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**IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH**

STATE OF IDAHO

Plaintiff,

V.

BRYAN C. KOHBERGER,

Defendant.

CASE NUMBER CR29-22-2805

**MOTION TO STRIKE STATE'S
NOTICE OF INTENT TO SEEK DEATH
PENALTY ON GROUNDS OF
CONTEMPORARY STANDARDS OF
DECENCY AND MEMORANDUM IN
SUPPORT OF MOTION**

COMES NOW, Bryan C. Kohberger, by and through his attorneys of record, hereby submits the following Motion to Strike the State's Notice of Intent to Seek the Death Penalty on the Grounds of Contemporary Standards of Decency. More American's believe the death penalty

**MOTION TO STRIKE STATE'S NOTICE OF INTENT TO SEEK DEATH
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is applied unfairly than fairly. Gallup Poll 2023: <https://deathpenaltyinfo.org/facts-and-research/dpic-reports/dpic-year-end-reports/the-death-penalty-in-2023-year-end-report>.

SUMMARY OF ARGUMENT

Idaho's legislative and judicial construction and application of capital punishment violates the prohibition against cruel and unusual punishment contained within Article I, Section 6 of the Idaho Constitution and the 8th and 14th Amendments to the United States Constitution. Punishment which does not comport with the evolving standards of a modern, civilized society is cruel and unusual.

In recent years, a national consensus in opposition to the death penalty has begun to emerge. The lack of an active death penalty in the majority of states within the United States indicates that there has been an ideological shift and that the punishment now violates our contemporary standards of decency.

The vast majority of modern, civilized society has already abolished capital punishment because the execution of human beings by governments is recognized to be a violation of the dignity and spirit of human beings. The institutional killing of civilian prisoners affronts the modern, civilized world. The United States has been routinely condemned by the international community for continuing to execute its own people. The United Nations Commission on Human Rights and most organized religions have called for a moratorium on executions with a view to completely abolishing the death penalty.

Since Idaho continues to actively pursue and impose death as a sentence for criminal law violations, Idaho does not comport with the evolving standards of contemporary society. By way of example: Idaho recently halted its first lethal injection execution in 12 years when the corrections team was unable to set an intravenous line on Thomas Creech. <https://deathpenaltyinfo.org/idaho>

halts-first-lethal-injection-execution-in-12-years-after-failure-to-establish-i-v-lines As the evolving standards of modern society reflect abhorrence to capital punishment, Idaho's continuing effort to execute its own citizens, including Mr. Kohberger, is not in comport with the evolving standards of a civilized, modern society. Rather, the State's efforts to have Mr. Kohberger executed violate his right to be free from cruel and unusual punishment as that right is guaranteed by the 8th and 14th Amendments to the United States Constitution and Article I, Sections 6 and 13 of the Idaho Constitution.

ARGUMENT

Article I, Section 6 of the Idaho Constitution and the 8th Amendment to the U.S. Constitution prohibit the infliction of cruel and unusual punishment by the States. Punishment is cruel and unusual if it is inflicted in an uncivilized and inhumane way. *Furman v. Georgia*, 408 U.S. 328, 268, 92 S. Ct. 2726, 2741 (1972) (Brennan, J., concurring); *Trop v. Dulles*, 356 U.S. 86, 99, 78 S. Ct. 590, 597 (1958). And, the legislature's power to punish must be "exercised within the limits of civilized standards." *Trop*, 356 U.S. at 100, 78 S. Ct. at 598. The standards of a civilized society may be measured by evolving moral and legal standards as well as history. *Woodson v. North Carolina*, 428 U.S. 280, 96 S. Ct. 28 (1976); *Ford v. Wainwright*, 477 U.S. 399, 405, 106 S. Ct. 2595, 2599 (1986); *see also*, *Furman v. Georgia*, 408 U.S. 238, 92 S. Ct. 2726 (1972).

A "claim that punishment is excessive is judged not by the standards that prevailed in 1685 when Lord Jeffreys presided over the 'Bloody Assizes' or when the Bill of Rights was adopted, but rather by those that currently prevail." *Atkins v. Virginia*, 536 U.S. 304, 311, 122 S.Ct. 2242 (2002). The Supreme Court has established a two-step process to evaluate a claim that a form of punishment violates contemporary standards of decency:

The beginning point is a review of objective indicia of consensus, as expressed in particular by the enactments of legislatures that have addressed the question. These data give us essential instruction. We then must determine, in the exercise of our own independent judgment, whether the death penalty is a disproportionate punishment

Roper v. Simmons, 543 U.S. 551, 564, 125 S.Ct. 1183 (2005).

When one looks at recent legislative enactments across the country, as well as states that do not provide for the death penalty by statute, and those states that have not imposed the death penalty recently; it is clear that a national consensus in opposition to the death penalty has emerged. The lack of an active death penalty in the majority of states indicates that there has been an ideological shift in this country and that the punishment violates our standards of decency. This standard is also reflected in the evolving standards of civilized society in the modern, civilized world.

Unusual Application

In the vast majority of the United States, a death penalty sentence or executions are rare events. And they are becoming increasingly rarer each year.

In his dissenting opinion in *Glossip v. Gross*, 135 S.Ct. 2726, 2755, 192 L.Ed.2d 761 (2015), Justice Breyer noted that in 2014, only seven states carried out an execution. *Id.* at 2772. He also noted that “in the last two decades, the imposition and implementation of the death penalty have increasingly become unusual.” *Id.* “Between 1986 and 1999, 286 persons on average were sentenced to death each year. But, approximately 15 years ago, the numbers began to decline, and they have declined rapidly ever since. In 1999, 279 persons were sentenced to death. [In 2014], just 73 persons were sentenced to death.” *Glossip*, 135 S.Ct. at 2772 (Breyer, dissenting) (internal citations omitted).

Last year, in 2023, there were twenty one (21) new death sentences, a small uptick from the twenty(20) the previous year which was among the lowest number since the death penalty was reinstated in 1976. Death Penalty Information Center (DPIC), The Death Penalty in 2023: <https://deathpenaltyinfo.org/facts-and-research/dpic-reports/dpic-year-end-reports/the-death-penalty-in-2023-year-end-report>. 2023 is the 9th consecutive year with fewer than 30 people executed (24) and fewer than 50 people sentenced to death (21). *Id.*

“That trend, a significant decline in the last 15 years, also holds true with respect to the number of annual executions. In 1999, 98 people were executed. [In 2014], that number was only 35.” *Glossip*, 135 S.Ct. at 2772 (Breyer, dissenting) (internal citations omitted). Last year, in 2023, the number was twenty-four (24). Death Penalty Information Center (DPIC), The Death Penalty in 2023: Year End Report, *available at* <https://deathpenaltyinfo.org/database/executions?year=2023>

“[T]he number of active death penalty States has fallen dramatically.” *Glossip*, 135 S.Ct. at 2773 (Breyer, dissenting). “In 1972, when the Court decided *Furman*, the death penalty was lawful in 41 States. Nine States had abolished it. As of today, 23 States have abolished the death penalty (along with the District of Columbia), although some did so prospectively only. In 11 other States that maintain the death penalty on the books, no execution has taken place for more than eight years: Arkansas (last execution 2005); California (2006); Colorado (1997); Kansas (no executions since the death penalty was reinstated in 1976); Montana (2006); Nevada (2006); New Hampshire (no executions since the death penalty was reinstated in 1976); North Carolina (2006); Oregon (1997); Pennsylvania (1999); and Wyoming (1992).”*Id.* (internal citations omitted)(citing DPIC, Executions by State and Year, online at <http://www.deathpenaltyinfo.org/views-executions>). “Accordingly, 30 States have either formally abolished the death penalty or have not

conducted an execution in more than eight years. Of the 20 States that have conducted at least one execution in the past eight years, 9 have conducted fewer than five in that time, making an execution in those States a fairly rare event.” *Glossip*, 135 S.Ct. at 2773 (Breyer, dissenting) (quoting BJS Prisoner Statistics (Delaware, Idaho, Indiana, Kentucky, Louisiana, South Dakota, Tennessee, Utah, Washington)).

Since *Glossip*, five additional states have abolished the death penalty- Delaware, Washington, New Hampshire, Colorado, and Virginia. See DPIC, Death Penalty by State, <https://deathpenaltyinfo.org/state-and-federal-info/state-by-state> (last visited September 3, 2024). Six states have formally stopped executing inmates: Oregon, California, Pennsylvania, Arizona, Tennessee and Ohio. *Id.* Another eleven states have not executed anyone in at least ten years. Death Penalty Information Center (DPIC), The Death Penalty in 2022: Year End Report, available at <https://deathpenaltyinfo.org/facts-and-research/dpic-reports/dpic-year-end-reports/the-death-penalty-in-2022-year-end-report..>

In 2014, three States (Texas, Missouri, and Florida) accounted for 80% of the executions nationwide (28 of the 35). *Glossip*, 135 S.Ct. at 2773 (Breyer, dissenting) (citing DPIC, Number of Executions by State and Region Since 1976, online at <http://www.deathpenaltyinfo.org/number-executions-state-and-region-1976>.) In 2022, two states (Texas and Oklahoma) accounted carried out more than half executions. DPIC, 2022 Year End Report.

“[I]f we look to States, in more than 60% there is effectively no death penalty, in an additional 18% an execution is rare and unusual, and 6%, i.e., three States, account for 80% of all executions.” *Glossip*, 135 S.Ct. at 2774 (Breyer, dissenting). “If we look to population, about 66% of the Nation lives in a State that has not carried out an execution in the last three years.” *Id.*

“It seems fair to say that it is now unusual to find capital punishment in the United States, at least when we consider the Nation as a whole.” *Id.*

And with each passing year, it becomes more unusual.

State Changes

In the past 10 years, five (5) state legislatures have abolished the death penalty: Virginia (2021), Colorado (2020), New Hampshire (2019), Maryland (2013), and Washington (2023). DPIC, States by State, online <http://www.deathpenaltyinfo.org/states-and-without-death-penalty> (last visited September 3, 2024). In 2016, the Connecticut and Delaware Supreme Courts held that the Death Penalty was unconstitutional. DPIC, States With and Without the Death Penalty. In 2023, the Washington Supreme Court did as well. *Id.* Currently, ten states have pending legislation to abolish the death penalty including Arizona, Kansas, Kentucky, Louisiana, Missouri, Nebraska, North Carolina, Ohio, South Carolina, Texas. DPIC, Recent Legislative Activity, online at <http://www.deathpenaltyinfo.org/recent-legislative-activity> (last visited August 21, 2023).

The direction of change is clear. In the past two decades, the only state without a death penalty that has passed legislation to reinstate it is Nebraska. DPIC, States With and Without the Death Penalty. When determining whether a punishment violates the evolving standards of decency, the Supreme Court has said that it “ ‘is not so much the number of these States that is significant, but the consistency of the direction of change.’ ” *Roper*, 543 U.S. at 566, 125 S.Ct. 1183 (quoting *Atkins*, 536 U.S. at 315, 122 S.Ct. 2242) (finding significant that five States had abandoned the death penalty for juveniles, four legislatively and one judicially, since the Court's decision in *Stanford v. Kentucky*, 492 U.S. 361, 109 S.Ct. 2969 (1989)). The United States is consistently moving in the direction of abolition, demonstrating that the punishment violates our evolving standards of decency.

Public Opinion

Public opinion in the United States is also shifting towards abolition. Last year's November Gallup polls show that 53% of the public support the death penalty for murderers, while Rasmussen found that less than half support the death penalty. This is the lowest approval rating in history DPIC, National Polls and Studies (2023) (available at <https://deathpenaltyinfo.org/facts-and-research/public-opinion-polls/national-polls-and-studies>) (last visited September 3, 2024). The Pew Research Center also has seen a decline in support for the death penalty. John Gramlich, *10 Facts about the Death Penalty in the U.S.*, Pew Research Center (July 19, 2021) (available at <https://www.pewresearch.org/fact-tank/2021/07/19/10-facts-about-the-death-penalty-in-the-u-s/>). "In phone surveys conducted by Pew Research Center between 1996 and 2020, the share of U.S. adults who favor the death penalty fell from 78% to 52%, while the share of Americans expressing opposition rose from 18% to 44%." *Id.*

International Community

The Role of International Law in United States Law

There is a growing recognition that international human rights norms in general, and the ICCPR in particular, should be applied to the United States. *See Duarte-Acero*, 208 F.3d at 1284; *McKenzie v. Daye*, 57 F.3d 1461, 1487 (9th Cir. 1995) (Norris, J., dissenting). The United States Supreme Court relied on international human rights law in *Lawrence v. Texas*, 539 U.S. 558, 578, 123 S.Ct. 2472, 2484 (2003) to find that a Texas statute making it a crime for two persons of the same gender to engage in certain intimate sexual conduct was unconstitutional. The Court analyzed the development of international law and practice since the last time the Court addressed the same question in *Bowers v. Hardwick*, 478 U.S. 186, 106 S.Ct. 2841 (1986). *Lawrence*, 539 U.S. at 576, 123 S.Ct at 2482-83. The Court cited three decisions of the European Court, noted

that other nations “have taken action consistent with an affirmation of the protected right of homosexual adults to engage in intimate, consensual conduct,” and concluded that “[t]he right the petitioners seek in this case has been accepted as an integral part of human freedom in many other countries.” *Id.* at 576-77, 2483. The decisions of the European Court were the only judicial precedents cited by the Court that directly supported its holding. *Id.*

In *Lawrence*, the Court went beyond our national borders and looked to the law of other countries in deciding issues of due process and basic fairness. Again, in finding an international consensus, the Court held that basic, fundamental due process rights can, in part, be defined by reference to fundamental values evidenced not only by those policies extant in the jurisdictions of the United States, but also by the policies and practices extant in the world:

To the extent *Bowers* relied on values we share with a wider civilization, it should be noted that the reasoning and holding in *Bowers* have been rejected elsewhere. The European Court of Human Rights has not followed *Bowers*.... Other nations, too, have taken action consistent with [personal rights]. The right petitioners seek in this case has been accepted as an integral part of human freedom in many other countries. There has been no showing that in this country the governmental interest in circumscribing personal choice is somehow more legitimate or urgent.

Lawrence, 539 U.S. at 576 (citations omitted).

Justice Ruth Bader Ginsburg, in her remarks at the Bellwood Lecture at the University Of Idaho College Of Law, expanded on the notion that the United States should look beyond its own borders in resolving issues of fundamental fairness and due process. Ruth Bader Ginsburg, *Looking Beyond Our Borders: The Value of A Comparative Perspective in Constitutional Adjudication*, 40 Idaho L. Rev. 1 (2003).

The point is that when this Court decides what basic fairness comprises due process and the evolving standards of decency in Idaho, it too can and should consider the process that is considered due and the standards of civilized society not only within the 50 states and the federal

government, but also in the modern, civilized world.

Similarly, in *Roper v. Simmons*, 543 U.S. 551, 125 S.Ct. 1183 (2005), the Court looked to international law when deciding that it was impermissible under the Eighth Amendment to execute juveniles. The Court surveyed international law and practice and concluded that the views of the world community provided confirmation that capital punishment is an unjust penalty for juvenile offenders. *Roper*, 543 U.S. at 575-78, 125 S.Ct. at 1198-1200. The Court stated: “Our determination that the death penalty is disproportionate punishment for offenders under 18 finds confirmation in the stark reality that the United States is the only country in the world that continues to give official sanction to the juvenile death penalty.” *Id.* at 575, 1198.

The Court referenced Article 37 of the United Nations Convention on the Rights of the Child and noted that it “contains an express prohibition on capital punishment for crimes committed by juveniles under 18.” *Id.* at 576, 1199 (citing United Nations Convention on the Rights of the Child, Art. 37, Nov. 20, 1989, 1577 U.N.T.S. 3, 28 I.L.M. 1448, 1468–1470). The Court also noted that “[p]arallel prohibitions are contained in other significant international covenants.” *Id.* (citing ICCPR, Art. 6(5), 999 U.N.T.S., at 175 (prohibiting capital punishment for anyone under 18 at the time of offense) (signed and ratified by the United States subject to a reservation regarding Article 6(5)); American Convention on Human Rights: Pact of San Jose, Costa Rica, Art. 4(5), Nov. 22, 1969, 1144 U.N.T.S. 146 (entered into force July 19, 1978) (same); African Charter on the Rights and Welfare of the Child, Art. 5(3), OAU Doc. CAB/LEG/ 24.9/49 (1990) (entered into force Nov. 29, 1999) (same)). *Lawrence* and *Roper* make clear that United States Supreme Court does look to international law and that other courts in the United States should look to international law when determining rather a state statute is unconstitutional.

The vast majority of modern, civilized society has already abolished capital punishment. The United States has been routinely condemned by the international community for continuing to execute its own people. The United Nations Commission on Human Rights has called for a moratorium on executions with a view to completely abolishing the death penalty.

On December 10, 1948, the United Nations General Assembly adopted and proclaimed the Universal Declaration of Human Rights. United Nations General Assembly Resolution 217 A (III), 10 December 1948. The United States was among the forty-eight States that voted for the adoption of the Declaration (the vote was 48 in favor, none against and 8 abstentions).

The Declaration is the first of a series of instruments prepared by the United Nations Commission for Human Rights under the encompassing title of The International Bill of Human Rights. In addition to the Declaration, the Bill consists of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and its two Optional Protocols. *See, Fact Sheet No.2 (Rev. 1), The International Bill of Human Rights, United Nations High Commissioner for Human Rights, June 1996.* This Court is requested, pursuant to IRE R. 201, to take judicial notice of each instrument within The International Bill of Human Rights, including the First and Second Optional Protocols to the International Covenant on Civil and Political Rights. A true and correct copy of each of these instruments is attached hereto and incorporated herein by reference. *See Attachment A.*

The United Nations Commission on Human Rights has repeatedly resolved to abolish the death penalty as a violation of human rights. The majority of the 53 Member States have voted to call upon States that retain the death penalty to suspend executions with a view to completely abolishing the death penalty. *International Covenant on Civil and Political Rights, Article 6.*

Moreover, The Second Optional Protocol specifically aims at the abolition of the death penalty, declaring “that abolition of the death penalty contributes to enhancement of human dignity and progressive development of human rights....” *Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, Adopted and proclaimed by General Assembly resolution 44/128 of 15 December 1989*. The Protocol specifically provides that “No one within the jurisdiction of a State Party to the present Protocol shall be executed.” *Id.*, at Article 6.

