

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1984 Nr. 19

A. TITEL

*Internationaal Verdrag inzake burgerrechten en politieke rechten, met
Facultatief Protocol;
New York, 19 december 1966*

B. TEKST

De Engelse en de Franse tekst van het Verdrag, met Facultatief Protocol, zijn geplaatst in *Trb.* 1969, 99.

Voor de ondertekeningen zie ook *Trb.* 1970, 52, *Trb.* 1975, 60 en *Trb.* 1978, 177.

Het *Verdrag* is in overeenstemming met zijn artikel 48, eerste lid, voorts nog ondertekend voor:

Kambodja¹⁾ 17 oktober 1980

¹⁾ De Regeringen van de Mongoolse Volksrepubliek, de Duitse Democratische Republiek, Hongarije, de Sowjet-Unie, Witrusland, Tsjechoslowakije en Bulgarije hebben tegen deze ondertekening bezwaar gemaakt.

C. VERTALING

Zie *Trb.* 1978, 177.

D. PARLEMENT

Zie *Trb.* 1978, 177.

E. BEKRACHTIGING

Zie *Trb.* 1969, 99, *Trb.* 1970, 52, *Trb.* 1975, 60¹⁾²⁾³⁾, *Trb.* 1978, 177⁴⁾⁵⁾⁶⁾⁷⁾ en *Trb.* 1979, 65.

Behalve de aldaar genoemde hebben nog de volgende Staten in overeenstemming met artikel 48, tweede lid, van het Verdrag een akte van bekrachtiging met betrekking tot het *Verdrag* bij de Secretaris-Generaal van de Verenigde Naties nedergelegd:

Marokko	3 mei 1979
Japan ⁸⁾	21 juni 1979
IJsland ⁹⁾	22 augustus 1979
El Salvador	30 november 1979
Australië ¹⁰⁾	13 augustus 1980
Egypte	14 januari 1982
België ¹¹⁾	21 april 1983
Luxemburg ¹²⁾	18 augustus 1983

Behalve de in *Trb.* 1969, 99, *Trb.* 1970, 52, *Trb.* 1975, 60 en *Trb.* 1978, 177 genoemde hebben nog de volgende Staten in overeenstemming met artikel 8, tweede lid, van het Protocol een akte van bekrachtiging met betrekking tot het *Protocol* bij de Secretaris-Generaal van de Verenigde Naties nedergelegd:

Peru	3 oktober 1980
Portugal	3 mei 1983

1) De Regering van de Duitse Democratische Republiek heeft bij de bekrachtiging van het Verdrag nog de volgende, niet eerder bekendgemaakte, verklaring afgelegd:

“The German Democratic Republic has ratified the two Covenants in accordance with the policy it has so far pursued with the view to safeguarding human rights. It is convinced that these Covenants promote the world-wide struggle for the enforcement of human rights, which is an integral part of the struggle for the maintenance and strengthening of peace. On the occasion of the 25th anniversary of the Universal Declaration of Human Rights it thus contributes to the peaceful international cooperation of states, to the promotion of human rights and to the joint struggle against their violation by aggressive policies, colonialism and apartheid, racism and other forms of assaults on the right of the peoples to self-determination.

The Constitution of the German Democratic Republic guarantees the political, economic, social and cultural rights to every citizen independent of race, sex and religion. Socialist democracy has created the conditions for every citizen not only to enjoy these rights but also take an active part in their implementation and enforcement.

Such fundamental human rights as the right to peace, the right to work and social security, the equality of women, and the right to education have been fully implemented in the German Democratic Republic. The Government of the

German Democratic Republic has always paid great attention to the material prerequisites for guaranteeing above all the social and economic rights. The welfare of the working people and its continuous improvement are the leit-motif of the entire policy of the Government of the German Democratic Republic.

The Government of the German Democratic Republic holds that the signing and ratification of the two human rights Covenants by further Member States of the United Nations would be an important step to implement the aims for respecting and promoting the human rights, the aims proclaimed in the United Nations Charter."

