

ANEXO 1

3. International Covenant on Economic, Social and Cultural Rights

Opened for signature at New York on 19 December '1966¹

ENTRY INTO FORCE: 3 January 1976, in accordance with article 27.^{1a}

REGISTRATION: 3 January 1976, No. 14531.

TEXT: Annex to General Assembly resolution 2200 (XXI) of 16 December 1966.

<i>State</i>	<i>Signature</i>		<i>Ratification, accession (a)</i>	
Algeria	10	December	1968	
Argentina	19	February	1968	
Australia	18	December	1972	10 December 1975
Austria	10	December	1973	10 September 1978
Barbados				5 January 1973 ^a
Belgium	10	December	1968	
Bulgaria	8	October	1968	21 September 1970
Byelorussian SSR	19	March	1968	12 November 1973
Canada				19 May 1976 ^a
Chile	16	September	1969	10 February 1972
China ²				

¹ The Covenant was adopted by the General Assembly of the United Nations in resolution 2200 (XXI) of 16 December 1966. For the text of the resolution and the Covenant, see *Official Records of the General Assembly, Twenty-first Session, Supplement No. 16 (A/6316)*, p. 49.

^{1a} The thirty-fifth instrument of ratification or accession was deposited with the Secretary-General on 3 October 1975. The Contracting States did not object to having those instruments accompanied with reservations taken into account under article 27 (1) for the purpose of determining the date of general entry into force of the Covenant.

² Signed on behalf of the Republic of China on 5 October 1967. See Note concerning signatures, ratifications, accessions, etc. on behalf of China, Preface, p. iii.

With reference to the above-mentioned signature, communications have been addressed to the Secretary-General by the Permanent Representatives or Permanent Missions to the United Nations of Bulgaria, Byelorussian SSR, Czechoslovakia,

<i>State</i>	<i>Signature</i>			<i>Ratification, accession (a)</i>	
Colombia	21	December	1966	29 October	1969
Costa Rica	19	December	1966	29 November	1968
Cyprus	9	January	1967	2 April	1969
Czechoslovakia	7	October	1968	23 December	1975
Denmark	20	March	1968	6 January	1972
Dominican Republic			-	4 January	1978 ^a
Ecuador	29	September	1967	6 March	1969
Egypt	4	August	1967		
El Salvador	21	September	1967	30 November	1979
Finland	11	October	1967	19 August	1975
Gambia				29 December	1978 ^a
German Democratic Republic	27	March	1973	8 November	1973
Germany, Federal Republic of ^{2a}	9	October	1968	17 December	1973
Guinea	28	February	1967	24 January	1978
Guyana	22	August	1968	15 February	1977
Honduras	19	December	1966		
Hungary	25	March	1969	17 January	1974
Iceland	30	December	1968	22 August	1979

Mongolia, Romania, the Ukrainian SSR, the Union of Soviet Socialist Republics and Yugoslavia, stating that their Governments did not recognize the said signature as valid since the only Government authorized to represent China and to assume obligations on its behalf was the Government of the People's Republic of China.

In letters addressed to the Secretary-General in regard to the above-mentioned communications, the Permanent Representative of China to the United Nations stated that the Republic of China, a sovereign State and Member of the United Nations, had attended the twenty-first regular session of the General Assembly of the United Nations and contributed to the formulation of, and signed the Covenants and the Optional Protocol concerned, and that "any statements or reservations relating to the above-mentioned Covenants and Optional Protocol that are incompatible with or derogatory to the legitimate position of the Government of the Republic of China shall in no way affect the rights and obligations of the Republic of China under these Covenants and Optional Protocol".

^{2a} With the following declaration: "...The said Covenant shall also apply to Berlin (West) with effect from the date on which it enters into force for the Federal Republic of Germany except as far as Allied rights and responsibilities are affected."

In this connexion, the Secretary-General received on 5 July 1974 a communication from the Government of the Union of Soviet Socialist Republics which states in part as follows:

By reason of their material content, the International Consultation Civil and Political Rights and the International Covenant on Economic Social and Cultural Rights of 19 December 1966 directly affect matters of security and status. With this in mind, the Soviet Union considers the statement made by the Federal Republic of Germany concerning the extension of the operation of these Covenants to Berlin (West) to be illegal and to have no force in law, since, under the Quadripartite Agreement of 3 September 1971, the treaty obligations of the Federal Republic of Germany affecting matters of security and status may not be extended to the Western Sectors of Berlin.

State	Signature		Ratification, accession (a)	
India			10 Abril	1979a
Iran	4	April 1968	24 June	1975
Iraq	18	February 1969	25 January	1971
Ireland	1	October 1973		
Israel	19	December 1966		
Italy	18	January 1967	15 September	1978
Jamaica	19	December 1966	3 October	1975
Japan	30	May 1978	21 June	1979
Jordan	30	June 1972	28 May	1975
Kenya			1 May	1972a
Lebanon			3 November	1972a
Liberia	18	April 1967		
Libyan Arab Jamahiriya			15 May	1970a
Luxembourg	26	November 1974		
Madagascar	14	April 1970	22 September	1971
Mali			16 July	1974a
Malta	22	October 1968		

Communication identical in essence, *mutatis mutandis*, were received from the Governments of the German Democratic Republic (12 August 1974) and of the Ukrainian Soviet Socialist Republic (16 August 1974).

In this regard, the Governments of France, the United Kingdom and the United States of America, in a communication received on 5 November 1974, made the following declaration:

"The Governments of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America wish to bring to the attention of the States Parties to the Covenants that the extension of the Covenants to the Western Sectors of Berlin received the prior authorization, under established procedures, of the authorities of France, the United Kingdom and the United States on the basis of their supreme authority in those Sectors.

"The Governments of France, the United Kingdom and the United States wish to point out that the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, the primary purpose of both of which is the protection of the rights of the individual, are not treaties which 'by reason of their material content, directly affect matters of security and status'.

"As for the references to the Quadripartite Agreement of 3 September 1971 which are contained in the communication made by the Government of the Union of Soviet Socialist Republics referred to in the Legal Counsel's Note, the Governments of France, the United Kingdom and the United States wish to point out that, in a communication to the Government of the Union of Soviet Socialist Republics which is an integral part (Annex IV A) of the Quadripartite Agreement, they reaffirmed that, provided that matters of security and status are not affected, international agreements and arrangements entered into by the Federal Republic of Germany may be extended to the Western Sectors of Berlin. For its part the Government of the Union of Soviet Socialist Republics, in a communication to the Governments of France, the United Kingdom and the United States which is similarly an integral part (Annex IV B) of the Quadripartite Agreement, affirmed that it would raise no objection to such extension.

<i>State</i>	<i>Signature</i>	<i>Ratification, accession (a)</i>
Mauritius		12 December 1973a
Mongolia	5 June 1968	18 November 1974
Morocco	19 January 1977	3 May 1979

"In authorizing the extension of the Covenants to the Western Sectors of Berlin, as mentioned above, the authorities of France, the United Kingdom and the United States took all necessary measures to ensure that the Covenants cannot be applied in the Western Sectors of Berlin in such a way as to affect matters of security and status. Accordingly, the application of the Covenants to the Western Sectors of Berlin continues in full force and effect."

In a communication received on 6 December 1974, the Government of the Federal Republic of Germany stated in part:

"By their note of 4 November 1974, circulated to all States Parties to either of the Covenants by C.N.306.1974.TREATIES-7 of 19 November 1974, the Governments of France, the United Kingdom and the United States answered the assertions made in the communication of the Government of the Union of Soviet Socialist Republics referred to above. The Government of the Federal Republic of Germany shares the position set out in the note of the Three Powers. The extension of the Covenants to Berlin (West) continues in full force and effect."

On the same subject, the Secretary-General received the following communications: *Union of Soviet Socialist Republics (13 February 1975)*:

The Soviet Union deems it essential to reassert its view that the extension by the Federal Republic of Germany of the operation of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of 19 December 1966 to Berlin (West) is illegal, as stated in the note dated 4 July 1974 addressed to the Secretary-General (C.N.145.1974.TREATIES-3) of 5 August 1974.

France, United Kingdom of Great Britain and Northern Ireland and United States of America (8 July 1975—in relation to the declarations by the German Democratic Republic and by the Ukrainian Soviet Socialist Republic received on 12 and 16 August 1974, respectively):

"The communications mentioned in the Notes listed above refer to the Quadripartite Agreement of 3 September 1971. This Agreement was concluded in Berlin between the Governments of the French Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The Governments sending these communications are not parties to the Quadripartite Agreement and are therefore not competent to make authoritative comments on its provisions.

