

**List of declarations made with respect to treaty No. 005<sup>1</sup>**  
**Convention for the Protection of Human Rights and Fundamental Freedoms**  
**Status as of: April, 2007**

**Austria :**

**Reservation contained in the instrument of ratification, deposited on 3 September 1958 - Or. Germ.**

The Federal President declares the Convention to be ratified with the reservation :

The provisions of Article 5 of the Convention shall be so applied that there shall be no interference with the measures for the deprivation of liberty prescribed in the laws on administrative procedure, BGBl No. 172/1950, subject to review by the Administrative Court or the Constitutional Court as provided for in the Austrian Federal Constitution.

**Period covered: 3/9/1958 -**

***The preceding statement concerns Article(s) : 5***

**Reservation contained in the instrument of ratification, deposited on 3 September 1958 - Or. Germ.**

The Federal President declares the Convention to be ratified with the reservation :

The provisions of Article 6 of the Convention shall be so applied that there shall be no prejudice to the principles governing public court hearings laid down in Article 90 of the 1929 version of the Federal Constitution Law.

**Period covered: 3/9/1958 -**

***The preceding statement concerns Article(s) : 6***

**Croatia :**

**Reservation contained in the instrument of ratification, deposited on 5 November 1997 - Or. Cro./Engl.**

In accordance with Article 64 of the Convention for the Protection of Human Rights and Fundamental Freedoms [Article 57 since the entry into force of the Protocol No 11], the Republic of Croatia does hereby make the following reservation in respect of the right to a public hearing as guaranteed by Article 6, paragraph 1, of the Convention:

The Republic of Croatia cannot guarantee the right to a public hearing before the Administrative Court in cases in which it decides on the legality of individual acts of administrative authorities. In such cases the Administrative Court in principle decides in closed session.

The relevant provision of the Croatian law referred to above is Article 34, paragraph 1, of the Law on Administrative Disputes, which reads as follows: "In administrative disputes the Administrative Court decides in closed session."

**Period covered: 5/11/1997 -**

***The preceding statement concerns Article(s) : 6***

**Czech Republic :**

**Reservation contained in the instrument of ratification of the Czech and Slovak Federal Republic, deposited on 18 March 1992, and in a Note Verbale from the Federal Ministry of Foreign Affairs, dated 13 March 1992, and handed to the Secretary General at the time of deposit of the instrument of ratification - Or. Cze./Engl. - and confirmed at the time of accession of the Czech Republic to the Council of Europe, on 30 June 1993, and by letter from the Ministry of Foreign Affairs, dated 23 July 1993, registered at the Secretariat General on 2 August 1993 - Or. Engl.**

During the ceremony of accession to the Council of Europe, the Minister of Foreign Affairs of the Czech Republic declared that the reservation made by the Czech and Slovak Federal Republic to Articles 5 and 6 of the Convention will remain applicable. The reservation reads as follows :

"The Czech and Slovak Federal Republic in accordance with Article 64 of the Convention for the Protection of Human Rights and Fundamental Freedoms [Article 57 since the entry into force of the Protocol No 11] makes a reservation in respect of Articles 5 and 6 to the effect that those articles shall not hinder to impose disciplinary penitentiary measures in accordance with Article 17 of the Act No. 76/1959 of Collection of Laws, on Certain Service Conditions of Soldiers."

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<sup>1</sup> Compiled by ERICarts from <http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG> the Treaties' address of the Council of Europe.

The terms of section 17 of the Law on certain conditions of service of members of the armed forces, No. 76/1959 in the Compendium of Legislation, are as follows :

#### Section 17

Texte transmitted by Note Verbale from the Permanent Representation, dated 8 April 1992, registered at the Secretariat General on the same day - Or. Fr.

#### Disciplinary Sanctions

1. Disciplinary sanctions shall comprise: a reprimand, penalties for petty offences, custodial penalties, demotion by one rank, and in the case of non-commissioned officers, reduction to the ranks.
2. Disciplinary custodial penalties shall comprise: confinement after duty, light imprisonment and house arrest.
3. The maximum duration of a disciplinary custodial penalty shall be 21 days.

