

PAKISTAN

CCPR

RESERVATIONS AND DECLARATIONS

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

Reservations made upon ratification:

...

Article 3

"The Government of the Islamic Republic of Pakistan declares that the provisions of Article 3 of the International Covenant on Civil and Political Rights shall be so applied as to be in conformity with Personal Law of the citizens and Qanoon-e-Shahadat."

...

Article 25

"The Government of the Islamic Republic of Pakistan states that the application of Article 25 of the International Covenant on Civil and Political Rights shall be subject to the principle laid down in Article 41 (2) and Article 91 (3) of the Constitution of Pakistan."

...

Upon signature

Reservation:

"The Government of the Islamic Republic of Pakistan reserves its right to attach appropriate reservations, make declarations and state its understanding in respect of various provisions of the Covenant at the time of ratification."

Note

The Secretary-General received the following communication(s) related to the reservations made by Pakistan, on the date(s) indicated hereinafter:

The Netherlands (30 June 2011)

“The Government of the Kingdom of the Netherlands has examined the reservations made by the Islamic Republic of Pakistan upon ratification of the International Covenant on Civil and Political Rights

The Government of the Kingdom of the Netherlands considers that with its reservations to the Articles 3, 6, 7, 12, 13, 18, 19 et 25 of the Covenant, the Islamic Republic of Pakistan has made the application of essential obligations under the Covenant concerning, amongst others, equality between men and women, the right to life, including restrictions on the imposition of the death penalty, the prohibition of torture, freedom of thought, conscience and religion, freedom of expression, the right to liberty of movement and freedom in the choice of residence, restrictions on the expulsion of aliens lawfully in the territory of a State Party, the right to take part in public affairs, the right to vote and to be elected and the right to have access to public service on terms of equality subject to the Sharia laws and/or the constitutional and/or national laws in force in Pakistan.

This makes it unclear to what extent the Islamic Republic of Pakistan considers itself bound by the obligations of the treaty and raises concerns as to the commitment of the Islamic Republic of Pakistan to the object and purpose of the Covenant.

The Government of the Kingdom of the Netherlands considers that reservations of this kind must be regarded as incompatible with the object and purpose of the Covenant and would 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.

The Government of the Kingdom of the Netherlands has also examined the reservation of the Islamic Republic of Pakistan with respect to Article 40 of the Covenant.

The Government of the Netherlands considers that the supervisory machinery established under the Covenant, including the system of periodic reporting to the Human Rights Committee established pursuant to Article 40 forms an essential part of the treaty. Accordingly, a reservation such as the reservation of the Islamic Republic of Pakistan, in which a State Party declares not to recognize the competence of the Human Rights Committee to review and comment State periodic reports must be considered contrary to the object and purpose of the Covenant and shall therefore not be permitted.

The Government of the Kingdom of the Netherlands therefore objects to the reservations of the Islamic Republic of Pakistan to the aforesaid Articles of the Covenant.

This objection does not constitute an obstacle to the entry into force of the Covenant between the Kingdom of the Netherlands and the Islamic Republic of Pakistan.”

Subsequently, in a communication received on 20 September 2011, the Government of Pakistan notified the Secretary-General that it had decided to partially withdraw the reservations, made upon ratification, to articles 3, 6, 7, 12, 13, 18, 19, 25 and 40 of the Convention.

These reservations read as follows:

“Article 3, 6, 7, 18 and 19

‘[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’.

Article 12

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

Article 13

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

Article 25

‘Islamic Republic of Pakistan declares that the provisions of Articles 25 shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan’.

Article 40

‘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’.”

(Note 34, 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)

17 April 2008

With regard to the declaration made by India upon accession:

"The Government of Islamic Republic of Pakistan objects to the declaration made by the Republic of India in respect of article 1 of the International Covenant on Civil and Political Rights.

The right of Self-determination as enshrined in the Charter of the United Nations and as embodied in the Covenants applies to all peoples under foreign occupation and alien domination.

The Government of the Islamic Republic of Pakistan cannot consider as valid any interpretation of the right of self-determination which is contrary to the clear language of the provisions in question. Moreover, the said reservation is incompatible with the object and purpose of the Covenants. This objection shall not preclude the entry into force of the Covenant between the Islamic Republic of Pakistan and India without India benefiting from its reservations."