The Governments of France, the United Kingdom and the United States wish to bring the following to the attention of the States Parties to the instruments referred to in the above-mentioned communications. When authorising the extension of these instruments to the Western Sectors of Berlin, the authorities of the Three Powers, acting in the exercise of their supreme authority, ensured in accordance with established procedures that those instruments are applied in the Western Sectors of Berlin in such a way as not to affect matters of security and status.

Accordingly, the application of these instruments to the Western Sectors of Berlin continues in full force and effect.

The Governments of France, the United Kingdom and the United States do not consider it necessary to respond to any further communications of a similar nature by the German Democratic Republic and the Ukrainian Soviet Socialist Republic

<i>State</i>	<i>Signature</i>			<i>Ratification, accession (a)</i>		
Netherlands	25	June	1969	11 December	1978 ^{2b}	
New Zealand	12	November	1968	28 December	1978	
Norway	20	March	1968	13 September	1972	
Panama	27	July	1976	8 March	1977	
Peru	11	August	1977	28 April	1978	
Philippines	19	December	1966	7 June	1974	
Poland	2	March	1967	18 March	1977	
Portugal	7	October	1976	31 July	1978	
Romania	27	June	1968	9 December	1974	
Rwanda				16 April	1975a	
Senegal	6	July	1970	13 February	1978	
Spain	28	September	1976	27 April	1977	
Suriname				28 December	1976a	
Sweden	29	September	1967	6 December	1971	
Syrian Arab Republic				21 April	1969a	
Trinidad and Tobago				8 December	1978a	
Tunisia	30	April	1968	18 March	1969	
Ukrainian SSR	20	March	1968	12 November	1973	
Union of Soviet Socialist Republics	18	March	1968	16 October	1973	
United Kingdom ^{2c}	16	September	1963	20 May	1976	
United Republic of Tanzania				11 June	1976a	
United States of America	5	October	1977			
Uruguay	21	February	1967	1 April	1970	

not be taken to imply any change in the position of those Government in this matter."

Federal Republic of Germany (19 September 1975—in relation to the declarations by the German Democracy Republic and the Ukrairian Soviet Socialist Republic received on 12 and 16 August 1974, respectively):

"By their Note of 8 July 1975, disseminated by Circular Note... C.N.198.1975. TREATIES-6 of 13 August 1975, the Governments of France, the United Kingdom and the United States answered the assertions made in the communications referred to above. The Government of the Federal Republic of Germany, on the basis of the legal situation set out in the Note of the Three Powers, wishes to confirm that the application in Berlin (West) of the above-mentioned instruments extended by it under the established procedures continues in full force and effect.

The Government of the Federal Republic of Germany wishes to point out that the absence of a response to further communications of a similar nature should not be taken to imply any change of its position in this matter."

^{2b} For the Kingdom in Europe and the Netherlands Antilles.

^{2c} The instrument of ratification contains a declaration to the effect that the Covenant is ratified in respect of the United Kingdom of Great Britain and Northern Ireland, the Bailiwick of Guernsey, the Bailiwick of Jersey, the Isle of Man, Belize, Bermuda, the British Virgin Islands, the Cayman Islands, the Falkland Islands and Dependencies, Gibraltar, the Gilbert Islands, Hong Kong, Montserrat, the Pitcairn Group, St. Helena and Dependencies, the Solomon Islands, the Turks and Caicos Islands and Tuvalu.

Venezuela	24 June	1969	10 May	1978
Yugoslavia	8 August	1967	2 June	1971
Zaire			1 November	1976a

Declarations and Reservations

BARBADOS

"The Government of Barbados states that it reserves the right to postpone—

"(a) The application of subparagraph (a) (1) of article 7 of the Covenant in so far as it concerns the provision of *equal pay to men and women for equal work*;

"(b) The application of article 10 (2) in so far as it relates to the *special protection to be accorded mothers during a reasonable period during and after childbirth*; and

"(c) The application of article 13 (2) (a) of the Covenant, in so far as it relates to *primary education*; since, while the Barbados Government fully accepts the principles embodied in the same articles and undertakes to take the necessary steps to apply them in their entirety, the problems of implementation are such that *full application of the principles in question cannot be guaranteed at this stage*."

BULGARIA

"The People's Republic of Bulgaria deems it necessary to underline that the provisions of article 48, paragraphs 1 and 3, of the International Covenant on Civil and Political Rights, and article 26, paragraphs 1 and 3, of the International Covenant on Economic, Social and Cultural Rights, under which a number of States are deprived of the opportunity to become parties to the Covenants, are of a discriminatory nature. These provisions are inconsistent with the very nature of the Covenants, which are universal in character and should be open for accession by *all States*. In accordance with the principle of sovereign equality, no State has the right to have other States from becoming parties to a Covenant of this kind."

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

Declaration made upon signature and confirmed upon ratification:

The Byelorussian Soviet Socialist Republic declares that the provisions of paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and of paragraph 1 of article 48 of the International Covenant on Civil and Political Rights, under

which a number of States cannot become parties to these Covenants, are of a discriminatory nature and considers that the Covenants, in accordance with the principle of sovereign equality of States, should be open for participation by *all States* concerned without any discrimination or limitation.

CZECHOSLOVAKIA

Upon signature:

The Czechoslovak Socialist Republic declares that the provisions of article 26, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights are in contradiction with the principle that *all States* have the right to become parties to multilateral treaties governing matters of general interest.

Upon ratification:

The provision of article 26, paragraph 1, of the Covenant is in contradiction with the principle that all States have the right to become parties to multilateral treaties regulating matters of general interest.

DENMARK^{2d}

"The Government of Denmark cannot, for the time being, undertake to comply entirely with the provisions of Article 7 (d) on *remuneration for public holidays*."

GERMAN DEMOCRATIC REPUBLIC

The German Democratic Republic considers that article 26, paragraph 1, of the Covenant runs counter to the principle that *all States* which are guided in their policies by the purposes and principles of the United Nations Charter have the right to become parties to conventions which affect the interests of all States.

GUINEA

Upon ratification:

In accordance with the principle whereby all States whose policies are guided by the purposes and principles of the Charter of the United Nations are entitled to become parties to covenants affecting the interests of the international community, the Government of the Republic of Guinea considers that the provisions of article 26, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights are contrary to the *principle of the universality of international treaties* and the democratization of international relations.

The Government of the Republic of Guinea likewise considers that

^{2d} In a communication received in 14 January 1976, the Government of Denmark notified the Secretary-General that it withdraws its reservation made prior with regard to article 7 (a) (i) on equal pay for equal work.

article 1, paragraph 3, and the provisions of article 14 of that instrument are contrary to the provisions of the Charter of the United Nations, in general, and United Nations resolutions on the granting of independence to *colonial countries and peoples*, in particular.

The above provisions are contrary to the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States contained in General Assembly resolution 2625 (XXV), pursuant to which every State has the duty to promote realization of the principle of equal rights and self-determination of peoples in order to put an end to colonialism.

HUNGARY

Upon signature:

"The Government of the Hungarian People's Republic declares that paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and paragraph 1 of article 48 of the International Covenant on Civil and Political Rights according to which certain States may not become signatories to the said Covenants are of a discriminatory nature and are contrary to the basic principle of international law that *all States are entitled, to become signatories* to general multilateral treaties. These discriminatory provisions are incompatible with the objectives and purposes of the Covenants."

Upon ratification:

"The Presidential Council of the Hungarian People's Republic declares that the provisions of article 48, paragraphs 1 and 3, of . . . the International Covenant on Civil and Political Rights, and article 26, paragraphs 1 and 3, of the International Covenants on Economic, Social and Cultural Rights are inconsistent with the universal character of the Covenants. It follows from the principle of sovereign equality of States that the Covenants should be open for participation by all States without any discrimination or limitation."

INDIA

Declarations

"I. With reference to article 1 of the International Covenant on Economic, Social and Cultural Rights, . . . the Government of the Republic of India declares that the words '*the right of self-determination*' appearing in [this article] apply only to the peoples under foreign domination and that these words do not apply to sovereign independent States or to a section of a people or nation—which is the essence of national integrity.

"II. . . ."

"III. . . ."

"IV. With reference to articles 4 and 8 of the International Co-

venant on Economic, Social and Cultural Rights . . . the Government of the Republic of India declares that the provisions of the said [article] shall be so applied as to be in conformity with the provisions of article 19 of the Constitution of India.

"V. With reference to article 7 (c) of the International Covenant on Economic, Social and Cultural Rights, the Government of the Republic of India declares that the provisions of the said article shall be so applied as to be in conformity with the provision of article 16 (4) of the Constitution of India."

IRAQ³

Upon signature and confirmed upon ratification:

"The entry of the Republic of Iraq as a party to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights shall in no way signify recognition of *Israel* nor shall it entail any obligations towards Israel under the said two Covenants."