2) De Regering van Noorwegen heeft op 21 november 1979 medegedeeld, dat zij het bij de bekrachtiging gemaakte voorbehoud met betrekking tot artikel 6, vierde lid, intrekt.

3) De Regering van Denemarken heeft op 19 april 1983 de volgende verklaring afgelegd:

"On behalf of the Government of Denmark I hereby recognize, in accordance with Article 41 of the International Covenant on Civil and Political Rights, opened for signature in New York on December 19, 1966, the competence of the Committee referred to in Article 41 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."

4) De Regering van Senegal heeft op 5 januari 1981 de volgende verklaring afgelegd:

The Government of Senegal declares, under article 41 of the International Covenant on Civil and Political Rights, that it recognizes the competence of the Human Rights Committee referred to in article 28 of the said Covenant to receive and consider communications submitted by another State Party, provided that such State Party has, not less than twelve months prior to the submission by it of a communication relating to Senegal, made a declaration under article 41 recognizing the competence of the Committee to receive and consider communications relating to itself. (vertaling)

5) De Regering van de Bondsrepubliek Duitsland heeft op 28 maart 1981 de verklaring in overeenstemming met artikel 41 van het Verdrag met een periode van vijf jaar, vanaf 28 maart 1981, verlengd.

In een mededeling die bovenbedoelde verklaring vergezelde, heeft de Regering van de Bondsrepubliek Duitsland de aandacht gevestigd op de bij de bekrachtiging gemaakte voorbehouden met betrekking tot de artikelen 19, 21 en 22, juncto de artikelen 2, eerste lid, 14, derde en vijfde lid, en 15, eerste lid, van het Verdrag en het voorbehoud ten gunste van de in de verklaring met betrekking tot de gelding van het Verdrag op Berlijn (West) vermelde rechten en verantwoordelijkheden van de Geallieerden.

6) De Regering van Argentinië heeft op 3 oktober 1983 tegen de uitbreiding van het Verdrag tot de Falkland-eilanden door het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland bezwaar gemaakt.

7) De Regering van het Koninkrijk der Nederlanden heeft op 16 december 1983 het bij de bekrachtiging ten behoeve van de Nederlandse Antillen gemaakte voorbehoud met betrekking tot artikel 25(c) van het Verdrag ingetrokken.

8) Onder bevestiging van de bij de ondertekening afgelegde verklaring (zie voor de verklaring *Trb.* 1978, 177).

⁹⁾ Onder de volgende voorbehouden en verklaring:

1. Article 8, paragraph 3(a), in so far as it affects the provisions of Icelandic law which provide that a person who is not the main provider of his family may be sentenced to a term at a labour facility in satisfaction of arrears in support payments for his child or children.

2. Article 10, paragraph 2(b), and paragraph 3, second sentence, with respect to the separation of juvenile prisoners from adults. Icelandic law in principle provides for such separation but it is not considered appropriate to accept an obligation in the absolute form called for in the provisions of the Covenant.

3. Article 13, to the extent that it is inconsistent with the Icelandic legal provisions in force relating to the right of aliens to object to a decision on their expulsion.

4. Article 14, paragraph 7, with respect to the resumption of cases which have already been tried. The Icelandic law of procedure has detailed provisions on this matter which it is not considered appropriate to revise.

5. Article 20, paragraph 1, with reference to the fact that a prohibition against propaganda for war could limit the freedom of expression. This reservation is consistent with the position of Iceland at the General Assembly at its 16th session.

Other provisions of the Covenant shall be inviolably observed.

Declaration recognizing the competence of the Human Rights Committee under Article 41:

. . . The Government of Iceland . . . recognizes in accordance with article 41 of the International Covenant on Civil and Political Rights 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. (*vertaling*)

¹⁰⁾ Onder de volgende voorbehouden en verklaringen:

“Articles 2 and 50

Australia advises that, the people having united as one people in a Federal Commonwealth under the Crown, it has a federal constitutional system. It accepts that the provisions of the Covenant extend to all parts of Australia as a federal State without any limitations or exceptions. It enters a general reservation that article 2, paragraphs 2 and 3, and article 50 shall be given effect consistently with and subject to the provisions in article 2, paragraph 2.