OBJECTIONS MADE TO STATE PARTY'S RESERVATIONS AND DECLARATIONS

Australia, 28 June 2011

With regard to the reservations made by Pakistan upon ratification:

"The Government of Australia has examined the reservation made by The Islamic Republic of Pakistan to the International Covenant on Civil and Political Rights and now hereby objects to the same for and on behalf of Australia:

The Government of Australia considers that the reservations by the Islamic Republic of Pakistan are incompatible with the object and purpose of the International Covenant on Civil and Political Rights (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.

Furthermore, the Government of Australia considers that The Islamic Republic of Pakistan, through its reservations, is purporting to make the application of the Covenant subject to the provisions of general domestic law in force in The Islamic Republic of Pakistan. As a result, it is unclear to what extent The Islamic Republic of Pakistan considers itself bound by the obligations of the Covenant and therefore raises concerns as to the commitment of The Islamic Republic of Pakistan to the object and purpose of the Covenant.

The Government of Australia considers that the reservations to the Covenant are subject to the general principle of treaty interpretation, pursuant to Article 27 of the Vienna Convention of 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, the Government of Australia recalls that according to article 4 (2) of the Covenant, no derogation of article 18 is permitted.

For the above reasons, the Government of Australia objects to the aforesaid reservations made by

The Islamic Republic of Pakistan to the Covenant and expresses the hope that the Islamic Republic of Pakistan will withdraw its reservations.

This objection shall not preclude the entry into force of the Covenant between Australia and The Islamic Republic of Pakistan.”

Austria, 24 June 2011

With regard to the reservations made by Pakistan upon ratification:

“The Government of Austria has examined the reservations made by the Islamic Republic of Pakistan upon ratification of the International Covenant on Civil and Political Rights (ICCPR).

The Government of Austria considers that in aiming to exclude the application of those provisions of the Covenant which are deemed incompatible with the Constitution of Pakistan, Sharia laws and certain national laws, the Islamic Republic of Pakistan has made reservations of general and indeterminate scope. These reservations do not clearly define for the other States Parties to the Covenant the extent to which the reserving State has accepted the obligations of the Covenant.

The Government of Austria therefore considers the reservations of the Islamic Republic of Pakistan to Articles 3, 6, 7, 18 and 19; further to Articles 12, 13 and 25 incompatible with the object and purpose of the Covenant and objects to them.

Austria further considers that the Committee provided for in Article 40 of the Covenant has a pivotal role in the implementation of the Covenant. The exclusion of the competence of the Committee is not provided for in the Covenant and in Austria’s views incompatible with the object and purpose of the Covenant. Austria therefore objects to this reservation.

These objections shall not preclude the entry into force of the Covenant between Austria and the Islamic Republic of Pakistan.”

Belgium, 28 June 2011

With regard to the reservations made by Pakistan upon ratification:

Belgium has carefully examined the reservations made by Pakistan upon accession on 23 June 2010 to the International Covenant on Civil and Political Rights.

The vagueness and general nature of the reservations made by Pakistan with respect to Articles 3, 6, 7, 12, 13, 18, 19 and 25 of the International Covenant on Civil and Political Rights may contribute to

undermining the bases of international human rights treaties.

The reservations make the implementation of the Covenant's provisions contingent upon their compatibility with the Islamic Sharia and/or legislation in force in Pakistan. This creates uncertainty as to which of its obligations under the Covenant Pakistan intends to observe and raises doubts as to Pakistan's respect for the object and purpose of the Covenant.

As to the reservation made with respect to Article 40, Belgium emphasizes that the object and purpose of the Covenant are not only to confer rights upon individuals, thereby imposing corresponding obligations on States, but also to establish an effective mechanism for monitoring obligations under the Covenant.

It is in the common interest for all parties to respect the treaties to which they have acceded and for States to be willing to enact such legislative amendments as may be necessary in order to fulfil their treaty obligations.

Belgium also notes that the reservations concern a fundamental provision of the Covenant.

Consequently, Belgium considers the reservations to be incompatible with the object and purpose of the Covenant.

Belgium notes that under 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 (article 19 (c)).

Furthermore, under Article 27 of the Vienna Convention on the Law of Treaties, a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty.

Consequently, Belgium objects to the reservations formulated by Pakistan with respect 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 the Kingdom of Belgium and Pakistan.

Canada, 27 June 2011

With regard to the reservations made by Pakistan upon ratification:

“The Government of Canada has carefully examined the reservations made by the Government of the Islamic Republic of Pakistan upon ratification of the International Covenant on Civil and Political Rights, which declare 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 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 provisions of Article 25 shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan”; and the Government of the Islamic Republic of Pakistan “does not recognize the competence of the Committee provided for in Article 40 of the Covenant”.

