

United Nations

**Optional Protocol to the International Covenant on Civil and
Political Rights New York, 16 December 1966**

Declarations and Reservations¹

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

Austria

"On the understanding that, further to the provisions of article 5 (2) of the Protocol, the Committee provided for in Article 28 of the Covenant shall not consider any communication from an individual unless it has been ascertained that the same matter has not been examined by the European Commission on Human Rights established by the European Convention for the Protection of Human Rights and Fundamental Freedoms."

Croatia

Declaration:

"The Republic of Croatia interprets article 1 of this Protocol as giving the Committee the competence to receive and consider communications from individuals subject to the jurisdiction of the Republic of Croatia who claim to be victims of a violation by the Republic of any rights set forth in the Covenant which results either from acts, omissions or events occurring after the date on which the Protocol entered into force for the Republic of Croatia."

"With regard to article 5, paragraph 2 (a) of the Protocol, the Republic of Croatia specifies that the Human Rights Committee shall not have competence to consider a communication from an individual if the same matter is being examined or has already been examined under another procedure of international investigation or settlement."

Denmark

"With reference to article 5, paragraph 2 (a), the Government of Denmark makes a reservation with respect to the Competence of the Committee to consider a communication from an individual if the matter has already been considered under other procedures of international investigation."

France

Declaration:

France interprets article 1 of the Protocol as giving the Committee the competence to receive and consider communications from individuals subject to the jurisdiction of the French Republic who claim to be victims of a violation by the Republic of any of the rights set forth in the Covenant which results either from acts, omissions, developments or events occurring after the date on which the Protocol entered into force for the Republic, or from a decision relating to acts, omissions, developments or events after that date. With regard to article 7, France's accession to the Optional Protocol should not be interpreted as implying any change in its position concerning the resolution referred to in that article.

Reservation:

¹ Compiled by ERICarts from the UN website <http://www.ohchr.org/english/countries/ratification/2.htm>

France makes a reservation to article 5, paragraph 2(a), specifying that the Human Rights Committee shall not have competence to consider a communication from an individual if the same matter is being examined or has already been considered under another procedure of international investigation or settlement.

Germany

Reservation:

"The Federal Republic of Germany formulates a reservation concerning article 5 paragraph 2 (a) to the effect that the competence of the Committee shall not apply to communications

a) which have already been considered under another procedure of international investigation or settlement, or

b) by means of which a violation of rights is reprimanded having its origin in events occurring prior to the entry into force of the Optional Protocol for the Federal Republic of Germany

c) by means of which a violation of article 26 of the [said Covenant] is reprimanded, if and insofar as the reprimanded violation refers to rights other than those guaranteed under the aforementioned Covenant."

Iceland

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

Ireland

Article 5, paragraph 2

Ireland does not accept the competence of the Human Rights Committee to consider a communication from an individual if the matter has already been considered under another procedure of international investigation or settlement.

Italy

The Italian Republic ratifies the Optional Protocol to the International Covenant on Civil and Political Rights, it being understood that the provisions of article 5, paragraph 2, of the Protocol mean that the Committee provided for in article 28 of the Covenant shall not consider any communication from an individual unless it has ascertained that the same matter is not being and has not been examined under another procedure of international investigation or settlement.

Luxembourg

Declaration:

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

Malta

Declarations:

" 1. Malta accedes to the Optional Protocol to the International Covenant on Civil and Political Rights, on the understanding that the provisions of article 5, paragraph 2, of the Protocol mean that the Committee established by article 28 of the Covenant, shall not

consider any communication from an individual unless it has ascertained that the same matter is not being examined or has not already been examined under another procedure of international investigation or settlement.

"2. The Government of Malta interprets Article 1 of the Protocol as giving the Committee the competence to receive and consider communications from individuals subject to the jurisdiction of Malta who claim to be victims of a violation by Malta of any of the rights set forth in the Covenant which results either from acts, omissions, developments or events occurring after the date on which the Protocol enters into force for Malta, or from a decision relating to acts, omissions, developments or events after that date."

Norway

Subject to the following reservation to article 5, paragraph 2: "... The Committee shall not have competence to consider a communication from an individual if the same matter has already been examined under other procedures of international investigation or settlement."

Poland

Poland accedes to the Protocol while making a reservation that would exclude the procedure set out in article 5 (2) (a), in cases where the matter has already been examined under another procedure of international investigation or settlement.

Romania

Declaration:

Romania considers that, in accordance with article 5, paragraph 2(a) of the Protocol, the Human Rights Committee shall not have competence to consider communications from an individual if the matter is being or has already been examined under another procedure of international investigation or settlement.

Slovenia

Declaration:

"The Republic of Slovenia interprets article 1 of the Protocol as giving the Committee the competence to receive and consider communications from individuals subject to the jurisdiction of the Republic of Slovenia who claim to be victims of a violation by the Republic of any of the rights set forth in the Covenant which results either from acts or omissions, developments or events occurring after the date on which the Protocol entered into force for the Republic of Slovenia, or from a decision relating to acts, omissions, developments or events after that date."

Reservation:

"With regard to article 5, paragraph 2(a) of the Optional Protocol, the Republic of Slovenia specifies that the Human Rights Committee shall not have competence to consider a communication from an individual if the same matter is being examined or has already been considered under another procedure of international investigation or settlement."

Spain

The Spanish Government accedes to the Optional Protocol to the International Covenant on Civil and Political Rights, on the understanding that the provisions of article 5, paragraph 2, of that Protocol mean that the Human Rights Committee shall not consider any communication from an individual unless it has ascertained that the same matter has not been or is not being examined under another procedure of international investigation or settlement.

Sweden

On the understanding that the provisions of article 5, paragraph 2, of the Protocol signify that the Human Rights Committee provided for in article 28 of the said Covenant shall

not consider any communication from an individual unless it has ascertained that the same matter is not being examined or has not been examined under another procedure of international investigation or settlement.