

BAHRAIN

CCPR

RESERVATIONS AND DECLARATIONS

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

Reservation:

"1. The Government of the Kingdom of Bahrain interprets the Provisions of Article 3, (18) and (23) as not affecting in any way the prescriptions of the Islamic Shariah.

2. The Government of the Kingdom of Bahrain interprets the provisions of Article (9), Paragraph (5) as not detracting from its right to layout the basis and rules of obtaining the compensation mentioned in this Paragraph.

3. The Government of the Kingdom of Bahrain interprets Article (14) Paragraph (7) as no obligation arise from it further those set out in Article (10) of the Criminal Law of Bahrain which provides:

'Legal Proceedings cannot be instated against a person who has been acquitted by Foreign Courts from offenses of which he is accused or a final judgement has been delivered against him and the said person fulfilled the punishment or the punishment has been abolished by prescription.' "

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:

Netherlands (27 July 2007):

"The Government of the Kingdom of the Netherlands has 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 the Kingdom of the Netherlands considers that the reservations were too late and therefore inconsistent with article 19 of the Vienna Convention on the Law of Treaties.

Furthermore, the reservation with respect to articles 3, 18 and 23 of the Covenant is a reservation incompatible with the object and purpose of the Covenant.

The Government of the Kingdom of the Netherlands considers that with this reservation the application of the International Covenant on Civil and Political Rights is made subject to the Islamic Shariah. This makes it unclear to what extent the Kingdom of Bahrain considers itself bound by the obligations of the Covenant and therefore raises concerns as to the commitment of the Kingdom of Bahrain to the object and purpose of the Covenant.

The Government of the Kingdom of the Netherlands recalls that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty is not permitted.

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

The Government of the Kingdom of the Netherlands objects to all of the reservations made by the Kingdom of Bahrain since they were made after accession, and specifically objects to the content of the reservation on articles 3, 18 and 23 made by the Kingdom of Bahrain to the International Covenant on Civil and Political Rights. This objection shall not preclude the entry into force of the Covenant between the Kingdom of the Netherlands and the Kingdom of Bahrain."

Latvia (13 August 2007):

"The Government of the Republic of Latvia has noted that the reservation made by the Kingdom of Bahrain is submitted to the Secretary General on 4 December 2006, but the consent to be bound by the said Covenant by accession is expressed on 20 September 2006. In accordance with Article 19 of the Vienna Convention on the Law of Treaties reservations might be made upon signature, ratification, acceptance, approval or accession. Taking into considerations the aforementioned, the Government of the Republic of Latvia considers that the said reservation is not in force since its submission."

Portugal (29 August 2007):

"The Government of the Portuguese Republic has carefully examined the reservations made by the Government of the Kingdom of Bahrain to the International Covenant on Civil and Political Rights (ICCPR). The Government of the Portuguese Republic notes that the reservations were

made after the accession of the Kingdom of Bahrain to the Covenant and is of the view that the practice of late reservations should be discouraged.

According to the first part of the reservation, the Government of the Kingdom of Bahrain interprets the provisions of articles 3, 18 and 23 as not affecting in any way the prescriptions of the Islamic Shariah. These provisions deal namely with the questions of equality between men and women, freedom of thought, conscience and religion and the protection of family and marriage.

Portugal considers that these articles are fundamental provisions of the Covenant and the first reservation makes it unclear to what extent the Kingdom of Bahrain considers itself bound by the obligations of the Covenant, raises concerns as to the commitment of the Kingdom of Bahrain to the object and purpose of the Covenant and, moreover, contribute to undermining the basis of international law.

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

The Government of the Portuguese Republic, therefore, objects to the above mentioned reservation made by the Kingdom of Bahrain to the ICCPR.

This objection shall not preclude the entry into force of the Convention between Portugal and Bahrain."

Czech Republic (12 September 2007):

"The Government of the Czech Republic has carefully examined the contents of reservation made by the Kingdom of Bahrain to the International Covenant on Civil and Political Rights, adopted on 16 December 1966, in respect of Articles 3, 18 and 23 thereof. Since the reservation was made after the accession of the Kingdom of Bahrain to the Covenant, the Government of the Czech Republic considers that the reservation was too late and therefore inconsistent with article 19 of the Vienna Convention on the Law of Treaties.