The Government of Canada considers that reservations which consist of a general reference to national law or to the prescriptions of the Islamic Sharia constitute, in reality, reservations with a general, indeterminate scope. This makes it impossible to identify the modifications to obligations under the Covenant that each reservation purports to introduce and impossible for the other States Parties to the Covenant to know the extent to which Pakistan has accepted the obligations of the Covenant, an uncertainty which is unacceptable, especially in the context of treaties related to human rights.

The Government of Canada further considers that the competence of the Committee to receive, study and comment on the reports submitted by States Parties as provided for in Article 40 of the Covenant is essential to the implementation of the Covenant. Through its function and its activity, the Human Rights Committee plays an essential role in monitoring the fulfillment of the obligations of the States Parties to the Convention. Participation in the reporting mechanism outlined in Article 40, which is aimed at encouraging more effective implementation by States Parties of their treaty obligations, is standard practice of States Parties to the Covenant.

The Government of Canada notes that the reservations made by the Government of the Islamic Republic of Pakistan, addressing many of the most essential provisions of the Covenant, and aiming to exclude the obligations under those provisions, are incompatible with the object and purpose of the Covenant, and thus inadmissible under Article 19(c) of the Vienna Convention on the Law of Treaties. In addition, Articles 6, 7 and 18 of the Covenant are 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 reservations made by the Government of the Islamic Republic of Pakistan.

This objection does not preclude the entry into force in its entirety of the Covenant between Canada and the Islamic Republic of Pakistan.”

Czech Republic, 20 June 2011

“The Czech Republic believes that the reservations of Pakistan made to Articles 3, 6, 7, 12, 13, 18, 19, 25 and 40 of the Covenant, if put into practice, would result in weakening of the relevant human rights, which is contrary to the object and purpose of the Covenant. Furthermore, Pakistan supports

these reservations by references to its domestic law, which is, in the opinion of the Czech Republic, unacceptable under customary international law, as codified in Article 27 of the Vienna Convention on the Law of Treaties. Finally, the reservations to Articles 3, 6, 7, 18 and 19 that refer to the notions such as “Sharia law” and “Provisions of the Constitution of Pakistan”; the reservations to Articles 12 and 25 that refer to the notions such as “law relating to foreigners” without specifying its contents, do not clearly define for the other States Parties to the Covenant the extent to which the reserving State has accepted the obligations under the Covenant.

It is in the common interest of 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 the treaties. According to Article 28 paragraph 2 of the Convention and 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 Czech Republic, therefore, objects to the aforesaid reservations made by Pakistan to the Covenant. This objection shall not preclude the entry into force of the Convention between the Czech Republic and Pakistan. The Covenant enters into force in its entirety between the Czech Republic and Pakistan, without Pakistan benefiting from its reservation.”

Denmark, 28 June 2011

With regard to the reservations made by Pakistan upon ratification:

“The Government of the Kingdom of Denmark has examined the reservations made by the Government of the Islamic Republic of Pakistan upon ratification of the International Covenant on Civil and Political Rights.

The Government of Denmark considers that the reservations made by the Islamic Republic of Pakistan to articles 3, 6, 7, 12, 13, 18, 19 and 25 of the Covenant, which make the applications of these essential obligations under the Covenant subject to Sharia and/or constitutional and/or national law in force in the Islamic Republic of Pakistan, raise doubts as to what extent the Islamic Republic of Pakistan considers itself bound by the obligations of the treaty and concern as to the commitment of the Islamic Republic of Pakistan to the object and purpose of the Covenant.

The Government of the Kingdom on Denmark has also examined the reservation of the Islamic Republic of Pakistan with respect to Article 40 of the Covenant.

The Government of Denmark considers, that the supervisory machinery established under the Covenant, including the system of periodic reporting to the human rights Committee is an essential part of the treaty.

Accordingly a reservation to the effect that a State Party does not recognize the competence of the

Human Rights Committee to review and comment State reports must be considered contrary to the object and purpose of the Covenant.

The Government of Denmark wishes 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 the Covenant shall not be permitted.

Consequently, the Government of Denmark considers the said reservations as incompatible with the object and purpose of the Covenant and accordingly inadmissible and without effect under international law.

