

IRELAND

CCPR

RESERVATIONS AND DECLARATIONS

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

Article 10, paragraph 2

Ireland accepts the principles referred to in paragraph 2 of article 10 and implements them as far as practically possible. It reserves the right to regard full implementation of these principles as objectives to be achieved progressively.

...

Article 20, paragraph 1

Ireland accepts the principle in paragraph 1 of article 20 and implements it as far as it is practicable. Having regard to the difficulties in formulating a specific offence capable of adjudication at a national level in such a form as to reflect the general principles of law recognised by the community of nations as well as the right to freedom of expression, Ireland reserves the right to postpone consideration of the possibility of introducing some legislative addition to, or variation of, existing law until such time as it may consider that such is necessary for the attainment of the objective of paragraph 1 of article 20.

Note

On 12 April 1994 and 24 August 1998, respectively, the Government of Ireland notified the Secretary-General of its decision to withdraw the declaration with respect to article 6 (5), on the one hand, and the reservations made to articles 14 (6) and 23 (4), on the other, made upon ratification. For the text of the declaration and reservations, see United Nations, Treaty Series, vol. 1551, p. 352.

[Ed. note: as follows:

"Pending the introduction of further legislation to give full effect to the provisions of paragraph 5 of article 6, should a case arise which is not covered by the provisions of existing law, the Government of Ireland will have regard to its obligations under the Covenant in the exercise of its power to advise commutation of the sentence of death."

"Ireland makes the reservation that the provision of compensation for the miscarriage of justice in the circumstances contemplated in paragraph 6 of article 14 may be by administrative procedures rather than pursuant to specific legal provisions."

"Ireland accepts the obligations of paragraph 4 of article 23 on the understanding that the

provision does not imply any right to obtain a dissolution of marriage.”]

On 26 January 2009, the Government of Ireland notified the Secretary-General that it had decided to withdraw the reservation with respect to article 14 made upon ratification, which read as follows: “Ireland reserves the right to have minor offences against military law dealt with summarily in accordance with current procedures, which may not, in all respects, conform to the requirements of article 14 of the Covenant.”

(Note 25, Chapter IV.4, Multilateral Treaties Deposited with the Secretary-General)

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Note

On 15 December 2011, the Government of Ireland informed the Secretary-General that it had decided to withdraw its reservation concerning article 19 paragraph 2 of the Covenant made upon ratification. The text of the reservation withdrawn reads as follows:

“Ireland reserves the right to confer a monopoly on or require the licensing of broadcasting enterprises.”

(Note 26, 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)

11 October 2001

With regard to the reservations made by Botswana upon ratification:

"The Government of Ireland have examined the reservations made by the Government of the Republic of Botswana to Article 7 and to Article 12, paragraph 3 of the International Covenant on Civil and Political Rights.

These reservations invoke provisions of the internal law of the Republic of Botswana. The Government of Ireland are of the view that such reservations may cast doubts on the commitment of the reserving State to fulfil its obligations under the Convention. Furthermore, the Government of Ireland are of the view that such reservations may undermine the basis of international treaty law.

The Government of Ireland therefore object to the reservations made by the Government of the Republic of Botswana to Article 7 and Article 12, paragraph 3 of the Covenant.

This objection shall not preclude the entry into force of the Convention between Ireland and the Republic of Botswana."

19 September 2007

With regard to the reservation made by Maldives upon accession:

“The Government of Ireland notes that the Republic of Maldives subjects application of Article 18 of the International Covenant on Civil and Political Rights to the Constitution of the Republic of Maldives.

The Government of Ireland is of the view that a reservation which consists of a general reference to the Constitution of the reserving State and which does not clearly specify the extent of the derogation from the provision of the Covenant 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 reservation may undermine the basis of international treaty law and is incompatible with the object and purpose of the Covenant.

The Government of Ireland therefore objects to the aforesaid reservation made by the Republic of Maldives to Article 18 of the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between Ireland and the Republic of Maldives.”

13 October 2010

With regard to the reservation made by the Lao People's Democratic Republic upon ratification:

“The Government of Ireland has examined the reservations and declarations made by the Lao People’s Democratic Republic upon ratification of the International Covenant on Civil and Political Rights, and notes in particular, the intention of the Lao People’s Democratic Republic to apply the provisions in Article 22 of the Covenant in its territory only insofar as those provisions are in conformity with the Constitution and relevant laws of the Lao People’s Democratic Republic.

The Government of Ireland is of the view that a reservation which consists of a general reference to the Constitution or domestic laws of the reserving State and which does not clearly specify the extent of the derogation from the provision of the Covenant 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 reservation may undermine the basis of international treaty law and is incompatible with the object and purpose of the Covenant. The Government of Ireland recalls that according to Article 19 (c) of the Vienna Convention on the

Law of Treaties, a reservation incompatible with the object and purpose of the Covenant shall not be permitted.

The Government of Ireland therefore objects to the aforesaid reservation made by the Lao People's Democratic Republic to Article 22 of the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between Ireland and the Lao People's Democratic Republic.”

23 June 2011

With regard to the reservations made by Pakistan upon ratification:

“The Government of Ireland 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 Ireland notes that the Islamic Republic of Pakistan subjects Articles 3, 6, 7, 12, 13, 18, 19 and 25 to the Constitution of Pakistan, its domestic law and/or Sharia law. The Government of Ireland is of the view that a reservation which consists of a general reference to the Constitution or the domestic law of the reserving State or to religious law, may cast doubt on the commitment of the reserving state to fulfil its obligations under the Covenant. The Government of Ireland 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 Ireland further notes the reservation by Pakistan to Article 40 of the International Covenant on Civil and Political Rights. The reporting mechanism is an integral undertaking of all States Parties to the Covenant.

The Government of Ireland 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 International Covenant on Civil and Political Rights.

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

...

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 lay out 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."

...

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

DECLARATION RE: ARTICLE 41

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

"The Government of Ireland hereby declare that in accordance with article 41 they recognise the competence of the Human Rights Committee established under article 28 of the Covenant."