International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights (“ICCPR”) prohibits “cruel, inhuman or degrading treatment or punishment.” ICCPR, Art. 7. Article 7, Section 1 of the ICCPR prohibits the arbitrary deprivation of life, providing that “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of life.”

The ICCPR was ratified by the United States in 1992. Under Article 6 of the United States Constitution, “all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.” Thus, the ICCPR is the law of the land. *See, e.g., Zschernig v. Miller*, 389 U.S. 429, 440-41 (1968); *Edye v. Robertson*, 112 U.S. 580, 598-99 (1884). Consequently, this Court is bound by the ICCPR.

The United States Court of Appeals for the Eleventh Circuit has held that when the United States Senate ratified the ICCPR “the treaty became, coexistent with the United States Constitution and federal statutes, the supreme law of the land” and must be applied as written. *United States v. Duarte-Acero*, 208 F.3d 1282, 1284 (11th Cir. 2000). *But see Beazley v. Johnson*, 242 F.3d 248, 267-68 (5th Cir. 2001).

Idaho's death penalty scheme violates the ICCPR. Because of the improprieties of the capital sentencing process, the conditions under which the condemned are incarcerated and the excessive delays between sentencing and execution under the Idaho death penalty system, the implementation of the death penalty in Idaho constitutes "cruel, inhuman or degrading treatment or punishment" in violation of Article 7 of the ICCPR.

These instruments evidence the evolving standards of a civilized society. That is, the international community, in specifically addressing and drafting documents directly related to the death penalty and individual dignity and the expectation of a respect for that dignity by individual governments, has expressed the mores and standards expected of modern, evolving society.

On December 18, 2014, the United Nations General Assembly voted overwhelmingly to adopt a resolution urging a global moratorium on the death penalty, with an eye toward abolition. *See S. Oakford, UN Vote against Death Penalty Highlights Global Abolitionist Trend — and Leaves the US Stranded*, Vice News, December 19, 2014, online at <https://news.vice.com/article/un-vote-against-death-penalty-highlights-global-abolitionist-trend-and-leaves-the-us-stranded>. A record high 117 countries voted in favor of the resolution while the United States was one of just 38 nations that opposed it, and 34 nations abstained. *See N. Sheriff, Record number of states vote for UN resolution on death penalty moratorium*, Al Jazeera America, December 18, 2014, online at <http://omnifeed.com/article/america.aljazeera.com/articles/2014/12/18/record-number-of-states-vote-for-un-resolution-on-death-penalty-moratorium.html>. "When the UN was founded in 1945, only 8 of the 51 member nations had abolished the death penalty. Today, 95 of the 193 member nations have officially abolished the death penalty, and an additional 42 have abolished it in practice." *See S. Oakford, UN Vote Against Death Penalty Highlights Global Abolitionist Trend — and Leaves the US Stranded*, Vice News, December 19, 2014, online at

<https://news.vice.com/article/un-vote-against-death-penalty-highlights-global-abolitionist-trend-and-leaves-the-us-stranded>.

“The death penalty is steadily receding toward the dustbin of history worldwide, with fewer than two dozen countries relying on it at all as a form of punishment.” S. Sengupta, *Death Sentences Surge, Even as More Countries Drop Capital Punishment*, The New York Times, January 4, 2016, online at http://www.nytimes.com/2016/01/05/world/middleeast/fewer-countries-use-death-penalty-but-death-sentences-surge.html?hpw&rref=world&action=click&pgtype=Homepage&module=well-region®ion=bottom-well&WT.nav=bottom-well&_r=0. “A total of 105 countries have abolished the death penalty, with Suriname and Mongolia the latest to do so. According to the United Nations, 60 other countries allow for the death penalty but have not carried it out in a decade, making them what the United Nations calls ‘de facto abolitionists.’” *Id.*

“In 2013, only 22 countries in the world carried out an execution. No executions were carried out in Europe or Central Asia, and the United States was the only country in the Americas to execute an inmate in 2013. Only eight countries executed more than 10 individuals (the United States, China, Iran, Iraq, Saudi Arabia, Somalia, Sudan, Yemen). And almost 80% of all known executions took place in three countries: Iran, Iraq, and Saudi Arabia.)” *Glossip*, 135 S.Ct. at 2775-76 (Breyer, dissenting) (internal citations omitted).

In May of 2015, The United Nations Human Rights Council issued a report urging the United States to end capital punishment. See DPIC, U.N. Human Rights Council Urges U.S. to Abolish Death Penalty, <http://www.deathpenaltyinfo.org/node/6145>. “The report, produced as part of the United Nations’ periodic review of the human rights records of each of its member nations, identified capital punishment in the United States as a major human rights concern . . . 38

countries called for the United States to either abolish capital punishment or impose a moratorium on executions with a view toward abolition. This was more than double the number who did so during the first U.N. review of U.S. human rights practices in 2010.” *Id.*

The vast majority of countries do not execute their citizens. The fact that more and more countries continue to call on the United States to abandon this practice, demonstrates that society does not believe that capital punishment is acceptable under our contemporary standards of decency.

Religious Organizations

The organized religions of modern society have also taken a stand against the death penalty. The following religious community organizations specifically oppose the death penalty as a matter of modern societal mores:

American Baptist Churches in the U.S.A.; American Ethical Union; American Friends Service Committee; The American Jewish Committee; Amnesty International; The Bruderhof Communities; Christian Church (Disciples of Christ); Church of the Brethren; Church Women United; The Episcopal Church; Evangelical Lutheran Church in America; Fellowship of Reconciliation; Friends Committee on National Legislation; Friends United Meeting; The General Association of General Baptists; General Conference Mennonite Church; Mennonite Central Committee; The Mennonite Church; The Moravian Church in America; National Board YWCA of the U.S.A.; National Council of Churches of Christ; Orthodox Church in America; Presbyterian Church (U.S.A.); Reformed Church in America; Reorganized Church of Jesus Christ of Latter Day Saints; Unitarian Universalist Association; United Church of Christ; The United Methodist Church; U.S. Catholic Conference; National Counsel on Islamic Affairs; Southern Christian Leadership Conference; and, the National Interreligious Task Force.

See, e.g., American Friends Service Committee, “The Death Penalty: The Religious Community Calls for Abolition.” Philadelphia: AFSC, 1998.

On April 1, 2015, over 400 Church leaders from many different Christian denominations including Catholics and evangelicals released a statement calling for an end to the death penalty.<http://www.faithinpubliclife.org/wp-content/uploads/2015/03/Easter-Death-Penalty->

Statement.pdf. The letter urged governors, judges and prosecutors to end the death penalty, and called it a “practice that diminishes our humanity and contributes to a culture of violence and retribution without restoration.” *Id.* The letter also stated that it is “shameful” that the United States is one of the few developed nations that continues to execute its citizens. *Id.*

On July 7, 2020, on the eve of the federal governments return to killing prisoners, 1000 religious leaders issued a statement asking it not to. *More than 1,000 Faith Leaders Call On President Trump and Attorney General Barr to Halt Federal Executions*, (July 7, 2020) (available at <https://drive.google.com/file/d/1v9wTiQV0Gn0rutlOcqSNMbQtOIjCGGzQ/view>). The statement was short, but to the point-

As faith leaders from a diverse range of traditions, we call on President Trump and Attorney General Barr to stop the scheduled federal executions. As our country grapples with the COVID 19 pandemic, an economic crisis, and systemic racism in the criminal legal system, we should be focused on protecting and preserving life, not carrying out executions.

Joint Statement from Faith Leaders on the Scheduled Federal Executions (available at https://drive.google.com/file/d/119cay_1MyiuSHd8yHdYPK3b5D2TJlryb/view).

On March 20, 2015, Pope Francis made a statement against the death penalty in which he declared that capital punishment is the opposite of divine mercy, which should be the model for our man-made legal systems. Death sentences, he insists, imply cruel and degrading treatment, as well as the torturous anguish of a lengthy waiting period before the execution, which often leads to sickness or insanity. See Gerard O’Connell, *Pope Francis: The Death Penalty is Contrary to the Gospel*, AMERICA THE JESUIT REVIEW (Oct. 11, 2017) available at <https://www.americamagazine.org/faith/2017/10/11/pope-francis-death-penalty-contrary-gospel>.

Leo E. Strine, Jr., the Chief Justice of the Delaware Supreme Court and a practicing Catholic, expresses his views on the relationship between Christianity and capital punishment in a

law review article. See Leo E. Strine, Jr., *Criminal Justice And (A) Catholic Conscience*, Forthcoming, Santa Clara Law Review, Volume 56 (2016). He wrote:

For my own part, Christ's teachings are difficult to reconcile with support for capital punishment, except in circumstances where that can genuinely be seen as self-defense for the community. The reasons I conclude this have already been highlighted: Christ counsels us against human error and judgment, asking us to leave that to God when we can, and to avoid striking back. For me, at least, that means that so long as a dangerous offender is given a sentence that respects the victim and society's expectation that a serious crime will be accompanied by a serious consequence, and society can be rendered safe from further predation, the justification for killing the offender is hard to identify, especially because it deprives the offender of a full chance to redeem himself in God's eyes.

This is the case for me, even when I think there is no doubt the offender has without any mitigating circumstance committed a heinous offense. Even more so is it the case when there is the possibility that the wrong man has been convicted, or the defendant's own human circumstances — such as serious mental illness or having been regularly abused by and taught by sociopathic parents who were role models for sickness — seem to mitigate toward mercy, at least in the sense of stopping short of killing the offender.

Id. at 24-26.

On October 11, 2017, Pope Francis declared that the death penalty is contrary to the gospel.

Id. The Pope said, “however grave the crime that may be committed, the death penalty is inadmissible because it attacks the inviolability and the dignity of the person.” *Id.* The Pope went on:

One has to strongly affirm that condemnation to the death penalty is an inhuman measure that humiliates personal dignity, in whatever form it is carried out. And [it] is, of itself, contrary to the Gospel, because it is freely decided to suppress a human life that is always sacred in the eyes of the Creator, and of which, in the final analysis, God alone is the true judge and guarantor.

On August 2, 2018, the Catholic Church amended the Catechism of the Church, a codified doctrine which sums up teachings, to say that the death penalty is “inadmissible because it is an attack on the inviolability and dignity of the person.” BBC News, *Pope Francis Declares Death Penalty Inadmissible in All Cases* (Aug. 2, 2018) available at <https://www.bbc.com/news/world->

europe-45042130. The new text says there is "an increasing awareness that the dignity of the person is not lost even after the commission of very serious crimes". *Id.*

Catholics are not the only Christians who have addressed the morality of the death penalty recently. Even religious institutions that were previously staunch supporters of the death penalty have changed their position. In October of 2015, the National Association of Evangelicals, an umbrella group for congregations representing millions of evangelical Christians in the United States, announced a new resolution that changes its 1973 resolution that favored the death penalty recognizing that "a growing number of evangelicals now call" for a shift away from the death penalty. *See* "The National Association of Evangelicals has changed its position on the death penalty," *The Washington Post*, October 19, 2015, online at <https://www.washingtonpost.com/news/acts-of-faith/wp/2015/10/19/the-national-association-of-evangelicals-has-changed-its-position-on-the-death-penalty/>. This was a change from its prior position that favored the death penalty.

On October 20, 2022, the leader of the Orthodox Church stated in an interview:

The attitude of a society toward the death penalty is an indicator of its cultural orientation and consideration of human dignity.

The worthy system of European constitutional culture, of which one of the fundamental pillars is the idea of love as an expression of its Christian beliefs, requires us to consider that every man must be given the possibility of repentance and improvement, even if he has been condemned for the worst crime.

It is therefore a logical and moral consequence that one who condemns war also should reject the death penalty.

Cindy Wooden, *Christian beliefs lead to opposition to death penalty, patriarch says lead to opposition to death penalty*, CATHOLIC NEWS SERVICE (October 20, 2020).

On August 10, 2017, over one hundred rabbis from multiple Jewish denominations issued a statement expressing opposition to the death penalty. S. Yanklowitz, *Over 100 Rabbi's Denounce*

The Death Penalty, THE FORWARD (August 10, 2017) available at <https://forward.com/subscribe/379653/over-100-rabbis-denounce-the-death-penalty/>. The rabbis

stated:

[a]s Jews and citizens, we believe that governments must protect the dignity and rights of every human being. By using the death penalty, our country fails to live up to this basic requirement.

Too often, the wrong person is convicted for crimes they did not commit. Due to their socio-economic situation or lack of access to legal resources, wrongly convicted people often have no real opportunity to respond to an overwhelming legal system that, after an initial conviction, makes the proof of innocence very difficult. The consequences of this system are not only fundamentally unjust but also produce racially disparate outcomes. Additionally, tax payers are required to pay exorbitant amounts to maintain death row.

The Rabbis taught that a court that often puts others to death is deeply problematic. How often? Rabbi Eliezer ben Azariah says, "Every 70 years." Rabbi Tarfon and Rabbi Akiva say, "If we were in a court, no person would ever be executed," (Makkot 7a). While not categorically opposed to capital punishment, the rabbis saw the death penalty as so extreme a measure that they all but removed it from their system of justice. Regarding capital punishment, the Sages had a very high bar for reliable evidence, were eager to find ways to acquit, and were deeply concerned about the dignity of those that were indeed condemned. In contrast, our American system today lacks the highest safeguards to protect the lives of the innocent and uses capital punishment all too readily.

We do not naively believe that everyone on death row is completely innocent of any crime. Yet, it is time to see the death penalty for what it is: not as justice gone awry, but a symptom of injustice as status quo. "You must rescue those taken off to death!" (Proverbs 24:11)!

As Jewish community leaders, we are calling for an end to a cruel practice, but also for the beginning of a new paradigm of fair, equitable restorative justice.

In recent years, much of the spiritual community has joined with the secular community in declaring that the death penalty violates the evolving standards of contemporary society.

Medical Professionals and Pharmaceutical Companies

In 2006, both the American Medical Association and the National Association of Emergency Medical Technicians issued public statements reiterating that assisting in executions

violated the ethical obligations of their members. DPIC, *NEW VOICES: American Medical Association, EMT Association Say Participation in Execution Violates Medical Ethics* (Jul. 18, 2006) (available at <https://deathpenaltyinfo.org/news/new-voices-american-medical-association-emt-association-say-participation-in-executions-violates-medical-ethics>).

In the 2010s, multiple medical professionals and pharmaceutical companies began to denounce the death penalty and pharmacists and registered nurses have refused to participate in executions. Pharmaceutical companies have expressed opposition to the use of their products to put people to death. The refusal of pharmaceutical companies to allow their products to be used in executions has made it increasingly difficult for states to procure the drugs necessary to carry out executions- leading to clandestine meetings between law enforcement and questionable sources for killing drugs.

In 2015, the American Pharmacists Association adopted a policy discouraging pharmacist participation in executions on the basis that “such activities are fundamentally contrary to the role of pharmacists as providers of health care.” See *ApHa House of Delegates Adopts Policy Discouraging Pharmacist Participation in Executions* (March 30, 2015) (available at <http://www.deathpenaltyinfo.org/documents/APhAResolution.pdf>).

In 2016, the American Nurses Association issued a revised statement that not only indicated that registered nurses should have nothing to do with executions, but that their Association was against the death penalty. ANA, *Capital Punishment and Nurses’ Participation in Capital Punishment* (2016) (available at <https://www.nursingworld.org/practice-policy/nursing-excellence/official-position-statements/id/capital-punishment-and-nurse-participation-in-capital-punishment/>).

For their part, pharmaceutical companies have by and large released not only statements against the death penalty, but refused to sell their drugs to prisons. *See* DPIC, *Statements from Drug Manufacturers and Medical Professionals* (available at <https://deathpenaltyinfo.org/executions/lethal-injection/statements-from-drug-manufacturers-and-medical-professionals>) (last visited September 8, 2022). A few notable examples:

On March 4, 2015, Akorn Pharmaceuticals, a manufacturer of two drugs (midazolam and pentobarbital) that have been used in executions, released a statement announcing measures to block the sale of its products to prisons. *See Akorn Adopts Comprehensive Policy to Support the Use of its Products to Promote Human Health* <http://www.deathpenaltyinfo.org/files/AkornStatement.pdf>. With this action, Akorn joined at least two other U.S.-based drug companies and several European companies in expressing opposition to the use of their products in lethal injections. *Id.*

Also in 2015, Roche Pharmaceuticals, the manufacturer of midazolam released a statement stating: “Roche is aware of the use of the benzodiazepine midazolam as part of a drug combination for executions under the death penalty in the U.S. Roche did not supply midazolam for death penalty use and would not knowingly provide any of our medicines for this purpose. We support a worldwide ban on the death penalty.” *See* <http://www.deathpenaltyinfo.org/documents/RocheStatement.pdf>

Lundbeck, Inc., the manufacturer of Pentobarbital, one of the most common drugs used in recent executions, has significantly restricted its distribution system to prevent the drug’s use in lethal injections in the United States. *See* <http://www.deathpenaltyinfo.org/pharmaceutical-company-restricts-access-drug-used-us-executions>. The company announced in a statement that it “adamantly opposes the distressing misuse of our product in capital punishment.” *Id.*

As pharmaceutical companies have begun refusing to sell their products to states for use in executions, states have turned to compounding pharmacies to make the drugs. IACP, *IACP Adopts Position on Compounding of Lethal Injection Drugs* (March 24, 2015) (available at <http://www.deathpenaltyinfo.org/documents/IACPPressRelease.pdf>). In response, the International Academy of Compounding Pharmacist passed a measure discouraging its members from participating in the preparation, dispensing, or distribution of compounded medications for use in legally authorized executions. *Id.*

Inability to obtain drugs has delayed and halted executions in some states. M. Fernandez, *Delays as Death-Penalty States Scramble for Execution Drugs*, New York Times, October 8, 2015, online at http://www.nytimes.com/2015/10/09/us/death-penalty-lethal-injection.html?_r=0. To counter this, some states, such as Idaho, have taken to adopting clandestine means of getting killing drugs. *See*, Carson McCullough, *Idaho Governor Sign Bill Boosting Secrecy of Execution Drugs*, COURTHOUSE NEWS SERVICE (March 25, 2022). This is despite allegations that typically drugs that come from such sources are of inferior quality and tend to cause extreme pain. *See*, DPIC, *Compounding Pharmacies and Lethal Injection* (available at <https://deathpenaltyinfo.org/executions/lethal-injection/compounding-pharmacies>) (last visited Sept. 8, 2022). For example:

In 2018, investigative reporter Chris McDaniel discovered that Texas secretly obtained execution drugs from the Greenpark Compounding Pharmacy, a pharmacy that the Texas State Board of Pharmacy has cited for 48 violations in the past eight years, including “keeping out-of-date drugs in stock, using improper procedures to prepare IV solutions, and inadequate cleaning of hands and gloves.” Greenpark’s license was put on probation in November 2016 after it botched a prescription for three children, sending one of them to the hospital for emergency care.