**Period covered: 1/1/1993 -**

**The preceding statement concerns Article(s) : 5, 6**

## **Estonia :**

### **Reservation contained in the instrument of ratification, deposited on 16 April 1996 - Or. Engl.**

The Republic of Estonia, in accordance with Article 64 of the Convention [Article 57 since the entry into force of the Protocol No 11], declares that while pending the adoption of amendments to the Code on Civil Procedure within one year from entry into force of the Ratification Act, she cannot ensure the right to a public hearing at the appellate court level (*Ringkonnakohtus*) as provided in Article 6 of the Convention, in so far as cases foreseen by Articles 292 and 298 of the Code on Civil Procedure (published in the *Riigi Teataja* [State Gazette] I 1993, 31/32, 538; 1994, 1, 5; 1995, 29, 358; 1996, 3, 57) may be decided through written procedure.

**[Note by the Secretariat: See also the declaration contained in a letter from the Minister of Foreign Affairs of Estonia, dated 12 April 1996, handed to the Secretary General at the time of deposit of the instrument of ratification, on 16 April 1996 - Or. Engl.]**

In the reservation to Article 6 of the Convention, made in accordance with Article 64 of the Convention, the Republic of Estonia referred to Articles 292 and 298 of the Code on Civil Procedure. Hereby the unofficial translation of the referred Articles is provided.

### **Article 292 - Deciding a Case based solely on an application.**

(1) The Court shall decide on an appeal or special application without further proceedings, if it unanimously finds that:

1. the application is manifestly ill-founded or the person who filed the application has no right to appeal. In this case, the court shall refuse the application;
2. while the case was heard in the Court of First Instance, the procedural norms were violated which, in accordance with the law, results in the revocation of the decision or order (Article 318) and which the Court of Appeal cannot leave unaddressed. In that case, the decision or order shall be disaffirmed and the case shall be referred back to the Court of First Instance for a new trial;
3. the copy of the decision of the Court of Appeal shall be sent to the parties involved within five days from the day the decision was signed.

(2) The Court of Appeal does not have the right to decide upon an appeal or a special application against the other party, if the Court of First Instance or the Court of Appeal has not given the other party an opportunity to respond to the application.

### **Article 298 - Settling a Case through written procedure**

The court may settle the case through written procedure without public hearing:

1. if the respondent to the appeal agrees with it;
2. if the application claims the violation of procedural norms or the incorrect application of a substantive norm in the Court of First Instance;
3. if a special application has been filed and the court considers the public hearing unnecessary.]

**Period covered: 16/4/1996 -**

**The preceding statement concerns Article(s) : 6**

## **Finland :**

**Reservation contained in the instrument of ratification, deposited on 10 May 1990 - Or. Engl. - as amended by the partial withdrawals of reservation dated 20 December 1996, 30 April 1998, 1 April 1999 and 16 May 2001 - Or. Engl.**

In accordance with Article 64 of the Convention [Article 57 since the entry into force of Protocol No 11], the

Government of Finland makes the following reservation in respect of the right to a public hearing guaranteed by Article 6, paragraph 1, of the Convention.

For the time being, Finland cannot guarantee a right to an oral hearing insofar as the current Finnish laws do not provide such a right. This applies to:

1. proceedings before the Supreme Court in accordance with Chapter 30, Section 20, of the Code of Judicial Procedure and proceedings before the Courts of Appeal as regards the consideration of petition, civil and criminal cases to which Chapter 26 (661/1978), Sections 7 and 8, of the Code of Judicial Procedure are applied if the decision of a District Court has been made before 1 May 1998, when the amendments made to the provisions concerning proceedings before Courts of Appeal entered into force; and the consideration of criminal cases before the Supreme Court and the Courts of Appeal if the case has been pending before a District Court at the time of entry into force of the Criminal Proceedings Act on 1 October 1997 and to which existing provisions have been applied by the District Court;
2. proceedings, which are held before the Insurance Court as the Court of Final Instance, in accordance with Section 9 of the Insurance Court Act, if they concern an appeal which has become pending before the entry into force of the Act Amending the Insurance Court Act on 1 April 1999;
3. proceedings before the Appellate Board for Social Insurance, in accordance with Section 8 of the Decree on the Appellate Board for Social Insurance, if they concern an appeal which has become pending before the entry into force of the Act Amending the Health Insurance Act on 1 April 1999.

