

HUNGARY

CCPR

RESERVATIONS AND DECLARATIONS

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

[upon signature:

"The Government of the Hungarian People's Republic declares that paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and paragraph 1 of article 48 of the International Covenant on Civil and Political Rights according to which certain States may not become signatories to the said Covenants are of a discriminatory nature and are contrary to the basic principle of international law that all States are entitled to become signatories to general multilateral treaties. These discriminatory provisions are incompatible with the objectives and purposes of the Covenants."

Upon ratification:

"The Presidential Council of the Hungarian People's Republic declares that the provisions of article 48, paragraphs 1 and 3, of [...] the International Covenant on Civil and Political Rights, and article 26, paragraphs 1 and 3, of the International Covenant on Economic, Social and Cultural Rights are inconsistent with the universal character of the Covenants. It follows from the principle of sovereign equality of States that the Covenants should be open for participation by all States without any discrimination or limitation."]

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

OBJECTIONS MADE TO OTHER STATES PARTIES RESERVATIONS AND DECLARATIONS

18 September 2007

With regard to the reservation made by Maldives upon accession:

"The Government of the Republic of Hungary has examined the reservation made by the Republic of Maldives on 19 September 2006 upon accession to the International Convention on Civil and Political Rights of 16 December 1966. The reservation states 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.

The Government of the Republic of Hungary is of the opinion that the reservation to Article 18 will unavoidably result in a legal situation in respect of the Republic of Maldives, which is

incompatible with the object and purpose of the Convention.

Namely the reservation makes it unclear to what extent the Republic of Maldives considers itself bound by the obligations of the Covenant thus raising concerns as to its commitment to the object and purpose of the Covenant.

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 Article 19 point (c) of the Vienna Convention on the Law of Treaties of 1969, a State may formulate a reservation unless it is incompatible with the object and purpose of the treaty.

The Government of the Republic of Hungary therefore objects to the above-mentioned reservation. This objection shall not preclude the entry into force of the Convention between the Republic of Hungary and the Republic of Maldives."

28 June 2011

"With regard to the reservations made by the Islamic Republic of Pakistan:

The Government of the Republic of Hungary has examined the reservations made by the Islamic Republic of Pakistan upon accession to the International Covenant on Civil and Political Rights, adopted on 16 December 1966, in respect of Articles 3, 6, 7, 12, 13, 18, 19, 25 and 40 thereof.

The Government of the Republic of Hungary is of the opinion that the reservations made by the Islamic Republic of Pakistan with regard to Articles 3, 6, 7, 12, 13, 18, and 19 are 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 reservations consist of a general reference to the provisions of the Constitution, the Sharia laws, and/or Pakistani internal law relating to foreigners without specifying their content and as such do 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 reservations made by the Islamic Republic of Pakistan with regard to Articles 3, 6, 7, 12, 13, 18 and 19 of the Covenant. This objection shall not preclude the entry into force of the Covenant between the Republic of Hungary and the Islamic Republic of Pakistan.”

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)

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:

...

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.”

...

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

DECLARATION RE: ARTICLE 41

7 September 1988

The Hungarian People's Republic [...] recognizes the competence of the Human Rights Committee established under 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.