"The entry of the Republic of Iraq as a party to the above two Covenants shall not constitute entry by it as a party to the Optional Protocol to the International Covenant on Civil and Political Rights."

Upon ratification:

"Ratification by Iraq . . . shall in no way signify recognition of Israel nor shall it be conducive to entry with her into such dealings as are regulated by the said [Covenant]."

JAPAN

Upon signature and confirmed upon ratification:

"1. In applying the provisions of paragraph (d) of article 7 of the International Covenant on Economic, Social and Cultural Rights, Japan reserves the right not to be bound by '*remuneration for public holidays*' referred to in the said provisions.

"2. Japan reserves the right not to be bound by the provisions of

³ In two communications received by the Secretary-General on 10 July 1969 and 23 March 1971 respectively, the Government of Israel declared that it "has noted the political character of the declaration made by the Government of Iraq on signing and ratifying the above Covenants. In the view of the Government of Israel, these two Covenants are not the proper place for making such political pronouncements. The Government of Israel will in so far as concerns the substance of the matter, adopt towards the Government of Iraq an attitude of complete reciprocity.

Identical communications, *mutatis mutandis*, were received by the Secretary-General from the Government of Israel on 9 July 1969 in respect in the declaration made on accession by the Government of Syria, and on 29 June 1970 in respect of the declaration made on accession by the Government of Libya. In the latter communication, the Government of Israel moreover stated that the declaration concerned "cannot in any way affect the obligations of the Libyan Arab Republic already existing under general international law".

sub-paragraph (d) of paragraph 1 of article 8 of the International Covenant on Economic, Social and Cultural Rights, except in relation to the sectors in which the right referred to in the said provisions is accorded in accordance with the laws and regulations of Japan at the time of ratification of the Covenant by the Government of Japan.

"3. In applying the provisions of sub-paragraphs (b) and (c) of paragraph 2 of article 13 of the International Covenant on Economic, Social and Cultural Rights, Japan reserves the right not to be bound by 'in particular by the *progressive introduction of free education* referred to in the said provisions'.

"4. Recalling the position taken by the Government of Japan, when ratifying the Convention (No. 87) concerning Freedom of Association and Protection of the Right to Organise, that 'the police' referred to in article 9 of the said Convention be interpreted to include the *fire service* of Japan, the Government of Japan declares that 'members— of the police' referred to in paragraph 2 of article 8 of the International Covenant on Economic, Social and Cultural Rights as well as in paragraph 2 of article 22 of the International Covenant on Civil and Political Rights be interpreted to include fire service personnel of Japan."

KENYA

"While the Kenya Government recognizes and endorses the principles laid down in paragraph 2 of article 10 of the Covenant, the present circumstances obtaining in Kenya do not render necessary or expedient the imposition of those principles by legislation."

LIBYAN ARAB JAMAHIRIYA³

"The acceptance and the accession to this Covenant by the Libyan Arab Republic shall in no way signify an recognition of *Israel* or be conducive to entry by the Libyan Arab Republic into such dealings with *Israel* as are regulated by the Covenant."

MADAGASCAR

The Government of Madagascar states that it reserves the right to postpone the application of article 13, paragraph 2, of the Covenant, more particularly in so far as relates to *primary education* since, while the Malagasy Government full accepts the principles embodied in the said paragraph and undertakes to take the necessary steps to apply them in their entirety at the earliest possible date, the problems of implementation, and particularly the financial implications, are such that full application of the principles in question cannot be guaranteed at this stage.

MALTA

"The Government of Malta recognises and endorses the principles laid down in paragraph 2 of article 10 of the Covenant. However, the present circumstances obtaining in Malta do not render necessary and do not render expedient the imposition of those principles by legislation."

MONGOLIA

Declaration made upon signature and renewed upon ratification:

[Same declaration, mutatis mutandis, as the one reproduced under "Byerorussian Soviet Socialist Republic": see page 107.]

NETHERLANDS

Upon ratification:

Reservation

"Article 8, paragraph 1 (d)

"The Kingdom of the Netherlands does not accept this provision in the case of the *Netherlands Antilles* with regard to the latter's central and local government bodies."

Explanation

"[The Kingdom of the Netherlands] clarify that although is not certain whether the reservation [...] is necessary, [it] has preferred the form of a reservation to that of a declaration. In this way the Kingdom of the Netherlands wishes to ensure that the relevant obligation under the Covenant does not apply to the Kingdom as far as the Netherlands Antilles is concerned.

NEW ZEALAND

Upon ratification:

"The Government of New Zealand reserves the right not to apply article 8 to the extent that existing legislative measures, enacted to ensure effective *trade union representation* and encourage orderly industrial relations, may not be fully compatible with that article.

"The Government of New Zealand reserves the right to postpone, in the economic circumstances foreseeable at the present time, the implementation of article 10 (2) as it relates to paid *maternity leave* or *leave with adequate social security benefits*."

NORWAY

Subject to reservations to article 8, paragraph 1 (d) "to the effect that the current Norwegian practice of referring labour conflicts to the State Wages Board (a permanent tripartite arbitral commission

in matters of wages) by Act of Parliament for the particular conflict, shall not be considered incompatible with the *right to strike*, this right being fully recognised in Norway."

ROMANIA

Upon signature:

The Government of the Socialist Republic of Romania declares that the provisions of article 26, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights are at variance with the principle that *all States* have the right to become parties to multilateral treaties governing matters of general interest.

Upon ratification:

(a) The State Council of the Socialist Republic of Romania considers that the provisions of article 26 (1) of the International Covenant on Economic, Social and Cultural Rights are inconsistent with the principle that multilateral international treaties whose purposes concern the international community as a whole must be open to *universal participation*.

(b) The State Council of the Socialist Republic of Romania considers that the maintenance in a state of dependence of certain *territories* referred to in articles 1 (3) and 14 of the International Covenant on Economic, Social and Cultural Rights is inconsistent with the Charter of the United Nations and the instruments adopted by the Organization on the granting of independence to colonial countries and peoples, including the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted unanimously concerning Friendly Relations and Co-operation among States in accordance with the United Nations General Assembly in its resolution 2625 (XXV) of 1970, which solemnly proclaims the duty of States to promote the realization of the principle of equal rights and *self-determination* of peoples in order to bring a speedy end to colonialism.

RWANDA

The Rwandese Republic [is] bound, however, in respect of *education*, only by the provision of its Constitution.

SWEDEN

Sweden enters a reservation in connexion with article 7 (d) of the Covenant in the matter of the right to *remuneration for public holidays*.

SYRIAN ARAB REPUBLIC⁴

1. The accession of the Syrian Arab Republic to these two Covenants shall in no way signify recognition of *Israel* or entry into relationship with it regarding any matter regulated by the said two Covenants.

2. The Syrian Arab Republic considers that paragraph 1 of article 26 of the Covenant on Economic, Social and Cultural Rights and paragraph 1 of article 48 of the Covenant on Civil and Political Rights are incompatible with the purposes and objectives of the said Covenants, inasmuch as they do not allow *all States*, without distinction, the opportunity to become parties to the said Covenant.

TRINIDAD AND TOBAGO

In respect to article 8 (1) (d) and 8 (2):

"The Government of Trinidad and Tobago reserves the right to impose lawful and or reasonable restrictions on the exercise of the aforementioned rights by personnel engaged in essential services under the Industrial Relations Act or under any Statute replacing same which has been passed in accordance with the provisions of the Trinidad and Tobago Constitution."

UKRAINIAN SOVIET SOCIALIST REPUBLIC

Declaration made upon signature and confirmed upon ratification:

[Same declaration, mutatis mutandis, as the one reproduced under "Byelorussian Soviet Socialist Republic": see page 107.]

UNION OF SOVIET SOCIALIST REPUBLICS

Declaration made upon signature and confirmed upon ratification:

[Same declaration, mutatis mutandis, as the one reproduced under "Byelorussian Soviet Socialist Republic": see page 107.]

UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND

Upon signature:

"First, the Government of the United Kingdom declare they understanding that, by virtue of Article 103 of the Charter of the United Nations, in the event of any conflict between their obligations under Article 1 of the Covenant and their obligations under the Charter

⁴ See footnote 3, p. 108.

(in particular, under Articles 1, 2 and 73 thereof) their obligations under the Charter shall prevail.

"Secondly, the Government of the United Kingdom declare that they must reserve the right to postpone the application of sub-paragraph (a) (i) of Article 7 of the Covenant in so far as it concerns the provision of *equal pay to men and women for equal work*, since, while they fully accept this principle and are pledged to work towards its complete application at the earliest possible time, the problems of implementation are such that complete application cannot be guaranteed at present.

"Thirdly, the Government of the United Kingdom declare that, in relation to Article 8 of the Covenant, they must reserve the right not to apply sub-paragraph (b) of paragraph 1 in *Hong Kong*, in so far as it may involve *the right of trade unions not engaged in the same trade or industry to establish federations or confederations*.

