

ITALY

CCPR

RESERVATIONS AND DECLARATIONS

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

...

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 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.

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.

Note

With reference to the ratification of the above Covenant by Italy, the Government of Italy informed the Secretary-General, by a notification received on 20 December 2005, of its decision to withdraw the following reservations in respect of articles 9 (5), 12 (4) and 14 (5), made upon ratification of the Covenant:

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 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.

(Note 27, Chapter IV.4, Multilateral Treaties Deposited with the Secretary-General)

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)

5 October 1993

"The Government of Italy ... objects to the reservation to art. 6 paragraph 5 which the United States of America included in its instrument of ratification.

In the opinion of Italy reservations to the provisions contained in art. 6 are not permitted, as specified in art.4, para 2, of the Covenant.

Therefore this reservation is null and void since it is incompatible with the object and the purpose of art. 6 of the Covenant.

Furthermore in the interpretation of the Government of Italy, the reservation to art. 7 of the Covenant does not affect obligations assumed by States that are parties to the Covenant on the basis of article 2 of the same Covenant.

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

28 June 2011

With regard to the reservations made by Pakistan upon ratification:

"The Government of Italy has examined the reservations made on 23 June 2010 by the Islamic Republic of Pakistan upon ratification of the International Covenant on Civil and Political Rights.

The Government of Italy has noted that the reservations to Articles 3, 6, 7, 18, 19, 12, 13 and 25 makes the constitutive provisions of International Covenant subject to the national law of the Islamic Republic of Pakistan (the Constitution, its domestic law and/or Sharia laws).

In the view of the Government of Italy a reservation should clearly define for the other States Parties to the Covenant the extent to which the reserving State has accepted the obligations of the Covenant. A reservation which consists of a general reference to national provisions without specifying its implications makes it unclear to what extent the Islamic Republic of Pakistan considers itself bound by the obligations 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.

The Government of Italy is of the view that such general reservations are incompatible with the object and purpose of the Covenant and may undermine the basis of international treaty law.

The Government of Italy recalls that customary international law as codified by the Vienna Convention on the Law of Treaties, and in particular Article 19 (c), sets out that reservations that are incompatible with the object and purpose of a treaty are not permissible.

The Government of Italy, therefore, objects to the aforesaid reservations made by the Islamic Republic of Pakistan to Articles 3, 6, 7, 18, 19, 12, 13 and 25 of the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between Italy 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:

...

Italy (1 November 2007):

"The Government of Italy has examined the reservation made by the Government of the Kingdom of Bahrain to Articles 3, 18 and 23 of the International Covenant on Civil and Political Rights.

The Government of Italy considers that the reservation of the Government of the Kingdom of Bahrain, whereby it excludes any interpretation of the provisions of Articles 3, 18 and 23, which would affect the prescription of the Islamic Shariah, does not clearly define the extent to which the reserving State has accepted the obligation under these Articles.

This reservation raises serious doubts about the real extent of the commitment undertaken by the Government of the Kingdom of Bahrain and is capable of contravening the object and purpose of the Covenant.

The Government of Italy therefore objects to the above-mentioned reservation made by the Government of the Kingdom of Bahrain. This objection, however, shall not preclude the entry into force of the Covenant between the Government of Italy and the Government of the Kingdom of Bahrain."

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

Note

With regard to the reservation made by Botswana upon signature and confirmed upon ratification, the Secretary-General received, from the following States, communications on the dates indicated hereinafter:

...

Italy (20 December 2001):

"The Government of the Italian Republic has examined the reservations made by the Republic of Botswana upon signature of the International Covenant on Civil and Political Rights, and confirmed upon ratification, regarding articles 7 and 12, paragraph 3 of the Covenant.

The Government of the Italian Republic notes that the aforesaid articles of the Covenant are being made subject to a general reservation referring to the contents of existing legislation in Botswana. The Government of the Italian Republic is of the view that, in the absence of further clarification, these reservations referring to international legislation raise doubts as to the commitment of Botswana to fulfill its obligation under the Covenant.

The Government of the Italian Republic considers these reservations to be incompatible with the

object and the purpose of the Covenant according to article 19 of the 1969 Vienna Convention on the law of treaties. These reservations do not fall within the rule of article 20, paragraph 5, and can be objected at any time.

Therefore, the Italian Government objects to the aforesaid reservations made by the Republic of Botswana to the Covenant.

This objection does not preclude the entry into force of the Covenant between Italy and Botswana".
(*Note 18, Chapter IV.4, Multilateral Treaties Deposited with the Secretary-General*)

Note

With regard to the reservation made by Maldives upon accession, the Secretary-General received, from the following States, communications on the dates indicated hereinafter:

Italy (1 November 2007):

"The Government of Italy has examined the reservation made by the Republic of Maldives with respect to Article 18 of the International Covenant on Civil and Political Rights.

The Government of Italy considers that, by providing that the application of Article 18 is without prejudice to the Constitution of the Republic of Maldives, the reservation does not clearly define the extent to which the reserving State has accepted the obligation under that Article. This reservation raises serious doubts about the real extent of the commitment undertaken by the Republic of Maldives and is capable of contravening the object and purpose of the Covenant.

The Government of Italy therefore objects to the above-mentioned reservation made by the Republic of Maldives.

This objection, however, shall not preclude the entry into force of the Covenant between the Government of Italy and the Republic of Maldives."

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(*Note 30, Chapter IV.4, Multilateral Treaties Deposited with the Secretary-General*)

DECLARATION RE: ARTICLE 41

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.