Furthermore the Government of the Czech Republic is of the opinion that the aforementioned reservation is in contradiction with the general principle of treaty interpretation according to which a State party to a treaty may not invoke the provisions of its internal law as justification for failure to perform according to the obligations set out by the treaty. Furthermore, the reservation consists of a general reference to the Constitution without specifying its content and as such does not clearly define to other Parties to the Covenant the extent to which the reserving State commits itself to the Covenant.

The Government of the Czech Republic recalls that it is in the common interest of States that treaties to which they have chosen to become party are respected, as to their object and purpose,

by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties. According to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation that is incompatible with the object and purpose of a treaty shall not be permitted.

The Government of the Czech Republic therefore objects to the aforesaid reservation made by the Kingdom of Bahrain to the Covenant. This objection shall not preclude the entry into force of the Covenant between the Czech Republic and the Kingdom of Bahrain, without the Kingdom of Bahrain benefiting from its reservation."

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."

Canada (18 September 2007):

"The Government of Canada has carefully examined the declaration made by the Government of the Kingdom of Bahrain upon acceding to the International Covenant on Civil and Political Rights, in accordance with which the Government of the Kingdom of Bahrain 'interprets the Provisions of Article 3, 18 and 23 as not affecting in any way the prescriptions of the Islamic Shariah'.

The Government of Canada notes that these declarations constitute in reality reservations and that they should have been lodged at the time of accession by Bahrain to the Covenant.

The Government of Canada considers that by making the interpretation of articles 3, 18 and 23

of the Covenant subject to the prescriptions of the Islamic Shariah, the Government of the Kingdom of Bahrain is formulating reservations with a general, indeterminate scope, such that they make it impossible to identify the modifications to obligations under the Covenant, which they purport to introduce and they do not clearly define for the other States Parties to the Convention the extent to which the reserving State has accepted the obligations of the Convention.

The Government of Canada notes that the reservations made by the Government of the Kingdom of Bahrain, addressing some of the most essential provisions of the Covenant, and aiming to exclude the obligations under those provisions, are in contradiction with the object and purpose of the Covenant. In addition, article 18 of the Covenant is among the provisions from which no derogation is allowed, according to article 4 of the Covenant.

The Government of Canada therefore objects to the aforesaid reservation made by the Government of the Kingdom of Bahrain. This objection does not preclude the entry into force in its entirety of the Covenant between Canada and the Kingdom of Bahrain."

Australia (18 September 2007):

"The Government of Australia has examined the reservation made by the Kingdom of Bahrain to the International Covenant on Civil and Political Rights. As the reservations were made after the accession of the Kingdom of Bahrain to the Covenant, the Government of Australia considers that the reservations were late and therefore inconsistent with article 19 of the Vienna Convention on the Law of Treaties.

The Government of Australia considers that the reservation with respect to articles 3, 18 and 23 of the Covenant is a reservation incompatible with the object and purpose of the Covenant. The Government of Australia recalls that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty is not permitted.

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

The Government of Australia considers that the Kingdom of Bahrain is, through this reservation, purporting to make the application of the International Covenant on Civil and Political Rights subject to Islamic Shariah law. As a result, it is unclear to what extent the Kingdom of Bahrain considers itself bound by the obligations of the Covenant and therefore raises concerns as to the commitment of the Kingdom of Bahrain to the object and purpose of the Covenant.

The Government of Australia recalls the general principle of treaty interpretation, codified in the Vienna Convention on the Law of Treaties, according to which a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty.

Further, as regards the reservation with respect to article 18, the Government of Australia recalls that according to article 4 (2) of the Covenant, no derogation of article 18 is permitted.

The Government of Australia objects to all of the reservations made by the Kingdom of Bahrain as they were made after accession, and specifically objects to the content of the reservation on article 3, 18 and 23 made by the Kingdom of Bahrain to the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between Australia and the Kingdom of Bahrain."

Ireland (27 September 2007):

"The Government of Ireland has examined the reservations made on 4 December 2006 by the Government of the Kingdom of Bahrain to the International Covenant on Civil and Political Rights.

The Government of Ireland notes that the reservation was not made by the Kingdom of Bahrain at the time of its accession to the International Covenant on Civil and Political Rights on 20 September 2006.