Id. (citing Chris McDaniel, *Inmates Said The Drug Burned As They Died. This Is How Texas Gets Its Execution Drugs*, BUZZFEED NEWS (Nov. 28, 2018)).

The recent widespread opposition from pharmacists and pharmaceutical companies that have forced some states to stop executions and led to many botched executions demonstrates a belief that the death penalty violates society's standards of decency.

CONCLUSION

Idaho's capital sentencing scheme does not comport with contemporary standards of decency and therefore constitutes cruel and unusual punishment. Because Idaho's capital sentencing scheme does not comport with the evolving standards of a modern, civilized society and Idaho is endeavoring to have Mr. Kohberger sentenced to death, Idaho's capital sentencing scheme violates the 8th and 14th Amendments to the United States Constitution and Article I, Sections 6 and 13 of the Idaho Constitution.

Based upon the foregoing and argument to be presented at the hearing hereon, this Court is respectfully requested to grant this Motion that:

- (a) the State's Notice of Intent to Seek Death Penalty be struck;
- (b) the Court seat a jury which is not "death-qualified";
- (c) the Court preclude the admission of any evidence of aggravating circumstances during the trial of this case; and,
- (d) the Court not instruct the jury on any aggravated punishment.

DATED this 4 day of September, 2024.

BY: 

JAY WESTON LOGSDON
INTERIM DEPUTY LITIGATION

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same as indicated below on the 5 day of September, 2024, addressed to:

Latah County Prosecuting Attorney –via Email: paservice@latahcountyid.gov
Elisa Massoth – via Email: legalassistant@kmrs.net



A

Universal Declaration of Human Rights

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by

teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier

penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right to equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

International Covenant on Civil and Political Rights

Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976, in accordance with Article 49

Preamble

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 4

1 . In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

3.

(a) No one shall be required to perform forced or compulsory labour;

(b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;

(c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:

(i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;

(ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;

(iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;

(iv) Any work or service which forms part of normal civil obligations.

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2.

(a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 11

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation. Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

Article 13

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation. 5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 15

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 20

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

Article 23

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Article 24

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

2. Every child shall be registered immediately after birth and shall have a name.

3. Every child has the right to acquire a nationality.

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all

persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

PART IV

Article 28

1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee). It shall consist of eighteen members and shall carry out the functions hereinafter provided.

2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.

3. The members of the Committee shall be elected and shall serve in their personal capacity.

Article 29

1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the States Parties to the present Covenant.

2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.

3. A person shall be eligible for renomination.

Article 30

1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant.

2. At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in accordance with article 34, the Secretary-General of the United Nations shall address a written invitation to the States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.

3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.

4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

Article 31

1. The Committee may not include more than one national of the same State.

2. In the election of the Committee, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems.

Article 32

1. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in article 30, paragraph 4. 2. Elections at the expiry of office shall be held in accordance with the preceding articles of this part of the present Covenant.

Article 33

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations, who shall then declare the seat of that member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

Article 34

1. When a vacancy is declared in accordance with article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Covenant, which may within two months submit nominations in accordance with article 29 for the purpose of filling the vacancy.

2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Covenant. The

election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.

3. A member of the Committee elected to fill a vacancy declared in accordance with article 33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

Article 35

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

Article 36

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Covenant.

Article 37

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.

2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.

3. The Committee shall normally meet at the Headquarters of the United Nations or at the United Nations Office at Geneva.

Article 38

Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

Article 39

1. The Committee shall elect its officers for a term of two years. They may be re-elected.

2. The Committee shall establish its own rules of procedure, but these rules shall provide, inter alia, that:
 - (a) Twelve members shall constitute a quorum;

 - (b) Decisions of the Committee shall be made by a majority vote of the members present.

Article 40

1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights: (a) Within one year of the entry into force of the present Covenant for the States Parties concerned;
 - (b) Thereafter whenever the Committee so requests.

2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.

3. The Secretary-General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.

4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.

5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.

Article 41

1. A State Party to the present Covenant may at any time declare under this article that it recognizes the competence of the 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 present Covenant. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:

(a) If a State Party to the present Covenant considers that another State Party is not giving effect to the provisions of the present Covenant, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation, or any other statement in writing clarifying the matter which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter;

(b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;

(c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged;

(d) The Committee shall hold closed meetings when examining communications under this article;

(e) Subject to the provisions of subparagraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in the present Covenant;

(f) In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;

(g) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing;

(h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:

(i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report. In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

1.

(a) If a matter referred to the Committee in accordance with article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant;

(b) The Commission shall consist of five persons acceptable to the States Parties concerned. If the States Parties concerned fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission concerning whom no agreement has been reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not Party to the present Covenant, or of a State Party which has not made a declaration under article 41.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.

5. The secretariat provided in accordance with article 36 shall also service the commissions appointed under this article.

6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information.

7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned:

(a) If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter;

(b) If an amicable solution to the matter on the basis of respect for human rights as recognized in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached;

(c) If a solution within the terms of subparagraph (b) is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issues between the States Parties concerned, and its views on the possibilities of an amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned;

(d) If the Commission's report is submitted under subparagraph (c), the States Parties concerned shall, within three months of the receipt of the report, notify the Chairman of the Committee whether or not they accept the contents of the report of the Commission.

8. The provisions of this article are without prejudice to the responsibilities of the Committee under article 41.

9. The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

10. The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned, in accordance with paragraph 9 of this article.

Article 43

The members of the Committee, and of the ad hoc conciliation commissions which may be appointed under article 42, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 44

The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

Article 45

The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

PART V

Article 46

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 47

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART VI

Article 48

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to the present Covenant.

2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed this Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 49

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 50

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 51

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes. 3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 52

1. Irrespective of the notifications made under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

(a) Signatures, ratifications and accessions under article 48;

(b) The date of the entry into force of the present Covenant under article 49 and the date of the entry into force of any amendments under article 51.

Article 53

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 48.

No. 14531

MULTILATERAL

International Covenant on Economic, Social and Cultural Rights. Adopted by the General Assembly of the United Nations on 16 December 1966

Authentic texts of the Covenant: English, French, Chinese, Russian and Spanish.

Registered ex officio on 3 January 1976.

MULTILATÉRAL

Pacte international relatif aux droits économiques, sociaux et culturels. Adopté par l'Assemblée générale des Nations Unies le 16 décembre 1966

*Textes authentiques du Pacte : anglais, français, chinois, russe et espagnol.
Enregistré d'office le 3 janvier 1976.*

INTERNATIONAL COVENANT¹ ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

¹ Came into force in respect of the following States on 3 January 1976, i.e., three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or accession, in accordance with article 27 (1):*

| <i>State</i> | <i>Date of deposit of the instrument of ratification or accession (a)</i> | <i>State</i> | <i>Date of deposit of the instrument of ratification or accession (a)</i> |
|--|---|---------------------------------------|---|
| Barbados** | 5 January 1973 a | Kenya** | 1 May 1972 a |
| Bulgaria** | 21 September 1970 | Lebanon | 3 November 1972 a |
| Byelorussian Soviet Socialist Republic** | 12 November 1973 | Libyan Arab Republic** | 15 May 1970 a |
| Chile | 10 February 1972 | Madagascar** | 22 September 1971 |
| Colombia | 29 October 1969 | Mali | 16 July 1974 a |
| Costa Rica | 29 November 1968 | Mauritius | 12 December 1973 a |
| Cyprus | 2 April 1969 | Mongolia** | 18 November 1974 |
| Denmark** | 6 January 1972 | Norway** | 13 September 1972 |
| Ecuador | 6 March 1969 | Philippines | 7 June 1974 |
| Finland | 19 August 1975 | Romania** | 9 December 1974 |
| German Democratic Republic** | 8 November 1973 | Rwanda** | 16 April 1975 a |
| Germany, Federal Republic of (With a declaration of application to Berlin (West).)*** | 17 December 1973 | Sweden** | 6 December 1971 |
| Hungary** | 17 January 1974 | Syrian Arab Republic** | 21 April 1969 a |
| Iran | 24 June 1975 | Tunisia | 18 March 1969 |
| Iraq** | 25 January 1971 | Ukrainian Soviet Socialist Republic** | 12 November 1973 |
| Jamaica | 3 October 1975 | Union of Soviet Socialist Republics** | 16 October 1973 |
| Jordan | 28 May 1975 | Uruguay | 1 April 1970 |
| | | Yugoslavia | 2 June 1971 |

Subsequently, the Covenant came into force for the following States three months after the date of the deposit of their own instrument of ratification or instrument of accession, in accordance with article 27 (2).

| <i>State</i> | <i>Date of deposit of the instrument of ratification</i> |
|-----------------------------------|--|
| Australia | 10 December 1975 |
| (With effect from 10 March 1976.) | |
| Czechoslovakia** | 23 December 1975 |
| (With effect from 23 March 1976.) | |

*Several of the 35 instruments deposited being accompanied by reservations, and the Covenant being silent about reservations, the Secretary-General pursuant to the instructions of the General Assembly (resolutions 598 (VI)† and 1452B (XIV)‡) consulted the States concerned on whether they objected to the entry into force in accordance with article 27 (1). In the absence of objections within 90 days from the date of circulation (3 October 1975) of the depositary notification, the Secretary-General notified the States concerned that the Covenant had entered into force on 3 January 1976.

† United Nations, *Official Records of the General Assembly, Sixth Session, Supplement No. 20 (A/2119)*, p. 84.

‡ *Ibid.*, *Fourteenth Session, Supplement No. 16 (A/4354)*, p. 56.

** See p. 84 of this volume for the texts of the declarations and reservations made upon ratification or accession.

*** See p. 98 of this volume for the text of the declarations relating to the declaration made upon ratification by the Federal Republic of Germany concerning application to Berlin (West).

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1. 1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2. 1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

Article 3. The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 4. The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Article 5. 1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.

2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6. 1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work, which ensure, in particular:

- (a) remuneration which provides all workers, as a minimum, with:
 - (i) fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
 - (ii) a decent living for themselves and their families in accordance with the provisions of the present Covenant;
- (b) safe and healthy working conditions;
- (c) equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- (d) rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

Article 8. 1. The States Parties to the present Covenant undertake to ensure:

- (a) the right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
- (b) the right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;
- (c) the right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(d) the right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize¹ to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Article 9. The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 10. The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11. 1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) to improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

¹ United Nations, *Treaty Series*, vol. 68, p. 17.

Article 12. 1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

- (a) the provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
- (b) the improvement of all aspects of environmental and industrial hygiene;
- (c) the prevention, treatment and control of epidemic, endemic, occupational and other diseases;
- (d) the creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 13. 1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

- (a) primary education shall be compulsory and available free to all;
- (b) secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
- (c) higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
- (d) fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
- (e) the development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians, to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 14. Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

Article 15. 1. The States Parties to the present Covenant recognize the right of everyone:

- (a) to take part in cultural life;
- (b) to enjoy the benefits of scientific progress and its applications;
- (c) to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

PART IV

Article 16. 1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.

2. (a) All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant.

(b) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

Article 17. 1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.

3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

Article 18. Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and

Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

Article 19. The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendation or as appropriate for information the reports concerning human rights submitted by States in accordance with articles 16 and 17, and those concerning human rights submitted by the specialized agencies in accordance with article 18.

Article 20. The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the Commission on Human Rights or any documentation referred to therein.

Article 21. The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

Article 22. The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.

Article 23. The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

Article 24. Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 25. Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART V

Article 26. 1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other

State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.

2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 27. 1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 28. The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 29. 1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 30. Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

- (a) signatures, ratifications and accessions under article 26;
- (b) the date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

Article 31. 1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.

IN FAITH WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Covenant, opened for signature at New York, on the nineteenth day of December, one thousand nine hundred and sixty-six.

For Afghanistan:
Pour l'Afghanistan :

阿富汗 :

За Афганистан:

Por el Afganistán:

For Albania:
Pour l'Albanie :

阿爾巴尼亞 :

За Албанию:

Por Albania:

For Algeria:
Pour l'Algérie :

阿爾及利亞 :

За Алжир:

Por Argelia:

TEWFIK BOUATTOURA
10 December 1968

For Argentina:
Pour l'Argentine :

阿根廷 :

За Аргентину:

Por la Argentina:

RUDA
19 Febrero 1968¹

For Australia:
Pour l'Australie :

澳大利亞 :

За Австралию:

Por Australia:

LAURENCE RUPERT McINTYRE
18 December 1972

¹ 19 February 1968 — 19 février 1968.

For Austria:
Pour l'Autriche :
奧地利:
За Австрию:
Por Austria:

PETER JANKOWITSCH
10 décembre 1973

For Barbados:
Pour la Barbade :
巴貝多:
За Барбадос:
Por Barbados:

For Belgium:
Pour la Belgique :
比利時:
За Бельгию:
Por Bélgica:

C. SHUURMANS
10 décembre 1968

For Bolivia:
Pour la Bolivie :
玻利維亞:
За Боливию:
Por Bolivia:

For Botswana:
Pour le Botswana :
波扎那:
За Ботсвану:
Por Botswana:

For Brazil:
 Pour le Brésil :
 巴西:
 За Бразилию:
 Por el Brasil:

For Bulgaria:
 Pour la Bulgarie :
 保加利亞:
 За Болгарию:
 Por Bulgaria:

МИЛКО ТАРАБАНОВ¹
 8 octobre 1968

For Burma:
 Pour la Birmanie :
 緬甸:
 За Бирму:
 Por Birmania:

For Burundi:
 Pour le Burundi :
 布隆提:
 За Бурунди:
 Por Burundi:

For the Byelorussian Soviet Socialist Republic:²
 Pour la République socialiste soviétique de Biélorussie² :
 白俄羅斯蘇維埃社會主義共和國:
 За Белорусскую Советскую Социалистическую Республику:
 Por la República Socialista Soviética de Bielorrusia:

ГЕРАДОТ ГАЎРЫЛАВІЧ ЧАРНУШЧАНКО³
 19 марта 1968⁴

¹ Milko Tarabanov.

² See p. 78 of this volume for the texts of the declarations and reservations made upon signature — Voir p. 78 du présent volume pour les textes des déclarations et réserves faites lors de la signature.

³ Geradot Gavrilovich Chernushchenko — Geradote Gavrilovitch Tchernuchtchenko.

⁴ 19 March 1968 — 19 mars 1968.

For Cambodia:
Pour le Cambodge :
柬埔寨：
За Камбоджу:
Por Camboya:

For Cameroon:
Pour le Cameroun :
喀麥隆：
За Камерун:
Por el Camerún:

For Canada:
Pour le Canada :
加拿大：
За Канаду:
Por el Canadá:

For the Central African Republic:
Pour la République centrafricaine :
中非共和國：
За Центральноафриканскую Республику:
Por la República Centroafricana:

For Ceylon:
Pour Ceylan :
錫蘭：
За Цейлон:
Por Ceilán:

For Chad:
Pour le Tchad :
乍德：
За Чад:
Por el Chad:

For Chile:
 Pour le Chili :
 智利:
 За Чили:
 Por Chile:

JOSÉ PIÑERA CARVALLO
 Sept. 16, 1969

For China:
 Pour la Chine :
 中國:
 За Китай:
 Por China:

[Signed — Signé]¹

For Colombia:
 Pour la Colombie :
 哥倫比亞:
 За Колумбию:
 Por Colombia:

EVARISTO SOURDIS
 Dic. 21 de 1966²

For the Congo (Brazzaville):
 Pour le Congo (Brazzaville) :
 剛果 (布拉薩市):
 За Конго (Браззавиль):
 Por el Congo (Brazzaville):

¹ Signature affixed by Liu Chieh on 5 October 1967. See p. 94 for the texts of the declarations relating to the signature on behalf of the Government of the Republic of China — La signature a été apposée par Liu Chieh le 5 octobre 1967. Voir p. 94 pour les textes des déclarations relatives à la signature au nom du Gouvernement de la République de Chine.

² 21 December 1966 — 21 décembre 1966.

For the Congo (Democratic Republic of):
Pour le Congo (République démocratique du) :
剛果 (民主共和國):
За Демократическую Республику Конго:
Por el Congo (República Democrática de):

For Costa Rica:
Pour le Costa Rica :
哥斯大黎加:
За Коста-Рику:
Por Costa Rica:

LUIS D. TINOCO

For Cuba:
Pour Cuba :
古巴:
За Кубу:
Por Cuba:

For Cyprus:
Pour Chypre :
賽普勒斯:
За Кипр:
Por Chipre:

ZENON ROSSIDES
9th January 1967

For Czechoslovakia:¹
Pour la Tchécoslovaquie¹ :
捷克斯拉夫:
За Чехословакию:
Por Checoslovaquia:

VACLAV PLESKOT
7.10.1968²

¹ See p. 78 of this volume for the texts of the declarations and reservations made upon signature — Voir p. 78 du présent volume pour les textes des déclarations et réserves faites lors de la signature.

² 7 October 1968 — 7 octobre 1968.