The provisions of the Finnish laws referred to above are attached to this reservation as a separate annex.

**Period covered: 10/5/1990 -**

***The preceding statement concerns Article(s) : 6***

**Partial withdrawal of reservation transmitted by a Note Verbale from the Permanent Representation of Finland, dated 16 May 2001, registered at the Secretariat General on 16 May 2001 - Or. Engl.**

Whereas the instrument of ratification contained a reservation to Article 6, paragraph 1, of the Convention, whereas after partial withdrawals of the reservation on 20 December 1996, 30 April 1998 and 1 April 1999, the reservation reads as follows:

"For the time being, Finland cannot guarantee a right to an oral hearing insofar as the current Finnish laws do not provide such a right. This applies to:

1. proceedings before the Water Courts when conducted in accordance with Chapter 16, Section 14 of the Water Act; and proceedings before the Supreme Court in accordance with Chapter 30, Section 20, of the Code of Judicial Procedure and proceedings before the Courts of Appeal as regards the consideration of petition, civil and criminal cases to which Chapter 26 (661/1978), Sections 7 and 8, of the Code of Judicial Procedure are applied if the decision of a District Court has been made before 1 May 1998, when the amendments made to the provisions concerning proceedings before Courts of Appeal entered into force; and the consideration of criminal cases before the Supreme Court and the Courts of Appeal if the case has been pending before a District Court at the time of entry into force of the Criminal Proceedings Act on 1 October 1997 and to which existing provisions have been applied by the District Court; and proceedings before the Water Court of Appeal as regards the consideration of criminal and civil cases in accordance with Chapter 15, Section 23, of the Water Act, if the decision of the Water Court has been given before the entry into force of the Act Amending the Code of Judicial Procedure on 1 May 1998; and the consideration of petition, appeal and executive assistance cases, in accordance with Chapter 15, Section 23, of the Water Act, if the decision of the Water Court has been given before the entry into force of the Act on Administrative Judicial Procedure on 1 December 1996;
2. the consideration by a County Administrative Court or the Supreme Administrative Court of an appeal on a submission from a decision given before the entry into force of the Act on Administrative Judicial Procedure on 1 December 1996, as well as of consideration of an appeal on such a matter in a superior appellate authority;
3. proceedings, which are held before the Insurance Court as the Court of Final Instance, in accordance with Section 9 of the Insurance Court Act, if they concern an appeal which has become pending before the entry into force of the Act Amending the Insurance Court Act on 1 April 1999;
4. proceedings before the Appellate Board for Social Insurance, in accordance with Section 8 of the Decree on the Appellate Board for Social Insurance, if they concern an appeal which has become pending before the entry into force of the Act Amending the Health Insurance Act on 1 April 1999."

Whereas the relevant provisions of the Finnish legislation have been amended so as they no longer correspond to the present reservation as far as they concern proceedings before the Water Courts and the Water Court of Appeal, and as the present reservation concerning the proceedings before the County Administrative Courts and the Supreme Administrative Court is no longer relevant,

Now therefore Finland withdraws the reservation in paragraph 1 above, as far as it concerns proceedings before the Water Courts and before the Water Court of Appeal. Finland also withdraws the reservation in paragraph 2 above concerning proceedings before the County Administrative Courts and the Supreme Administrative Court.

