

DENMARK

CCPR

RESERVATIONS AND DECLARATIONS

(Unless otherwise indicated, the reservations and declarations were made upon ratification, accession or succession)

"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, cf. 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."

OBJECTIONS MADE TO OTHER STATES PARTIES RESERVATIONS AND DECLARATIONS

(Ed. note: for the text targeted by the following objections, see the Reservations and Declarations of the State which is the subject of the objection)

1 October 1993

With regard to the reservations made by the United States of America:

"Having examined the contents of the reservations made by the United States of America, Denmark would like to recall article 4, para 2 of the Covenant according to which no derogation from a number of fundamental articles, inter alia 6 and 7, may be made by a State Party even in time of

public emergency which threatens the life of the nation.

In the opinion of Denmark, reservation (2) of the United States with respect to capital punishment for crimes committed by persons below eighteen years of age as well as reservation (3) with respect to article 7 constitute general derogations from articles 6 and 7, while according to article 4, para 2 of the Covenant such derogations are not permitted.

Therefore, and taking into account that articles 6 and 7 are protecting two of the most basic rights contained in the Covenant, the Government of Denmark regards the said reservations incompatible with the object and purpose of the Covenant, and consequently Denmark objects to the reservations.

These objections do not constitute an obstacle to the entry into force of the Covenant between Denmark and the United States.

4 October 2001

With regard to the reservations made by the Botswana upon ratification:

"The Government of Denmark has examined the contents of the reservations made by the Government of Botswana to the International Covenant on Civil and Political Rights. The reservations refer to legislation in force in Botswana as regards the scope of application of two core provisions of the Covenant, Articles 7 and 12 para.3. The Government of Denmark considers that the reservations raise doubts as to the commitment of Botswana to fulfill her obligations under the Covenant and are incompatible with the object and purpose of the Covenant.

For these reasons, the Government of Denmark objects to these reservations made by the Government of Botswana. This objection does not preclude the entry into force of the Covenant in its entirety between Botswana and Denmark without Botswana benefiting from the reservations."

28 June 2011

With regard to the reservations made by Pakistan upon ratification:

"The Government of the Kingdom of Denmark has examined the reservations made by the Government of the Islamic Republic of Pakistan upon ratification of the International Covenant on Civil and Political Rights.

The Government of Denmark considers that the reservations made by the Islamic Republic of Pakistan to articles 3, 6, 7, 12, 13, 18, 19 and 25 of the Covenant, which make the applications of these essential obligations under the Covenant subject to Sharia and/or constitutional and/or national

law in force in the Islamic Republic of Pakistan, raise doubts as to what extent the Islamic Republic of Pakistan considers itself bound by the obligations of the treaty and concern as to the commitment of the Islamic Republic of Pakistan to the object and purpose of the Covenant.

The Government of the Kingdom of Denmark has also examined the reservation of the Islamic Republic of Pakistan with respect to Article 40 of the Covenant.

The Government of Denmark considers, that the supervisory machinery established under the Covenant, including the system of periodic reporting to the human rights Committee is an essential part of the treaty.

Accordingly a reservation to the effect that a State Party does not recognize the competence of the Human Rights Committee to review and comment State reports must be considered contrary to the object and purpose of the Covenant.

The Government of Denmark wishes to recall that, according to customary international law, as codified in the Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of the Covenant shall not be permitted.

Consequently, the Government of Denmark considers the said reservations as incompatible with the object and purpose of the Covenant and accordingly inadmissible and without effect under international law.

The Government of Denmark therefore objects to the aforementioned reservations made by the Government of the Islamic Republic of Pakistan. This shall not preclude the entry into force of the Covenant in its entirety between the Islamic Republic of Pakistan and Denmark.

The Government of Denmark recommends the Government of the Islamic Republic of Pakistan to reconsider its reservations to the International Covenant on Civil and Political Rights.”

DECLARATION RE: ARTICLE 41

19 April 1983

"[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, 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."

Note

A previous declaration received on 6 April 1978 expired on 23 March 1983.

(Note 41, Chapter IV.4, Multilateral Treaties Deposited with the Secretary-General)