"Lastly, the Government of the United Kingdom declare that the provisions of the Covenant shall not apply to *Southern Rhodesia* unless and until they inform the Secretary-General of the United Nations that they are in a position to ensure that the obligations imposed by the Covenant in respect of that territory can be fully implemented."

Upon ratification:

"Firstly the Government of the United Kingdom maintain their declaration in respect of article 1 made at the time of signature of the Covenant.

"The Government of the United Kingdom declare that for the purposes of article 2(3) the British Virgin Islands, the Cayman Islands, the Gilbert Islands, the Pitcairn Islands Group, St. Helena and Dependencies, the Turks and Caicos Islands and Tuvalu *are developing countries*.

"The Government of the United Kingdom reserve the right to interpret article 6 as not precluding the imposition of *restrictions, based on place of birth or residence qualifications*, on the taking of employment in any particular region or territory for the purpose of safeguarding the employment opportunities of workers in that region or territory.

"The Government of the United Kingdom reserve the right to postpone the application of sub-paragraph (i) of paragraph (a) of Article 7, in so far as it concerns the provision of *equal pay to men and women for equal work* in the private sector in Jersey, Guernsey, the Isle of Man, Bermuda, Hong Kong and the Solomon Islands.

"The Government of the United Kingdom reserve the right not to apply sub-paragraph 1(b) of article 8 in *Hong Kong*.

"The Government of the United Kingdom while recognising the *right of everyone to social security* in accordance with article 9 reserve the right to postpone implementation of the right in the Cayman Islands

and the Falkland Islands because of shortage of resources in these territories.

"The Government of the United Kingdom reserve the right to postpone the application of paragraph 1 of article 10 in regard to a small number of *customary marriages* in the Solomon Islands and the application of paragraph 2 of article 10 in so far as it concerns *paid maternity leave* in Bermuda and the Falkland Islands.

"The Government of the United Kingdom maintain the right to postpone the application of sub-paragraph (a) of paragraph 2 of article 13, and article 14, in so far as they require compulsory *primary education*, in the Gilbert Islands, the Solomon Islands and Tuvalu.

"Lastly the Government of the United Kingdom declare that the provisions of the Covenant shall not apply to *Southern Rhodesia* unless and until they inform the Secretary-General of the United Nations that they are in a position to ensure that the obligations imposed by the Covenant in respect of that territory can be fully implemented 1."

ANEXO 2

4. International Covenant on Civil and Political Rights

Opened for signature at New York on 19 December 1966¹

ENTRY INTO FORCE 23 March 1976, in accordance with article 49, for all provisions except those of article 41.

28 March 1979 for the provisions of article 41, in accordance with paragraph 2 of the said article 41.

REGISTRATION: 23 March 1976, No. 14668.

TEXT: Annex to General Assembly resolution 2200 (XXI) of 16 December 1966 (also see Procès-Verbal of rectification established by the Secretary-General on 25 October 1977, concerning article 42(2) of the Spanish original.)

<i>State</i>	<i>Signature</i>			<i>Ratification, accession (a)</i>	
Algeria	10	December	1968		
Argentina	19	February	1968		
Australia	18	December	1972		
Austria	10	December	1973	10 September	1978
Barbados				5 January	1973a
Belgium	10	December	1968		
Bulgaria	8	October	1968	21 September	1970
Byelorussian SSR	19	March	1968	12 November	1973
Canada ²				19 May	1976a
Chile	16	September	1969	10 February	1972
China ²					
Colombia	21	December	1966	29 October	1969
Costa Rica	19	December	1966	29 November	1968
Cyprus	19	December	1966	2 April	1969
Czechoslovakia	7	October	1968	23 December	1975

¹ The Covenant was adopted by the General Assembly of the United Nations in resolution 2200 (XXI) of 16 December 1966. For the text of the resolution and the Covenant, see *Official Records of the General Assembly, Twenty-first Session, Supplement No. 16 (A/6316)*, p. 49.

² See footnote 2, p. 104.

<i>State</i>	<i>Signature</i>			<i>Ratification, accession (a)</i>	
Denmark	20	March	1968	6 January	1972
Dominican Republic				4 January	1978 ^a
Ecuador	4	April	1968	6 March	1969
Egypt	4	August	1967		
El Salvador	21	September	1967	30 November	1979
Finland	11	October	1967	19 August	1975
Gambia				22 March	1979 ^a
German Democratic Republic	27	March	1973	8 November	1973
Germany, Federal Republic of ³	9	October	1968	17 December	1973
Guinea	28	February	1967	24 January	1978
Guyana	22	August	1968	15 February	1977
Honduras	19	December	1966		
Hungary	25	March	1969	17 January	1974
Iceland	30	December	1968	22 August	1979
India				10 April	1979 ^a
Iran	4	April	1968	24 June	1975
Iraq	18	February	1969	25 January	1971
Ireland	1	October	1973		
Israel	19	December	1966		
Italy	18	January	1967	15 September	1978
Jamaica	19	December	1966	3 October	1975
Japan	30	May	1978	21 June	1979
Jordan	30	June	1972	28 May	1975
Kenya				1 May	1972 ^a
Lebanon				3 November	1972 ^a
Liberia	18	April	1967		
Libyan Arab Jamahiriya				15 May	1970 ^a

Declarations and Reservations

AUSTRIA

Upon ratification:

1. Article 12, paragraph 4, of the Covenant will be applied provided that it will not affect the Act of April 3, 1919, State Law Gazette No. 209, concerning the Expulsion and the Transfer of Property of the House of Hapsburg-Lorraine as amended by the Act of October 30, 1919, State Law Gazette No. 501, the Federal Constitutional Act of July 30, 1925, Federal Law Gazette No. 292, and the Federal Constitutional Act of January 26, 1928, Federal Law Gazette No. 30, read in conjunction with the Federal Constitutional Act of July 4, 1963, Federal Law Gazette No. 172.

³ With the following declaration: "...The said Covenant shall also apply to Berlin (West) with effect from the date on which it enters into force for the Federal Republic of Germany except as far as Allied rights and responsibilities are affected."

2. Article 9 and article 14 of the Covenant will be applied provided that legal regulation governing the proceedings and measures of deprivation of liberty as provided for in the Administrative Procedure Acts and in the Financial Penal Act remain permissible within the framework of the judicial review by the Federal Administrative Court or the Federal Constitutional Court as provided by the Austrian Federal Constitution.

3. Article 10, paragraph 3, of the Covenant will be applied provided that legal regulations allowing for juvenile prisoners to be detained together with adults under 25 years of age who give no reason for concern as to their possible detrimental influence on the juvenile prisoner remain permissible.

4. Article 14 of the Covenant will be applied provided that the principles governing the publicity of trials as set forth in article 90 of the Federal Constitutional Law as amended in 1929 are in no way prejudiced and that.

(a) paragraph 3, sub-paragraph (d) is not in conflict with legal regulations which stipule that an accused person who disturbs the orderly conduct of the trial or whose present would impede the questioning of an other accused person, of a witness or of an expert can be excluded from participation in the trial;

(b) paragraph 5 is not in conflict with legal regulations which stipule that after an acquittal or a lighter sentence passed by a court of the first instance, a higher tribunal may pronounce conviction or a heavier sentence for the same offense, while they excluded the convicted person's right to have such conviction or heavier sentence reviewed by a still higher tribunal;

(c) paragraph 7 is not in conflict with legal regulations which allow proceedings that led up to a person's final conviction or acquittal to be reopened.

5. Articles 19, 21 and 22 in connection with article 2 (1) of the Covenant will be applied provided that they are not in conflict with legal restrictions as provided for in article 16 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

6. Article 26 is understood to mean that does not exclude different treatment of Austrian nationals and aliens, as is also permissible under article 1, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination.

BARBADOS

"The Government of Barbados states that it reserves the right not to apply in full, the guarantee of free legal assistance in accordance with paragraph 3(d) of Article 14 of the Covenant, since, while accepting the principles contained in the same paragraph, the problems of implementation are such that full application cannot be guaranteed at present."

BULGARIA

[For the text of the declaration, see p. 107.]

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

[For the text of the declaration made upon signature and confirmed upon ratification, see p. 107.]

CHILE

7 September 1976

Notification under article 4 of the Covenant

Chile signed the Covenant on Civil and Political Rights and ratified it on 10 February 1972. This Covenant entered into force internationally on [23] March 1976.

As you are aware, my country has been under a state of siege for reasons of internal defence since 11 March 1976; the state of siege was legally proclaimed by Legislative Decree No. 1,369.