**[Note by the Secretariat :** The reservation now read as follows : "For the time being, Finland cannot guarantee a right to an oral hearing insofar as the current Finnish laws do not provide such a right. This applies to:

1. proceedings before the Supreme Court in accordance with Chapter 30, Section 20, of the Code of Judicial

Procedure and proceedings before the Courts of Appeal as regards the consideration of petition, civil and criminal cases to which Chapter 26 (661/1978), Sections 7 and 8, of the Code of Judicial Procedure are applied if the decision of a District Court has been made before 1 May 1998, when the amendments made to the provisions concerning proceedings before Courts of Appeal entered into force; and the consideration of criminal cases before the Supreme Court and the Courts of Appeal if the case has been pending before a District Court at the time of entry into force of the Criminal Proceedings Act on 1 October 1997 and to which existing provisions have been applied by the District Court;

2. proceedings, which are held before the Insurance Court as the Court of Final Instance, in accordance with Section 9 of the Insurance Court Act, if they concern an appeal which has become pending before the entry into force of the Act Amending the Insurance Court Act on 1 April 1999;

3. proceedings before the Appellate Board for Social Insurance, in accordance with Section 8 of the Decree on the Appellate Board for Social Insurance, if they concern an appeal which has become pending before the entry into force of the Act Amending the Health Insurance Act on 1 April 1999." ]

#### APPENDIX INCLUDING A SUMMARY OF THE RESPECTIVE LAWS REFERRED TO IN THE PARTIAL WITHDRAWAL OF RESERVATIONS

The Water Court of Appeal was abolished by the Administrative Courts Act (430/1999) which entered into force on 1 November 1999. The Water Court of Appeal was merged with the Vaasa County Administrative Court, and the new court is called the Vaasa Administrative Court.

Chapter 15 of the Water Act, concerning the water courts, was repealed by the Act on the Amendment of the Water Act (88/2000) which entered into force on 1 March 2000, being part of a reform of the Finnish environmental legislation. The water courts were abolished and replaced by three environmental permit authorities.

According to Section 11 (1) of the Act on the Implementation of Environmental Legislation, the cases pending before the water courts were transferred to the environmental permit authorities insofar as petitions and requests for executive assistance referred to in the Water Act were concerned, appeal cases were transferred to the Vaasa Administrative Court and criminal cases to the competent district courts. As regards civil cases, the water courts were to decide which of them would still be considered as civil cases and which ones could be converted into petition cases to be handled by the environmental permit authorities. According to Section 17 of the Act on the Implementation of Environmental Legislation, also the Vaasa Administrative Court was to transfer the pending civil and criminal cases to the competent courts of appeal, applying, where appropriate, Section 11 (2) of the same Act to the civil cases.

Because there no longer are any provisions on the consideration of civil cases in the Water Act, and nor does the Act on the Implementation of Environmental Legislation contain separate provisions on the application of the earlier legislation to cases which have been brought before a water court or the Water Court of Appeal as a civil case and the consideration of which shall continue before another competent court as a civil case, the transferred cases shall be covered by the procedural rules existing at the time of transfer. Therefore it is no longer possible that the transferred civil cases could become subject to one of the procedures in respect of which the reservation to the Convention was made.

The reservation made in respect of proceedings before Water Courts when conducted in accordance with Chapter 16, Section 14 of the Water Act, concerning the holding of an oral hearing in a petition case after inspection, may also be withdrawn as a result of the reform of the environmental legislation. According to Chapter 16, Section 14 of the Act on the Amendment of the Water Act, the competent authorities for the consideration of petitions are the environmental permit authorities. The reservation made to Article 6 of the Convention only concerned the administrative judicial procedure applied to administrative courts and not the administrative procedure applied to other authorities.

The transitional provision concerning civil and criminal cases before the water courts may be withdrawn as there are no longer such pending cases to which the provisions of the Code of Judicial Procedure, which were in force before the Act on the Amendment of the Code of Judicial Procedure entered into force on 1 May 1998, could be applied.

