

## SLOVAKIA

### CCPR

#### **RESERVATIONS AND DECLARATIONS**

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

#### Note

Czechoslovakia had signed and ratified the Convention on 7 October 1968 and 23 December 1975, respectively, with reservations and declarations. For the texts of the reservations and declarations made upon signature and ratification, see United Nations, Treaty Series, vol. 999, pp. 283 and 289.

*[Ed. note: as follows:*

*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.*

*"Having examined this Covenant and knowing that the Federal Assembly of the Czechoslovak Socialist Republic has given its consent thereto, we hereby approve and confirm it. Confirming this Covenant, we declare that 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."*

Subsequently, on 12 March 1991, the Government of Czechoslovakia had declared the following:

[The Czech and Slovak Federal Republic] recognizes the competence of the Human Rights Committee established on the basis of 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.

Further, on 7 June 1991, the Government of Czechoslovakia had made the following objection:

"The Government of the Czech and Slovak Federal Republic considers the reservations entered by the Government of the Republic of Korea to the provisions of paragraphs 5 and 7 of article 14 and article 22 of the International Covenant on Civil and Political Rights as incompatible with the object and purpose of the Covenant. In the opinion of the Czechoslovak Government these reservations are in contradiction to the generally recognized principle of international law according to which a state can not invoke the provisions of its own internal law as justification for its failure to perform a treaty.

"Therefore, the Czech and Slovak Federal Republic does not recognize these reservations as valid. Nevertheless the present declaration will not be deemed to be an obstacle to the entry into force of the Covenant between the Czech and Slovak Federal Republic and the Republic of Korea."

See also note 1 under "Czech Republic" and note 1 under "Slovakia" in the "Historical Information" section in the front matter of [*the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>]).*

*[Ed. note: Note 1 under Czech Republic is as follows:*

*Czech Republic*

*Note 1*

*In a letter dated 16 February 1993, received by the Secretary-General on 22 February 1993 and accompanied by a list of multilateral treaties deposited with the Secretary-General, the Government of the Czech Republic notified that :*

*"In conformity with the valid principles of international law and to the extent defined by it, the Czech Republic, as a successor State to the Czech and Slovak Federal Republic, considers itself bound, as of 1 January 1993, i.e., the date of the dissolution of the Czech and Slovak Federal Republic, by multilateral international treaties to which the Czech and Slovak Federal Republic was a party on that date, including reservations and declarations to their provisions made earlier by the Czech and Slovak Federal Republic.*

*The Government of the Czech Republic have examined multilateral treaties the list of which is attached to this letter. [The Government of the Czech Republic] considers to be bound by these treaties as well as by all reservations and declarations to them by virtue of succession as of 1 January 1993.*

*The Czech Republic, in accordance with the well established principles of international law, recognizes signatures made by the Czech and Slovak Federal Republic in respect of all signed treaties as if they were made by itself."*

*In view of the information above, entries in status lists pertaining to formalities (i.e., signatures, ratifications, accessions, declarations and reservations, etc.) effected by the former Czechoslovakia prior to dissolution, in respect of treaties to which the Czech Republic and-or Slovakia have succeeded, will be replaced by the name of "Czech Republic" and-or "Slovakia" with the corresponding date of deposit of the notification of succession. A footnote will indicate the date and type of formality effected by the former Czechoslovakia, the corresponding indicator being inserted next to "Czech Republic" and "Slovakia" as the case may be.*

*As regards treaties in respect of which formalities were effected by the former*

*Czechoslovakia and not listed in the notification of succession by either the Czech Republic or Slovakia, a footnote indicating the date and type of formality effected by the former Czechoslovakia will be included in the status of the treaties concerned, the corresponding footnote indicator being inserted next to the heading "Participant". See also "Slovakia" in this section" [Ed: note: see immediately below.]*

*For information on the treatment of treaty actions by predecessor States and successor States in the status tables, see Part C, "Status tables" of the "Introduction" to [the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>].*

*[Ed. note: Note 1 under Slovakia is as follows:*

*Slovakia*

*Note 1*

*In a letter dated 19 May 1993 and also accompanied by a list of multilateral treaties deposited with the Secretary-General, received by the Secretary-General on 28 May 1993, the Government of the Slovak Republic notified that:*

*"In accordance with the relevant principles and rules of international law and to the extent defined by it, the Slovak Republic, as a successor State, born from the dissolution of the Czech and Slovak Federal Republic, considers itself bound, as of January 1, 1993, i.e., the date on which the Slovak Republic assumed responsibility for its international relations, by multilateral treaties to which the Czech and Slovak Federal Republic was a party as of 31 December 1992, including reservations and declarations made earlier by Czechoslovakia, as well as objections by Czechoslovakia to reservations formulated by other treaty-parties.*