Under article 2, paragraph 2, steps to adopt measures necessary to give effect to the rights recognised in the Covenant are to be taken in accordance with each State Party's Constitutional processes which, in the case of Austria, are the processes of a federation in which legislative, executive and judicial powers to give effect to the rights recognised in the Covenant are distributed among the federal (Commonwealth) authorities and the authorities of the constituent States.

In particular, in relation to the Australian States the implementation of those provisions of the Covenant over whose subject matter the federal authorities exercise legislative, executive and judicial jurisdiction will be a matter for those authorities; and the implementation of those provisions of the Covenant over whose subject matter the authorities of the constituent States exercise legislative, executive and judicial jurisdiction will be a matter for those authorities; and where a provision has both federal and State aspects, its implementation will accordingly be a matter for the respective constitutionally appropriate authorities (for the purpose of implementation, the Northern Territory will be regarded as a constituent State).

To this end, the Australian Government has been in consultation with the responsible State and Territory Ministers with the object of developing co-operative arrangements to co-ordinate and facilitate the implementation of the Covenant.

Article 10

Australia accepts the principle stated in paragraph 1 of article 10 and the general principles of the other paragraphs of that article, but makes the reservation that these and other provisions of the Covenant are without prejudice to laws and lawful arrangements, of the type now in force in Australia, for the preservation of custodial discipline in penal establishments. In relation to paragraph 2(a) the principle of segregation is accepted as an objective to be achieved progressively. In relation to paragraphs 2(b) and 3 (second sentence) the obligation to segregate is accepted only to the extent that such segregation is considered by the responsible authorities to be beneficial to the juveniles or adults concerned.

Article 14

Australia accepts paragraph 3(b) on the understanding that the reference to adequate facilities does not require provision to prisoners of all the facilities available to a prisoner's legal representative.

Australia accepts the requirement in paragraph 3(d) that everyone is entitled to be tried in his presence, but reserves the right to exclude an accused person where his conduct makes it impossible for the trial to proceed.

Australia interprets paragraph 3(d) of article 14 as consistent with the operation of schemes of legal assistance in which the person assisted is required to make a contribution towards the cost of the defence related to his capacity to pay and determined according to law, or in which assistance is granted in respect of other than indictable offences only after having regard to all relevant matters.

Australia makes the reservation that the provision of compensation for miscarriage of justice in the circumstances contemplated in paragraph 6 of article 14 may be by administrative procedures rather than pursuant to specific legal provision.

Article 17

Australia accepts the principles stated in article 17 without prejudice to the right to enact and administer laws which, insofar as they authorise action which impinges on a person's privacy, family, home or correspondence, are necessary in a democratic society in the interests of national security, public safety, the economic well-being of the country, the protection of public health or morals or the protection of the rights and freedoms of others.

Article 19

Australia interprets paragraph 2 of article 19 as being compatible with the regulation of radio and television broadcasting in the public interest with the object of providing the best possible broadcasting services to the Australian people.

Article 20

Australia interprets the rights provided for by articles 19, 21 and 22 as consistent with article 20; accordingly, the Commonwealth and the constituent States, having legislated with respect to the subject matter of the article in matters of practical concern in the interests of public order (*ordre public*), the right is reserved not to introduce any further legislative provision on these matters.

Article 25

The reference in paragraph (b) of article 25 to "universal and equal suffrage", is accepted without prejudice to law which provide that factors such as regional

interests may be taken into account in defining electoral divisions, or which establish franchises for municipal and other local government elections related to the sources of revenue and the functions of such government.

Convicted Persons

Australia declares that laws now in force in Australia relating to the rights of persons who have been convicted of serious criminal offences are generally consistent with the requirements of articles 14, 18, 19, 25 and 26 and reserves the right not to seek amendment of such laws.

Discrimination and Distinction

The provisions of articles 2(1) and 24(1), 25 and 26 relating to discrimination and distinction between persons shall be without prejudice to laws designed to achieve for the members of some class or classes of persons equal enjoyment of the rights defined in the Covenant. Australia accepts article 26 on the basis that the object of the provision is to confirm the right of each person to equal treatment in the application of the law."

