

LATVIA

CCPR

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)

15 November 2005

With regard to reservations made by Mauritania upon ratification:

"The Government of the Republic of Latvia has carefully examined the declaration made by Mauritania to the International Covenant on Civil and Political Rights upon accession.

he Government of the Republic of Latvia considers that the declaration contains general reference to prescriptions of the Islamic Shariah, making the provisions of International Covenant subject to the prescriptions of the Islamic Shariah.

Thus, the Government of the Republic of Latvia is of the opinion that the declaration is in fact a unilateral act deemed to limit the scope of application of the International Covenant and therefore, it shall be regarded as a reservation.

Moreover, the Government of the Republic of Latvia noted that the reservation does not make it clear to what extent Mauritania considers itself bound by the provisions of the International Covenant and whether the way of implementation of the provisions of the International Covenant is in line with the object and purpose of the International Covenant.

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

The Government of the Republic of Latvia therefore objects to the aforesaid reservations made by Mauritania to the International Covenant on Civil and Political Rights.

However, this objection shall not preclude the entry into force of the International Covenant between the Republic of Latvia and Mauritania. Thus, the International Covenant will become operative without Mauritania benefiting from its reservation."

4 September 2007

With regard to the reservation made by Maldives upon accession:

“The Government of the Republic of Latvia has carefully examined the reservation made by the Republic of Maldives to the International Covenant on Civil and Political Rights upon accession.

The Government of the Republic of Latvia considers that the said reservation makes the constitutive provisions of International Covenant subject to the national law (the Constitution) of the Republic of Maldives.

The Government of the Republic of Latvia recalls that customary international law as codified by 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 the Republic of Latvia, therefore, objects to the aforesaid reservations made by the Republic of Maldives to the International Covenant on Civil and Political Rights.

However, this objection shall not preclude the entry into force of the International Covenant between the Republic of Latvia and the Republic of Maldives. Thus, the International Covenant will become operative without the Republic of Maldives benefitting from its reservation.”

29 June 2011

With regard to the reservations made by Pakistan upon ratification:

“The Government of the Republic of Latvia has carefully examined the reservations expressed by the Islamic Republic of Pakistan to Articles 3, 6, 7, 12, 13, 18, 19, 25 and 40 of the International Covenant upon ratification.

Articles 3, 6 and 7 of the International Covenant shall be viewed as constituting the object and purpose thereof. Therefore, pursuant to Article 19 (c) of the Vienna Convention on the Law of Treaties, reservations, whereby the mentioned provisions of the International Covenant are subjected to the regime of the Constitution of the Islamic Republic of Pakistan or of Sharia law may not be viewed as being compatible with the object and purpose of the International Covenant.

Moreover, the Government of the Republic of Latvia notes that the reservations expressed by the Islamic Republic of Pakistan to Articles 3, 6 and 7 of the International Covenant are ambiguous, thereby lacking clarity, whether and to what extent the fundamental rights guaranteed by Articles 3, 6 and 7 of the International Covenant will be ensured.

Furthermore, the Government of the Republic of Latvia considers that Article 40 of the

International Covenant contains essential provisions to oversee the implementation of the rights guaranteed by the International Covenant. Therefore, the reservation declaring that the State Party does not consider itself bound with the provisions of this Article cannot be in line with the object and purpose of the International Covenant.

Consequently, the Government of the Republic of Latvia objects to the reservations made by the Islamic Republic of Pakistan regarding Articles 3, 6, 7 and 40 of the International Covenant.

At the same time, this objection shall not preclude the entry into force of the International Covenant between the Republic of Latvia and the Islamic Republic of Pakistan. Thus, the International Covenant will become operative without the Islamic Republic of Pakistan benefiting from its reservation."

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:

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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."

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