider restricting such a reservation to enable the broadest application of the measure referred to in Article 20.
 - b. Where a Party, due to limitations in its legislation in force at the time of the adoption of the present Convention, is not able to apply the measures referred to in Articles 20 and 21 to communications being transmitted within a computer system of a service provider, which system:
 - i. is being operated for the benefit of a closed group of users, and

ii. does not employ public communications networks and is not connected with another computer system, whether public or private, that Party may reserve the right not to apply these measures to such communications. Each Party shall consider restricting such a reservation to enable the broadest application of the measures referred to in Articles 20 and 21.

Article 22 – Jurisdiction

1. Each Party shall adopt such legislative and other measures as may be necessary to establish jurisdiction over any offence established in accordance with Articles 2 through 11 of this Convention, when the offence is committed:

- a. in its territory; or
- b. on board a ship flying the flag of that Party; or
- c. on board an aircraft registered under the laws of that Party; or
- d. by one of its nationals, if the offence is punishable under criminal law where it was committed or if the offence is committed outside the territorial jurisdiction of any State.

2. Each Party may reserve the right not to apply or to apply only in specific cases or conditions the jurisdiction rules laid down in paragraphs 1.b through 1.d of this article or any part thereof.

3. Each Party shall adopt such measures as may be necessary to establish jurisdiction over the offences referred to in Article 24, paragraph 1, of this Convention, in cases where an alleged offender is present in its territory and it does not extradite him or her to another Party, solely on the basis of his or her nationality, after a request for extradition.

4. This Convention does not exclude any criminal jurisdiction exercised by a Party in accordance with its domestic law.

5. When more than one Party claims jurisdiction over an alleged offence established in accordance with this Convention, the Parties involved shall, where appropriate, consult with a view to determining the most appropriate jurisdiction for prosecution.

Article 29 – Expedited preservation of stored computer data

1. A Party may request another Party to order or otherwise obtain the expeditious preservation of data stored by means of a computer system, located within the territory of that other Party and in respect of which the requesting Party intends to submit a request for mutual assistance for the search or similar access, seizure or similar securing, or disclosure of the data.

2. A request for preservation made under paragraph 1 shall specify:

- a. the authority seeking the preservation;
- b. the offence that is the subject of a criminal investigation or proceedings and a brief summary of the related facts;
- c. the stored computer data to be preserved and its relationship to the offence;
- d. any available information identifying the custodian of the stored computer data or the location of the computer system;
- e. the necessity of the preservation; and
- f. that the Party intends to submit a request for mutual assistance for the search or similar access, seizure or similar securing, or disclosure of the stored computer data.

3. Upon receiving the request from another Party, the requested Party shall take all appropriate measures to preserve expeditiously the specified data in accordance with its domestic law. For the purposes of responding to a request, dual criminality shall not be required as a condition to providing such preservation.

4. A Party that requires dual criminality as a condition for responding to a request for mutual assistance for the search or similar access, seizure or similar securing, or disclosure of stored data may, in respect of offences other than those established in accordance with Articles 2 through 11 of this Convention, reserve the right to refuse the request for preservation under this article in cases where it has reasons to believe that at the time of disclosure the condition of dual criminality cannot be fulfilled.

5. In addition, a request for preservation may only be refused if:

- a. the request concerns an offence which the requested Party considers a political offence or an offence connected with a political offence, or
- b. the requested Party considers that execution of the request is likely to prejudice its sovereignty, security, ordre public or other essential interests.

6. Where the requested Party believes that preservation will not ensure the future availability of the data or will threaten the confidentiality of or otherwise prejudice the requesting Party's investigation, it shall promptly so inform the requesting Party, which shall then determine whether the request should nevertheless be executed.

7. Any preservation effected in response to the request referred to in paragraph 1 shall be for a period not less than sixty days, in order to enable the requesting Party to submit a request for the search or similar access, seizure or similar securing, or disclosure of the data. Following the receipt of such a request, the data shall continue to be preserved pending a decision on that request.

Article 42 – Reservations

By a written notification addressed to the Secretary General of the Council of Europe, 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 reservation(s) provided for in Article 4, paragraph 2, Article 6, paragraph 3, Article 9, paragraph 4, Article 10, paragraph 3, Article 11, paragraph 3, Article 14, paragraph 3, Article 22, paragraph 2, Article 29, paragraph 4, and Article 41, paragraph 1. No other reservation may be made.