For Dahomey:
Pour le Dahomey :
達荷美:
За Дагомею:
Por el Dahomey:

For Denmark:
Pour le Danemark :
丹麥:
За Данию:
Por Dinamarca:

OTTO ROSE BORCH
March 20, 1968

For the Dominican Republic:
Pour la République Dominicaine :
多明尼加共和國:
За Доминиканскую Республику:
Por la República Dominicana:

For Ecuador:
Pour l'Équateur :
厄瓜多:
За Эквадор:
Por el Ecuador:

[*Illegible — Illisible*]
Septiembre 29/1967¹

For El Salvador:
Pour El Salvador :
薩爾瓦多:
За Сальвадор:
Por El Salvador:

ALFREDO MARTÍNEZ MORENO
Septiembre 21, 1967²

¹ 29 September 1967 — 29 septembre 1967.

² 21 September 1967 — 21 septembre 1967.

For Ethiopia:
Pour l'Éthiopie :
衣索比亞:
За Эфиопию:
Por Etiópia:

For the Federal Republic of Germany:
Pour la République fédérale d'Allemagne :
德意志聯邦共和國:
За Федеративную Республику Германии:
Por la República Federal de Alemania:

WILLY BRANDT
9/10.1968¹

For Finland:
Pour la Finlande :
芬蘭:
За Финляндию:
Por Finlandia:

AHTI KARJALAINEN
11/10.67²

For France:
Pour la France :
法蘭西:
За Францию:
Por Francia:

For Gabon:
Pour le Gabon :
加彭:
За Габон:
Por el Gabón:

¹ 9 October 1968 — 9 octobre 1968.

² 11 October 1967 — 11 octobre 1967.

For Gambia:
Pour la Gambie :
岡比亞:
За Гамбию:
Por Gambia:

For the German Democratic Republic:
Pour la République démocratique allemande :
德意志民主共和国
Германская Демократическая Республика:
Por la República Democrática Alemana:

HORST GRUNERT
27.3.73¹

For Ghana:
Pour le Ghana :
加納:
За Гану:
Por Ghana:

For Greece:
Pour la Grèce :
希臘:
За Грецию:
Por Grecia:

For Guatemala:
Pour le Guatemala :
瓜地馬拉:
За Гватемалу:
Por Guatemala:

¹ 27 March 1973 — 27 mars 1973.

For Guinea:
Pour la Guinée :
幾內亞:
За Гвинею:
Por Guinea:

MAROF ACHKAR
Le 28 février 1967

For Guyana:
Pour la Guyane :
蓋亞那:
За Гвиану:
Por Guyana:

ANNE JARDIM
August 22, 1968

For Haiti:
Pour Haïti :
海地:
За Гаити:
Por Haití:

For the Holy See:
Pour le Saint-Siège :
教廷:
За Святейший престол:
Por la Santa Sede:

For Honduras:
Pour le Honduras :
宏都拉斯:
За Гондурас:
Por Honduras:

H. LÓPEZ VILLAMIL

For Hungary:¹
Pour la Hongrie :
匈牙利：
За Венгрию:
Por Hungría:

KÁROLY CSATORDAY
March 25, 1969

For Iceland:
Pour l'Islande :
冰島：
За Исландию:
Por Islandía:

HANNES KJARTANSSON
30 Dec. 1968

For India:
Pour l'Inde :
印度：
За Индию:
Por la India:

For Indonesia:
Pour l'Indonésie :
印度尼西亞：
За Индонезию:
Por Indonesia:

For Iran:
Pour l'Iran :
伊朗：
За Иран:
Por el Irán:

Subject to ratification²

MEHDI VAKIL
4 April 1968

¹ See p. 78 of this volume for the texts of the declarations and reservations made upon signature—Voir p. 78 du présent volume pour les textes des déclarations et réserves faites lors de la signature.

² Sous réserve de ratification.

For Iraq:¹
Pour l'Irak :
伊拉克:
За Ирак:
Por el Irak:

ADNAN PACHACHI
Feb. 18, 1969

For Ireland:
Pour l'Irlande :
愛爾蘭:
За Ирландию:
Por Irlanda:

For Israel:
Pour Israël :
以色列:
За Израиль:
Por Israel:

MICHAEL COMAY

For Italy:
Pour l'Italie :
義大利:
За Италию:
Por Italia:

PIERO VINCI
18 January 1967

For the Ivory Coast:
Pour la Côte-d'Ivoire :
牙象海岸:
За Берег Слоновой Кости:
Por la Costa de Marfil:

¹ See p. 78 of this volume for the texts of the declarations and reservations made upon signature— Voir p. 78 du présent volume pour les textes des déclarations et réserves faites lors de la signature.

For Jamaica:
Pour la Jamaïque :
牙買加:
За Ямайку:
Por Jamaica:

E. R. RICHARDSON

For Japan:
Pour le Japon :
日本:
За Японию:
Por el Japón:

For Jordan:
Pour la Jordanie :
約旦:
За Иорданию:
Por Jordania:

SHARIF ABDUL-HAMID SHARAF
June 30, 1972

For Kenya:
Pour le Kenya :
肯亞:
За Кению:
Por Kenia:

For Kuwait:
Pour le Koweït :
科威特:
За Кувейт:
Por Kuwait:

For Laos:
Pour le Laos :
寮國：
За Лаос:
Por Laos:

For Lebanon:
Pour le Liban :
黎巴嫩：
За Ливан:
Por el Líbano:

For Lesotho:
Pour le Lesotho :
賴索托：
За Лесото:
Por Lesotho:

For Liberia:
Pour le Libéria :
賴比瑞亞：
За Либерию:
Por Liberia:

NATHAN BARNES
18th April 1967

For Libya:
Pour la Libye :
利比亞：
За Ливию:
Por Libia:

For Liechtenstein:
Pour le Liechtenstein :
列支敦斯登:
За Лихтенштейн:
Por Liechtenstein:

For Luxembourg:
Pour le Luxembourg :
盧森堡:
За Люксембург:
Por Luxemburgo:

JEAN RETTEL
Le 26 novembre 1974

For Madagascar:
Pour Madagascar :
馬達加斯加:
За Мадагаскар:
Por Madagascar:

BLAISE RABETAFIKA
Le 14 avril 1970

For Malawi:
Pour le Malawi :
馬拉威:
За Малави:
Por Malawi:

For Malaysia:
Pour la Malaisie :
馬來亞聯邦:
За Малайскую Федерацию:
Por Malasia:

For the Maldivé Islands:
Pour les îles Maldives :
馬爾代夫羣島:
За Мальдивские острова:
Por las Islas Maldivas:

For Mali:
Pour le Mali :
馬利:
За Мали:
Por Malí:

For Malta:¹
Pour Malte¹ :
馬耳他:
За Мальту:
Por Malta:

ARVID PARDO
22 October 1968

For Mauritania:
Pour la Mauritanie :
茅利塔尼亞:
За Мавританию:
Por Mauritania:

For Mexico:
Pour le Mexique :
墨西哥:
За Мексику:
Por México:

¹ See p. 78 of this volume for the texts of the declarations and reservations made upon signature — Voir p. 78 du présent volume pour les textes des déclarations et réserves faites lors de la signature.

For Monaco:
Pour Monaco :
摩納哥：
За Монако:
Por Mónaco:

For Mongolia:¹
Pour la Mongolie¹ :
蒙古：
За Монголию:
Por Mongolia:

JH. BANZAR
1968.VI.5²

For Morocco:
Pour le Maroc :
摩洛哥：
За Марокко:
Por Marruecos:

For Nepal:
Pour le Népal :
尼泊爾：
За Непал:
Por Nepal:

For the Netherlands:
Pour les Pays-Bas :
荷蘭：
За Нидерланды:
Por los Países Bajos:

D. G. E. MIDDELBURG
25 June 1969

¹ See p. 78 of this volume for the texts of the declarations and reservations made upon signature—Voir p. 78 du présent volume pour les textes des déclarations et réserves faites lors de la signature.

² 5 June 1968—5 juin 1968.

For New Zealand:
Pour la Nouvelle-Zélande :
紐西蘭：
За Новуію Зеландію:
Por Nueva Zelandia:

FRANK HENRY CORNER
12 November 1968

For Nicaragua:
Pour le Nicaragua :
尼加拉瓜：
За Никарагуа:
Por Nicaragua:

For the Niger:
Pour le Niger :
奈及爾：
За Нигер:
Por el Níger:

For Nigeria:
Pour la Nigéria :
奈及利亞：
За Нигерию:
Por Nigeria:

For Norway:
Pour la Norvège :
挪威：
За Норвегію:
Por Noruega:

EDVARD HAMBRO
March 20, 1968

For Pakistan:
Pour le Pakistan :
巴基斯坦：
За Пакистан:
Por el Pakistán:

For Panama:
Pour le Panama :
巴拿馬:
За Панаму:
Por Panamá:

For Paraguay:
Pour le Paraguay :
巴拉圭:
За Парагвай:
Por el Paraguay:

For Peru:
Pour le Pérou :
秘魯:
За Перу:
Por el Perú:

For the Philippines:
Pour les Philippines :
菲律賓:
За Филиппины:
Por Filipinas:

SALVADOR P. LÓPEZ

For Poland:
Pour la Pologne :
波蘭:
За Польшу:
Por Polonia:

B. TOMOROWICZ
2.III.1967¹

¹ 2 March 1967 — 2 mars 1967.

For Portugal:
Pour le Portugal :
葡萄牙:
За Португалию:
Por Portugal:

For the Republic of Korea:
Pour la République de Corée :
大韓民國:
За Корейскую Республику:
Por la República de Corea:

For the Republic of Viet-Nam:
Pour la République du Viet-Nam :
越南共和國:
За Республику Вьетнам:
Por la República de Viet-Nam:

For Romania:¹
Pour la Roumanie¹ :
羅馬尼亞:
За Румынию:
Por Rumania:

GHEORGHE DIACONESCU
27 June 1968

For Rwanda:
Pour le Rwanda :
盧安達:
За Руанду:
Por Rwanda:

¹ See p. 78 of this volume for the texts of the declarations and reservations made upon signature — Voir p. 78 du présent volume pour les textes des déclarations et réserves faites lors de la signature.

For San Marino:
Pour Saint-Marin :
聖馬利諾:
За Сан-Марино:
Por San Marino:

For Saudi Arabia:
Pour l'Arabie Saoudite :
沙烏地阿拉伯:
За Саудовскую Аравию:
Por Arabia Saudita:

For Senegal:
Pour le Sénégal :
塞內加爾:
За Сенегал:
Por el Senegal:

IBRAHIMA BOYE
Ambassadeur du Sénégal à l'ONU
New York, 16 juillet 1970

For Sierra Leone:
Pour le Sierra Leone :
獅子山:
За Сьерра-Леоне:
Por Sierra Leona:

For Singapore:
Pour Singapour :
新加坡:
За Сингапур:
For Singapur:

For Somalia:
Pour la Somalie :
索馬利亞:
За Сомали:
Por Somalia:

For South Africa:
Pour l'Afrique du Sud :
南非:
За Южную Африку:
Por Sudáfrica:

For Spain:
Pour l'Espagne :
西班牙:
За Испанию:
Por España:

For the Sudan:
Pour le Soudan :
蘇丹:
За Судан:
Por el Sudán:

For Sweden:
Pour la Suède :
瑞典:
За Швецию:
Por Suecia:

TORSTEN NILSSON
29 September 1967

For Switzerland:
Pour la Suisse :
瑞士:
За Швейцарию:
Por Suiza:

For Syria:
Pour la Syrie :
叙利亚:
За Сирию:
Por Siria:

For Thailand:
Pour la Thaïlande :
泰國:
За Таиланд:
Por Tailandia:

For Togo:
Pour le Togo :
多哥:
За Того:
Por el Togo:

For Trinidad and Tobago:
Pour la Trinité et Tobago :
千里達及托貝哥:
За Тринидад и Тобаго:
Por Trinidad y Tabago:

For Tunisia:
Pour la Tunisie :
突尼西亞:
За Тунис:
Por Túnez:

MAHMOUD MESTIRI
Le 30 avril 1968

For Turkey:
Pour la Turquie :
土耳其:
За Турцию:
Por Turquía:

For Uganda:
Pour l'Ouganda :
烏干達:
За Уганду:
Por Uganda:

For the Ukrainian Soviet Socialist Republic:¹
Pour la République socialiste soviétique d'Ukraine¹ :
烏克蘭蘇維埃社會主義共和國:
За Украинскую Советскую Социалистическую Республику:
Por la República Socialista Soviética de Ucrania:

СЕРГИЙ ТИМОФІЙОВИЧ ШЕВЧЕНКО²
20.III.68³

For the Union of Soviet Socialist Republics:¹
Pour l'Union des Républiques socialistes soviétiques¹ :
蘇維埃社會主義共和國聯邦:
За Союз Советских Социалистических Республик:
Por la Unión de Repúblicas Socialistas Soviéticas:

ЯКОВ АЛЕКСАНДРОВИЧ МАЛИК⁴
18.3.68⁵

For the United Arab Republic:
Pour la République arabe unie :
阿拉伯聯合共和國:
За Объединенную Арабскую Республику:
Por la República Árabe Unida:

[Illegible — Ilisible]
4th August 1967

¹ See p. 78 of this volume for the texts of the declarations and reservations made upon signature — Voir p. 78 du présent volume pour les textes des déclarations et réserves faites lors de la signature.

² Sergei Timofeyevich Shevchenko — Serguei Timofeyevitch Chevtchenko.

³ 20 March 1968 — 20 mars 1968.

⁴ Yakov Aleksandrovich Malik — Yakov Aleksandrovitch Malik.

⁵ 18 March 1968 — 18 mars 1968.

For the United Kingdom of Great Britain and Northern Ireland:¹
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord¹ :
大不列顛及北愛爾蘭聯合王國：
За Соединенное Королевство Великобритании и Северной Ирландии:
Por el Reino Unido de Gran Bretaña e Irlanda del Norte:

CAREDON
16th September 1968

For the United Republic of Tanzania:
Pour la République-Unie de Tanzanie :
坦尚尼亞聯合共和國：
За Объединенную Республику Танзания:
Por la República Unida de Tanzania:

For the United States of America:
Pour les Etats-Unis d'Amérique :
美利堅合衆國：
За Соединенные Штаты Америки:
Por los Estados Unidos de América:

For the Upper Volta:
Pour la Haute-Volta :
上伏塔：
За Верхнюю Вольту:
Por el Alto Volta:

For Uruguay:
Pour l'Uruguay :
烏拉圭：
За Уругвай:
Por el Uruguay:

PEDRO P. BERRO
Febrero 21/1967²

¹ See p. 78 of this volume for the texts of the declarations and reservations made upon signature — Voir p. 78 du présent volume pour les textes des déclarations et réserves faites lors de la signature.

² 21 February 1967 — 21 février 1967.

For Venezuela:
Pour le Venezuela :
委內瑞拉:
За Венесуэлу:
Por Venezuela:

GERMÁN NAVA CARRILLO
24 Junio 1969¹

For Western Samoa:
Pour le Samoa-Occidental :
西薩摩亞:
За Западное Самоа:
Por Samoa Occidental:

For Yemen:
Pour le Yémen :
也門:
За Йемен:
Por el Yemen:

For Yugoslavia:
Pour la Yougoslavie :
南斯拉夫:
За Югославию:
Por Yugoslavia:

ANTON VRATUŠA
Aug. 8, 1967

For Zambia:
Pour la Zambie :
尚比亞:
За Замбию:
Por Zambia:

¹ 24 June 1969 – 24 juin 1969.

DECLARATIONS AND RESERVA-
TIONS MADE UPON SIGNATUREDÉCLARATIONS ET RÉSERVES
FAITES LORS DE LA SIGNATURE*BYELORUSSIAN SOVIET
SOCIALIST REPUBLIC**RÉPUBLIQUE SOCIALISTE
SOVIÉTIQUE DE BIÉLORUSSIE*

[BYELORUSSIAN TEXT — TEXTE BIÉLORUSSE]

«Беларуская Савецкая Сацыялістычная Рэспубліка заяўляе, што палажэнні пункта 1 артыкула 26 Пакта аб эканамічных, сацыяльных і культурных правах і пункта 1 артыкула 48 Пакта аб грамадзянскіх і палітычных правах, згодна з якімі рад дзяржаў не можа стаць удзельнікамі гэтых Пактаў, носяць дыскрымінацыйны характар, і лічыць, што Пакты ў адпаведнасці з прынцыпам суверэннай роўнасці дзяржаў павінны быць адкрыты для ўдзелу ўсіх зацікаўленых дзяржаў без якой-небудзь дыскрымінацыі і абмежавання».

[RUSSIAN TEXT — TEXTE RUSSE]

«Белорусская Советская Социалистическая Республика заявляет, что положения пункта 1 статьи 26 Пакта об экономических, социальных и культурных правах и пункта 1 статьи 48 Пакта о гражданских и политических правах, согласно которым ряд государств не может стать участниками этих Пактов, носят дискриминационный характер, и считает, что Пакты в соответствии с принципом суверенного равенства государств должны быть открыты для участия всех заинтересованных государств без какой-либо дискриминации и ограничения».

[TRANSLATION]

[TRADUCTION]

The Byelorussian Soviet Socialist Republic declares that the provisions of paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and of paragraph 1 of article 48 of the International Covenant on Civil and Political Rights, under which a number of States cannot become parties to these Covenants, are of a discriminatory nature and considers that the Covenants, in accordance with the principle of sovereign equality of States, should be open for participation by all States concerned without any discrimination or limitation.

La République socialiste soviétique de Biélorussie déclare que les dispositions du paragraphe 1 de l'article 26 du Pacte international relatif aux droits économiques, sociaux et culturels et celles du paragraphe 1 de l'article 48 du Pacte international relatif aux droits civils et politiques, aux termes desquelles un certain nombre d'Etats ne peuvent pas devenir parties auxdits Pactes, ont un caractère discriminatoire et considère que, conformément au principe de l'égalité souveraine des Etats, les Pactes devraient être ouverts à la participation de tous les Etats intéressés sans aucune discrimination ou limitation.