De Regering van het Koninkrijk der Nederlanden heeft naar aanleiding van enige van de door Australië gemaakte voorbehouden op 17 september 1981 het volgende opgemerkt.

"1. Reservation by Australia regarding articles 2 and 50

The reservation that article 2, paragraphs 2 and 3, and article 50 shall be given effect consistently with and subject to the provisions in article 2, paragraph 2, is acceptable to the Kingdom on the understanding that it will in no way impair Australia's basic obligation under international law, as laid down in article 2, paragraph 1, to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the International Covenant on Civil and Political Rights.

II. Reservation by Australia regarding article 10

The Kingdom is not able to evaluate the implications of the first part of the reservation regarding article 10 on its merits, since Australia has given no further explanation on the laws and lawful arrangements, as referred to in the text of the reservation. In expectation of further clarification by Australia, the Kingdom for the present reserves the right to raise objection to the reservation at a later stage.

III. Reservation by Australia regarding "Convicted Persons"

The Kingdom finds it difficult, for the same reasons as mentioned in its commentary on the reservation regarding article 10, to accept the declaration by Australia that it reserves the right not to seek amendment of laws now in force in Australia relating to the rights of persons who have been convicted of serious criminal offences. The Kingdom expresses the hope it will be possible to gain a more detailed insight in the laws now in force in Australia, in order to facilitate a definitive opinion on the extent of this reservation."

¹¹⁾ Onder het volgende voorbehoud en de volgende verklaringen:

1. With respect to articles 2, 3 and 25, the Belgian Government makes a reservation, in that under the Belgian Constitution the royal powers may be exercised only by males. With respect to the exercise of the functions of the regency, the said articles shall not preclude the application of the constitutional rules as interpreted by the Belgian State.

2. The Belgian Government considers that the provision of article 10, paragraph 2(a), under which accused persons shall, save in exceptional circumstances, be segregated from convicted persons is to be interpreted in conformity with the principle, already embodied in the standard minimum rules

for the treatment of prisoners (resolution (73) 5 of the Committee of Ministers of the Council of Europe of 19 January 1973), that untried prisoners shall not be put in contact with convicted prisoners against their will (rules 7 (b) and 85 (1)). If they so request, accused persons may be allowed to take part with convicted persons in certain communal activities.

3. The Belgian Government considers that the provision of article 10, paragraph 3, under which juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status refers exclusively to the judicial measures provided for under the régime for the protection of minors established by the Belgian Act relating to the protection of young persons. As regards other juvenile ordinary-law offenders, the Belgian Government intends to reserve the option to adopt measures that may be more flexible and be designed precisely in the interest of the persons concerned.

4. With respect to article 14, the Belgian Government considers that the last part of paragraph 1 of the article appears to give States the option of providing or not providing for certain derogations from the principle that judgements shall be made public. Accordingly, the Belgian constitutional principle that there shall be no exceptions to the public pronouncements of judgements is in conformity with that provision. Paragraph 5 of the article shall not apply to persons who, under Belgian law, are convicted and sentenced at second instance following an appeal against their acquittal of first instance or who, under Belgian law, are brought directly before a higher tribunal such as the Court of Cassation, the Appeals Court or the Assize Court.

5. Articles 19, 21 and 22 shall be applied by the Belgian Government in the context of the provisions and restrictions set forth or authorized in articles 10 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, by the said Convention.

6. The Belgian Government declares that it does not consider itself obligated to enact legislation in the field covered by article 20, paragraph 1, and that article 20 as a whole shall be applied taking into account the rights to freedom of thought and religion, freedom of opinion and freedom of assembly and association proclaimed in articles 18, 19 and 20 of the Universal Declaration of Human Rights and reaffirmed in articles 18, 19, 21 and 22 of the Covenant.