The Government of Denmark therefore objects to the aforementioned reservations made by the Government of the Islamic Republic of Pakistan. This shall not preclude the entry into force of the Covenant in its entirety between the Islamic Republic of Pakistan and Denmark.

The Government of Denmark recommends the Government of the Islamic Republic of Pakistan to reconsider its reservations to the International Covenant on Civil and Political Rights.”

Estonia, 21 June 2011

With regard to the reservations made by Pakistan upon ratification:

“The Government of the Republic of Estonia has carefully examined the reservations made on 23 June 2010 by Pakistan to Articles 3, 6, 7, 12, 13, 18, 19, 25 and 40 of the Covenant.

Regarding Articles 3, 6, 7, 12, 13, 18, 19, 25, the Government of the Republic of Estonia considers these reservations to be incompatible with the object and purpose of the Covenant as with these reservations the application of the International Covenant on Civil and Political Rights is made subject to the provisions of constitutional law. The Government of Estonia is of the view that the reservation which consists of a general reference to a national law without specifying its content does not clearly indicate to what extent the Islamic Republic of Pakistan considers itself bound by the obligations contained in the relevant Articles of the Covenant and therefore raises concerns as to the commitment of the Islamic Republic of Pakistan to the object and purpose of the Covenant. Furthermore, the reservation made by Islamic Republic of Pakistan to Article 40 of the Covenant is in the view of the Government of the Republic of Estonia contrary to the aim of the Covenant as this Article sets out the commitments of States towards the Human Rights Committee. The reporting mechanism is one of the core elements of the implementation of the Covenant.

Therefore, the Government of the Republic of Estonia objects to the aforesaid reservations made by the Islamic Republic of Pakistan to the International Covenant on Civil and Political Rights.

Nevertheless, this objection shall not preclude the entry into force of the International Covenant on

Civil and Political Rights as between the Republic of Estonia and the Islamic Republic of Pakistan.”

Finland, 28 June 2011

With regard to the reservations made by Pakistan upon ratification:

The Government of Finland welcomes the ratification of the International Covenant on Civil and Political Rights by the Islamic Republic of Pakistan. The Government of Finland has carefully examined the content of the reservations relating to Articles 3, 6, 7, 12, 13, 18, 19, 25 and 40 of the Convention made by the Islamic Republic of Pakistan upon ratification.

The Government of Finland notes that the Islamic Republic of Pakistan reserves the right to apply the provisions of Article 3, 6, 7, 18 and 19 to the extent that they are not repugnant to the provisions of the Constitution of Pakistan and the Sharia laws, the provisions of Article 12 so as to be in conformity with the provisions of the Constitution of Pakistan, and the provisions of Article 25 to the extent that they are not repugnant to the provisions of the Constitution of Pakistan, and that, as regards the provisions of Article 13, the Islamic Republic of Pakistan reserves the right to apply its law relating to foreigners.

The Government of Finland notes that a reservation which consists of a general reference to national law without specifying its content does not clearly define to other Parties to the Covenant the extent to which the reserving States commits itself to the Covenant and creates serious doubts as to the commitment of the reserving State to fulfil its obligations under the Covenant. Such reservations are, furthermore, subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its domestic law as justification for a failure to perform its treaty obligations.

Furthermore, the Government of Finland notes that the Islamic Republic of Pakistan declares that it does not recognize the competence of the Human Rights Committee provided for in Article 40 of the Covenant. The reporting mechanism established under Article 40 is an essential feature of the system of human rights protection created by the Covenant and an integral undertaking of States Parties to the Covenant.

All of the above reservations seek to restrict essential obligations of the Islamic Republic of Pakistan under the Covenant and raise serious doubts as to the commitment of the Islamic Republic of Pakistan to the object and purpose of the Covenant. The Government of Finland wishes to recall that, according to Article 19 (c) of the Vienna Convention on the Law of Treaties and customary international law, a reservation contrary to 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 parties are respected 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 Government of Finland therefore objects to the reservations made by the Islamic Republic of

Pakistan in respect of 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 Islamic Republic of Pakistan and Finland. The Convention will thus become operative between the two states without the Islamic Republic of Pakistan benefiting from its reservations.

France, 24 June 2011

With regard to the reservations made by Pakistan upon ratification:

The Government of the French Republic has considered the reservations made by the Islamic Republic of Pakistan upon its ratification of the International Covenant on Civil and Political Rights on 23 June 2010.

