

## SWEDEN

### CCPR OPTIONAL PROTOCOL

#### RESERVATIONS AND DECLARATIONS

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

On the understanding that the provisions of article 5, paragraph 2, of the Protocol signify that the Human Rights Committee provided for in article 28 of the said Covenant shall not consider any communication from an individual unless it has ascertained that the same matter is not being examined or has not been examined under another procedure of international investigation or settlement.

#### 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)*

#### Note

The Government of Guyana had initially acceded to the Optional Protocol on 10 May 1993. On 5 January 1999, the Government of Guyana notified the Secretary-General that it had decided to denounce the said Optional Protocol with effect from 5 April 1999. On that same date, the Government of Guyana re-acceded to the Optional Protocol with a reservation.

Subsequently, the Secretary-General received the following communication from the following State on the date indicated hereinafter:

...

**Sweden** (27 April 2000):

"The Government of Sweden has examined the reservation to article 1 made by the Government of Guyana at the time of its re-accession to the Optional Protocol. The Government of Sweden notes that the Government of Guyana accepts the principle that States cannot use the Optional Protocol as a vehicle to enter reservations to the International Covenant on Civil and Political Rights itself, and that it stresses that its reservation in no way detracts from its obligations and engagements under the Covenant.

Nevertheless, the Government of Sweden has serious doubts as to the propriety of the procedure followed by the Government of Guyana. While article 12, paragraph 1 of the Protocol provides that any State Party may denounce the Protocol "at any time", the denunciation may in no case be used by a State Party for the sole purpose of formulating reservations to that instrument after having re-acceded to it. Such a practice would constitute a misuse of the procedure and would be manifestly

contrary to the principle of good faith. It further contravenes the rule of pacta sunt servanda. As such, it undermines the basis of international treaty law and the protection of human rights. The Government of Sweden therefore wishes to declare its grave concern over this method of proceeding.

Furthermore, the reservation seeks to limit the international obligations of Guyana towards individuals under sentence of death. The Government of Sweden is of the view that the right to life is fundamental and that the death penalty cannot be accepted. It is therefore of utmost importance that states that persist in this practice refrain from further weakening the position of that group of individuals."

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*(Note 2, Chapter IV.5, Multilateral Treaties Deposited with the Secretary-General)*

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### Note

The Government of Trinidad and Tobago acceded to the Optional Protocol on 14 November 1980. On 26 May 1998 the Government of Trinidad and Tobago informed the Secretary-General of its decision to denounce the Optional Protocol with effect from 26 August 1998. On 26 August 1998, the Government of Trinidad and Tobago re-acceded to the Optional Protocol with a reservation. On 27 March 2000, the Government of Trinidad and Tobago notified the Secretary-General that it had decided to denounce the Optional Protocol for the second time with effect from 27 June 2000.

The Secretary-General received communications from the following States on the dates indicated hereinafter:

...

**Sweden** (17 August 1999);

"The Government of Sweden notes that the Government of Trinidad and Tobago accepts the principle that States cannot use the Optional Protocol as a vehicle to enter reservations to the International Covenant on Civil and Political Rights itself, and it stresses that its reservations in now way detracts from its obligations and engagements under the Covenant.

Nevertheless the Government of Sweden has serious doubts as to the propriety of the procedure followed by the Government of Trinidad and Tobago in that denunciation of the Optional Protocol succeeded by re-accession with a reservation undermines the basis of international treaty law as well as the international protection of human rights. The Government of Sweden therefore wishes to declare its grave concern over this method of proceeding.

Furthermore the reservation seeks to limit the international obligations of Trinidad and Tobago towards individuals under sentence of death. The Government of Sweden is of the view that the right to life is fundamental and that the death penalty cannot be accepted.

It is therefore of utmost importance that states that persist in this practice refrain from further weakening the position of that group of individuals.”

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*(Note 1, Chapter IV.5, Multilateral Treaties Deposited with the Secretary-General)*