According to the transitional provision in Section 82 of the Administrative Judicial Procedure Act, the Act shall not be applied to appeals or submissions made in respect of decisions given before the entry into force of the Act, nor to the consideration of such cases by a superior appellate authority on account of appeal. There are hardly any appeal cases pending before the administrative courts and the Supreme Administrative Court, where the decision subject to appeal has been given before the entry into force of the Administrative Judicial Procedure Act on 1 December 1996.

**Period covered: 16/5/2001 -**  
***The preceding statement concerns Article(s) : 6***

## **France :**

### **Reservation contained in the instrument of ratification, deposited on 3 May 1974 - Or. Fr.**

The Government of the Republic, in accordance with Article 64 of the Convention [Article 57 since the entry into force of the Protocol No 11], makes a reservation in respect of Articles 5 and 6 thereof, to the effect that those articles shall not hinder the application of the provisions governing the system of discipline in the armed forces contained in Section 27 of Act No. 72-662 of 13 July 1972, determining the general legal status of military servicemen, nor of the provisions of Article 375 of the Code of Military Justice.

**Period covered: 3/5/1974 -**  
***The preceding statement concerns Article(s) : 5, 6***

**Reservation contained in the instrument of ratification, deposited on 3 May 1974 - Or. Fr.**

The Government of the Republic, in accordance with Article 64 of the Convention [Article 57 since the entry into force of the Protocol No 11], makes a reservation in respect of paragraph 1 of Article 15, to the effect, firstly, that the circumstances specified in Article 16 of the Constitution regarding the implementation of that Article, in Section 1 of the Act of 3 April 1878 and in the Act of 9 August 1849 regarding proclamation of a state of siege, and in Section 1 of Act No. 55-385 of 3 April 1955 regarding proclamation of a state of emergency, and in which it is permissible to apply the provisions of those texts, must be understood as complying with the purpose of Article 15 of the Convention and that, secondly, for the interpretation and application of Article 16 of the Constitution of the Republic, the terms to the extent strictly required by the exigencies of the situation shall not restrict the power of the President of the Republic to take the measures required by the circumstances.

**Period covered: 3/5/1974 -**

***The preceding statement concerns Article(s) : 15***

**Declaration contained in the instrument of ratification, deposited on 3 May 1974 - Or. Fr.**

The Government of the Republic further declares that the Convention shall apply to the whole territory of the Republic, having due regard, where the overseas territories are concerned, to local requirements, as mentioned in Article 63 [Article 56 since the entry into force of the Protocol No 11].

**Period covered: 3/5/1974 -**

***The preceding statement concerns Article(s) : 56***

**Declaration contained in a letter from the Chargé d'affaires a.i. of France, dated 2 September 1985, registered at the Secretariat General on 3 September 1985 - Or. Fr.**

Pursuant to Article 15 of the European Convention on Human Rights and having regard to the reservation respecting that Article entered by the Government of the French Republic when ratifying the Convention, I informed you, by letter of 7 February 1985, of the proclamation of the state of emergency in New Caledonia by Decree 75 35 of the High Commissioner dated 12 January 1985 and of the extension of this legal situation up to 30 June 1985 by Act no. 85 96 of 25 January 1985.

I have the honour to inform you that the state of emergency came to an end on the date thus fixed and that Act no. 85 892 of 23 August 1985 relating to the situation of New Caledonia did not provide for its renewal.

**Period covered: 30/6/1985 -**

***The preceding statement concerns Article(s) : 15***

## **Ireland :**

**Reservation contained in the instrument of ratification, deposited on 25 February 1953 - Or. Engl.**

The Government of Ireland do hereby confirm and ratify the aforesaid Convention and undertake faithfully to perform and carry out all the stipulations therein contained, subject to the reservation that they do not interpret Article 6.3.c of the Convention as requiring the provision of free legal assistance to any wider extent than is now provided in Ireland.