Concerning the reservations to articles 3, 6, 7, 12, 18, 19 and 25, France considers that in seeking to exclude the application of provisions of the Covenant, insofar as they might be contrary to or inconsistent with the Constitution of Pakistan and/or Sharia law, the Islamic Republic of Pakistan has made reservations of a general and indeterminate nature. Indeed, these reservations are vague since they do not specify which provisions of domestic law are affected. Thus, they do not allow other States Parties to appreciate the extent of the commitment of the Islamic Republic of Pakistan, including the compatibility of the provisions with the object and purpose of the Covenant.

With regard to article 40, France believes that in seeking to exclude the competence of the Human Rights Committee to consider periodic reports, the Islamic Republic of Pakistan is depriving this key body under the Covenant of its main function. As such, the Government of the French Republic considers this reservation to be contrary to the object and purpose of the Covenant.

The Government of the French Republic therefore objects to the reservations made by the Islamic Republic of Pakistan. However, this objection shall not preclude the entry into force of the Covenant between France and Pakistan.

Germany, 28 June 2011

With regard to the reservations made by Pakistan upon ratification:

“The Government of the Federal Republic of Germany has carefully examined the reservations made by the Islamic Republic of Pakistan on 23 June 2010 to Articles 3, 6, 7, 12, 13, 18, 19 and 25 of the International Covenant on Civil and Political Rights.

The Government of the Federal Republic of Germany is of the opinion that these reservations subject the applications of Articles 3, 6, 7, 12, 13, 18, 19 and 25 of the Covenant to a system of

domestic norms without specifying the contents thereof, leaving it uncertain to which extent the Islamic Republic of Pakistan accepts to be bound by the obligations under the Covenant and raising serious doubts as to its commitment to fulfil its obligations under the Covenant. These reservations therefore are considered incompatible with the object and purpose of the Covenant and consequently impermissible under Art. 19 c of the Vienna Convention on the Law of Treaties.

By refusing to recognize the competence of the Committee provided for in Article 40 of the Covenant the Republic of Pakistan calls into question the complete reporting mechanism which is a central procedural element of the Covenant system. This specific reservation against Article 40 therefore is considered to be contrary to the object and purpose of the Covenant as well.

The Government of the Federal Republic of Germany therefore objects to the above-mentioned reservations as being incompatible with the object and purpose of the Covenant.

This objection shall not preclude the entry into force of the Covenant between the Federal Republic of Germany and the Islamic Republic of Pakistan.”

Greece, 22 June 2011

With regard to the reservations made by Pakistan upon ratification:

“The Government of the Hellenic Republic considers that the Articles 3, 6 and 7 of the Covenant are of fundamental importance and that the reservations formulated by the Islamic Republic of Pakistan to those Articles, containing a general reference to the Provisions of the Constitution of Pakistan and the Sharia laws without specifying the extent of the derogation there from, are incompatible with the object and purpose of the Covenant.

Furthermore, the Government of the Hellenic Republic considers that the reservation formulated with respect to Article 40 of the Covenant, is incompatible with the object and purpose of the Covenant, which seeks, inter alia, to establish an effective monitoring mechanism for the obligations undertaken by the States Parties.

For this reason the Government of the Hellenic Republic objects to the abovementioned reservations formulated by the Islamic Republic of Pakistan.

This objection shall not preclude the entry into force of the Covenant between Greece and the Islamic Republic of Pakistan.”

Hungary, 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.”

Ireland, 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.”

Italy, 28 June 2011

With regard to the reservations made by Pakistan upon ratification:

“The Government of Italy 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 Italy has noted that the reservations to Articles 3, 6, 7, 18, 19, 12, 13 and 25 makes the constitutive provisions of International Covenant subject to the national law of the Islamic Republic of Pakistan (the Constitution, its domestic law and/or Sharia laws).

In the view of the Government of Italy 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 national provisions without specifying its implications makes it unclear to what extent the Islamic Republic of Pakistan considers itself bound by the obligations of the Covenant and therefore raises concerns as to the commitment of the Islamic Republic of Pakistan to the object and purpose of the Covenant.

The Government of Italy 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 Italy recalls that customary international law as codified by the 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 Italy, therefore, objects to the aforesaid reservations made by the Islamic Republic of Pakistan to Articles 3, 6, 7, 18, 19, 12, 13 and 25 of the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between Italy and the Islamic Republic of Pakistan.”

Latvia, 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.”