*The Slovak Republic wishes further to maintain its status as a contracting State of the treaties to which Czechoslovakia was a contracting State and which were not yet in force at the date of the dissolution of the Czech and Slovak Federal Republic, as well as the status of a signatory State of the treaties which were previously signed but not ratified by Czechoslovakia as listed in the Annex to this letter."*

*In view of the information above, entries in status lists pertaining to formalities (i.e., signatures, ratifications, accessions, declarations and reservations, etc.) effected by the former Czechoslovakia prior to dissolution, in respect of treaties to which the Czech Republic and/or Slovakia have succeeded, will be replaced by the name of "Czech Republic" and/or "Slovakia" with the corresponding date of deposit of the notification of succession. A footnote will indicate the date and type of formality effected by the former Czechoslovakia, the corresponding indicator being inserted next to "Czech Republic" and "Slovakia" as the case may be.*

*As regards treaties in respect of which formalities were effected by the former Czechoslovakia and not listed in the notification of succession by either the Czech Republic or Slovakia, a footnote indicating the date and type of formality effected by the former Czechoslovakia will be included in the status of the treaties concerned, the corresponding footnote indicator being inserted next to the heading "Participant".*

*See also "Czech Republic" in this section.[Ed. note: see above]*

*For information on the treatment of treaty actions by predecessor States and successor States in the status tables, see Part C, "Status tables" of the "Introduction" to [the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>].*

*(Note 7, 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)*

23 June 2011

With regard to the reservations made by Pakistan upon ratification:

“The Slovak Republic has examined the reservations made by the Islamic Republic of Pakistan upon its ratification of the International Covenant on Civil and Political Rights of 16 December 1966, according to which:

‘[The] Islamic Republic of Pakistan declares that the provisions of Articles 3, 6, 7, 18 and 19 shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan and the Sharia laws.

The Islamic Republic of Pakistan declares that the provisions of Article 12 shall be so applied as to be in conformity with the Provisions of the Constitution of Pakistan.

With respect to Article 13, the Government of the Islamic Republic of Pakistan reserves its right to apply its law relating to foreigners.

The Islamic Republic of Pakistan declares that the provisions of Article 25 shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan. The Government of the Islamic Republic of Pakistan hereby declares that it does not recognize the competence of the Committee provided for in Article 40 of the Covenant’.

The Slovak Republic considers that with the reservations to Articles 3, 6, 7, 18 and 19 the

application of the International Covenant on Civil and Political Rights is made subject to the Islamic Sharia law. Moreover it considers the reservations with respect to Articles 12, 13, 25 and 40 of the Covenant as incompatible with the object and purpose of the Covenant. This makes it unclear to what extent the Islamic Republic of Pakistan considers itself bound by the obligations of the Covenant as to its commitment to the object and purpose of the Covenant.

It is in the common interest of States that all parties respect treaties to which they have chosen to become party, as to their object and purpose, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Slovak Republic recalls that the customary international law, as codified by the Vienna Convention on the Law of Treaties, and in particular Article 19 (c), sets out that the reservation that is incompatible with the object and purpose of a treaty is not permitted. The Slovak Republic therefore objects to the reservations made by the Islamic Republic of Pakistan to Articles 3, 6, 7, 12, 13, 18, 19, 25 and 40 of the Covenant.

This objection shall not preclude the entry into force of the Covenant between the Slovak Republic and the Islamic Republic of Pakistan, without the Islamic Republic of Pakistan benefiting from its reservations."

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#### Note

The signature was effected by Democratic Kampuchea. In this regard the Secretary-General received, on 5 November 1980, the following communication from the Government of Mongolia:

"The Government of the Mongolian People's Republic considers that only the People's Revolutionary Council of Kampuchea as the sole authentic and lawful representative of the Kampuchean people has the right to assume international obligations on behalf of the Kampuchean people. Therefore the Government of the Mongolian People's Republic considers that the signature of the Human Rights Covenants by the representative of the so-called Democratic Kampuchea, a régime that ceased to exist as a result of the people's revolution in Kampuchea, is null and void."

"The signing of the Human Rights Covenants by an individual, whose régime during its short period of reign in Kampuchea had exterminated about 3 million people and had thus grossly violated the elementary norms of human rights, each and every provision of the Human Rights Covenants is a regrettable precedence, which discredits the noble aims and lofty principles of the United Nations Charter, the very spirit of the above-mentioned Covenants, gravely impairs the prestige of the United Nations."