7. The Belgian Government declares that it interprets article 23, paragraph 2, as meaning that the right of persons of marriageable age to marry and to found a family presupposes not only that national law shall prescribe the marriageable age but that it may also regulate the exercise of that right. (*vertaling*)

¹²⁾ Onder de volgende verklaringen en voorbehouden:

Interpretative declaration:

The Government of Luxembourg considers that article 10, paragraph 3, which provides that juvenile offenders shall be segregated from adults and accorded treatment appropriate to their age and legal status, refers solely to the legal measures incorporated in the system for the protection of minors, which is the subject of the Luxembourg youth welfare Act. With regard to other juvenile offenders falling within the sphere of ordinary law, the Government of Luxembourg wishes to retain the option of adopting measures that might be more flexible and be designed to serve the interests of the persons concerned.

Interpretative declaration:

The Government of Luxembourg declares that it is implementing article 14, paragraph 5, since that paragraph does not conflict with the relevant Luxembourg legal statutes, which provide that, following an acquittal or a conviction by a court of first instance, a higher tribunal may deliver a sentence, confirm the

sentence passed or impose a harsher penalty for the same crime. However, the tribunal's decision does not give the person declared guilty on appeal the right to appeal that conviction to a higher appellate jurisdiction.

Reservation:

The Government of Luxembourg further declares that article 14, paragraph 5, shall not apply to persons who, under Luxembourg law, are remanded directly to a higher court or brought before the Assize Court.

Reservation:

The Government of Luxembourg accepts the provision in article 19, paragraph 2, provided that it does not preclude it from requiring broadcasting, television and film companies to be licensed.

Reservation:

The Government of Luxembourg declares that it does not consider itself obligated to adopt legislation in the field covered by article 20, paragraph 1, and that article 20 as a whole will be implemented taking into account the rights to freedom of thought, religion, opinion, assembly and association laid down in articles 18, 19 and 20 of the Universal Declaration of Human Rights and reaffirmed in articles 18, 19, 21 and 22 of the Covenant.

The Government of Luxembourg recognizes, in accordance with article 41, 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. (*vertaling*)

F. TOETREDING

Zie *Trb.* 1969, 99, *Trb.* 1970, 52, *Trb.* 1975, 60, *Trb.* 1978, 177¹⁾ en *Trb.* 1979, 65²⁾.

Behalve de aldaar genoemde hebben nog de volgende Staten in overeenstemming met artikel 48, vierde lid, van het Verdrag een akte van toetreding met betrekking tot het *Verdrag* bij de Secretaris-Generaal van de Verenigde Naties nedergelegd:

Gambia ³⁾	22 maart 1979
India ⁴⁾	10 april 1979
Nicaragua	12 maart 1980
Sri Lanka ⁵⁾	11 juni 1980
Frankrijk ⁶⁾	4 november 1980
Mexico ⁷⁾	23 maart 1981
de Centrafrikaanse Republiek	8 mei 1981
de Democratische Volksrepubliek Korea ⁸⁾	14 september 1981
Sint Vincent en de Grenadinen	9 november 1981
Bolivia	12 augustus 1982
Vietnam ⁹⁾	24 september 1982
Gabon	21 januari 1983
Afghanistan ¹⁰⁾	24 januari 1983
Kongo ¹¹⁾	5 oktober 1983

Behalve de in *Trb.* 1969, 99, *Trb.* 1975, 60 en *Trb.* 1978, 77 genoemde hebben nog de volgende Staten in overeenstemming met artikel 8, vierde lid, van het Protocol een akte van toetreding tot het *Protocol* bij de Secretaris-Generaal van de Verenigde Naties nedergelegd:

IJsland ¹²⁾	22 augustus 1979
Nicaragua	12 maart 1980
de Centrafrikaanse Republiek	8 mei 1981
Sint Vincent en de Grenadinen	9 november 1981
Bolivia	12 augustus 1982
Luxemburg ¹³⁾	18 augustus 1983
Kongo	5 oktober 1983

1) De Regering van Canada heeft op 29 oktober 1979 de volgende verklaring afgelegd:

“The Government of Canada declares, under Article 41 of the International Covenant on Civil and Political Rights, that it recognizes the competence of the Human Rights Committee referred to in Article 28 of the said Covenant to receive and consider communications submitted by another State Party, provided that such State Party has, not less than twelve months prior to the submission by it of a communication relating to Canada, made a declaration under Article 41 recognizing the competence of the Committee to receive and consider communications relating to itself.”