Norway, 29 June 2011

With regard to the reservations made by Pakistan upon ratification:

“The Government of Norway has examined the reservations made by the Islamic Republic of Pakistan upon ratification of the International Covenant on Civil and Political Rights. The Government of Norway considers that the reservations with regard to articles 3, 6, 7, 12, 13, 18, 19, 25 and 40 of the Covenant are so extensive as to be contrary to its object and purpose. The

Government of Norway therefore objects to the reservations made by the Islamic Republic of Pakistan. This objection does not preclude the entry into force of the Covenant between the Kingdom of Norway and the Islamic Republic of Pakistan. The Covenant thus becomes operative between the Kingdom of Norway and the Islamic Republic of Pakistan without the Islamic Republic of Pakistan benefiting from the aforesaid reservations.”

Poland, 20 June 2011

With regard to the reservations made by Pakistan upon ratification:

“The Government of the Republic of Poland has examined the reservations made by the Islamic Republic of Pakistan upon accession to the International Covenant on Civil and Political Rights, opened for signature at New York on 19 December 1966, with regard to Articles 3, 6, 7, 12, 13, 18, 19, 25 and 40 of the Covenant.

In the view of the Government of the Republic of Poland, if put into practice, the reservations made by the Islamic Republic of Pakistan, especially when taking into account their unspecified extent and the vast area of rights they affect, will considerably limit the ability to benefit from the rights guaranteed by the Covenant.

Consequently, the Government of the Republic of Poland considers these reservations as incompatible with the object and purpose of the Covenant, which is to guarantee equal rights to everyone without any discrimination. In consequence, according to Article 19 (c) of the Vienna Convention on the Law of Treaties, which is a treaty and customary norm, these reservations shall not be permitted.

In order to justify its will to exclude the legal consequences of certain provisions of the Covenant, the Islamic Republic of Pakistan raised in its reservations the inconsistency of these provisions with its domestic legislation. The Government of the Republic of Poland recalls that, according to Article 27 of the Vienna Convention on the Law of Treaties, the State Party to an international agreement may not invoke the provisions of its internal law as justification for its failure to perform a treaty. On the contrary, it should be deemed a rule that a State Party adjusts its internal law to the treaty which it decides to be bound by. On these grounds, the reservations made by the Islamic Republic of Pakistan with regard to Articles 3, 6, 7, 12, 13, 18, 19 and 25 of the Covenant shall not be permitted.

The Islamic Republic of Pakistan refers in its reservations to the Sharia laws and to its domestic legislation as possibly affecting the application of the Covenant. Nonetheless it does not specify the exact content of these laws and legislation. As a result, it is impossible to clearly define the extent to which the reserving State has accepted the obligations of the Covenant. Thus, the reservations made by the Islamic Republic of Pakistan with regard to Articles 3, 6, 7, 12, 13, 18, 19 and 25 of the Covenant shall not be permitted.

Furthermore, the Government of the Republic of Poland considers that reservations aimed at limitation or exclusion of the application of treaty norms stipulating non-derogable rights are in opposition with the purpose of this treaty. On these grounds, the reservations made with regard to Articles 6 and 7 of the Covenant are impermissible.

The Government of the Republic of Poland objects also to the reservation made by the Islamic Republic of Pakistan with regard to Article 40 of the Covenant considering it as impermissible as it undermines the basis of the United Nations mechanism of monitoring of the respect of human rights. The Government of the Republic of Poland considers the reporting obligations of States Parties to the Covenant to be of utmost importance for the effectiveness of the UN system of the protection of human rights and as such - not of optional nature.

Therefore, the Government of the Republic of Poland objects to the reservations made by the Islamic Republic of Pakistan upon accession to the International Covenant on Civil and Political Rights opened for signature at New York on 19 December 1966, with regard to Articles 3, 6, 7, 12, 13, 18, 19, 25 and 40 of the Covenant.

This objection does not preclude the entry into force of the Covenant between the Republic of Poland and the Islamic Republic of Pakistan."

Portugal, 28 June 2011

With regard to the reservations made by Pakistan upon ratification:

"The Government of the Portuguese Republic has examined the reservations made by the Islamic Republic of Pakistan upon ratification of the International Covenant on Civil and Political Rights, New York, 16 December 1966.

The Government of the Portuguese Republic considers that the reservations made by the Islamic Republic of Pakistan to Articles 3, 6, 7, 12, 13, 18, 19 and 25 are reservations that seek to subject the application of the Covenant to its Constitution, its domestic law or/and Sharia Law, limiting the scope of the [Covenant] on an unilateral basis and contributing to undermining the basis of International Law.