**Period covered: 3/9/1953 -**

***The preceding statement concerns Article(s) : 6***

## **Liechtenstein :**

**Reservation contained in the instrument of ratification, deposited on 8 September 1982 - Or. Fr. - and modified with a declaration contained in a letter from the Permanent Representative, on 23 May 1991, registered at the Secretariat General on 24 May 1991, concerning the Liechtenstein laws**

In accordance with Article 64 of the Convention [Article 57 since the entry into force of the Protocol No 11], the Principality of Liechtenstein makes the reservation that the principle that hearings must be held and judgments pronounced in public, as laid down in Article 6, paragraph 1, of the Convention, shall apply only within the limits deriving from the principles at present embodied in the following Liechtenstein laws:

- Act of 10 December 1912 on civil procedure, LGBl. 1912 No. 9/1
- Act of 10 December 1912 on the exercise of jurisdiction and the competence of the courts in civil cases, LGBl. 1912 No. 9/2
- Code of Criminal Procedure of 18 October 1988, LGBl. 1988 No. 62
- Act of 21 April 1922 on non-contentious procedure, LGBl. 1922 No. 19
- Act of 21 April 1922 on national administrative justice, LGBl. 1922 No. 24
- Act of 5 November 1925 on the Supreme Court ("`Haute Cour"), LGBl. 1925 No. 8
- Act of 30 January 1961 on national and municipal taxes, LGBl. 1961 No. 7
- Act of 13 November 1974 on the acquisition of immovable property, LGBl. 1975 No. 5.

The statutory provisions of criminal procedure relating to juvenile delinquency, as contained in the Act on Criminal Procedure in Matters of Juvenile Delinquency of 20 May 1987, LGBl. 1988 No. 39.

**Period covered: 8/9/1982 -**

***The preceding statement concerns Article(s) : 6***

**Reservation contained in the instrument of ratification, deposited on 8 September 1982 - Or. Fr.**

In accordance with Article 64 of the Convention [Article 57 since the entry into force of the Protocol No 11], the Principality of Liechtenstein makes the reservation that the right to respect for family life, as guaranteed by Article 8 of the Convention, shall be exercised, with regard to aliens, in accordance with the principles at present embodied in the Ordinance of 9 September 1980 (LGBL. 1980 No. 66).

**Period covered: 8/9/1982 -**

***The preceding statement concerns Article(s) : 8***

**Malta :**

**Declaration made at the time of signature, on 12 December 1966, and contained in the instrument of ratification, deposited on 23 January 1967 - Or. Engl.**

The Government of Malta declares that it interprets paragraph 2 of Article 6 of the Convention in the sense that it does not preclude any particular law from imposing upon any person charged under such law the burden of proving particular facts.

**Period covered: 23/1/1967 -**

***The preceding statement concerns Article(s) : 6***

**Reservation made at the time of signature, on 12 December 1966, and contained in the instrument of ratification, deposited on 23 January 1967 - Or. Engl.**

The Government of Malta, having regard to Article 64 of the Convention [Article 57 since the entry into force of the Protocol No 11], and desiring to avoid any uncertainty as regards the application of Article 10 of the Convention, declares that the Constitution of Malta allows such restrictions to be imposed upon public officers with regard to their freedom of expression as are reasonably justifiable in a democratic society. The Code of conduct of public officers in Malta precludes them from taking an active part in political discussions or other political activity during working hours or on official premises.

**Period covered: 23/1/1967 -**

***The preceding statement concerns Article(s) : 10***

**Reservation made at the time of signature, on 12 December 1966, and contained in the instrument of ratification, deposited on 23 January 1967 - Or. Engl.**

The Government of Malta, having regard to Article 64 of the Convention [Article 57 since the entry into force of the Protocol No 11] declares that the principle of lawful defence admitted under sub-paragraph a of paragraph 2 of Article 2 of the Convention shall apply in Malta also to the defence of property to the extent required by the provisions of paragraphs a and b of section 238 of the Criminal Code of Malta, the text whereof, along with the text of the preceding section 237, is as follows:

"237. No offence is committed when a homicide or a bodily harm is ordered or permitted by law or by a lawful authority, or is imposed by actual necessity either in lawful self-defence or in the lawful defence of another person.