Thereafter, similar communications were received from the Government of the following States on the dates indicated and their texts were circulated as depositary notifications or, at the request of the States concerned, as official documents of the General Assembly (A/33/781 and A/35/784):

<u>State</u>	<u>Date of receipt</u>
German Democratic Republic	11 Dec 1980
Poland	12 Dec 1980
Ukraine	16 Dec 1980
Hungary	19 Jan 1981
Bulgaria	29 Jan 1981
Belarus	18 Feb 1981
Russian Federation	18 Feb 1981
Czechoslovakia	10 Mar 1981]

*(Note 3, Chapter IV.4, Multilateral Treaties Deposited with the Secretary-General)*

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Note

*[The Covenant was] [s]igned on behalf of the Republic of China on 5 October 1967. See note 1 under "China" in the "Historical Information" section in the front matter of [the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>].*

*[Ed. note: note 1 under China is as follows:*

*China*

*Note 1*

*Signatures, ratifications, accessions, etc. on behalf of China.*

*China is an original Member of the United Nations, the Charter having been signed and ratified on its behalf, on 26 June and 28 September 1945, respectively, by the Government of the Republic of China, which continued to represent China in the United Nations until 25 October 1971.*

*On 25 October 1971, the General Assembly of the United Nations adopted its resolution 2758 (XXVI), reading as follows:*

"The General Assembly.

Recalling the principles of the Charter of the United Nations,

Considering that the restoration of the lawful rights of the People's Republic of China is essential both for the protection of the Charter of the United Nations and for the cause that the United Nations must serve under the Charter,

Recognizing that the representatives of the Government of the People's Republic of China are the only lawful representatives of China to the United Nations and that the People's Republic of China is one of the five permanent members of the Security Council,

Decides to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it."

The United Nations had been notified on 18 November 1949 of the formation, on 1 October 1949, of the Central People's Government of the People's Republic of China. Proposals to effect a change in the representation of China in the United Nations subsequent to that time were not approved until the resolution quoted above was adopted.

On 29 September 1972, a communication was received by the Secretary-General from the Minister for Foreign Affairs of the People's Republic of China stating:

"1. With regard to the multilateral treaties signed, ratified or acceded to by the defunct Chinese government before the establishment of the Government of the People's Republic of China, my Government will examine their contents before making a decision in the light of the circumstances as to whether or not they should be recognized.

2. As from October 1, 1949, the day of the founding of the People's Republic of China, the Chiang Kai-shek clique has no right at all to represent China. Its signature and ratification of, or accession to, any multilateral treaties by usurping the name of 'China' are all illegal and null and void. My Government will study these multilateral treaties before making a decision in the light of the circumstances as to whether or not they should be acceded to."

All entries recorded throughout this publication in respect of China refer to actions taken by the authorities representing China in the United Nations at the time of those actions.]

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

*(Note 5, Chapter IV.4, Multilateral Treaties Deposited with the Secretary-General)*

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### 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:

...

**Slovakia** (18 December 2007):

“The Government of Slovakia has carefully examined the content of the reservations made by the Kingdom of Bahrain upon its accession to the International Covenant on Civil and Political Rights.

The Government of Slovakia is of the opinion that the reservation 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 is too general and raises serious doubts as to the commitment of the Kingdom of Bahrain to the object and the purpose of the Covenant.



For these reasons, the Government of Slovakia objects to the above mentioned reservations made by the Government of the Kingdom of Bahrain upon its accession to the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between Slovakia and the Kingdom of Bahrain. The Covenant enters into force in its entirety between Slovakia and the Kingdom of Bahrain without the Kingdom of Bahrain benefiting from its reservations.”

...

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

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#### 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:

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**Slovakia** (21 December 2007):

“The Government of Slovakia has carefully examined the content of the reservations made by the Republic of Maldives upon its accession to the International Covenant on Civil and Political Rights.

The Government of Slovakia is of the view that general reservation made by the Republic of Maldives that (The application of the principles set out in Article 18 of the Covenant shall be without prejudice to the Constitution of the Republic of Maldives(is too general and does not clearly specify the extent of the obligations under the Covenant for the Republic of Maldives.

According to the Maldivian legal system, mainly based on the principles of Islamic law, the reservation raises doubts as to the commitment of of the Republic of Maldives to its obligations under the Covenant, essential for the fulfillment of its object and purpose.

The Government of Slovakia objects for these reasons to the above mentioned reservation made by the Government of the Republic of Maldives upon its accession to the International Covenant on Civil and Political Rights.

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

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*(Ed. note: for other objections, see Notes under Reservations and Declarations, above)*

#### **DECLARATION RE: ARTICLE 41**

*(Ed. note: see Note under Reservations and Declarations, above)*