The Government of the Portuguese Republic considers that reservations by which a State limits its responsibilities under the International Covenant on Civil and Political Rights by invoking its Constitution, the domestic law or/and the Sharia Law raise serious doubts as to the commitment of the reserving State to the object and purpose of the Covenant, as the reservations are likely to deprive the provisions of the Covenant of their effect and are contrary to the object and purpose thereof.

It is in the common interest of all the 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 the Treaties.

The Government of the Portuguese Republic furthermore notes that the Islamic Republic of Pakistan does not recognize the competence of the Committee provided for in Article 40 of the Covenant.

The Government of the Portuguese Republic is of the view that the reporting mechanism is a procedural requirement of the Covenant, an integral undertaking of its States Parties and that the reservation is likely to undermine the international human rights treaty body system. Thus, the reservation to article 40 is contrary to the object and purpose of the Covenant.

The Government of the Portuguese Republic 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 the Convention shall not be permitted.

The Government of the Portuguese Republic therefore objects to the aforesaid reservations made by the Government of 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, New York, 16 December 1966.

However, these objections shall not preclude the entry into force of the Covenant between the Portuguese Republic and the Islamic Republic of Pakistan.”

Slovakia, 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."

Spain, 9 June 2011

With regard to the reservation made by Pakistan upon ratification:

The Government of the Kingdom of Spain has examined the reservations made by Pakistan upon ratification of the International Covenant on Civil and Political Rights, concerning articles 3, 6, 7, 12, 13, 18, 19, 25 and 40 of the said Covenant.

The Government of the Kingdom of Spain considers that the above-mentioned reservations are incompatible with the object and purpose of the Covenant, since they are intended to exempt Pakistan from its commitment to respect and guarantee certain rights essential for the fulfilment of the object and purpose of the Covenant, such as equality between men and women; the right to life and restrictions on the imposition of the death penalty; the prohibition of torture and other cruel, inhuman or degrading treatment; freedom of thought, conscience and religion; freedom of expression; liberty of movement and freedom in choice of residence; restrictions on the expulsion of aliens lawfully in the territory of a State Party; and the right to take part in public affairs, the right to vote and to be elected and the right to have access to public service on terms of equality, or to limit the said commitment in an undefined manner.

The Government of the Kingdom of Spain also considers that the reservation whereby Pakistan declares that it does not recognize the competence of the Human Rights Committee provided for in article 40 of the Covenant is incompatible with the object and purpose of the Covenant.

Furthermore, the Government of the Kingdom of Spain considers that the above-mentioned reservations made by Pakistan, subordinating the application of certain articles of the Covenant either to their conformity with sharia law or to their conformity with the Constitution of Pakistan, or to both, to which general reference is made without specifying their content, in no way excludes the legal effects of the obligations arising from the relevant provisions of the Covenant.

Accordingly, the Government of the Kingdom of Spain objects to the reservations made by Pakistan to articles 3, 6, 7, 12, 13, 18, 19, 25 and 40 of the International Covenant on Civil and Political Rights.

This objection does not prevent the entry into force of the Covenant between the Kingdom of Spain and Pakistan.

Sweden, 22 June 2011

With regard to the reservations made by Pakistan upon ratification:

“The Government of Sweden is of the view that these reservations raise serious doubt as to the commitment of the Islamic Republic of Pakistan to the object and purpose of the Covenant, as the reservations are likely to deprive the provisions of the Covenant of their effect and are contrary to the object and purpose thereof.

The Government of Sweden furthermore notes that the Islamic Republic of Pakistan does not recognize the competence of the Committee provided for in article 40 of the Covenant. The Government of Sweden is of the view that the reporting mechanism is a procedural requirement of the Covenant, an integral undertaking of its States Parties and that the reservation is likely to undermine the international human rights treaty body system. Thus, the reservation to article 40 is contrary to the object and purpose of the Covenant.

According to international customary 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 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 the treaties. The Government of Sweden therefore objects to the aforesaid reservations made by the Islamic Republic of Pakistan to the International Covenant on Civil and Political Rights and considers the reservations null and void.

This objection shall not preclude the entry into force of the Covenant between Pakistan and Sweden. The Covenant enters into force in its entirety between Pakistan and Sweden, without Pakistan benefiting from these reservations.”