The proclamation was made in accordance with the constitutional provisions concerning state of siege, which have been in force since 1925, in view of the inescapable duty of the government authorities to preserve public order and the fact that there continue to exist in Chile extremist seditious groups whose aim is to overthrow the established Government.

As a consequence of the proclamation of the state of siege, the rights referred to in articles 9, 12, 13, 19 and 25 (b) of the Covenant on Civil and Political Rights have been restricted in Chile.

Derogation from these rights is expressly authorized by article 4 (1) of the Covenant.

I am informing the other States Parties of the foregoing, though you, in accordance with the provisions of article 4 (3) of the Covenant on Civil and Political Rights.

CZECHOSLOVAKIA

Upon signature:

The Czechoslovak Socialist Republic declares that the provisions of article 48, paragraph 1, of the International Covenant on Civil and Political Rights are in contradiction with the principle that all States have the right to become parties to multilateral treaties governing matters of general interest.

Upon ratification:

The provision of article 48, paragraph 1, is in contradiction with

the principle that all States have the right to become parties to multilateral treaties regulating matters of general interest.

DENMARK

"1. The Government of Denmark makes a reservation in respect of Article 10, paragraph 3, second sentence. In Danish practice, considerable efforts are made to ensure appropriate age distribution of convicts serving sentences of imprisonment, but it is considered valuable to maintain possibilities of flexible arrangements.

"2. (a). Article 14, paragraph 1, shall not be binding on Denmark in respect of public hearings.

In Danish law, the right to exclude the press and the public from trials may go beyond what is permissible under this Covenant, and the Government of Denmark finds that this right should not be restricted.

"(b). Article 14, paragraphs 5 and 7, shall not be binding on Denmark.

The Danish Administration of Justice Act contains detailed provisions regulating the matters dealt with in these two paragraphs. In some cases, Danish legislation is less restrictive than the Covenant (e.g. a verdict returned by a jury on the question of guilt cannot be reviewed by a higher tribunal, of paragraph 5); in other cases, Danish legislation is more restrictive than the Covenant (e.g. with respect to resumption of a criminal case in which the accused party was acquitted, cf. paragraph 7).

"3. Reservation is further made to Article 20, paragraph 1. This reservation is in accordance with the vote cast by Denmark in the XVI General Assembly of the United Nations in 1961 when the Danish Delegation, referring to the preceding article concerning freedom of expression, *voted against the prohibition against propaganda for war.*"

FINLAND

Upon ratification:

Reservations

"1. With respect to article 9, paragraph 3, of the Covenant Finland declares that according to the present Finnish legislation the administrative authorities may take decisions concerning *arrest or imprisonment*, in which event *the case is taken up for decision in court only after a certain time lapse*;

"2. With respect to article 10, paragraph (2) (b) and 3, of the Covenant, Finland declares that although *juvenile offenders are, as a rule, segregated* from adults, it does not deem appropriate to adopt an absolute prohibition not allowing for more flexible arrangements;

"3. With respect to article 13 of the Covenant, Finland declares

that the article does not correspond to the present Finnish legislation regarding an *alien's right to be heard or lodge a complaint in respect of a decision concerning his expulsion*;

"4. With respect to article 14, paragraph 1, of the Covenant, Finland declares that under Finnish law a *sentence can be declared secret if its publication could be an affront to morals or endanger national security*;

"5. With respect to article 14, paragraph 3 (d), of the Covenant, Finland declares that the contents of this paragraph do not correspond to the present legislation in Finland inasmuch as it is a question of the defendant's absolute right to have *legal assistance* already at the stage of preliminary investigations;

"6. With respect to article 14, paragraph 7, of the Covenant, Finland declares that it is going to pursue its present practice, according to which a *sentence can be changed to the detriment of the convicted person*, if it is established that a member or an official of the court, the prosecutor or the legal counsel have through criminal or fraudulent activities obtained the acquittal of the defendant or a substantially more lenient penalty, or if false evidence has been presented with the same effect, and according to which an aggravated criminal case may be taken up reconsideration if within a year until then unknown evidence is presented, which would have led to conviction or a substantially more severe penalty;

"7. With respect to article 20, paragraph 1, of the Covenant, Finland declares that it will not apply the provisions of this paragraph, this being compatible with the standpoint Finland already expressed at the 16th United Nations General Assembly by *voting against the prohibition of propaganda for war, on the grounds that this might endanger the freedom of expression* referred in article 19 of the Covenant."

GAMBIA

"For financial reasons free legal assistance for accused persons is limited in our constitution to persons charged with capital offences only. The Government of the Gambia therefore wishes to enter a reservation in respect of article 14(3)d of the Covenant in question."

GERMAN DEMOCRATIC REPUBLIC

The German Democratic Republic considers that article 48, paragraph 1, of the Covenant runs counter to the principle that all states which are guided in their policies by the purposes and principles of the United Nations Charter have the right to become parties to conventions which affect the interests of all States.

GERMANY, FEDERAL REPUBLIC OF

"1. Articles 19, 21 and 22 in conjunction with Article 2 (1) of the Covenant shall be applied within the scope of Article 16 of the Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms.

"2. Article 14 (3) (d) of the Covenant shall be applied in such manner that it is for the court to decide whether an accused person held in custody has to appear in person at the hearing before the court of review (*Revisionsgericht*).

"3. Article 14 (5) of the Covenant shall be applied in such manner that:

(a) A further appeal does not have to be instituted in all cases solely on the grounds the accused person —having been acquitted by the lower court— was convicted for the first time in the proceedings concerned by the appellate court.

b) In the case of criminal offences of minor gravity the review by a higher tribunal of a decision not imposing imprisonment does not have to be admitted in all cases.

"4. Article 15 (1) of the Covenant shall be applied in such manner that when provision is made by law for the imposition of a lighter penalty the hitherto applicable law may for certain exceptional categories of cases remain applicable to criminal offences committed before the law was amended."

GUINEA

Upon ratification:

In accordance with the principle whereby all States whose policies are guided by the purposes and principles of the Charter of the United Nations are entitled to become parties to Covenants affecting the interests of the international community, the Government of the Republic of Guinea considers that the provisions of article 48, paragraph 1, of the International Covenant on Civil and Political Rights are contrary to the principle of the universality of international treaties and the democratization of international relations.

GUYANA

Upon ratification:

In respect of sub-paragraph (d) of paragraph 3 of article 14

"While the Government of the Republic of Guyana accept the principle of Legal Aid in all appropriate criminal proceedings, is working towards that end and at present apply it in certain defined cases, the problems of implementation of a comprehensive Legal Aid Scheme are such that full application cannot be guaranteed at this time."

In respect of paragraph 6 of article 14

"While the Government of the Republic of Guyana accept the principle of compensation for wrongful imprisonment it is not possible at this time to implement such a principle."

HUNGARY

[For the text of the declaration, see p. 108.]

ICELAND

1. Article 8, paragraph 3(a), in so far as it affects the provisions of Icelandic law which provide that a person who is not the main provided of this family may be sentenced to a term at a labour facility in satisfaction of arrears in support payments for his child or children.

2. Article 10, paragraph 2(b), and paragraph 3, second sentence, with respect to the separation of juvenile prisoners from adults. Icelandic law in principle provides for such separation but it is not considered appropriate to accept an obligation in the absolute form called for in the provisions of the Covenant.

3. Article 13, to the extent that it is inconsistent with the Icelandic legal provisions in force relating to the right of aliens to object to a decision on their expulsion.

4. Article 14, paragraph 7, with respect to the resumption of cases which have already been tried. The Icelandic law of procedure has detailed provisions on this matter which it is not considered appropriate to revise.

5. Article 20, paragraph 1, with reference to the fact that a prohibition against propaganda for war could limit the freedom of expression. This reservation is consistent with the position of Iceland at the General Assembly at its 16th session.

Other provisions of the Covenant shall be inviolably observed.

INDIA

Declarations

"I. With reference to... article 1 of the International Covenant on Civil and Political Rights, the Government of the Republic of India declares that the words "the right of self-determination" appearing in [this article] apply only to the peoples under foreign domination and that these words do not apply to sovereign independent States or to a section of a people or nation—which is the essence of national integrity.

"II. With reference to article 9 of International Covenant on Civil and Political Rights, the Government of the Republic of India takes the position that the provisions of the article shall be so applied as

to be in consonance with the provisions of clauses (3) to (7) or article 22 of the Constitution of India. Further under the Indian Legal System, there is no enforceable right to compensation for persons claiming to be victims of unlawful arrest or detention against the State.

Reservation

"III. With respect to article 13 of the International Covenant on Civil and Political Rights, the Government of the Republic of India reserves its right to apply its law relating to foreigners.

Declaration

"IV. With reference to . . . articles 12, 19 (3), 21 and sundry articles of the International Covenant on Civil and Political Rights, the Government of the Republic of India declares that the provisions of the said articles shall be so applied as to be in conformity with the provisions of article 19 of the Constitution of India.