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

6. POLAND, 27 April 2015, 30 April 2015, 29 April 2016

Declarations*

“The Republic of Poland declares that it will apply the Convention in accordance with the principles and the provisions of the Constitution of the Republic of Poland.

The Republic of Poland recognises the need to interpret Article 18, paragraph 5, of the Convention, in accordance with international agreements to which it is a Party and directly applicable normative acts of international organisations, to which the Republic of Poland submitted the competence of the state authority in some cases. Accordingly, the Republic of Poland shall provide consular protection only to Polish citizens and these national of the Member States of the European Union, which do not have access to diplomatic or consular post in the territory of a third country, on such terms as Polish citizens. Furthermore, in accordance with the universally accepted principles of international law, the Republic of Poland does not grant consular protection to nationals of the host state. The consul of the Republic of Poland can take actions of consular protection only by the measures provided for by international law on consular relations.”

Article 18 – General obligations

[...]

5. Parties shall take the appropriate measures to provide consular and other protection and support to their nationals and other victims entitled to such protection in accordance with their obligations under international law.

G. COUNCIL OF EUROPE CONVENTION ON AN INTEGRATED SAFETY; SECURITY AND SERVICE APPROACH AT FOOTBALL MATCHES AND OTHER SPORTS EVENTS (2016) – CETS No. 218

7. AZERBAIJAN, 29 November 2016, 2 December 2016, 2 December 2017

Declaration

“1. The Republic of Azerbaijan declares that the provisions of the Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events shall not be applied by the Republic of Azerbaijan in respect to the Republic of Armenia.”

“2. The Republic of Azerbaijan declares that it is unable to guarantee the implementation of the provisions of the Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events in its territories occupied by the Republic of Armenia (the Nagorno-Karabakh region of the Republic of Azerbaijan and its seven districts surrounding that region), until the liberation of these territories from the occupation and the complete elimination of the consequences of that occupation (the schematic map of the occupied territories of the Republic of Azerbaijan is enclosed herewith).”

“3. The Republic of Azerbaijan reserves the right to amend or revoke at any time the provisions of paragraph 1 and paragraph 2 of the present Declaration, and other Parties shall be notified in writing of any such amendments or revocation.”

* Taking into account that there have been new signatories to the Convention objecting to this declaration, the declaration of Poland has been reintroduced in this document.

8. POLAND, 29 November 2016, 2 December 2016, 2 December 2017

Reservation upon signature

“The Republic of Poland declares that it shall not apply Article 5, paragraph 2, of the Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events.”

Article 5 – Safety, security and service in sports stadiums

1. The Parties shall ensure that national legal, regulatory or administrative frameworks require event organisers, in consultation with all partner agencies, to provide a safe and secure environment for all participants and spectators.
2. The Parties shall ensure that the competent public authorities put in place regulations or arrangements to guarantee the effectiveness of stadium licensing procedures, certification arrangements and safety regulations in general and ensure their application, monitoring and enforcement.
3. The Parties shall require the relevant agencies to ensure that stadium design, infrastructure and associated crowd management arrangements comply with national and international standards and good practices.
4. The Parties shall encourage the relevant agencies to ensure that stadiums provide an inclusive and welcoming environment for all sections of society, including children, the elderly and those with disabilities, and incorporate, in particular, the provision of appropriate sanitary and refreshment facilities and good viewing conditions for all spectators.
5. The Parties shall ensure that stadiums' operating arrangements are comprehensive; make provision for effective liaison with the police, emergency services and partner agencies; and incorporate clear policies and procedures on matters that might impact on crowd management and associated safety and security risks, in particular:
 - the use of pyrotechnics;
 - any violent or other prohibited behaviour; and
 - any racist or other discriminatory behaviour.
6. The Parties shall require the relevant agencies to ensure that all personnel, from the public or private sectors, involved in making football matches and other sports events safe, secure and welcoming are equipped and trained to fulfil their functions effectively and in an appropriate manner.
7. The Parties shall encourage their competent agencies to highlight the need for players, coaches or other representatives of participating teams to act in accordance with key sporting principles, such as tolerance, respect and fair play, and recognise that acting in a violent, racist or other provocative manner can have a negative impact on spectator behaviour.