The Government of Ireland further notes that the Kingdom of Bahrain subjects application of Articles 3, 18 and 23 of the International Covenant on Civil and Political Rights to the prescriptions of the Islamic Shariah. The Government of Ireland is of the view that a reservation which consists of a general reference to religious law may cast doubts on the commitment of the reserving State to fulfil its obligations under the Covenant. The Government of Ireland is furthermore of the view that such a general reservation may undermine the basis of international treaty law and is incompatible with the object and purpose of the Covenant.

The Government of Ireland also notes that the Kingdom of Bahrain does not consider that Article 9 (5) detracts from its right to layout the basis and rules of obtaining the compensation mentioned therein. The Government of Ireland is of the view that a reservation which is vague and general in nature as to the basis and rules referred to may similarly make it unclear to what extent the reserving State considers itself bound by the obligations of the Covenant and cast doubts on the commitment of the reserving State to fulfil its obligations under the Covenant.

The Government of Ireland further notes that the Kingdom of Bahrain considers that no obligation arises from Article 14 (7) beyond those contained in Article 10 of its national Criminal Law. The Government of Ireland is of the view that such a reservation may cast doubts on the commitment of the reserving State to fulfil its obligations under the Covenant and may undermine the basis of international treaty law.

The Government of Ireland therefore objects to the aforesaid reservations made by the Government of the Kingdom of Bahrain to the International Covenant on Civil and Political

Rights.

This objection shall not preclude the entry into force of the Covenant between Ireland and the Kingdom of Bahrain."

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."

Poland (3 December 2007)

"The Government of the Republic of Poland has examined the reservations made by the Kingdom of Bahrain after its accession to the International Covenant on Civil and Political Rights, opened for signature at New York on 19 December 1966, hereinafter called the Covenant, in respect of article 3, article 9 paragraph 5, article 14 paragraph 7, article 18 and article 23.

The Government of the Republic of Poland considers that the reservations made by the Kingdom of Bahrain are so called late reservations, since they were made after the date of accession of the Kingdom of Bahrain to the Covenant. Therefore the reservations are inconsistent with article 19 of the Vienna Convention on the Law of Treaties, which provides for the possibility of formulation of reservations only when signing, ratifying, accepting, approving or acceding to a treaty.

Furthermore, the Government of the Republic of Poland considers that as a result of reservations with respect to articles 3, 18 and 23 of the Covenant, the implementation of provisions of these articles by the Kingdom of Bahrain is made subject to the prescriptions of the Islamic Shariah, with the result that the extent to which the Kingdom of Bahrain has accepted the obligations of the said articles of the Covenant is not defined precisely enough for the other State Parties. The Republic of Poland considers that these reservations lead to differentiation in enjoyment of the

rights warranted in the Covenant, which is incompatible with the purpose and object of the Covenant and therefore not permitted (article 19 c) of the Vienna Convention on the Law of Treaties).

The Government of the Republic of Poland therefore objects to the reservations made by the Kingdom of Bahrain.

However this objection does not preclude the entry into force of the Covenant between the Republic of Poland and the Kingdom of Bahrain.”

Sweden (3 December 2007)

“The Government of Sweden notes that the reservations made by the Kingdom of Bahrain were made after its accession to the Covenant. Since these reservations were formulated late they are to be considered inconsistent with the general principle of *pacta sunt servanda* as well as customary international law as codified in the Vienna Convention on the Law of Treaties.

Furthermore the Government of Sweden notes that the Government of the Kingdom of Bahrain has made a reservation with respect to articles 3, 18 and 23 giving precedence to the provisions of Islamic Shariah and national legislation over the application of the provisions of the Covenant. This reservation does not, in the opinion of the Government of Sweden, clearly specify the extent of the derogation by the Government of the Kingdom of Bahrain from the provisions in question and raises serious doubts as to the commitment of the Kingdom of Bahrain to the object and purpose of the Covenant.

The Government of Sweden would like 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 a treaty shall not be permitted. It is in the common interest of States that treaties, to which they have chosen to become a party, are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Sweden therefore objects to all of the reservations made by the Government of the Kingdom of Bahrain to the International Covenant on Civil and Political Rights, as they were made after accession, and specifically objects to the content of the reservations on articles 3, 18 and 23 made by the Government of the Kingdom of Bahrain to the Covenant, and considers them null and void.