"V. . . ."

IRAQ

[For the text of the declaration, see p. 108.]

ITALY

Upon ratification:

Article 9, paragraph 5

The Italian Republic, considering that the expression "unlawful arrest or detention" contained in article 9, paragraph 5, could give rise to differences of interpretation, declares that it interprets the aforementioned expression as referring exclusively to cases of arrest or detention contrary to the provisions of article 9, paragraph 1.

Article 12, paragraph 4

Article 12, paragraph 4, shall be without prejudice to the application of transitional provision XIII of the Italian Constitution, respecting prohibition of the entry into and sojourn in the national territory of certain members of the House of Savoy.

Article 14, paragraph 3

The provisions of article 14, paragraph 3 (*d*), are deemed to be compatible with existing Italian provisions governing trial of the accused in his presence and determining the cases in which the accused

may present his own defense and those in which legal assistance is required.

Article 14, paragraph 5

Article 14, paragraph 5, shall be without prejudice to the application of existing Italian provisions which, in accordance with the Constitution of the Italian Republic, govern the conduct, at one level only, of proceedings instituted before the Constitutional Court in respect of charges brought against the President of the Republic and its Ministers.

Article 15, paragraph 1

With reference to article 15, paragraph 1, last sentence: "If, subsequent to the commission of the offence, provision is made by law for the imposition of a lighter penalty the offender shall benefit thereby", the Italian Republic deems this provisions to apply exclusively to cases in progress.

Consequently, a person who has already been convicted by a final decision shall not benefit from any provision made by law, subsequent to that decision, for the imposition of a lighter penalty.

Article 19, paragraph 3

The provisions of article 19, paragraph 3, are interpreted as being compatible with the existing licensing system for national radio and television and with the restrictions laid down by law for local radio and television companies and for stations relaying foreign programmes.

JAPAN

Upon signature and confirmed upon ratification:

Recalling the position taken by the Government of Japan, when ratifying the Convention (No. 87) concerning Freedom of Association and Protection of the Right to Organise, that "the police" referred to in article 9 of the said Convention be interpreted to include the fire service of Japan, the Government of Japan declares that "members of the police" referred to in paragraph 2 of article 8 of the International Covenant on Economic, Social and Cultural Rights as well as in paragraph 2 of article 22 of the International Covenant on Civil and Political Rights be interpreted to include fire service personnel of Japan."

LIBYAN ARAB JAMAHIRIYA

[For the text of the declaration, see p. 109.]

MONGOLIA

*Declaration made upon signature and renewed upon ratification:
[Same declaration, mutatis mutandis, as the one reproduced under
"Byelorussian Soviet Socialist Republic": see page 107.]*

NETHERLANDS

*Upon ratification:
Reservations*

"Article 10

"The Kingdom of the Netherlands subscribes to the principle set out in paragraph 1 of this article, but it takes the view that ideas about the treatment of prisoners are soliable to change that it does not wish to be bound by the obligations set out in paragraph 2 and paragraph 3 (second sentence) of this article.

Article 12, paragraph 1

"The Kingdom of the Netherlands regards the Netherlands and the Netherlands Antilles as separate territories of a States for the purpose of this provision.

"Article 12, paragraphs 2 and 4

"The Kingdom of the Netherlands regards the Netherlands and the Netherlands Antilles as separate countries for the purpose of these provisions.

"Article 14, paragraph 3 (d)

"The Kingdom of the Netherlands reserves the statutory power of removing a person charged with a criminal offence from the courtroom in the interests of the proper conduct of the proceedings.

"Article 14, paragraph 5

"The Kingdom of the Netherlands reserves the statutory power of the Supreme Court of the Netherlands to have sole jurisdiction to try certain categories of persons charged with serious offences committed in the discharge of a public office.

"Article 14, paragraph 7

"The Kingdom of the Netherlands accepts this provision only insofar as no obligations arise from it further to those set out in article 68 of

the Criminal Code of the Netherlands and article 70 of the Criminal Code of the *Netherlands Antilles* as they now apply. They read:

"1. Except in cases where court decisions are eligible for review, no person may be prosecuted again for an offence in respect of which a court in the Netherlands or the Netherlands Antilles has delivered an irrevocable judgement.

"2. If the judgement has been delivered by some other court, the same person may not be prosecuted for the same offence in the case of (I) acquittal or withdrawal of proceedings or (II) conviction followed by complete execution, remission or lapse of the sentence.

"Article 19, paragraph 2

"The Kingdom of the Netherlands accepts the provision with the provision that it shall not prevent the Kingdom from requiring the licensing of broadcasting, television or cinema enterprises.

"Article 20, paragraph 1

"The Kingdom of the Netherlands does not accept the obligation set out in this provision in the case of the Netherlands.

Article 25 (c)

"The Kingdom of the Netherlands does not accept this provision in the case of the Netherlands Antilles."

Explanation

"[The Kingdom of the Netherlands] clarify that although the reservations [...] are partly of an interpretational nature, [it] has preferred reservations to interpretational declarations in all cases, since if the latter form were used doubt might arise concerning whether the text of the Covenant allows for the interpretation put upon it. By using the reservation-form the Kingdom of the Netherlands wishes to ensure in all cases that the relevant obligations arising out of the Covenant will not apply to the Kingdom, or will apply only in the way indicated.

NEW ZEALAND

Upon ratifications:

Reservations

"The Government of New Zealand reserves the right not to apply article 10 (2) (b) or article 10 (3) in circumstances where the shortage of suitable facilities makes the *mixing of juveniles and adults unavoidable*; and further reserves the right not to apply article 10 (3) where the interests of other juveniles in an establishment require the removal of a particular juvenile offender or where mixing is considered to be of benefit to the persons concerned.

"The Government of New Zealand reserves the right not to apply

article 14 (6) to the extent that it is not satisfied by the *existing system for ex gratia payments to persons who suffer as a result of a miscarriage of justice.*

"The Government of New Zealand having legislated in the areas of the advocacy of national and racial hatred and the exciting of hostility or illwill against any group of persons, and having regard to the right of freedom of speech, reserves the right not to introduce further legislation with regard to article 20.

"The Government of New Zealand reserves the right not to apply legislative measures, enacted to ensure effective trade union representation and encourage orderly industrial relations, may not be fully compatible with that article."

NORWAY

Subject, to reservations to...⁴ article 10, paragraph 2 (b) and paragraph 3 "with regard to the obligation to keep accused *juvenile persons and juvenile attenders segregated* from adults" and to article 14, paragraphs 5 and 7 and to article 20, paragraph 1.

ROMANIA

Upon signature:

The Government of the Socialist Republic of Romania declares that the provisions of article 48, paragraph 1, of the International Covenant on Civil and Political Rights are at variance with the principle that *all States* have the right to become parties to multilateral treaties governing matters of general interest.

Upon ratification:

(a) The State Council of the Socialist Republic of Romania considers that the provisions of article 48 (1) of the International Covenant on Civil and Political Rights are inconsistent with the principle that multilateral international treaties whose purposes concern the international community as a whole must be open to *universal participation.*

(b) The State Council of the Socialist Republic of Romania considers that the maintenance in a state of dependence of certain territories referred to in article 1 (3) of the International Covenant on Civil and Political Rights is inconsistent with the Charter of the United Nations and the instruments adopted by the Organization on the granting of independence to colonial countries and peoples, including the Declaration on Principles of International Law concern-

⁴ By a notification received by the Secretary-General on 12 December 1979, the Government of Norway withdrew the reservation formulated simultaneously in respect of article 6(1).

ing Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted unanimously by the United Nations General Assembly in its resolution 2625 (XXV) of 1970, which solemnly proclaims the duty of States to promote the realization of the principle of equal rights and *self-determination* of peoples in order to bring a speedy end to colonialism.

SWEDEN

Sweden reserves the right not to apply the provisions of article 10, paragraph 3, with regard to the obligation to *segregate juvenile offenders from adults*, the provisions of article 14, paragraph 7, and the provisions of article 20, paragraph 1, of the Covenant.

SYRIAN ARAB REPUBLIC

[For the text of the declaration, see p. 109.]