Switzerland, 28 June 2011

With regard to the reservations made by Pakistan upon ratification:

Concerning the International Covenant on Civil and Political Rights of 16 December 1966:

“The Swiss Federal Council has examined the reservations made by the Islamic Republic of Pakistan upon its accession to the International Covenant on Civil and Political Rights of 16 December 1966, with regard to articles 3, 6, 7, 18 and 19 of the Covenant.

The reservations to the articles, which refer to the provisions of domestic law and Islamic Sharia law, do not specify their scope and raise doubts about the ability of the Islamic Republic of Pakistan to honour its obligations as a party to the Covenant. Furthermore, the Swiss Federal Council emphasizes that the third sentence of article 6, paragraph 1; article 7; and article 18, paragraph 2, constitute *jus cogens* and therefore enjoy absolute protection.

A general reservation to article 40, a key provision of the Covenant, raises serious doubts as to the compatibility of such a reservation with the object and purpose of the Covenant.

Article 19 of the Vienna Convention on the Law of Treaties of 23 May 1969 prohibits any reservation that is incompatible with the object and purpose of a treaty.

Consequently, the Swiss Federal Council objects to the aforesaid reservations made by the Islamic Republic of Pakistan to the International Covenant on Civil and Political Rights of 16 December 1966.

This objection does not preclude the entry into force of the Covenant between Switzerland and the Islamic Republic of Pakistan.”

United Kingdom of Great Britain and Northern Ireland, 28 June 2011

With regard to the reservations made by Pakistan upon ratification:

“The Government of the United Kingdom of Great Britain and Northern Ireland has examined the reservations made by the Government of Pakistan to the [International] Covenant [on Civil and Political Rights] on 23 June 2010, which read:

1. [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.

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

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

4. [The] Islamic Republic of Pakistan declares that the provisions of Articles 25 shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan.

5. 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.

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. Reservations which consist of a general reference to a constitutional provision, law or system of laws without specifying their contents do not do so.

In addition, the United Kingdom considers that the reporting mechanism enshrined in Article 40 is an essential procedural requirement of the Covenant, and an integral undertaking of States Parties to the Covenant.

The Government of the United Kingdom therefore objects to the reservations made by the Government of Pakistan.

The United Kingdom will re-consider its position in light of any modifications or withdrawals of the reservations made by the Government of Pakistan to the Covenant.”

United States of America, 29 June 2011

Objection to the reservations made by Pakistan upon ratification:

“The Government of the United States of America objects to Pakistan’s reservations to the ICCPR. Pakistan has reserved to Articles 3, 6, 7, 12, 13, 18, 19, and 25 of the Covenant, which address the equal right of men and women to the full enjoyment of civil and political rights, the right to life, protections from torture and other cruel inhuman or degrading treatment or punishment, freedom of movement, expulsion of aliens, the freedoms of thought, conscious and religion, the freedom of expression, and the right to take part in political affairs. Pakistan has also reserved to Article 40, which provides for a process whereby States Parties submit periodic reports on their implementation of the Covenant when so requested by the Human Rights Committee (HRC). These reservations raise serious concerns because they both obscure the extent to which Pakistan intends to modify its substantive obligations under the Covenant and also foreclose the ability of other Parties to evaluate Pakistan’s implementation through periodic reporting. As a result, the United States considers the totality of Pakistan’s reservations to be incompatible with the object and purpose of the Covenant. This objection does not constitute an obstacle to the entry into force of the Covenant between the

United States and Pakistan, and the aforementioned articles shall apply between our two states, except to the extent of Pakistan’s reservations.”

Uruguay, 23 June 2011

With regard to a reservation made by Pakistan upon ratification:

The Government of the Eastern Republic of Uruguay considers that the oversight procedures established by international human rights agreements are an essential tool for monitoring and determining the degree to which States Parties are complying with their obligations and an integral part of the system for the international protection of human rights. Rejecting the competence of the Committee to request, receive and consider reports from the State Party thwarts the aim of promoting universal and effective respect for human rights and fundamental freedoms, as set forth in the preamble of the Covenant.

Accordingly, the Government of the Eastern Republic of Uruguay objects to the reservation made by the Islamic Republic of Pakistan with respect to article 40 of the International Covenant on Civil and Political Rights.

This objection does not prevent the entry into force of the Covenant between the Eastern Republic of Uruguay and the Islamic Republic of Pakistan.

(For other objections, see note under “Reservations and Declarations”, above).