

SWEDEN

CCPR

RESERVATIONS AND DECLARATIONS

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

Sweden reserves the right not to apply the provisions of article 10, paragraph 3, with regard to the obligation to segregate juvenile offenders from adults, the provisions of article 14, paragraph 7, and the provisions of article 20, paragraph 1, of the Covenant.

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)

18 June 1993

With regard to interpretative declarations made by the United States of America:

"... In this context the Government recalls that under international treaty law, the name assigned to a statement whereby the legal effect of certain provisions of a treaty is excluded or modified, does not determine its status as a reservation to the treaty. Thus, the Government considers that some of the understandings made by the United States in substance constitute reservations to the Covenant.

A reservation by which a State modifies or excludes the application of the most fundamental provisions of the Covenant, or limits its responsibilities under that treaty by invoking general principles of national law, may cast doubts upon the commitment of the reserving State to the object and purpose of the Covenant. The reservations made by the United States of America include both reservations to essential and non-derogable provisions, and general references to national legislation. Reservations of this nature contribute to undermining the basis of international treaty law. All States Parties share a common interest in the respect for the object and purpose of the treaty to which they have chosen to become parties.

Sweden therefore objects to the reservations made by the United States to:

- article 2; cf. Understanding (1);
- article 4; cf. Understanding (1);
- article 6; cf. Reservation (2);
- article 7; cf. Reservation (3);

- article 15; cf. Reservation (4);
- article 24; cf. Understanding (1).

This objection does not constitute an obstacle to the entry into force of the Covenant between Sweden and the United States of America."

23 July 1997

With regard to the declarations and the reservation made by Kuwait:

"The Government of Sweden notes that the interpretative declarations regarding article 2, paragraph 1, article 3 and 23 imply that central provisions of the Covenant are being made subject to a general reservation referring to the contents of national law. The Government of Sweden further notes that the reservation concerning article 25 (b) is contrary to the object and purpose of the Covenant.

The Government of Sweden is of the view that these interpretative declarations and this reservation raise doubts as to the commitment of Kuwait 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 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 interpretative declarations and reservation made by the Government of Kuwait upon accession to the [said Covenant].

This objection does not preclude the entry into force in its entirety of the Covenant between Kuwait and Sweden."

25 July 2001

With regard to the reservation made by Botswana upon signature and confirmed upon ratification:

"The Government of Sweden has examined the reservation made by Botswana upon signature of the 1966 International Covenant on Civil and Political Rights, and confirmed upon ratification, regarding articles 7 and 12 (3) of the Covenant.

The Government of Sweden notes that the said articles of the Covenant are being made subject to a general reservation referring to the contents of existing legislation in Botswana.

The Government of Sweden is of the view that, in the absence of further clarification, this reservation raises doubts as to the commitment of Botswana to the object and purpose of the Covenant and would like to recall 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 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, 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 reservation made by the Government of Botswana to the International Covenant on Civil and Political Rights. This objection shall not preclude the entry into force of the Covenant between Botswana and Sweden. The Covenant enters into force in its entirety between the two States, without Botswana benefitting from its reservation."

30 June 2004

With regard to the declarations and reservation made by Turkey upon signature and confirmed upon ratification:

The Government of Sweden has examined the declarations and reservation made by the Republic of Turkey upon ratifying the International Covenant on Civil and Political Rights.

The Republic of Turkey declares that it will implement the provisions of the Covenant only to the State parties with which it has diplomatic relations. This statement in fact amounts, in the view of the Government of Sweden, to a reservation. The reservation of the Republic of Turkey makes it unclear to what extent the Republic of Turkey considers itself bound by the obligations of the Covenant. In absence of further clarification, therefore, the reservation raises doubt as to the commitment of the Republic of Turkey to the object and purpose of the Covenant.

The Republic of Turkey furthermore declares that the Covenant is ratified exclusively with regard to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey are applied. This statement also amounts, in the view of the Government of Sweden, to a reservation. It should be recalled that the duty to respect and ensure the rights recognized in the Covenant is mandatory upon State parties in relation to all individuals under their jurisdiction. A limitation to the national territory is contrary to the obligations of State parties in this regard and therefore incompatible with the object and purpose of the Covenant.

The Government of Sweden notes that the interpretation and application of article 27 of the Covenant is being made subject to a general reservation referring to the Constitution of the Republic of Turkey and the Treaty of Lausanne of 24 July 1923 and its Appendixes. The general reference to

the Constitution of the Republic of Turkey, which, in the absence of further clarification, does not clearly specify the extent of the Republic of Turkey's derogation from the provision in question, raises serious doubts as to the commitment of the Republic of Turkey to the object and purpose of the Covenant.