2) De Regering van de Bondsrepubliek Duitsland heeft naar aanleiding van het door Trinidad en Tobago bij de toetreding gemaakte voorbehoud met betrekking tot artikel 4, tweede lid, op 21 april 1982 het volgende medegedeeld:

“The Government of the Federal Republic of Germany objects to the above-cited reservation. In the opinion of the Government of the Federal Republic of Germany it follows from the text and the history of the Covenant that the said reservation is incompatible with the object and purpose of the Covenant.”

3) Onder het volgende voorbehoud:

“. . . for financial reasons free legal assistance for accused persons is limited in our constitution to persons charged with capital offences only. The Government of the Gambia therefore wishes to enter a reservation in respect of Article 14(3)d of the Covenant in question.”

4) Onder de volgende verklaringen en voorbehoud:

I. With reference to article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, the Government of the Republic of India declares that the words “the right of self-determination” appearing in those articles apply only to the peoples under foreign domination and that these words do not apply to sovereign independent States or to a section of a people or nation – which is the essence of national integrity.

II. With reference to article 9 of the International Covenant on Civil and Political Rights, the Government of the Republic of India takes the position that the provisions of the article shall be so applied as to be in consonance with the provisions of clauses (3) to (7) of article 22 of the Constitution of India. Further under the Indian Legal System, there is no enforceable right to compensation for persons claiming to be victims of unlawful arrest or detention against the State.

III. With respect to article 13 of the International Covenant on Civil and Political Rights, the Government of the Republic of India reserves its right to apply its law relating to foreigners.

IV. With reference to articles 4 and 8 of the International Covenant on Economic, Social and Cultural Rights, and articles 12, 19 (3), 21 and 22 of the International Covenant on Civil and Political Rights, the Government of the Republic of India declares that the provisions of the said articles shall be so applied as to be in conformity with the provisions of article 19 of the Constitution of India.”.

De Regeringen van de Bondsrepubliek Duitsland, Frankrijk en het Koninkrijk der Nederlanden hebben tegen de verklaring van India met betrekking tot artikel 1 van het Verdrag bezwaar aangetekend:

Bezwaar van de Regering van de Bondsrepubliek Duitsland dd. 15 augustus 1980.

“The Federal Government welcomes the decision of the Republic of India to adhere to the United Nations Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights.

The Government of the Federal Republic of Germany strongly objects, however, to the declaration made by the Republic of India in respect of article 1 of the International Covenant on Economic, Social and Cultural Rights and 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 and not only to those under foreign domination. All peoples, therefore, have the inalienable right freely to determine their political status and freely to pursue their economic, social and cultural development. The Federal Government cannot consider as valid any interpretation of the right of self-determination which is contrary to the clear language of the provisions in question. It moreover considers that any limitation of their applicability to all nations is incompatible with the object and purpose of the Covenants.”.

Bezwaar van de Regering van Frankrijk dd. 4 november 1980.

The Government of the Republic takes objection to the reservation entered by the Government of the Republic of India to article 1 of the International Covenant on Civil and Political Rights, as this reservation attaches conditions not provided for by the Charter of the United Nations to the exercise of the right of self-determination. The present declaration will not be deemed to be an obstacle to the entry into force of the Covenant between the French Republic and the Republic of India.

Bezwaar van de Regering van het Koninkrijk der Nederlanden dd. 12 augustus 1981.

“The Government of the Kingdom of the Netherlands objects to the declaration made by the Government of the Republic of India in relation to article 1 of the International Covenant on Civil and Political Rights and article 1 of the International Covenant on Economic, Social and Cultural Rights, since the right of self-determination as embodied in the Covenants is conferred upon all peoples. This follows not only from the very language of article 1 common to the two Covenants but as well from the most authoritative statement of the law concerned, i.e. the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. Any attempt to limit the scope of this right or to attach conditions not provided for in the relevant instruments would undermine

the concept of self-determination itself and would thereby seriously weaken its universally acceptable character.”.