This objection shall not preclude the entry into force of the Covenant [in] its entirety between the Kingdom of Bahrain and Sweden, without the Kingdom of Bahrain benefiting from its reservations.”

Hungary (4 December 2007)

“The Government of the Republic of Hungary has carefully examined the contents of the

reservation made by the Kingdom of Bahrain to the International Covenant on Civil and Political Rights, adopted on 16 December 1966, in respect of Articles 3, 18 and 23 thereof. Since the reservation was made after the accession of the Kingdom of Bahrain to the Covenant, the Government of the Republic of Hungary considers that the reservation was too late and therefore inconsistent with article 19 of the Vienna Convention on the Law of Treaties.

Furthermore the Government of the Republic of Hungary is of the opinion that the aforementioned reservation is in contradiction with the general principle of treaty interpretation according to which a State party to a treaty may not invoke the provisions of its internal law as justification for failure to perform according to the obligations set out by the treaty. Furthermore, the reservation consists of a general reference to the Constitution without specifying its content and as such does not clearly define to other Parties to the Covenant the extent to which the reserving State commits itself to the Covenant.

The Government of the Republic of Hungary recalls that it is in the common interest of States that treaties to which they have chosen to become party are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties. According to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation that is incompatible with the object and purpose of a treaty shall not be permitted.

The Government of the Republic of Hungary therefore objects to the aforesaid reservation made by the Kingdom of Bahrain to the Covenant. This objection shall not preclude the entry into force of the Covenant between the Republic of Hungary and the Kingdom of Bahrain.”

Mexico (13 December 2007)

The Permanent Mission of Mexico to the United Nations presents its compliments to the Treaty Section of the Office of Legal Affairs and has the honour to refer to the accession of the Kingdom of Bahrain to the 1966 International Covenant on Civil and Political Rights on 20 December 2006 and to the reservations that it made to various provisions, including articles 3, 18 and 23.

In that regard, the Permanent Mission of Mexico would like to state that the Government of Mexico has studied the content of Bahrain's reservation and is of the view that it should be considered invalid because it is incompatible with the object and purpose of the Covenant.

The reserve formulated, if applied, would have the unavoidable result of making implementation of the articles mentioned subject to the provisions of Islamic Shariah, which would constitute discrimination in the enjoyment and exercise of the rights enshrined in the Covenant; this is contrary to all the articles of this international instrument. The principles of the equality of men and women and non-discrimination are enshrined in the preamble and article 2, paragraph 1 of the Covenant and in the preamble and Article 1, paragraph 3 of the Charter of the United Nations.

The objection of the Government of Mexico to the reservation in question should not be interpreted as an impediment to the entry into force of the Covenant between Mexico and the Kingdom of Bahrain.

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.”

United Kingdom of Great Britain and Northern Ireland (27 December 2007):

“The United Kingdom objects to Bahrain’s reservations as they were made after the date of Bahrain’s accession to the Covenant.

The United Kingdom further objects to the substance of Bahrain’s first reservation, to Articles 3, 18 and 23. In the view of the United Kingdom 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 a system of law without specifying its contents does not do so.

These objections shall not preclude the entry into force of the Covenant between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Bahrain. However on account of their lateness the reservations shall have no effect as between Bahrain and the United Kingdom.”

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

OBJECTIONS MADE TO STATE PARTY’S RESERVATIONS AND DECLARATIONS

[Ed. Note: see note 15 under Reservations and Declarations, above].

DEROGATIONS: NOTIFICATIONS UNDER ARTICLE 4 (3) OF THE COVENANT

12 May 2011

"... His Majesty King Hamad bin Issa Al Khalifa, King of the Kingdom of Bahrain, issued a Royal Decree 39 for the year 2011 on 08 May 2011, lifting the State of National Safety, effective 01 June 2011."

28 April 2011

By Royal Decree No. 18 of 2011, the Kingdom of Bahrain declared a State of National Safety on 15 March 2011, for a period of three months in order to address and overcome the threat to the security, economy and society of Bahrain and its people. Bahrain invoked its right under article 4 of the Covenant to take measures derogating from Articles 9, 12, 13, 17, 21 and 22 of the Covenant.

13 June 2011

...by Royal Decree No. 39 of 2011, the State of National Safety, declared by Royal Decree No. 18 of 2011, was lifted with effect from 1 June 2011, and that accordingly the derogations from the Covenant terminated from the same date.