TRINIDAD AND TOBAGO

- (i) The Government of the Republic of Trinidad and Tobago reserves the right not to apply in full the provision of paragraph 2 of article 4 of the Covenant since section 7 (3) of its Constitution enables Parliament to enact legislation even though it is inconsistent with sections (4) and (5) of the said Constitution;
- (ii) Where at any time there is a lack of suitable prison facilities, the Government of the Republic of Trinidad and Tobago reserves the right not to apply article 10 (2) (b) and 10 (3) so far as those provisions require *juveniles* who are detained to be accommodated *separately from adults*;
- (iii) The Government of the Republic of Trinidad and Tobago reserves the right not to apply paragraph 2 of article 12 in view of the statutory provisions requiring persons interding to travel abroad to furnish tax clearance certificates;
- (iv) The Government of Republic of Trinidad and Tobago reserves the right not to apply paragraph 5 of article 14 in view of the fact that section 43 of its Supreme Court of Judicature Act No. 12 of 1962 does not confer on a person convicted on indictment an unqualified *right of appeal* and that in particular cases, appeal to the Court of Appeal can only be done with the leave of the Court of Appeal itself or of the Privy Council;
- (v) While the Government of the Republic of Trinidad and Tobago accepts the principle of compensation for wrongful imprisonment, it is not possible at this time to implement such a principle in accordance with paragraph 6 of article 14 of the Covenant;
- (vi) With reference to the last sentence of paragraph 1 of article 15—"If, subsequent to the commission of the offence, provision

is made by law for the imposition of a *lighter penalty*, the offender shall benefit thereby", the Government of the Republic of Trinidad and Tobago deems this provision to apply exclusively to cases in progress. Consequently, a person who has already been convicted by a final decision shall not benefit from any provision made by law, subsequent to that decision, for the imposition of a lighter penalty;⁵

- (vii) The Government of the Republic of Trinidad and Tobago reserves the right to impose lawful and or reasonable restrictions with respect to the *right of assembly* under article 21 of the Covenant;
- (viii) The Government of the Republic of Trinidad and Tobago reserves the right not to apply the provision of article 26 of the Covenant in so far as it applies to the *holding of property* in Trinidad and Tobago, in view of the fact that *licences may be granted to or withheld from aliens* under the Aliens Landholding Act of Trinidad and Tobago.

UKRAINIAN SOVIET SOCIALIST REPUBLIC

[*Same declaration, mutatis mutandis, as the one reproduced under "Byelorussian Soviet Socialist Republic": see page 107.*]

UNION OF SOVIET SOCIALIST REPUBLICS

Declaration made upon signature and confirmed upon ratification:

[*Same declaration, mutatis mutandis, as the one reproduced under "Byelorussian Soviet Socialist Republic": see page 107.*]

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Upon signature:

"First, the Government of the United Kingdom declare their understanding that, by virtue of Article 103 of the Charter of the United Nations, in the event of any conflict between their obligations under Article 1 of the Covenant and their obligations under the Charter (in particular, under Articles 1, 2 and 73 thereof) their obligations under the Charter shall prevail.

"Secondly, the Government of the United Kingdom declare that:

"(a) In relation to Article 14 of the Covenant, they must reserve the right not to apply, or not to apply in full, the guarantee of *free legal assistance* contained in sub-paragraph (d) of paragraph 3 in so far as the shortage of legal practitioners and other considerations

⁵ In a communication received by the Secretary-General on 31 January 1979, the Government of Trinidad and Tobago confirmed that paragraph (vi) above constituted an interpretative declaration which did not aim to exclude nor modify the legal effect of the provisions of the Covenant.

render the application of this guarantee in British Honduras, Fiji and St. Helena impossible;

"(b) In relation to Article 23 of the Covenant, they must reserve the right not to apply the first sentence of paragraph 4 in so far as it concerns any inequality which may arise from the operation of the law of domicile;

"(c) In relation to Article 25 of the Covenant, they must reserve the right not to apply:

"(i) Sub-paragraph (b) in so far as it may require the establishment of an elected legislature in Hong Kong and the introduction of *equal suffrage*, as between different electoral rolls, for elections in Fiji; and

"(ii) Sub-paragraph (c) in so far as it applies to jury service in the Isle of Man and to the employment of married women in the Civil Service of Northern Ireland, Fiji, and Hong Kong.

"Lastly the Government of the United Kingdom declare that the provisions of the Covenant shall not apply to Southern Rhodesia unless and until they inform the Secretary-General of the United Nations that they are in a position to ensure that the obligations imposed by the Covenant in respect of that territory can be fully implemented."

Upon ratification:

"Firstly the Government of the United Kingdom maintain their declaration in respect of article 1 made at the time of signature of the Covenant.

"The Government of the United Kingdom reserve the right to apply to members of and persons serving with the *armed forces of the Crown* and to persons lawfully detained in penal establishments of whatever character such laws and procedures as they may from time to time deem to be necessary for the preservation of service and custodial *discipline* and their acceptance of the provisions of the Covenant is subject to such restrictions as may for these purposes from time to time be authorised by law.

"Where at any time there is a lack of suitable prison facilities or where the *mixing of adults and juveniles* is deemed to be mutually beneficial, the Government of the United Kingdom reserve the right not to apply article 10 (2) (b) and 10 (3), so far as those provisions require juveniles who are detained to be accommodated separately from adults, and not to apply article 10 (2) (a) in Gibraltar, Montserrat and the Turks and Caicos Islands in so far as it requires segregation of accused and convicted persons.

"The Government of the United Kingdom reserve the right not to apply article 11 in Jersey.

"The Government of the United Kingdom reserve the right to interpret the provisions of article 12 (1) relating to the territory of a State

as applying separately to each of the territories comprising the United Kingdom and its dependencies.

"The Government of the United Kingdom reserve the right to continue to apply such *immigration legislation governing entry into, stay in and departure from the United Kingdom as they may deem necessary from time to time and, accordingly, their acceptance of article 12 (4) and of the other provisions of the Covenant is subject to the provisions of any such legislation as regards persons not at the time having the right under the law of the United Kingdom to enter and remain in the United Kingdom. The United Kingdom also reserves a similar right in regard to each of its dependent territories.*

"The Government of the United Kingdom reserve the right no to apply article 13 in Hong Kong in so far as it confers a right of review of a decision to deport an alien and a right to be represented for this purpose before the competent authority.

"The Government of the United Kingdom reserve the right to apply or not to apply in full the guarantee of *free legal assistance* in subparagraph (d) of paragraph 3 of article 14 in so far as the shortage of legal practitioners renders the application of this guarantee impossible in the British Virgin Islands, the Cayman Islands, the Falkland Islands, the Gilbert Islands, the Pitcairn Islands Group, St. Helena and Dependencies and Tuvalu.

"The Government of the United Kingdom interpret article 20 consistently with the rights conferred by articles 19 and 21 of the Covenant and having legislated in matters of practical concern in the interests of public order (order public) reserve the right not to introduce any further legislation. The United Kingdom also reserve a similar right in regard to each of its dependent territories.

"The Government of the United Kingdom reserve the right to postpone the application of paragraph 3 of article 23 in regard to a small number of *customary marriages* in the Solomon Islands.

"The Government of the United Kingdom reserve the right to enact such *nationality legislation* as they may deem necessary from time to time to reserve the acquisition and possession of citizenship under such legislation to those having sufficient connection with the United Kingdom or any of its dependent territories and accordingly their acceptance of article 24 (3) and of the other provisions of the Covenant is subject to the provisions of any such legislation.

"The Government of the United Kingdom reserve the rights not so apply sub-paragraph (b) of article 25 in so far as it may require the establishment of an elected Executive or Legislative Council in Hong Kong and sub-paragraph (c) of article 25 in so far as it relates to jury service in the Isle of Man.

"Lastly the Government of the United Kingdom declare that the provisions of the Covenant shall not apply to *Southern Rhodesia* unless and until they inform the Secretary-General of the United Nations that they are in a position to ensure that the obligations imposed by the Covenant in respect of that territory can be fully implemented."

Notification under article 4 (3) of the Covenant

"The Government of the United Kingdom notify other States Parties to the present Covenant, in accordance with article 4, of their intention to take and continue measures derogating from their obligations under the Covenant.

"There have been in the United Kingdom in recent years campaigns of organised terrorism related to *Northern Irish affairs* which have manifested themselves in activities which have included murder, attempted murder, maiming, intimidation and violent civil disturbances and in bombing and fire-raising which have resulted in death, injury and widespread destruction of property. This situation constitutes a public emergency within the meaning of article 4 (1) of the Covenant. The emergency commenced prior to the ratification by the United Kingdom of the Covenant and legislation has, from time to time, been promulgated with regard to it.

"The Government of the United Kingdom have found it necessary (and in some cases continue to find it necessary) to take powers, to the extent strictly required by the exigencies of the situation, for the protection of life, for the protection of property and the prevention of outbreaks of public disorder, and including the exercise of powers of arrest and detention and exclusion. In so far as any of these measures is inconsistent with the provisions of Articles 9, 10 (2), 10 (3), 12 (1), 14, 17, 19 (2), 21 or 22 of the Covenant, the United Kingdom hereby derogates from its obligations under those provisions."

