

ESTONIA

CCPR

OBJECTIONS MADE TO OTHER STATES PARTIES RESERVATIONS AND DECLARATIONS

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

12 September 2007

With regard to the reservation made by Maldives upon accession:

“The Government of Estonia has carefully examined the reservation made by the Republic of Maldives to Article 18 of the International Covenant on Civil and Political Rights. The Government of Estonia considers the reservation to be incompatible with the object and purpose of the Covenant as with this reservation the application of the International Covenant on Civil and Political Rights is made subject to the provisions of constitutional law. The Government of Estonia is of the view that the reservation makes it unclear to what extent the Republic of Maldives considers itself bound by the obligations of the Covenant and therefore raises concerns as to the commitment of the Republic of Maldives to the object and purpose of the Covenant.

The Government of Estonia therefore objects to the reservation made by the Republic of Maldives to Article 18 of the International Covenant on Civil and Political Rights and expresses the hope that the Republic of Maldives will soon be able to withdraw its reservation in light of the ongoing process of the revision of the Maldivian Constitution.

This objection shall not preclude the entry into force of the International Covenant on Civil and Political Rights between Estonia and the Republic of Maldives.”

21 June 2011

With regard to the reservations made by Pakistan upon ratification:

“The Government of the Republic of Estonia has carefully examined the reservations made on 23 June 2010 by Pakistan to Articles 3, 6, 7, 12, 13, 18, 19, 25 and 40 of the Covenant.

Regarding Articles 3, 6, 7, 12, 13, 18, 19, 25, the Government of the Republic of Estonia considers these reservations to be incompatible with the object and purpose of the Covenant as with these reservations the application of the International Covenant on Civil and Political Rights is made subject to the provisions of constitutional law. The Government of Estonia is of the view that the reservation which consists of a general reference to a national law without

specifying its content does not clearly indicate to what extent the Islamic Republic of Pakistan considers itself bound by the obligations contained in the relevant Articles of the Covenant and therefore raises concerns as to the commitment of the Islamic Republic of Pakistan to the object and purpose of the Covenant.

Furthermore, the reservation made by Islamic Republic of Pakistan to Article 40 of the Covenant is in the view of the Government of the Republic of Estonia contrary to the aim of the Covenant as this Article sets out the commitments of States towards the Human Rights Committee. The reporting mechanism is one of the core elements of the implementation of the Covenant.

Therefore, the Government of the Republic of Estonia objects to the aforesaid reservations made by the Islamic Republic of Pakistan to the International Covenant on Civil and Political Rights.

Nevertheless, this objection shall not preclude the entry into force of the International Covenant on Civil and Political Rights as between the Republic of Estonia and the Islamic Republic of Pakistan.”

Note

The reservation was lodged with the Secretary-General on 4 December 2006 by Bahrain, following its accession to the Covenant on 20 September 2006.

In keeping with the depositary practice followed in similar cases, the Secretary-General proposed to receive the reservation in question for deposit in the absence of any objection on the part of any of the Contracting States, either to the deposit itself or to the procedure envisaged, within a period of 12 months from the date of the present depositary notification. In the absence of any such objection, the above reservation would be accepted in deposit upon the expiration of the above-stipulated 12 month period, that is on 28 December 2007.

In view of the below objections, the Secretary-General did not accept the reservation made by Bahrain in deposit. The Secretary-General received the following objections on the dates indicated hereinafter:

...

Estonia (12 September 2007):

"The Government of Estonia has carefully examined the reservations made by the Kingdom of Bahrain to the International Covenant on Civil and Political Rights. Since the reservations were made after the accession of the Kingdom of Bahrain to the Covenant, the Government of Estonia considers that the reservations were late and therefore inconsistent with international customary law as codified into Article 19 of the Vienna Convention on the Law of Treaties.

Furthermore, the reservations made by the Kingdom of Bahrain to Articles 3, 18 and 23 of the

Covenant make a general reference to the prescriptions of the Islamic Shariah. The Government of Estonia is of the view that in the absence of any further clarification, the reservation makes it unclear to what extent the Kingdom of Bahrain considers itself bound by the obligations of the Convention and therefore raises concerns as to the commitment of the Kingdom of Bahrain to the object and purpose of the Covenant.

Therefore, the Government of Estonia objects to all of the reservations made by the Kingdom of Bahrain to the International Covenant on Civil and Political Rights since they were made after the accession, and specifically objects to the content of the reservations to Articles 3, 18 and 23.

Nevertheless, this objection shall not preclude the entry into force of the International Covenant on Civil and Political Rights as between Estonia and the Kingdom of Bahrain."

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(Note 15, Chapter IV.4, Multilateral Treaties Deposited with the Secretary-General)