CZECHOSLOVAKIA

TCHÉCOSLOVAQUIE

[CZECH TEXT — TEXTE TCHÈQUE]

“Československá socialistická republika prohlašuje, že ustanovení článku 26, odstavec 1 Mezinárodního paktu o hospodářských, sociálních a kulturních právech je v rozporu se zásadou, že všechny státy mají právo stát se smluvními stranemi mnohostranných smluv, jež upravují otázky obecného zájmu.”

[TRANSLATION¹ — TRADUCTION²]

[TRADUCTION — TRANSLATION]

The Czechoslovak Socialist Republic declares that the provisions of article 26, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights are in contradiction with the principle that all States have the right to become parties to multilateral treaties governing matters of general interest.

Le Gouvernement de la République socialiste tchécoslovaque déclare que les dispositions de l'article 26, paragraphe 1, du Pacte international relatif aux droits économiques, sociaux et culturels ne sont pas en concordance avec le principe selon lequel tous les Etats ont le droit de devenir parties aux traités multilatéraux réglementant les questions d'intérêt général.

HUNGARY

HONGRIE

[TRADUCTION — TRANSLATION]

“The Government of the Hungarian People's Republic declares that paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and paragraph 1 of article 48 of the International Covenant on Civil and Political Rights according to which certain States may not become signatories to the said Conventions are of [a] discriminatory nature and are contrary to the basic principle of international law that all States are entitled to become signatories to general multilateral treaties. These discriminatory provisions are incompatible with the objectives and purposes of the Covenants.”

Le Gouvernement de la République populaire hongroise déclare que le paragraphe 1 de l'article 26 du Pacte international relatif aux droits économiques, sociaux et culturels et le paragraphe 1 de l'article 48 du Pacte international relatif aux droits civils et politiques, aux termes desquels certains Etats ne peuvent pas devenir parties auxdits Pactes, ont un caractère discriminatoire et sont contraires au principe fondamental du droit international selon lequel tous les Etats ont le droit de devenir parties aux traités multilatéraux généraux. Ces dispositions discriminatoires sont incompatibles avec les buts des Pactes.

¹ Translation supplied by the Government of Czechoslovakia.

² Traduction fournie par le Gouvernement tchécoslovaque.

IRAQ

IRAK

[ARABIC TEXT — TEXTE ARABE]

” لا (الضمان) الجمهورية العراقية (الميثاق) الدولي لحقوق الإنسان (الاقتصادية والاجتماعية والثقافية) ولا (الضمان) الدولي لحقوق الإنسان (الميثاق) الدولي لحقوق الإنسان (السياسية والاجتماعية والثقافية) لا يعني الاعتراف (بإسرائيل) ولا (الضمان) الدولي لحقوق الإنسان (الميثاق) الدولي لحقوق الإنسان (السياسية والاجتماعية والثقافية) لا يعني الاعتراف (بإسرائيل) . “

[TRANSLATION¹ — TRADUCTION²]

[TRADUCTION — TRANSLATION]

The entry of the Republic of Iraq as a party to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights shall in no way signify recognition of Israel nor shall it entail any obligations towards Israel under the said two Covenants.

Le fait que la République d'Irak devienne partie au Pacte international relatif aux droits économiques, sociaux et culturels et au Pacte international relatif aux droits civils et politiques ne signifie en rien qu'elle reconnaisse Israël ni qu'elle assume des obligations à l'égard d'Israël en vertu desdits Pactes.

MALTA

MALTE

[TRADUCTION — TRANSLATION]

“The Government of Malta recognises and endorses the principles laid down in paragraph 2 of article 10 of the Covenant. However, the present circumstances obtaining in Malta do not render necessary and do not render expedient the imposition of those principles by legislation.”

Le Gouvernement maltais accepte et appuie les principes énoncés au paragraphe 2 de l'article 10 du Pacte. Toutefois, en raison de la situation présente à Malte, il n'est pas nécessaire ni opportun que ces principes soient sanctionnés par la législation.

MONGOLIA

MONGOLIE

[TRADUCTION — TRANSLATION]

“The People's Republic of Mongolia declares that the provisions of paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and of paragraph 1 of article 48 of the International Covenant on Civil

La République populaire mongole déclare que les dispositions du paragraphe 1 de l'article 26 du Pacte international relatif aux droits économiques, sociaux et culturels et celles du paragraphe 1 de l'article 48 du Pacte interna-

¹ Translation supplied by the Government of Iraq.

² Traduction fournie par le Gouvernement iraquien.

and Political Rights, under which a number of States cannot become parties to these Covenants, are of a discriminatory nature and considers that the Covenants, in accordance with the principle of sovereign equality of States, should be open for participation by all States concerned without any discrimination or limitation.”

ROMANIA

[TRANSLATION — TRADUCTION]

The Government of the Socialist Republic of Romania declares that the provisions of article 26, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights are at variance with the principle that all States have the right to become parties to multilateral treaties governing matters of general interest.

UKRAINIAN SOVIET SOCIALIST REPUBLIC

[UKRAINIAN TEXT — TEXTE UKRAINIEN]

«Українська Радянська Соціалістична Республіка заявляє, що положення пункту 1 статті 26 Міжнародного пакту про економічні, соціальні і культурні права та пункту 1 статті 48 Міжнародного пакту про громадянські і політичні права, згідно з якими ряд держав не може стати учасниками цих пактів, мають дискримінаційний характер, і вважає, що пакти відповідно до принципу суверенної рівності держав повинні бути відкриті для участі всіх заінтересованих держав без будь-якої дискримінації та обмеження».

[RUSSIAN TEXT — TEXTE RUSSE]

«Украинская Советская Социалистическая Республика заявляет, что положения пункта 1 статьи 26 Международного пакта об экономических, социальных и культурных правах и пункта 1 статьи 48 Международного пакта о гражданских и политических правах, в соответствии с которыми ряд государств не может стать участниками этих пактов, имеют дискриминационный характер, и считает, что пакты в соответствии с принципом суверенного равенства государств должны быть открыты для участия всех заинтересованных государств без какой-либо дискриминации и ограничения».

tional relatif aux droits civils et politiques, aux termes desquelles un certain nombre d'Etats ne peuvent pas devenir parties auxdits Pactes, ont un caractère discriminatoire et considère que, conformément au principe de l'égalité souveraine des Etats, les Pactes devraient être ouverts à la participation de tous les Etats intéressés sans aucune discrimination ou limitation.

ROUMANIE

«Le Gouvernement de la République socialiste de Roumanie déclare que les dispositions de l'article 26, paragraphe 1, du Pacte international relatif aux droits économiques, sociaux et culturels ne sont pas en concordance avec le principe selon lequel tous les Etats ont le droit de devenir parties aux traités multilatéraux réglementant les questions d'intérêt général.»

RÉPUBLIQUE SOCIALISTE SOVIÉTIQUE D'UKRAINE

[TRANSLATION]

The Ukrainian Soviet Socialist Republic declares that the provisions of paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and of paragraph 1 of article 48 of the International Covenant on Civil and Political Rights, under which a number of States cannot become parties to these Covenants, are of a discriminatory nature and considers that the Covenants, in accordance with the principle of sovereign equality of States, should be open for participation by all States concerned without any discrimination or limitation.

*UNION OF SOVIET
SOCIALIST REPUBLICS*

[RUSSIAN TEXT — TEXTE RUSSE]

«Союз Советских Социалистических Республик заявляет, что положения пункта 1 статьи 26 Пакта об экономических, социальных и культурных правах и пункта 1 статьи 48 Пакта о гражданских и политических правах, согласно которым ряд государств не может стать участниками этих Пактов, носят дискриминационный характер, и считает, что Пакты в соответствии с принципом суверенного равенства государств должны быть открыты для участия всех заинтересованных государств без какой-либо дискриминации и ограничения».

[TRANSLATION]

The Union of Soviet Socialist Republics declares that the provisions of paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and of paragraph 1 of article 48 of the International Covenant on Civil and Political Rights, under which a number of States cannot become parties to these Covenants, are of a discriminatory nature and considers that the Covenants, in accordance with the principle of sovereign equality of States, should be open for participation by all States concerned without any discrimination or limitation.

[TRADUCTION]

La République socialiste soviétique d'Ukraine déclare que les dispositions du paragraphe 1 de l'article 26 du Pacte international relatif aux droits économiques, sociaux et culturels et celles du paragraphe 1 de l'article 48 du Pacte international relatif aux droits civils et politiques, aux termes desquelles un certain nombre d'Etats ne peuvent pas devenir parties auxdits Pactes, ont un caractère discriminatoire et considère que, conformément au principe de l'égalité souveraine des Etats, les Pactes devraient être ouverts à la participation de tous les Etats intéressés sans aucune discrimination ou limitation.

*UNION DES RÉPUBLIQUES
SOCIALISTES SOVIÉTIQUES*

[TRADUCTION]

L'Union des Républiques socialistes soviétiques déclare que les dispositions du paragraphe 1 de l'article 26 du Pacte international relatif aux droits économiques, sociaux et culturels et celles du paragraphe 1 de l'article 48 du Pacte international relatif aux droits civils et politiques, aux termes desquelles un certain nombre d'Etats ne peuvent pas devenir parties auxdits Pactes, ont un caractère discriminatoire et considère que, conformément au principe de l'égalité souveraine des Etats, les Pactes devraient être ouverts à la participation de tous les Etats intéressés sans aucune discrimination ou limitation.

UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN
IRELAND

ROYAUME-UNI DE GRANDE-
BRETAGNE ET D'IRLANDE DU
NORD

[TRADUCTION — TRANSLATION]

“First, the Government of the United Kingdom declare their understanding that, by virtue of Article 103 of the Charter of the United Nations, in the event of any conflict between their obligations under article 1 of the Covenant and their obligations under the Charter (in particular, under Articles 1, 2 and 73 thereof) their obligations under the Charter shall prevail.

“Secondly, the Government of the United Kingdom declare that they must reserve the right to postpone the application of sub-paragraph (a) (i) of article 7 of the Covenant in so far as it concerns the provision of equal pay to men and women for equal work, since, while they fully accept this principle and are pledged to work towards its complete application at the earliest possible time, the problems of implementation are such that complete application cannot be guaranteed at present.

“Thirdly, the Government of the United Kingdom declare that, in relation to article 8 of the Covenant, they must reserve the right not to apply sub-paragraph (b) of paragraph 1 in Hong Kong, in so far as it may involve the right of trade unions not engaged in the same trade or industry to establish federations or confederations.

“Lastly, the Government of the United Kingdom declare that the provisions of the Covenant shall not apply to Southern Rhodesia unless and until they inform the Secretary-General of the United Nations that they are in a position to ensure that the obligations imposed by the Covenant in respect of that territory can be fully implemented.”

Premièrement, le Gouvernement du Royaume-Uni déclare qu'il considère qu'en vertu de l'Article 103 de la Charte des Nations Unies, en cas de conflit entre ses obligations aux termes de l'article premier du Pacte et ses obligations aux termes de la Charte (aux termes notamment de l'Article premier et des Articles 2 et 73 de ladite Charte), ses obligations aux termes de la Charte prévaudront.

Deuxièmement, le Gouvernement du Royaume-Uni déclare qu'il doit se réserver le droit de différer l'application de l'alinéa i du paragraphe a de l'article 7 du Pacte, dans la mesure où cette disposition concerne le paiement aux femmes et aux hommes d'une rémunération égale pour un travail de valeur égale, car, si le Gouvernement du Royaume-Uni accepte pleinement ce principe et s'est engagé à faire le nécessaire pour en assurer l'application intégrale à une date aussi rapprochée que possible, les difficultés de mise en œuvre sont telles que l'application intégrale dudit principe ne peut être garantie à l'heure actuelle.

Troisièmement, le Gouvernement du Royaume-Uni déclare qu'en ce qui concerne l'article 8 du Pacte, il doit se réserver le droit de ne pas appliquer l'alinéa b du paragraphe premier à Hongkong, dans la mesure où cet alinéa peut impliquer pour des syndicats n'appartenant pas à la même profession ou à la même industrie le droit de constituer des fédérations ou des confédérations.

Enfin, le Gouvernement du Royaume-Uni déclare que les dispositions du Pacte ne s'appliqueront pas à la Rhodésie du Sud tant qu'il n'aura pas fait savoir au Secrétaire général de l'Organisation des Nations Unies qu'il était à même de garantir que les obligations que lui imposait le Pacte quant à ce territoire pourraient être intégralement remplies.

DECLARATIONS AND RESERVATIONS MADE UPON RATIFICATION OR ACCESSION (*a*)*BARBADOS* (*a*)

“The Government of Barbados states that it reserves the right to postpone:

- “(a) the application of sub-paragraph (*a*)(1) of article 7 of the Covenant in so far as it concerns the provision of equal pay to men and women for equal work;
- “(b) the application of article 10(2) in so far as it relates to the special protection to be accorded mothers during a reasonable period during and after childbirth; and
- “(c) the application of article 13(2) (*a*) of the Covenant, in so far as it relates to primary education;

“since, while the Barbados Government fully accepts the principles embodied in the same articles and undertakes to take the necessary steps to apply them in their entirety, the problems of implementation are such that full application of the principles in question cannot be guaranteed at this stage.”

BULGARIA

[BULGARIAN TEXT — TEXTE BULGARE]

“Народна република България смята за необходимо да подчертае, че член 48 точки 1 и 3 от Международния пакт за граждански и политически права и член 26 точки 1 и 3 от Международния пакт за икономически, социални и културни права, като изключват известен брой държави от възможността да участват в пактовете, имат дискриминационен характер. Тези разпоредби са несъвместими със самото естество на пактовете, които имат универсален характер и трябва да бъдат открити за присъединяване на всички държави. По силата на принципа на суверенното равенство никоя държава няма право да възпрепятства други държави да участват в такива пактове.”

DÉCLARATIONS ET RÉSERVES FAITES LORS DE LA RATIFICATION OU DE L'ADHÉSION (*a*)*BARBADE* (*a*)

[TRADUCTION — TRANSLATION]

Le Gouvernement de la Barbade déclare qu'il se réserve le droit de différer l'application des dispositions ci-après :

- a*) L'alinéa *a*, sous-alinéa *i*, de l'article 7, en ce qui concerne l'égalité de rémunération des hommes et des femmes pour un même travail;
- b*) Le paragraphe 2 de l'article 10, en ce qui concerne la protection spéciale à accorder aux mères pendant une période de temps raisonnable avant et après la naissance des enfants;
- c*) L'alinéa *a* du paragraphe 2 de l'article 13, en ce qui concerne l'enseignement primaire.

En effet, le Gouvernement de la Barbade, qui souscrit pleinement aux principes énoncés dans lesdites dispositions et s'engage à prendre les mesures voulues pour les appliquer intégralement, ne peut, étant donné l'ampleur des difficultés d'application, garantir actuellement la mise en œuvre intégrale des principes en question.

BULGARIE

[TRANSLATION¹ — TRADUCTION²]

The People's Republic of Bulgaria deems it necessary to underline that the provisions of article 48, paragraphs 1 and 3, of the International Covenant on Civil and Political Rights, and article 26, paragraphs 1 and 3, 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. These provisions are inconsistent with the very nature of the Covenants, which are universal in character and should be open for accession by all States. In accordance with the principle of sovereign equality, no State has the right to bar other States from becoming parties to a covenant of this kind.

*BYELORUSSIAN SOVIET
SOCIALIST REPUBLIC*

[TRANSLATION]

[Confirming the declaration made upon signature. For the text, see p. 78 of this volume.]

CZECHOSLOVAKIA

[CZECH TEXT — TEXTE TCHÈQUE]

“Přijímající tento Pakt prohlašujeme, že ustanovení článku 26 odstavce 1 Paktu je v rozporu se zásadou, že všechny státy mají právo stát se stranou mnohostranných smluv upravujících záležitosti obecného zájmu.”

[TRADUCTION — TRANSLATION]

La République populaire de Bulgarie estime nécessaire de souligner que les dispositions des paragraphes 1 et 3 de l'article 48 du Pacte international relatif aux droits civils et politiques et des paragraphes 1 et 3 de l'article 26 du Pacte international relatif aux droits économiques, sociaux et culturels, aux termes desquelles un certain nombre d'Etats ne peuvent pas devenir parties auxdits Pactes, ont un caractère discriminatoire. Ces dispositions ne sont pas en concordance avec la nature même de ces Pactes, dont le caractère est universel et qui devraient être ouverts à la participation de tous les Etats. Conformément au principe de l'égalité souveraine des Etats, aucun Etat n'a le droit d'interdire à d'autres Etats de devenir parties à un Pacte de ce type.

*RÉPUBLIQUE SOCIALISTE
SOVIÉTIQUE DE BIÉLORUSSIE*

[TRADUCTION]

[Avec confirmation de la déclaration faite lors de la signature. Pour le texte, voir p. 78 du présent volume.]

TCHÉCOSLOVAQUIE

¹ Translation supplied by the Government of Bulgaria.

² Traduction fournie par le Gouvernement bulgare.

[TRANSLATION]¹

. . . The provision of article 26, paragraph 1, of the Covenant is in contradiction with the principle that all States have the right to become parties to multilateral treaties regulating matters of general interest.

DENMARK

“The Government of Denmark cannot, for the time being, undertake to comply entirely with the provisions of article 7 (a) (i) on equal pay for equal work and article 7 (d) on remuneration for public holidays.”

*FEDERAL REPUBLIC
OF GERMANY*

“ . . . The said Covenant shall also apply to Berlin (West) with effect from the date on which it enters into force for the Federal Republic of Germany except as far as Allied rights and responsibilities are affected.”

*GERMAN DEMOCRATIC
REPUBLIC*

[GERMAN TEXT — TEXTE ALLEMAND]

„Die Deutsche Demokratische Republik ist der Auffassung, daß Artikel 26 Absatz 1 der Konvention im Widerspruch zu dem Prinzip steht, wonach alle Staaten, die sich in ihrer Politik von den Zielen und Grundsätzen der Charta der Vereinten Nationen leiten lassen, das Recht haben, Mitglied von Konventionen zu werden, die die Interessen aller Staaten berühren.“

¹ Translation supplied by the Government of Czechoslovakia.