5) Onder de volgende verklaring:

“The Government of the Democratic Socialist Republic of Sri Lanka declares under Article 41 of the International Covenant on Civil and Political Rights that it recognizes the competence of the Human Rights Committee 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, from another State Party which has similarly declared under Article 41 its recognition of the Committee’s competence in respect to itself.”.

6) Onder de volgende verklaringen en voorbehouden:

(1) The Government of the Republic considers that, in accordance with Article 103 of the Charter of the United Nations, in case of conflict between its obligations under the Covenant and its obligations under the Charter (especially Articles 1 and 2 thereof), its obligations under the Charter will prevail.

(2) The Government of the Republic enters the following reservation concerning article 4, paragraph 1: firstly, the circumstance enumerated in article 16 of the Constitution in respect of its implementation, in article 1 of the Act of 3 April 1978 and in the Act of 9 August 1849 in respect of the declaration of a state of siege, in article 1 of Act No. 55-385 of 3 April 1955 in respect of the declaration of a state of emergency and which enable these instruments to be implemented, are to be understood as meeting the purpose of article 4 of the Covenant; and, secondly, for the purpose of interpreting and implementing article 16 of the Constitution of the French Republic, the terms “to the extent strictly required by the exigencies of the situation” cannot limit the power of the President of the Republic to take “the measures required by circumstances”.

(3) The Government of the Republic enters a reservation concerning articles 9 and 14 to the effect that these articles cannot impede enforcement of the rules pertaining to the disciplinary régime in the armies.

(4) The Government of the Republic declares that article 13 cannot derogate from chapter IV of Order No. 45-2658 of 2 November 1945 concerning the entry into, and sojourn in, France of aliens, nor from the other instruments concerning the expulsion of aliens in force in those parts of the territory of the Republic in which the Order of 2 November 1945 does not apply.

(5) The Government of the Republic interprets article 14, paragraph 5, as stating a general principle to which the law may make limited exceptions, for example, in the case of certain offences subject to the initial and final adjudication of a police court and of criminal offences. However, an appeal against a final decision may be made to the Court of Cassation which rules on the legality of the decision concerned.

(6) The Government of the Republic declares that articles 19, 21 and 22 of the Covenant will be implemented in accordance with articles 10, 11 and 16 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950.

However, the Government of the Republic enters a reservation concerning article 19 which cannot derogate from the monopoly of the French radio and television broadcasting system.

(7) The Government of the Republic declares that the term “war”, appearing in article 20, paragraph 1, is to be understood to mean war in contravention of international law and considers, in any case, that French legislation in this matter is adequate.

(8) In the light of article 2 of the Constitution of the French Republic, the French Government declares that article 27 is not applicable so far as the Republic is concerned. (*vertaling*)

De Regering van de Bondsrepubliek Duitsland heeft naar aanleiding van de door Frankrijk met betrekking tot artikel 27 afgelegde verklaring op 23 april 1982 het volgende verklaard:

The Federal Government refers to the declaration on article 27 made by the French Government in United Nations circular note C.N.335.1980.TREATIES-10 dated 2 December 1980 and stresses in this context the great importance attaching to the rights guaranteed by article 27. It interprets the French declaration as meaning that the Constitution of the French Republic already fully guarantees the individual rights protected by article 27. (*vertaling*)

7) Onder de volgende verklaringen en voorbehouden:

Interpretive statements

Article 9, paragraph 5. Under the Political Constitution of the United Mexican States and the relevant implementing legislation, every individual enjoys the guarantees relating to penal matters embodied therein, and consequently no person may be unlawfully arrested or detained. However, if by reason of false accusation or complaint any individual suffers an infringement of this basic right, he has, *inter alia*, under the provisions of the appropriate laws, an enforceable right to just compensation.

Article 18. Under the Political Constitution of the United Mexican States, every person is free to profess his preferred religious belief and to practice its ceremonies, rites and religious acts, with the limitation, with regard to public religious acts, that they must be performed in places of worship and, with regard to education, that studies carried out in establishments designed for the professional education of ministers of religion are not officially recognized. The Government of Mexico believes that these limitations are included among those established in paragraph 3 of this article.