The Government of Sweden furthermore wishes to recall that the rights of persons belonging to minorities in accordance with article 27 of the Covenant are to be respected without discrimination. As has been laid down by the Human Rights Committee in its General comment 23 on Article 27 of the Covenant, the existence of a minority does not depend upon a decision by the state but requires to be established by objective criteria. The subjugation of the application of article 27 to the rules and provisions of the Constitution of the Republic of Turkey and the Treaty of Lausanne and its Appendixes is, therefore, in the view of the Government of Sweden, incompatible with the object and purpose of the Covenant.

According to established customary law as codified by 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 Republic of Turkey to the International Covenant on Civil and Political Rights.

This objection shall not preclude the entry into force of the Covenant between the Republic of Turkey and Sweden. The Covenant enters into force in its entirety between the two States, without the Republic of Turkey benefiting from its reservations.

5 October 2005

With regard to the reservations made by the Mauritania upon accession:

"The Government of Sweden has examined the declarations made by the Government of Mauritania upon accession to the International Covenant on Civil and Political Rights, regarding Article 18 and paragraph 4 of Article 23.

The Government of Sweden would like to recall that the designation assigned to a statement whereby the legal effect of certain provisions of a treaty is excluded or modified does not determine its status as a reservation to the treaty. The Government of Sweden considers that this declaration made by the Government of Mauritania in substance constitutes a reservation.

The reservations make general references to the Islamic Sharia. The Government of Sweden is of the view that the reservations which do not clearly specify the extent of Mauritania's derogation from

the provisions in question raises serious doubts as to the commitment of Mauritania to 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 Sweden wishes to recall that, 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. It is in the common interest of States that all parties respect treaties to which they have chosen to become parties 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 Sweden therefore objects to the aforesaid reservations made by the Government of Mauritania to the International Covenant on Civil and Political Rights and considers the reservation null and void. This objection does not preclude the entry into force of the Covenant between Mauritania and Sweden. The Covenant enters into force in its entirety between the two States, without Mauritania benefiting from its reservation.”

18 September 2007

With regard to the reservation made by Maldives upon accession:

“...the Government of Sweden has examined the reservation made by the Government of the Republic of Maldives on 19 September 2006 to the International Covenant on Civil and Political Rights.

The Government of Sweden notes that the Maldives gives precedence to its Constitution over the application of article 18 of the Covenant. The Government of Sweden is of the view that this reservation, which does not clearly specify the extent of the Maldives' derogation from the provision in question, raises serious doubt as to the commitment of the Maldives 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 reservation made by the Republic of Maldives to the International Covenant on Civil and Political Rights and considers the reservation null and void. This objection shall not preclude the entry into force of the Covenant between the Maldives and Sweden. The Covenant enters into force in its entirety between the Maldives and Sweden, without the Maldives benefiting from its reservation.”

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.”

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:

...

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.”

...

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

Note

With regard to the reservation made by the Lao People's Democratic Republic upon ratification, the Secretary-General received, from the following States, communications on the dates indicated

hereinafter:

...

Sweden (18 October 2010):

“The Government of Sweden notes that the Lao People’s Democratic Republic has reserved the right to interpret Article 22 in accordance with Article 1, and to apply to Article 22 as to be in conformity with the Constitution and relevant national laws of the Lao People’s Democratic Republic. The Government of Sweden is of the belief that this reservation, which does not clearly specify the extent of the derogation, raises serious doubt as to the commitment of the Lao People’s Democratic Republic to the object and purpose of the Covenant.

According to international customary law, as codified in Article 19 of the Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of a Convention 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 obligation under the treaties.

Furthermore, the Government of Sweden recalls that the designation assigned to a statement whereby the legal effect of certain provisions of a treaty is modified or excluded does not determine its status as a reservation to the treaty. It is the understanding of the Government of Sweden that the declaration of the Lao People’s Democratic Republic concerning articles 1 and 18 of the Covenant modifies the legal effect of the provisions of the Covenant in their application to Lao People’s Democratic Republic. Hence the Government of Sweden considers that these interpretative declarations in substance constitute reservations.

The Government of Sweden therefore objects to the aforesaid reservations made by the Lao People’s Democratic Republic to the International Covenant on Civil and Political Rights and considers the reservations null and void.

This objection does not preclude the entry into force of the Covenant between the Lao People’s Democratic Republic and Sweden. The Covenant enters into force in its entirety between the two States, without Lao People’s Democratic Republic benefiting from its reservations.”
(Note 28, Chapter IV.4, Multilateral Treaties Deposited with the Secretary-General)

DECLARATION RE: ARTICLE 41

26 November 1971

“Sweden recognizes the competence of the Human Rights Committee referred to in 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.”