[TRADUCTION]¹

Les dispositions du paragraphe 1 de l'article 26 du Pacte sont en contradiction avec le principe selon lequel tous les Etats ont le droit de devenir parties aux traités multilatéraux régissant les questions d'intérêt général.

DANEMARK

Le Gouvernement danois ne peut, pour le moment, s'engager à observer entièrement les dispositions de l'alinéa i, paragraphe a, de l'article 7 concernant le paiement d'une rémunération égale pour un travail de valeur égale, et celles de l'alinéa d de l'article 7 concernant la rémunération des jours fériés.

*RÉPUBLIQUE FÉDÉRALE
D'ALLEMAGNE*

. . . Ledit Pacte s'appliquera également à Berlin-Ouest avec effet à partir de la date à laquelle il entrera en vigueur pour la République fédérale d'Allemagne, sauf dans la mesure où les droits et responsabilités des Alliés sont en cause.

*RÉPUBLIQUE DÉMOCRATIQUE
ALLEMANDE*

[TRADUCTION — TRANSLATION]

¹ Traduction fournie par le Gouvernement tchécoslovaque.

[TRANSLATION]

The German Democratic Republic considers that article 26, paragraph 1, of the Covenant runs counter to the principle that all States which are guided in their policies by the purposes and principles of the United Nations Charter have the right to become parties to conventions which affect the interests of all States.

“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.

[TRADUCTION]

La République démocratique allemande estime que le paragraphe 1 de l'article 26 du Pacte est en contradiction avec le principe selon lequel tous les Etats dont la politique est guidée par les buts et principes de la Charte des Nations Unies ont le droit de devenir parties aux pactes qui touchent les intérêts de tous les Etats.

[TRADUCTION — TRANSLATION]

La République démocratique allemande a ratifié les deux Pactes conformément à la politique qu'elle a menée jusqu'ici en vue de sauvegarder les droits de l'homme. Elle est convaincue que ces Pactes favorisent la lutte menée à l'échelle mondiale pour assurer la réalisation des droits de l'homme, lutte qui s'inscrit elle-même dans le cadre de celle engagée en vue du maintien et du renforcement de la paix. A l'occasion du vingt-cinquième anniversaire de la Déclaration universelle des droits de l'homme, la République démocratique allemande participe ainsi à la coopération pacifique entre les Etats, à la promotion des droits de l'homme et à la lutte commune contre la violation de ces droits par des politiques agressives, le colonialisme et l'*apartheid*, le racisme et tous autres types d'atteintes au droit des peuples à disposer d'eux-mêmes.

La Constitution de la République démocratique allemande garantit les droits politiques, économiques, sociaux et culturels de tout citoyen sans distinction de race, de sexe et de religion. La démocratie socialiste a créé les conditions voulues pour que tout citoyen non seulement jouisse de ses droits mais s'attache activement à les exercer et à les faire respecter.

“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 leitmotif 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.”

HUNGARY

“The Presidential Council of the Hungarian People’s Republic declares that the provisions of article 48, paragraphs 1 and 3, of the International Covenant on Civil and Political Rights, and article 26, paragraphs 1 and 3, of the International Covenant on Economic, Social and Cultural Rights are inconsistent with the universal character of the Covenants. It follows from the principle of sovereign equality of States that the Covenants should be open for participation by all States without any discrimination or limitation.”

Les droits fondamentaux de l’homme, tels que le droit à la paix, le droit au travail et à la sécurité sociale, l’égalité des femmes et le droit à l’éducation, sont pleinement exercés en République démocratique allemande. Le Gouvernement de la République démocratique allemande a toujours accordé beaucoup d’attention aux conditions matérielles qu’il faut créer au préalable pour garantir essentiellement les droits sociaux et économiques. La nécessité d’assurer et d’améliorer continuellement le bien-être des travailleurs a toujours été l’élément de base de l’ensemble de la politique du Gouvernement de la République démocratique allemande.

Le Gouvernement de la République démocratique allemande estime que la signature et la ratification des deux Pactes relatifs aux droits de l’homme par d’autres Etats Membres de l’Organisation des Nations Unies représenteraient un pas important vers la réalisation des objectifs que sont le respect et la promotion des droits de l’homme et qui sont énoncés dans la Charte des Nations Unies.

HONGRIE

[TRADUCTION — TRANSLATION]

Le Conseil présidentiel de la République populaire de Hongrie déclare que les dispositions des paragraphes 1 et 3 de l’article 48 du Pacte international relatif aux droits civils et politiques et celles des paragraphes 1 et 3 de l’article 26 du Pacte international relatif aux droits économiques, sociaux et culturels sont incompatibles avec le caractère universel des Pactes. Selon le principe d’égalité souveraine des Etats, les Pactes devraient être ouverts à la participation de tous les Etats sans aucune discrimination ni limitation.

*IRAQ**IRAK*

[ARABIC TEXT — TEXTE ARABE]

” ان إبرام العراق للمعاهد الدولية لحقوق القضاة والجمعيات والنقابات
والعهد الدولي لحقوق السيدات والسيدات، لا يعنى بأي حال من الأحوال اعتراف
بأسرائيل واليهودي في الدخول معها في المعاملات التي تتضمن هذه الاتفاقيات“

[TRANSLATION]

Ratification by Iraq . . . shall in no way signify recognition of Israel nor shall it be conducive to entry with her into such dealings as are regulated by the said [Covenant].

[TRADUCTION]

La ratification pour l'Irak . . . ne signifie nullement que l'Irak reconnait Israël ni qu'il établira avec Israël les relations [que régit ledit Pacte].

*KENYA (a)**KENYA (a)*

[TRADUCTION — TRANSLATION]

“While the Kenya Government recognizes and endorses the principles laid down in paragraph 2 of article 10 of the Covenant, the present circumstances obtaining in Kenya do not render necessary or expedient the imposition of those principles by legislation”.

Le Gouvernement kényen reconnaît et approuve les principes énoncés au paragraphe 2 de l'article 10 du Pacte, mais, étant donné la situation actuelle au Kenya, il n'est pas nécessaire ou opportun d'en imposer l'application par une législation correspondante.

*LIBYAN ARAB
REPUBLIC (a)**RÉPUBLIQUE ARABE
LIBYENNE (a)*

[TRADUCTION — TRANSLATION]

“The acceptance and the accession to this Covenant by the Libyan Arab Republic shall in no way signify a recognition of Israel or be conducive to entry by the Libyan Arab Republic into such dealings with Israel as are regulated by the Covenant.”

L'approbation et l'adhésion de la République arabe libyenne touchant le Pacte dont il s'agit ne signifient nullement que la République arabe libyenne reconnaît Israël ni qu'elle établira avec Israël les relations que régissent lesdits Pactes.

MADAGASCAR

MADAGASCAR

[TRANSLATION — TRADUCTION]

The Government of Madagascar states that it reserves the right to postpone the application of article 13, paragraph 2, of the Covenant, more particularly in so far as it relates to primary education, since, while the Malagasy Government fully accepts the principles embodied in the said paragraph and undertakes to take the necessary steps to apply them in their entirety at the earliest possible date, the problems of implementation, and particularly the financial implications, are such that full application of the principles in question cannot be guaranteed at this stage.

«Le Gouvernement malgache déclare qu'il se réserve le droit de différer l'application du paragraphe 2 de l'article 13 du Pacte, notamment en ce qui concerne l'enseignement primaire, car si le Gouvernement malgache accepte pleinement les principes édictés par ledit paragraphe 2 de l'article 13, et s'engage à faire le nécessaire pour en assurer l'application intégrale à une date aussi rapprochée que possible, les difficultés de mise en œuvre, et notamment les incidences financières, sont telles que l'application intégrale desdits principes ne peut être présentement garantie.»

MONGOLIA

MONGOLIE

[MONGOLIAN TEXT — TEXTE MONGOL]

“Эдийн засаг, Нийгэм, Соёлын эрхийн тухай олон улсын Пакт”-ын 26 дугаар зүйл(1) Иргэний ба Улс төрийн эрхийн тухай олон улсын Пакт”-ын 48 дугаар зүйл(1) нь уг Пактуудад оролцогч улсуудын хүрээг тодорхой заалтаар хязгаарласнаар зарим улсыг ялгаварлан гадуурхаж байна гэж БНМАУ-ын Засгийн газар үзэхийн хамт улс бүр тэгш эрхтэй байх зарчмын үндсэн дээр сонирхож байгаа бүх улс эдгээр Пактад ямар нэгэн ялгаваргүй—гээр оролцогч эрх эдлэх ёстой гэж мэдэгдэж байна.”

[TRADUCTION — TRANSLATION]

“The People's Republic of Mongolia declares that the provisions of paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and of paragraph 1 of article 48 of the International Covenant on Civil and Political Rights, under which a number of States cannot become parties to these Covenants, are of a discriminatory nature and considers that the Covenants, in accordance with the principle of sovereign equality of States, should be open for participation by all States concerned without any discrimination or limitation.”

La République populaire mongole déclare que les dispositions du paragraphe 1 de l'article 26 du Pacte international relatif aux droits économiques, sociaux et culturels et celles du paragraphe 1 de l'article 48 du Pacte international relatif aux droits civils et politiques, aux termes desquelles un certain nombre d'Etats ne peuvent pas devenir parties auxdits Pactes, ont un caractère discriminatoire et considère que, conformément au principe de l'égalité souveraine des Etats, les Pactes devraient être ouverts à la participation de tous les Etats intéressés sans aucune discrimination ou limitation.

NORWAY

“Norway enters a reservation to article 8, paragraph 1 (*d*), to the effect that the current Norwegian practice of referring labour conflicts to the State Wages Board (a permanent tripartite arbitral commission in matters of wages) by Act of Parliament for the particular conflict shall not be considered incompatible with the right to strike, this right being fully recognised in Norway.”

ROMANIA

[TRANSLATION — TRADUCTION]

(*a*) The State Council of the Socialist Republic of Romania considers that the provisions of article 26 (1) of the International Covenant on Economic, Social and Cultural Rights are inconsistent with the principle that multilateral international treaties whose purposes concern the international community as a whole must be open to universal participation.

(*b*) The State Council of the Socialist Republic of Romania considers that the maintenance in a state of dependence of certain territories referred to in articles 1 (3) and 14 of the International Covenant on Economic, Social and Cultural Rights is inconsistent with the Charter of the United Nations and the instruments adopted by the Organization on the granting of independence to colonial countries and peoples, including the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted unanimously by the United Nations General Assembly

¹ United Nations, *Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 28 (A/8028)*, p. 121.

NORVÈGE

[TRADUCTION — TRANSLATION]

La Norvège formule une réserve à l'article 8, paragraphe 1, *d*, stipulant que la pratique norvégienne actuelle qui consiste à renvoyer, par Acte du Parlement, les conflits du travail devant la Commission nationale des salaires (commission arbitrale tripartite permanente s'occupant des questions de salaires) ne sera pas considérée comme incompatible avec le droit de grève, droit pleinement reconnu en Norvège.

ROUMANIE

«*a*) Le Conseil d'Etat de la République socialiste de Roumanie considère que les provisions de l'article 26, point 1^{er}, du Pacte international relatif aux droits économiques, sociaux et culturels ne sont pas en concordance avec le principe selon lequel les traités internationaux multilatéraux dont l'objet et le but intéressent la communauté internationale dans son ensemble doivent être ouverts à la participation universelle.

«*b*) Le Conseil d'Etat de la République socialiste de Roumanie considère que le maintien de l'état de dépendance de certains territoires auxquels se réfèrent l'article 1^{er}, point 3, et l'article 14 du Pacte international relatif aux droits économiques, sociaux et culturels ne sont pas en concordance avec la Charte des Nations Unies et les documents adoptés par cette organisation sur l'octroi de l'indépendance aux pays et aux peuples coloniaux, y compris la Déclaration relative aux principes du droit international touchant les relations amicales et la coopération entre les Etats conformément à la Charte des Nations Unies, adoptée à l'unanimité par la

¹ Nations Unies, *Documents officiels de l'Assemblée générale, vingt-cinquième session, Supplément no 28 (A/8028)*, p. 131.

in its resolution 2625 (XXV) of 1970¹ which solemnly proclaims the duty of States to promote the realization of the principle of equal rights and self-determination of peoples in order to bring a speedy end to colonialism.

résolution de l'Assemblée générale de l'Organisation des Nations Unies, n° 2625 (XXV) de 1970¹, qui proclame solennellement le devoir des États de favoriser la réalisation du principe de l'égalité de droits des peuples et de leur droit à disposer d'eux-mêmes, dans le but de mettre rapidement fin au colonialisme.»

RWANDA (a)

RWANDA (a)

[TRANSLATION — TRADUCTION]

The Rwandese Republic [is] bound, however, in respect of education, only by the provisions of its Constitution.

«... La République rwandaise ne [s'engage] toutefois, en ce qui concerne l'enseignement, qu'aux stipulations de sa Constitution.»

SWEDEN

SUÈDE

[SWEDISH TEXT — TEXTE SUÉDOIS]

“Sverige gör förbehåll mot konventionens artikel 7 mom. d) såvitt avser rätten till lön på allmänna helgdagar.”

[TRANSLATION]

[TRADUCTION]

Sweden enters a reservation in connexion with article 7 (d) of the Covenant in the matter of the right to remuneration for public holidays.

... La Suède se réserve sur le paragraphe d) de l'article 7 du Pacte en ce qui concerne le droit à la rémunération des jours fériés.

*SYRIAN ARAB
REPUBLIC* (a)

*RÉPUBLIQUE ARABE
SYRIENNE* (a)

[ARABIC TEXT — TEXTE ARABE]

“ان قبول الجمهورية العربية السورية هذين العهدين وابرام حكومتها لهما لا يحوى بأية حال معنى الاعتراف باسرائيل ولا يؤدى الى دخولها معها في معاملات ما تنظمه احكامهما .
ان الجمهورية العربية السورية تعتبران الفقرة الاولى من المادة ٢٦ للعهد الخاص بالحقوق الاقتصادية والاجتماعية والثقافية ، وكذلك الفقرة الاولى من المادة ٤٨ للعهد الخاص بالحقوق المدنية والسياسية ، لا تتفقان واهداف العهدين وظايتهما ان احكام هاتين الفقرتين لا يمكن جميع الدول ، بدون تفرقة او تمييز ، من ان تصبح اطرافا فيهما .”

[TRANSLATION]

1. The accession of the Syrian Arab Republic to these two Covenants shall in no way signify recognition of Israel or entry into a relationship with it regarding any matter regulated by the said two Covenants.

2. The Syrian Arab Republic considers that paragraph 1 of article 26 of the Covenant on Economic, Social and Cultural Rights and paragraph 1 of article 48 of the Covenant on Civil and Political Rights are incompatible with the purposes and objectives of the said Covenants, inasmuch as they do not allow all States, without distinction or discrimination, the opportunity to become parties to the said Covenants.

**UKRAINIAN SOVIET
SOCIALIST REPUBLIC**

[Confirming the declaration made upon signature. For the text, see p. 81 of this volume.]

**UNION OF SOVIET
SOCIALIST REPUBLICS**

[Confirming the declaration made upon signature. For the text, see p. 82 of this volume.]

[TRADUCTION]

1. Il est entendu que l'adhésion de la République arabe syrienne à ces deux Pactes ne signifie en aucune façon la reconnaissance d'Israël ou l'entrée avec lui en relation au sujet d'aucune matière que ces deux Pactes règlementent.

2. La République arabe syrienne considère que le paragraphe 1 de l'article 26 du Pacte relatif aux droits économiques, sociaux et culturels ainsi que le paragraphe 1 de l'article 48 du Pacte relatif aux droits civils et politiques ne sont pas conformes aux buts et objectifs des dits Pactes puisqu'ils ne permettent pas à tous les Etats, sans distinction et discrimination, la possibilité de devenir parties à ces Pactes.

**RÉPUBLIQUE SOCIALISTE
SOVIÉTIQUE D'UKRAINE**

[Avec confirmation de la déclaration faite lors de la signature. Pour le texte, voir p. 81 du présent volume.]

**UNION DES RÉPUBLIQUES
SOCIALISTES SOVIÉTIQUES**

[Avec confirmation de la déclaration faite lors de la signature. Pour le texte, voir p. 82 du présent volume.]

DECLARATIONS RELATING TO
THE SIGNATURE ON BEHALF OF
THE GOVERNMENT OF THE RE-
PUBLIC OF CHINA

BULGARIA

[TRANSLATION — TRADUCTION]

The Government of the People's Republic of Bulgaria considers null the signature and ratification by the so-called Government of China, representing the regime of Chiang Kai-shek, of the Vienna Convention on Diplomatic Relations of 18 June 1961¹ and of the International Covenant on Civil and Political Rights and the Optional Protocol annexed thereto, opened for signature at New York on 19 December 1966². The only legitimate Government entitled to speak on behalf of and to represent China in international affairs is the Government of the People's Republic of China.

*BYELORUSSIAN SOVIET
SOCIALIST REPUBLIC*

[TRANSLATION]

... The Government of the Byelorussian Soviet Socialist Republic regards as illegal the participation of the so-called

DÉCLARATIONS RELATIVES À LA
SIGNATURE AU NOM DU GOU-
VERNEMENT DE LA RÉPUBLI-
QUE DE CHINE

BULGARIE

«Le Gouvernement de la République populaire de Bulgarie considère nulles la signature et la ratification, par le prétendu Gouvernement chinois, représentant le régime de Tchang Kaï-chek, de la Convention de Vienne sur les relations diplomatiques du 18.VI.1961¹ et du Pacte international des droits civils [et politiques] et du Protocole facultatif y annexé, ouverts à la signature à New York le 19. XII. 1966². Le seul Gouvernement légitime habilité à parler au nom de la Chine et de la représenter dans les affaires internationales est le Gouvernement de la République populaire de Chine.»

*RÉPUBLIQUE SOCIALISTE
SOVIÉTIQUE DE BIÉLORUSSIE*

[RUSSIAN TEXT — TEXTE RUSSE]

«... Правительство Белорусской ССР рассматривает неправомерным участие так называемого правительства Китая (Тайвань) в Международном пакте об экономических, социальных и культурных правах, Международном пакте о гражданских и политических правах и факультативном протоколе и Международном пакте о гражданских и политических правах, поскольку оно не представляет Китай и не имеет права представлять его. Только Правительство Китайской Народной Республики является единственным законным представителем Китая.»