Reservations

Article 13. The Government of Mexico makes a reservation to this article, in view of the present text of article 33 of the Political Constitution of the United Mexican States.

Article 25, subparagraph (b). The Government of Mexico also makes a reservation to this provision, since article 130 of the Political Constitution of the United Mexican States provides that ministers of religion shall have neither an active nor a passive vote, nor the right to form associations for political purposes. (*vertaling*)

8) De Democratische Volksrepubliek Korea wordt door het Koninkrijk der Nederlanden niet erkend.

9) Onder de volgende verklaring:

Upon accession to the Covenants, the Government of the Socialist Republic of Viet Nam deems it necessary to declare that the provisions of article 48, paragraph 1, of the International Covenant on Civil and Political Rights, and article 26, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, under which a number of States are deprived of the opportunity to become parties to the Covenants, are of a discriminatory nature. The Government of the Socialist Republic of Viet Nam considers that the Covenants, in accordance with the principle of sovereign equality of States, should be open for participation by all States without any discrimination or limitation. (*vertaling*)

¹⁰⁾ Onder de volgende verklaring:

The presiding body of the Revolutionary Council of the Democratic Republic of Afghanistan declares that the provisions of paragraphs 1 and 3 of article 48 of the International Covenant on Civil and Political Rights and provisions of paragraph 1 and 3 of article 26 of the International Covenant on Economic, Social and Cultural Rights, according to which some countries cannot join the aforesaid Covenants, contradicts the international character of the aforesaid treaties. Therefore, according to the equal rights to all States to sovereignty, both Covenants should be left open for the purpose of the participation of all States. (*vertaling*)

¹¹⁾ Onder de volgende voorbehouden:

The Government of the People's Republic of the Congo declares that it does not consider itself bound by the provisions of article 13, paragraphs 3 and 4, of the International Covenant on Economic, Social and Cultural Rights, or by the provisions of article 11 of the International Covenant on Civil and Political Rights.

Article 11 of the International Covenant on Civil and Political Rights is quite incompatible with articles 386 *et seq.* of the Congolese Code of Civil, Commercial, Administrative and Financial Procedure, derived from Act 51/83 of 21 April 1983. Under those provisions, in matters of private law, decisions or orders emanating from conciliation proceedings may be enforced through imprisonment for debt when other means of enforcement have failed, when the amount due exceeds 20,000 Ch francs and when the debtor, between 18 and 60 years of age, makes himself insolvent in bad faith. (*vertaling*)

¹²⁾ Onder het volgende voorbehoud:

. . . Iceland . . . accedes to the said Protocol subject to a reservation, with reference to article 5, paragraph 2, with respect to the competence of the Human Rights Committee to consider a communication from an individual if the matter is being examined or has been examined under another procedure of international investigation or settlement.

Other provisions of the Covenant shall be inviolably observed. (*vertaling*)

¹³⁾ Onder de volgende verklaring:

Interpretative declaration:

The Grand Duchy of Luxembourg accedes to the Optional Protocol to the International Covenant on Civil and Political Rights on the understanding that the provisions of article 5, paragraph 2, of the Protocol mean that the Committee established by article 28 of the Covenant shall not consider any communications from an individual unless it has ascertained that the same matter is not being examined or has not already been examined under another procedure of international investigation or settlement. (*vertaling*)

G. INWERKINGTREDING

Zie *Trb.* 1978, 177 en *Trb.* 1979, 65.

J. GEGEVENS

Zie *Trb.* 1969, 99, *Trb.* 1970, 52, *Trb.* 1975, 60, *Trb.* 1978, 177 en *Trb.* 1979, 65.

Voor het op 26 juni 1945 te San Francisco tot stand gekomen Handvest der Verenigde Naties zie ook, laatstelijk, *Trb.* 1981, 174.

Uitgegeven de *achtste* februari 1984.

De Minister van Buitenlandse Zaken,

H. VAN DEN BROEK