URUGUAY

28 June 1979

I have the honour to request that the requirement laid down in article 4 (3) of the International Covenant on Civil and Political Rights should be deemed to have been formally fulfilled with regard to the existence and maintenance in Uruguay of a *public emergency* as referred to in article 4 (1).

This emergency situation, the nature and consequences of which match the description given in article 4, namely that they threaten the life of the nation, is a matter of universal knowledge, and the present communication might thus appear superfluous in so far as the provision of substantive information is concerned.

This issue has been the subject of countless official statements at both the regional and the international level.

Nonetheless, my Government wishes both to comply formally with the above-mentioned requirement and to reiterate that the emergency measures which it has taken, and which comply strictly with the requirements of article 4 (2), are designed precisely to achieve genuine, effective and lasting protection of human rights, the observance and promotion of which are the essence of our existence as an independent and sovereign nation.

Notwithstanding what has been stated above, the information referred to in article 3 (4) concerning the nature and duration of the emergency measures will be provided in more detailed form when the report referred to in article 40 of the Covenant is submitted, so that the scope evolution of these measures can be fully understood.

VENEZUELA

Upon ratification:

Article 60, paragraph 5, of the Constitution of the Republic of Venezuela establishes that: "No person shall be convicted in a criminal trial unless he has first been personally notified of the charges and heard in the manner prescribed by law. *Persons accused of an offence against the res publica may be tried in absentia*, with the guarantees and in the manner prescribed by law". Venezuela is making this reservation because article 14, paragraph 3 (d), of the Covenant makes no provision for persons accused of an offence against the *res publica* to be tried *in absentia*.

DECLARATIONS RECOGNIZING THE COMPETENCE OF THE HUMAN RIGHTS COMMITTEE UNDER ARTICLE 41

AUSTRIA

10 September 1978

On behalf of the Republic of Austria, I declare under article 41 of the Covenant on Civil and Political Rights that Austria recognizes the competence of the Human Rights Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant on Civil and Political Rights.

CANADA

29 October 1979

"The Government of Canada declares, under article 41 of the International Covenant on Civil and Political Rights, that it recognizes the competence of the Human Rights Committee referred to in article 28 of the said Covenant to receive and consider communications submitted by another State Party, provided that such State Party has, not less than twelve months prior to the submission by it of a communication relating to Canada, made a declaration under article 41 recognizing the competence of the Committee to receive and consider communications relating to itself."

DENMARK

6 April 1978¹

"[The Government of Denmark recognizes], in accordance with article 41 of the International Covenant on Civil and Political Rights, opened for signature in New York on December 19, 1966, for a new period of five years from 23 March 1978 the competence of the Committee referred to in article 41 to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant."

FINLAND

19 August 1975

"Finland declares, under article 41 of the International Covenant on Civil and Political Rights that it recognizes the competence of the Human Rights Committee referred to in article 28 of the said Covenant, to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligation under this Covenant."

GERMANY, FEDERAL REPUBLIC OF

22 April 1976

The Federal Republic of Germany in accordance with article 41 of the said Covenant recognizes for a period of two years from the entry into force of that article the competence of the Human Rights Committee to receive and consider communications from a State Party in so far as that State Party has recognized in regard to itself the competence of the Committee and as corresponding obligations have been assumed under the Covenant by the Federal Republic of Germany and by the State Party concerned.

ICELAND

22 August 1979

"The Government of Iceland . . . recognizes in accordance with article 41 of the International Covenant on Civil and Political Rights the competence of the Human Rights Committee referred to in article 28 of the Covenant to receive consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant."

¹ The previous declaration received on 10 December 1971 expired on 22 March 1978.

ITALY

15 September 1978

The Italian Republic recognizes the competence of the Human Rights Committee, elected in accordance with article 28 of the Covenant, to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Covenant.

NETHERLANDS

11 December 1978

"The Kingdom of the Netherlands declares under article 41 of the International Covenant on Civil and Political Rights that it recognizes the competence of the Human Rights Committee referred to in article 28 of the Covenant to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant."

NEW ZEALAND

28 December 1978

"The Government of New Zealand declares under article 41 of the International Covenant on Civil and Political Rights that it recognizes the competence of the Human Rights Committee to receive and consider communications from another State Party which has similarly declared under article 41 its recognition of the Committee's competence in respect to itself except where the declaration by such a state party was made less than twelve months prior to the submission by it of a complaint relating to New Zealand."

NORWAY

31 August 1972

"Norway recognizes the competence of the Human Rights Committee referred to in article 28 of the Covenant, to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant."

SWEDEN

26 November 1971

"Sweden recognizes the competence of the Human Rights Committee referred to in article 28 of the Covenant to receive and consider com-

munications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant.”

UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND

20 May 1976

“The Government of the United Kingdom declare under article 41 of this Covenant that it recognizes the competence of the Human Rights Committee to receive and consider communications submitted by another State Party, provided that such other State Party has, not less than twelve months prior to the submission by it of a communication relating to the United Kingdom, made a declaration under article 41 recognizing the competence of the Committee to receive and consider communications relating to itself.”

5. Optional Protocol to the International Covenant on Civil and Political Rights

Opened for signature at New York on 19 December 1966¹

ENTRY INTO FORCE: 23 March 1976, in accordance with article 9.

REGISTRATION: March 1976, No. 14668.

TEXT: Annex to General Assembly resolution 2200 (XXI) of 16 December 1966.

<i>State</i>	<i>Signature</i>			<i>Ratification, accession (a)</i>	
Austria	10	December	1973		
Barbados				5 January	1973a
Canada				19 May	1976a
China ²					
Colombia	21	December	1966	29 October	1969
Costa Rica	19	December	1966	29 November	1968
Cyprus	19	December	1966		
Denmark	20	March	1968	6 January	1972
Dominican Republic				4 January	1978a
Ecuador	4	April	1968	6 March	1969
El Salvador	21	September	1967		
Finland	11	December	1967	19 August	1975
Guinea	19	March	1975		

¹ The Optional Protocol was adopted by the General Assembly of the United Nations in resolution 2200 (XXI) of 16 December 1966. For the text of the resolution and the Optional Protocol, see *Official Records of the General Assembly, Twenty-first Session, Supplement No. 16 (A/6316)*, p. 49.

² See footnote 2, p. 104.

Honduras	19	December	1966		
Iceland				22 August	1979 ^a
Italy	30	April	1976	15 September	1978
Jamaica	19	December	1966	3 October	1975
Madagascar	17	September	1969	21 June	1971
Mauritius				12 December	1973 ^a
Netherlands	25	June	1969	11 December	1978 ^{2a}
Norway	20	March	1968	13 September	1972
Panama	27	July	1976	8 March	1977
Peru	11	August	1977		
Philippines	19	December	1966		
Portugal	1	August	1978		
Senegal	6	July	1970	13 February	1978
Suriname				28 December	1976 ^a
Sweden	29	September	1967	6 December	1971
Uruguay	21	February	1967	1 April	1970
Venezuela	15	November	1976	10 May	1978
Zaire				1 November	1976 ^a

Declarations and Reservations

DENMARK³

Upon ratification:

"With reference to Article 5, paragraph 2 (a), the Government of Denmark makes a reservation with respect to the Competence of the Committee to consider a communication from an individual if the matter has already been considered under other procedures of international investigation."

ICELAND

Iceland . . . accedes to the said Protocol subject to a reservation, with reference to article 5, paragraph 2, with respect to the competence of the Human Rights Committee to consider a communication from an individual if the matter is being examined or has been examined under another procedure of international investigation or settlement. Other provisions of the Covenant shall be inviolably observed.

^{2a} For the Kingdom in Europe and the Netherlands Antilles.

³ See p. 120 for the text of the declarations by which these States recognized the competence of the Human Rights Committee established under article 41 of the Covenant.

ITALY

Upon ratification:

The Italian Republic ratifies the Optional Protocol to the International Covenant on Civil and Political Rights, it being understood that the provision of article 5, paragraph 2, of the Protocol mean that the Committee provided for in article 28 of the Covenant shall not consider any communication from an individual unless it has ascertained that the same matter is not being and has not been examined under another procedure of international investigation or settlement.

NORWAY

Upon ratification:

Subject to the following reservation to article 5, paragraph 2:

"...The Committee shall not have competence to consider a communication from an individual if the same matter has already been examined under other procedures of international investigation or settlement."

SWEDEN

Upon ratification:

On the understanding that the provisions of article 5, paragraph 2, of the Protocol signify that the Human Rights Committee provided for in article 28 of the said Covenant shall not consider any communication from an individual unless it has ascertained that the same matter is not being examined or has not been examined under another procedure of international investigation or settlement.

VENEZUELA

Upon ratification:

[Same reservation as the one made by Venezuela in respect of article 14 (3) (d) of the International Covenant on Civil and Political Rights.]