[TRADUCTION]

... Le Gouvernement de la République socialiste soviétique de Biélorussie considère que l'adhésion du prétendu

¹ United Nations, *Treaty Series*, vol. 500, p. 95.

² *Ibid.*, vol. 999, No. 1-14668.

¹ Nations Unies, *Recueil des Traités*, vol. 500, p. 95.

² *Ibid.*, vol. 999, no 1-14668.

Government of China (Taiwan) in the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights, since it does not represent China and has no right to represent it. The Government of the People's Republic of China is the only lawful representative of China.

CZECHOSLOVAKIA

“The Government of the Czechoslovak Socialist Republic considers the signature of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, adopted by the General Assembly's resolution 2200/XX on 16 December 1966, by the authorities of Taiwan, null and void.

“The Czechoslovak Government states that only the Government of the People's Republic of China has the right to represent China in international organizations.”

MONGOLIA

“The Government of the Mongolian People's Republic considers null and void the signature and ratification by the Chiang Kai-shek regime of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and other instruments approved by the United Nations General Assembly, and [the] Vienna Convention on Diplomatic Relations.

Gouvernement de la Chine (Taïwan) au Pacte international relatif aux droits économiques, sociaux et culturels, au Pacte international relatif aux droits civils et politiques et au Protocole facultatif se rapportant au Pacte international relatif aux droits civils et politiques est illégale, puisque ce Gouvernement ne représente pas la Chine et n'a pas le droit de la représenter. Seul le Gouvernement de la République populaire de Chine est le représentant légal de la Chine.

TCHÉCOSLOVAQUIE

[TRADUCTION — TRANSLATION]

Le Gouvernement de la République socialiste tchécoslovaque considère comme nulle et non avenue la signature par les autorités de Taiwan du Pacte international relatif aux droits économiques, sociaux et culturels et du Pacte international relatif aux droits civils et politiques, adoptés par l'Assemblée générale dans sa résolution 2200/XX du 16 décembre 1966.

Le Gouvernement de la République socialiste tchécoslovaque considère que seul le Gouvernement de la République populaire de Chine est habilité à représenter la Chine dans des organisations internationales.

MONGOLIE

[TRADUCTION — TRANSLATION]

Le Gouvernement de la République populaire de Mongolie considère nulles et non avenues les signature et ratification par le régime de Tchang Kaï-cek du Pacte international relatif aux droits économiques, sociaux et culturels, du Pacte international relatif aux droits civils et politiques et autres instruments approuvés par l'Assemblée générale des Nations Unies et de la Convention de Vienne sur les relations diplomatiques.

“As is well known the Chiang Kai-shek clique has no right whatsoever to speak on behalf of the Chinese people and that there is only one China—the People’s Republic of China.”

ROMANIA

“ . . . The Government of the Socialist Republic of Romania does not recognize to the Chiang Kai-shek’s representatives any right to represent China, as the only legal government entitled to represent it is the Government of the People’s Republic of China.”

*UKRAINIAN SOVIET
SOCIALIST REPUBLIC*

[RUSSIAN TEXT — TEXTE RUSSE]

« . . . Правительство Украинской Советской Социалистической Республики рассматривает участие так называемого «правительства Китая», о котором говорится в письме Секретариата ООН, в Международном пакте об экономических, социальных и культурных правах и Международном пакте о гражданских и политических правах, неправомерным, поскольку оно не представляет китайский народ и не имеет права выступать от имени Китая.

«Правительство Украинской Советской Социалистической Республики исходит из того, что в мире имеется только одно китайское государство—Китайская Народная Республика.»

[TRANSLATION]

. . . The Government of the Ukrainian Soviet Socialist Republic considers that the participation of the so-called “Government of China” in the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights is illegal, because that Government does not represent the Chinese people and has no right to speak for China.

The Government of the Ukrainian Soviet Socialist Republic takes the position that there is only one Chinese State in the world—the People’s Republic of China.

Nul n’ignore que la clique de Tchang Kai-chek n’est pas habilitée à prendre la parole au nom de la Chine et qu’il n’existe qu’une Chine, à savoir la République populaire de Chine.

ROUMANIE

[TRADUCTION — TRANSLATION]

. . . Le Gouvernement de la République socialiste de Roumanie ne reconnaît pas les représentants de Tchang Kai-chek comme représentants de la Chine, le seul Gouvernement habilité à la représenter étant le Gouvernement de la République populaire de Chine.

*RÉPUBLIQUE SOCIALISTE
SOVIÉTIQUE D’UKRAINE*

[TRADUCTION]

. . . Le Gouvernement de la République socialiste soviétique d’Ukraine considère comme irrégulière la participation au Pacte international relatif aux droits économiques, sociaux et culturels et au Pacte international relatif aux droits civils et politiques du prétendu «Gouvernement chinois» car celui-ci ne représente pas le peuple chinois et n’a pas le droit de parler au nom de la Chine.

Le Gouvernement de la République socialiste soviétique d’Ukraine considère qu’il n’existe qu’un seul Etat chinois, à savoir la République populaire de Chine.

*UNION OF SOVIET
SOCIALIST REPUBLICS*

*UNION DES RÉPUBLIQUES
SOCIALISTES SOVIÉTIQUES*

[RUSSIAN TEXT — TEXTE RUSSE]

«Представительство СССР при ООН заявляет, что Советский Союз не признает имеющим законную силу подписание чанкайшистом Международного пакта об экономических, социальных и культурных правах, Международного пакта о гражданских и политических правах и других актов, одобренных Генеральной Ассамблеей ООН и открытых для подписания в Нью-Йорке 19 декабря 1966 года.

«Хорошо известно, что чанкайшистская клика никого не представляет и не имеет права выступать от имени Китая, и что представляет Китай только Правительство Китайской Народной Республики.»

[TRANSLATION]

[TRADUCTION]

... The Soviet Union does not recognize the signature by the Chiang Kai-shek representative of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the other instruments approved by the United Nations General Assembly and opened for signature at New York on 19 December 1966 as having legal force.

It is well known that the Chiang Kai-shek clique represents no one and has no right to speak on behalf of China, and that only the Government of the People's Republic of China represents China.

YUGOSLAVIA

“... The Government of the Socialist Federal Republic of Yugoslavia considers the signature by the authorities of Taiwan of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, opened for signature at New York on 19 December 1966, null and void.

... L'Union soviétique ne reconnaît aucune force légale à la signature, par un représentant de la clique de Tchang Kai-shek, du Pacte international relatif aux droits économiques, sociaux et culturels, du Pacte international relatif aux droits civils et politiques et des autres instruments adoptés par l'Assemblée générale de l'ONU et ouverts à la signature à New York le 19 décembre 1966.

Nul n'ignore que la clique de Tchang Kai-shek ne représente personne et n'est pas habilitée à prendre la parole au nom de la Chine et que seul le Gouvernement de la République populaire de Chine représente la Chine.

YUGOSLAVIE

[TRADUCTION — TRANSLATION]

... Le Gouvernement de la République fédérative socialiste de Yougoslavie considère comme nulle et non avenue la signature par les autorités de Taïwan du Pacte international relatif aux droits économiques, sociaux et culturels et du Pacte international relatif aux droits civils et politiques, ouverts à la signature, à New York, le 19 décembre 1966.

“The Government of the Socialist Federal Republic of Yugoslavia considers that only the Government of the People’s Republic of China is authorised to assume obligations on behalf of China and to represent her in international organisations.”

Le Gouvernement de la République fédérative socialiste de Yougoslavie considère que seul le Gouvernement de la République populaire de Chine est habilité à assumer des obligations au nom de la Chine et à la représenter dans des organisations internationales.

DECLARATIONS relating to the declaration made upon ratification by the Federal Republic of Germany¹ concerning application to Berlin (West)

DÉCLARATIONS relatives à la déclaration formulée lors de la ratification par la République fédérale d’Allemagne¹ concernant l’application à Berlin-Ouest

Received on:

Reçue le :

5 July 1974

5 juillet 1974

UNION OF SOVIET SOCIALIST RE-
PUBLICS

UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES

[RUSSIAN TEXT — TEXTE RUSSE]

«Международный пакт о гражданских и политических правах и Международный пакт об экономических, социальных и культурных правах от 19 декабря 1966 года по своему материальному содержанию непосредственно затрагивают вопросы безопасности и статуса. Учитывая это, Советская сторона рассматривает сделанное Федеративной Республикой Германии заявление о распространении действия этих пактов на Берлин (Западный) как неправомерное и не имеющее никакой юридической силы, поскольку в соответствии с Четырехсторонним соглашением от 3 сентября 1971 г. договорные обязательства ФРГ, затрагивающие вопросы безопасности и статуса, не могут распространяться на Западные секторы Берлина.»

[TRANSLATION]

[TRADUCTION]

By reason of their material content, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of 19 December 1966 directly affect matters of security and status. With this in mind, the Soviet Union considers the statement made by the Federal Republic of Germany concerning the extension of the operation of these Covenants to Berlin (West) to be

Le Pacte international relatif aux droits civils et politiques et le Pacte international relatif aux droits économiques, sociaux et culturels du 19 décembre 1966 touchent directement, par leur contenu matériel, aux questions de sécurité et de statut. C’est pourquoi l’Union soviétique considère la déclaration de la République fédérale d’Allemagne étendant le champ d’application de ces Pactes à Berlin-Ouest comme illégale et dénuée de toute

¹ See p. 86 of this volume.

¹ Voir p. 86 du présent volume.

illegal and to have no force in law, since, under the Quadripartite Agreement of 3 September 1971,¹ the treaty obligations of the Federal Republic of Germany affecting matters of security and status may not be extended to the Western Sectors of Berlin.

force juridique puisque, conformément à l'Accord quadripartite du 3 septembre 1971¹, les obligations contractées par la République fédérale d'Allemagne en vertu de traités ne peuvent s'étendre en ce qui concerne les questions de sécurité et de statut aux secteurs occidentaux de Berlin.

12 August 1974

12 août 1974

GERMAN DEMOCRATIC REPUBLIC

RÉPUBLIQUE DÉMOCRATIQUE ALLEMANDE

[GERMAN TEXT — TEXTE ALLEMAND]

„Hinsichtlich der Anwendung der Konventionen auf Berlin (West) stellt die Regierung der Deutschen Demokratischen Republik in Übereinstimmung mit dem Vierseitigen Abkommen zwischen den Regierungen der Union der Sozialistischen Sowjetrepubliken, des Vereinigten Königreiches von Großbritannien und Nordirland, der Vereinigten Staaten von Amerika und der Französischen Republik vom 3. September 1971 fest, daß Berlin (West) kein Bestandteil der Bundesrepublik Deutschland ist und nicht von ihr regiert werden darf. Die Erklärungen der Regierung der Bundesrepublik Deutschland, wonach diese Konventionen auch auf Berlin (West) ausgedehnt werden sollen, stehen im Widerspruch zum Vierseitigen Abkommen, in dem festgelegt ist, daß Verträge, die Angelegenheiten der Sicherheit und des Status von Berlin (West) betreffen, durch die Bundesrepublik Deutschland nicht auf Berlin (West) ausgedehnt werden dürfen. Demzufolge können die Erklärungen der Regierung der Bundesrepublik Deutschland keine Rechtswirkungen zeitigen.“

[RUSSIAN TEXT — TEXTE RUSSE]

«В отношении распространения конвенций на Берлин (Западный) правительство Германской Демократической Республики в соответствии с Четырехсторонним соглашением между правительствами Союза Советских Социалистических Республик, Соединенного Королевства Великобритании и Северной Ирландии, Соединенных Штатов Америки и Французской Республики от 3 сентября 1971 года констатирует, что Берлин (Западный) не является составной частью Федеративной Республики Германии и не может управляться ею. Заявления правительства Федеративной Республики Германии, согласные которым эти пакты должны распространяться также на Берлин (Западный), находятся в противоречии с Четырехсторонним соглашением, в котором закреплено, что соглашения, касающиеся вопросов безопасности и статуса Берлина (Западного) не могут быть распространены Федеративной Республикой Германии на Берлин (Западный). В соответствии с этим заявления правительства Федеративной Республики Германии не могут иметь правовых последствий.»

¹ United Nations, *Treaty Series*, vol. 880, p. 115.

¹ Nations Unies, *Recueil des Traités*, vol. 880, p. 115.

[TRANSLATION]

As regards the application of the Covenants to Berlin (West), the Government of the German Democratic Republic notes, in accordance with the Quadripartite Agreement between the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the French Republic of 3 September 1971,¹ that Berlin (West) continues not to be a constituent part of the Federal Republic of Germany and not to be governed by it. The declarations of the Government of the Federal Republic of Germany to the effect that these Covenants shall be extended also to Berlin (West) are in contradiction with the Quadripartite Agreement, which establishes that agreements affecting matters of security and status of Berlin (West) may not be extended to Berlin (West) by the Federal Republic of Germany. Accordingly, the declarations of the Government of the Federal Republic of Germany can have no legal effect.

16 August 1974

UKRAINIAN SOVIET SOCIALIST
REPUBLIC

[TRADUCTION]

En ce qui concerne l'application des Pactes à Berlin-Ouest, le Gouvernement de la République démocratique allemande note, conformément à l'Accord quadripartite conclu le 3 septembre 1971¹ entre les Gouvernements de l'Union des Républiques socialistes soviétiques, du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, des Etats-Unis d'Amérique et de la République française, que Berlin-Ouest ne fait pas partie de la République fédérale d'Allemagne et ne doit pas être gouvernée par elle. Les déclarations du Gouvernement de la République fédérale d'Allemagne selon lesquelles ces pactes doivent également s'étendre à Berlin-Ouest sont en contradiction avec l'Accord quadripartite, selon lequel les accords concernant les questions afférentes à la sécurité et au statut de Berlin-Ouest ne peuvent pas être étendus à Berlin-Ouest par la République fédérale d'Allemagne. En conséquence, les déclarations du Gouvernement de la République fédérale d'Allemagne sont sans effet en droit.

16 août 1974

RÉPUBLIQUE SOCIALISTE SOVIÉTIQUE
D'UKRAINE

[RUSSIAN TEXT — TEXTE RUSSE]

«Международный пакт о гражданских и политических правах и Международный пакт об экономических, социальных и культурных правах от 19 декабря 1966 года по своему материальному содержанию непосредственно затрагивают вопросы безопасности и статуса. Учитывая это, Украинская ССР рассматривает сделанное Федеративной Республикой Германии заявление о распространении действия этих пактов на Берлин (Западный) как неправомерное и не имеющее никакой юридической силы, поскольку в соответствии с Четырехсторонним соглашением от 3 сентября 1971 года договорные обязательства ФРГ, затрагивающие вопросы безопасности и статуса, не могут распространяться на Западные сектора Берлина.»

¹ United Nations, *Treaty Series*, vol. 880, p. 115.

¹ Nations Unies, *Recueil des Traités*, vol. 880, p. 115.

[TRANSLATION]

The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of 19 December 1966, by their material content, directly affect questions of security and status. In view of this, the Ukrainian Soviet Socialist Republic considers the statement by the Federal Republic of Germany concerning the extension of the applicability of these Covenants to Berlin (West) to be illegal and to have no legal force, since in accordance with the Quadripartite Agreement of 3 September 1971 the treaty obligations of the Federal Republic of Germany affecting questions of security and status cannot be extended to the Western sector of Berlin.

DECLARATIONS relating to the declaration made by the Union of Soviet Socialist Republics, on 5 July 1974,¹ concerning application to Berlin (West)

Received on:

5 November 1974

FRANCE
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
UNITED STATES OF AMERICA

«The Governments of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America wish to bring to the attention of the States Parties to the Covenants that the extension of the Covenants to the Western Sectors of Berlin received the prior authorization, under established procedures, of the authorities of France, the United Kingdom and the United States on the basis of their supreme authority in those Sectors.

¹ See p. 98 of this volume.

[TRADUCTION]

Le Pacte international relatif aux droits civils et politiques et le Pacte international relatif aux droits économiques, sociaux et culturels du 19 décembre 1966 touchent directement, de par leur teneur, aux questions de sécurité et de statut. Dans ces conditions, la République socialiste soviétique d'Ukraine considère la déclaration de la République fédérale d'Allemagne sur l'extension de ces Pactes à Berlin (Ouest) comme illégale et dénuée de toute force juridique étant donné que, conformément à l'Accord quadripartite du 3 septembre 1971, les obligations conventionnelles de la République fédérale d'Allemagne quant aux questions de sécurité et de statut ne peuvent s'étendre aux secteurs occidentaux de Berlin.

DÉCLARATIONS relatives à la déclaration formulée par l'Union des Républiques socialistes soviétiques, le 5 juillet 1974¹, concernant l'application à Berlin-Ouest

Reçue le :

5 novembre 1974

ÉTATS-UNIS D'AMÉRIQUE
FRANCE
ROYAUME-UNI DE GRANDE-
BRETAGNE ET D'IRLANDE DU
NORD

«Les Gouvernements de la France, du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et des Etats-Unis d'Amérique souhaitent porter à l'attention des Etats parties à ces Pactes que l'extension de ceux-ci aux secteurs occidentaux de Berlin a été au préalable approuvée, conformément aux procédures établies, par les autorités de la France, du Royaume-Uni et des Etats-Unis agissant sur la base de leur autorité suprême dans ces secteurs.

¹ Voir p. 98 du présent volume.

“The Governments of France, the United Kingdom and the United States wish to point out that the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, the primary purpose of both of which is the protection of the rights of the individual, are not treaties which ‘by reason of their material content, directly affect matters of security and status’.

“As for the references to the Quadripartite Agreement of 3 September 1971¹ which are contained in the communication made by the Government of the Union of Soviet Socialist Republics referred to in the Legal Counsel’s Note, the Governments of France, the United Kingdom and the United States wish to point out that, in a communication to the Government of the Union of Soviet Socialist Republics which is an integral part (annex IV, A) of the Quadripartite Agreement, they reaffirmed that, provided that matters of security and status are not affected, international agreements and arrangements entered into by the Federal Republic of Germany may be extended to the Western Sectors of Berlin. For its part the Government of the Union of Soviet Socialist Republics, in a communication to the Governments of France, the United Kingdom and the United States which is similarly an integral part (annex IV, B) of the Quadripartite Agreement, affirmed that it would raise no objection to such extension.

“In authorizing the extension of the Covenants to the Western Sectors of Berlin, as mentioned above, the authorities of France, the United Kingdom and the United States took all necessary measures to ensure that the Covenants cannot be applied in the Western Sectors of Berlin in such a way as to affect matters of security and

«Les Gouvernements de la France, du Royaume-Uni et des Etats-Unis souhaitent faire remarquer que le Pacte international sur les droits économiques, sociaux et culturels et le Pacte international sur les droits civils et politiques, dont l’objet est, au premier chef, de protéger les droits de l’homme en tant qu’individu, ne sont pas des traités qui, «du fait de leur contenu matériel, affectent directement les questions de sécurité et de statut».

«En ce qui concerne les références faites à l’Accord quadripartite du 3 septembre 1971¹, dans la communication du Gouvernement de l’Union des Républiques socialistes soviétiques à laquelle il est fait référence dans la note du Conseiller juridique, les Gouvernements de la France, du Royaume-Uni et des Etats-Unis souhaitent faire remarquer que, dans une communication au Gouvernement de l’Union soviétique, communication qui fait partie intégrante (annexe IV, A) de l’Accord quadripartite, ils ont à nouveau affirmé que, à condition que les questions de sécurité et de statut ne soient pas affectées, les accords et arrangements internationaux conclus par la République fédérale d’Allemagne pourraient être étendus aux secteurs occidentaux de Berlin. Le Gouvernement de l’Union soviétique, pour sa part, dans une communication aux Gouvernements de la France, du Royaume-Uni et des Etats-Unis qui fait, de même, partie intégrante (annexe IV, B) de l’Accord quadripartite, a déclaré qu’il ne soulèverait pas d’objections à une telle extension.

«En autorisant, ainsi qu’il est indiqué ci-dessus, l’extension de ces Pactes aux secteurs occidentaux de Berlin, les autorités de la France, du Royaume-Uni et des Etats-Unis ont pris toutes les dispositions nécessaires pour garantir que ces Pactes seraient appliqués dans les secteurs occidentaux de Berlin de telle manière qu’ils n’affecteront pas les ques-

¹ United Nations, *Treaty Series*, vol. 880, p. 115.

¹ Nations Unies, *Recueil des Traités*, vol. 880, p. 115.

status. Accordingly, the application of the Covenants to the Western Sectors of Berlin continues in full force and effect.”

6 December 1974

FEDERAL REPUBLIC OF GERMANY

“By their note of 4 November 1974, circulated to all States Parties to either of the Covenants by C.N.306.1974.-TREATIES-7 of 19 November 1974,¹ the Governments of France, the United Kingdom and the United States answered the assertions made in the communication of the Government of the Union of Soviet Socialist Republics referred to above. The Government of the Federal Republic of Germany shares the position set out in the note of the Three Powers. The extension of the Covenants to Berlin (West) continues in full force and effect.”

DECLARATION relating to the declarations made by France, the United Kingdom of Great Britain and Northern Ireland and the United States of America, on 5 November 1974,¹ and by the Federal Republic of Germany, on 6 December 1974,² concerning application to Berlin (West)

Received on:

13 February 1975

UNION OF SOVIET SOCIALIST REPUBLICS

tions de sécurité et de statut. En conséquence, l'application de ces Pactes aux secteurs occidentaux de Berlin demeure en pleine vigueur et effet.»

6 décembre 1974

RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE

[TRADUCTION — TRANSLATION]

Dans leur note en date du 4 novembre 1974, qui a été distribuée à tous les Etats parties au Pacte C.N.306.1974.-TREATIES-7 le 19 novembre 1974¹, les Gouvernements de la France, du Royaume-Uni et des Etats-Unis d'Amérique ont répondu aux assertions contenues dans la communication du Gouvernement de l'Union des Républiques socialistes soviétiques mentionnée ci-dessus. Le Gouvernement de la République fédérale d'Allemagne partage les vues formulées dans la note de ces trois puissances. L'extension des Pactes à Berlin-Ouest demeure en pleine vigueur et effet.

DÉCLARATION relative aux déclarations formulées par les Etats-Unis d'Amérique, la France et le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, le 5 novembre 1974¹, et par la République fédérale d'Allemagne, le 6 décembre 1974², concernant l'application à Berlin-Ouest

Reçue le :

13 février 1975

UNION DES RÉPUBLIQUES SOCIALISTES SOVIÉTIQUES

[RUSSIAN TEXT — TEXTE RUSSE]

«Советская сторона считает необходимым подтвердить свою точку зрения о неправомерности распространения ФРГ действия Международного

¹ See p. 101 of this volume.

² See above.

¹ Voir p. 101 du présent volume.

² Voir ci-dessus.

пакта о гражданских и политических правах и Международного пакта об экономических, социальных и культурных правах от 19 декабря 1966 года на Берлин (Западный), изложенную в ноте Генеральному Секретарю от 4 июля 1974 года (C.N.145.1974.TREATIES-3 от 5 августа 1974 года).»

[TRANSLATION]

The Soviet Union deems it essential to reassert its view that the extension by the Federal Republic of Germany of the operation of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of 19 December 1966 to Berlin (West) is illegal, as stated in the note dated 4 July 1974 addressed to the Secretary-General (C.N.145.1974.TREATIES-3) of 5 August 1974.¹

DECLARATIONS relating to the declarations made by the German Democratic Republic, on 12 August 1974,² and the Ukrainian Soviet Socialist Republic, on 16 August 1974,² concerning application to Berlin (West)

Received on:

8 July 1975

FRANCE
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
UNITED STATES OF AMERICA

[TRADUCTION]

L'Union soviétique tient à réitérer qu'à son point de vue l'extension à Berlin-Ouest, par la République fédérale d'Allemagne, de l'application du Pacte international relatif aux droits civils et politiques et du Pacte international relatif aux droits économiques, sociaux et culturels, du 19 décembre 1966 est illégale, pour les motifs qu'elle a exposés dans sa note du 4 juillet 1974 au Secrétaire général (C.N.145.1974.TREATIES-3) du 5 août 1974¹.

DÉCLARATIONS relatives aux déclarations formulées par la République démocratique allemande, le 12 août 1974², et la République socialiste soviétique d'Ukraine, le 16 août 1974², concernant l'application à Berlin-Ouest

Reçue le :

8 juillet 1975

ÉTATS-UNIS D'AMÉRIQUE
FRANCE
ROYAUME-UNI DE GRANDE-
BRETAGNE ET D'IRLANDE DU
NORD

¹ See p. 98 of this volume.

² See pp. 99 and 100 of this volume.

¹ Voir p. 98 du présent volume.

² Voir p. 99 et 100 du présent volume.

«The [above-mentioned declarations]¹ refer to the Quadripartite Agreement of 3 September 1971.² This Agreement was concluded in Berlin between the Governments of the French Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The Governments sending these communications are not parties to the Quadripartite Agreement and are therefore not competent to make authoritative comments on its provisions.

«The Governments of France, the United Kingdom and the United States wish to bring the following to the attention of the States Parties to the instruments referred to in the above-mentioned communications. When authorising the extension of these instruments to the Western Sectors of Berlin, the authorities of the Three Powers, acting in the exercise of their supreme authority, ensured in accordance with established procedures that those instruments are applied in the Western Sectors of Berlin in such a way as not to affect matters of security and status.

«Accordingly, the application of these instruments to the Western Sectors of Berlin continues in full force and effect.

«Les [déclarations susmentionnées¹] se réfèrent à l'Accord quadripartite du 3 septembre 1971². Cet Accord a été conclu à Berlin par les Gouvernements de la République française, de l'Union des Républiques socialistes soviétiques, du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et des Etats-Unis d'Amérique. Les Gouvernements qui ont adressé ces communications ne sont pas parties à l'Accord quadripartite et n'ont donc pas compétence pour interpréter de manière autorisée ses dispositions.

«Les Gouvernements de la France, du Royaume-Uni et des Etats-Unis souhaitent appeler l'attention des Etats parties aux instruments diplomatiques auxquels il est fait référence dans les communications ci-dessus sur ce qui suit. Lorsqu'elles ont autorisé l'extension de ces instruments aux secteurs occidentaux de Berlin, les autorités des trois Puissances, agissant dans l'exercice de leur autorité suprême, ont pris, conformément aux procédures établies, les dispositions nécessaires pour garantir que ces instruments seraient appliqués dans les secteurs occidentaux de Berlin de telle manière qu'ils n'affecteraient pas les questions de sécurité et de statut.

«En conséquence, l'application de ces instruments aux secteurs occidentaux de Berlin demeure en pleine vigueur.

¹ See "Declaration by the German Democratic Republic relating to the declaration made upon ratification by the Federal Republic of Germany concerning application to Berlin (West)" on p. 99 of this volume; and "Declaration by the Ukrainian Soviet Socialist Republic relating to the declaration made upon ratification by the Federal Republic of Germany concerning application to Berlin (West)" on p. 100 of this volume.

² United Nations, *Treaty Series*, vol. 880, p. 115.

¹ Voir «Déclaration par la République démocratique allemande relative à la déclaration formulée lors de la ratification par la République fédérale d'Allemagne concernant l'application à Berlin-Ouest» à la page 99 du présent volume; et «Déclaration par la République socialiste soviétique d'Ukraine relative à la déclaration formulée lors de la ratification par la République fédérale d'Allemagne concernant l'application à Berlin-Ouest» à la page 100 du présent volume.

² Nations Unies, *Recueil des Traités*, vol. 880, p. 115.

“The Governments of France, the United Kingdom and the United States do not consider it necessary to respond to any further communications of a similar nature by States which are not signatories to the Quadripartite Agreement. This should not be taken to imply any change in the position of those Governments in this matter.”

19 September 1975

FEDERAL REPUBLIC OF GERMANY

“By their Note of 8 July 1975,¹ . . . the Governments of France, the United Kingdom and the United States answered the assertions made in the communications referred to above. The Government of the Federal Republic of Germany, on the basis of the legal situation set out in the Note of the Three Powers, wishes to confirm that the application in Berlin (West) of the above-mentioned instruments extended by it under the established procedures continues in full force and effect.

“The Government of the Federal Republic of Germany wishes to point out that the absence of a response to further communications of a similar nature should not be taken to imply any change of its position in this matter.”

«Les Gouvernements de la France, du Royaume-Uni et des Etats-Unis n'estiment pas nécessaire de répondre à d'autres communications d'une semblable nature émanant d'Etats qui ne sont pas signataires de l'Accord quadripartite. Ceci n'implique pas que la position des Gouvernements de la France, du Royaume-Uni et des Etats-Unis ait changé en quoi que ce soit.»

19 septembre 1975

RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE

[TRADUCTION — TRANSLATION]

Par leur note du 8 juillet 1975¹, . . . les Gouvernements de la France, du Royaume-Uni et des Etats-Unis ont répondu aux affirmations contenues dans les communications mentionnées plus haut. Le Gouvernement de la République fédérale d'Allemagne, sur la base de la situation juridique décrite dans la note des trois Puissances, tient à confirmer que [l'instrument susmentionné], dont il a étendu l'application à Berlin (Ouest) conformément aux procédures établies, continue d'y être pleinement en vigueur.

Le Gouvernement de la République fédérale d'Allemagne tient à signaler que l'absence de réponse de sa part à de nouvelles communications de même nature ne devra pas être interprétée comme signifiant un changement de position en la matière.

¹ See p. 104 of this volume.

¹ Voir p. 104 du présent volume.

Optional Protocol to the International Covenant on Civil and Political Rights

Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966

entry into force 23 March 1976, in accordance with Article 9

The States Parties to the present Protocol,

Considering that in order further to achieve the purposes of the International Covenant on Civil and Political Rights (hereinafter referred to as the Covenant) and the implementation of its provisions it would be appropriate to enable the Human Rights Committee set up in part IV of the Covenant (hereinafter referred to as the Committee) to receive and consider, as provided in the present Protocol, communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant. Have agreed as follows:

Article 1

A State Party to the Covenant that becomes a Party to the present Protocol recognizes the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of any of the rights set forth in the Covenant. No communication shall be received by the Committee if it concerns a State Party to the Covenant which is not a Party to the present Protocol.

Article 2

Subject to the provisions of article 1, individuals who claim that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the Committee for consideration.

Article 3

The Committee shall consider inadmissible any communication under the present Protocol which is anonymous, or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of the Covenant.

Article 4

1. Subject to the provisions of article 3, the Committee shall bring any communications submitted to it under the present Protocol to the attention of the State Party to the present Protocol alleged to be violating any provision of the Covenant.
2. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

Article 5

1. The Committee shall consider communications received under the present Protocol in the light of all written information made available to it by the individual and by the State Party concerned.
2. The Committee shall not consider any communication from an individual unless it has ascertained that:

(a) The same matter is not being examined under another procedure of international investigation or settlement;

(b) The individual has exhausted all available domestic remedies. This shall not be the rule where the application of the remedies is unreasonably prolonged.

3. The Committee shall hold closed meetings when examining communications under the present Protocol. 4. The Committee shall forward its views to the State Party concerned and to the individual.

Article 6

The Committee shall include in its annual report under article 45 of the Covenant a summary of its activities under the present Protocol.

Article 7

Pending the achievement of the objectives of resolution 1514(XV) adopted by the General Assembly of the United Nations on 14 December 1960 concerning the Declaration on the Granting of Independence to Colonial Countries and Peoples, the provisions of the present Protocol shall in no way limit the right of petition granted to these peoples by the Charter of the United Nations and other international conventions and instruments under the United Nations and its specialized agencies.

Article 8

1. The present Protocol is open for signature by any State which has signed the Covenant.

2. The present Protocol is subject to ratification by any State which has ratified or acceded to the Covenant. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Protocol shall be open to accession by any State which has ratified or acceded to the Covenant.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

Article 9

1. Subject to the entry into force of the Covenant, the present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or instrument of accession.

2. For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or instrument of accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 10

The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

Article 11

1. Any State Party to the present Protocol may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Protocol with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendment which they have accepted.

Article 12

1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect three months after the date of receipt of the notification by the Secretary-General.

2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under article 2 before the effective date of denunciation.

Article 13

Irrespective of the notifications made under article 8, paragraph 5, of the present Protocol, the Secretary-General of the United Nations shall inform all States referred to in article 48, paragraph I, of the Covenant of the following particulars:

(a) Signatures, ratifications and accessions under article 8;

(b) The date of the entry into force of the present Protocol under article 9 and the date of the entry into force of any amendments under article 11;

(c) Denunciations under article 12.

Article 14

1. The present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 48 of the Covenant.

Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty

Adopted and proclaimed by General Assembly resolution 44/128 of 15 December 1989

The States Parties to the present Protocol,

Believing that abolition of the death penalty contributes to enhancement of human dignity and progressive development of human rights,

Recalling article 3 of the Universal Declaration of Human Rights, adopted on 10 December 1948, and article 6 of the International Covenant on Civil and Political Rights, adopted on 16 December 1966,

Noting that article 6 of the International Covenant on Civil and Political Rights refers to abolition of the death penalty in terms that strongly suggest that abolition is desirable,

Convinced that all measures of abolition of the death penalty should be considered as progress in the enjoyment of the right to life,

Desirous to undertake hereby an international commitment to abolish the death penalty,

Have agreed as follows:

Article 1

1. No one within the jurisdiction of a State Party to the present Protocol shall be executed.
2. Each State Party shall take all necessary measures to abolish the death penalty within its jurisdiction.

Article 2

1. No reservation is admissible to the present Protocol, except for a reservation made at the time of ratification or accession that provides for the application of the death penalty in time of war pursuant to a conviction for a most serious crime of a military nature committed during wartime.
2. The State Party making such a reservation shall at the time of ratification or accession communicate to the Secretary-General of the United Nations the relevant provisions of its national legislation applicable during wartime.
3. The State Party having made such a reservation shall notify the Secretary-General of the United Nations of any beginning or ending of a state of war applicable to its territory.

Article 3

The States Parties to the present Protocol shall include in the reports they submit to the Human Rights Committee, in accordance with article 40 of the Covenant, information on the measures that they have adopted to give effect to the present Protocol.

Article 4

With respect to the States Parties to the Covenant that have made a declaration under article 41, the competence of the Human Rights Committee to receive and consider communications when a State Party claims that another State Party is not fulfilling its obligations shall extend to the provisions of the present Protocol, unless the State Party concerned has made a statement to the contrary at the moment of ratification or accession.

Article 5

With respect to the States Parties to the first Optional Protocol to the International Covenant on Civil and Political Rights adopted on 16 December 1966, the competence of the Human Rights Committee to receive and consider communications from individuals subject to its jurisdiction shall extend to the provisions of the present Protocol, unless the State Party concerned has made a statement to the contrary at the moment of ratification or accession.

Article 6

1. The provisions of the present Protocol shall apply as additional provisions to the Covenant.
2. Without prejudice to the possibility of a reservation under article 2 of the present Protocol, the right guaranteed in article 1, paragraph 1, of the present Protocol shall not be subject to any derogation under article 4 of the Covenant.

Article 7

1. The present Protocol is open for signature by any State that has signed the Covenant.
2. The present Protocol is subject to ratification by any State that has ratified the Covenant or acceded to it. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Protocol shall be open to accession by any State that has ratified the Covenant or acceded to it.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States that have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

Article 8

1. The present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.
2. For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or accession.

Article 9

The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

Article 10

The Secretary-General of the United Nations shall inform all States referred to in article 48, paragraph 1, of the Covenant of the following particulars:

- (a) Reservations, communications and notifications under article 2 of the present Protocol;
- (b) Statements made under articles 4 or 5 of the present Protocol;
- (c) Signatures, ratifications and accessions under article 7 of the present Protocol:
- (d) The date of the entry into force of the present Protocol under article 8 thereof.

Article 11

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 48 of the Covenant.