238. Cases of actual necessity of lawful defence shall include the following:

a. where the homicide or bodily harm is committed in the act of repelling, during the night-time, the scaling or breaking of enclosures, walls, or the entrance doors of any house or inhabited apartment, or of the appurtenances thereof having a direct or an indirect communication with such house or apartment;

b. where the homicide or bodily harm is committed in the act of defence against any person committing theft or plunder, with violence, or attempting to commit such theft or plunder;

c. where the homicide or bodily harm is imposed by the actual necessity of the defence of one's own chastity or of the chastity of another person."

**Period covered: 23/1/1967 -**

***The preceding statement concerns Article(s) : 10***

**Portugal :**

**Reservation contained in the letter from the Permanent Representative of Portugal, dated 8 November 1978, handed to the Secretary General at the time of deposit of the instrument of ratification, on 9 November 1978 - Or. Fr.**

Article 5 of the Convention will be applied subject to Articles 27 and 28 of the Military Discipline Regulations, which provide for the placing under arrest of members of the armed forces.

Articles 27 and 28 of the Military Discipline Regulations read as follows:

Article 27

1. Arrests consist of the detention of the offender in a building intended for the purpose, in an appropriate place, barracks or military establishment, in suitable quarters on board ship or, failing these, in a place determined by the competent authority.

2. Between the reveille and sundown, during the period of detention, the members of the armed forces can perform the duties assigned to them.

#### Article 28

Close arrest consists of the detention of the offender in a building intended for the purpose.

**Period covered: 9/11/1978 -**

***The preceding statement concerns Article(s) : 5***

**Reservation contained in the letter from the Permanent Representative of Portugal, dated 8 November 1978, handed to the Secretary General at the time of deposit of the instrument of ratification, on 9 November 1978 - Or. Fr.**

Article 7 of the Convention will be applied subject to Article 309 of the Constitution of the Portuguese Republic, which provides for the indictment and trial of officers and personnel of the State Police Force (PIDE-DGS).

Article 309 of the Constitution reads as follows:

#### Article 309

1. Law No. 8/75 of 25 July shall remain in force with the amendments made by Law No. 16/75 of 23 December and Law No. 18/75 of 28 December.

2. The offences referred to in Articles 2.2, 3, 4.b and 5 of the Law referred to in the foregoing paragraph may be further defined by law.

3. The exceptional extenuating circumstances as provided for in Article 7 of the said Law may be specifically regulated by law.

(Act No. 8/75 lays down the penalties applicable to officers, officials and associates of the former General Directorate of Security (beforehand the International and State Defence Police), disbanded after 25 April 1974, and stipulates that the military courts have jurisdiction in such cases).

**Period covered: 9/11/1978 -**

***The preceding statement concerns Article(s) : 7***

## **Slovakia :**

**Reservation contained in the instrument of ratification of the Czech and Slovak Federal Republic, deposited on 18 March 1992, and in a Note Verbale from the Federal Ministry of Foreign Affairs, dated 13 March 1992, handed to the Secretary General at the time of deposit of the instrument of ratification - Or. Cze./Engl. - and confirmed at the time of accession of Slovakia to the Council of Europe, on 30 June 1993.**

During the ceremony of accession to the Council of Europe, the Minister of Foreign Affairs of Slovakia declared that the reservation made by the Czech and Slovak Federal Republic to Articles 5 and 6 of the Convention will remain applicable. The reservation reads as follows:

"The Czech and Slovak Federal Republic in accordance with Article 64 of the Convention for the Protection of Human Rights and Fundamental Freedoms [Article 57 since the entry into force of the Protocol No 11] makes a reservation in respect of Articles 5 and 6 to the effect that those articles shall not hinder to impose disciplinary penitentiary measures in accordance with Article 17 of the Act No. 76/1959 of Collection of Laws, on Certain Service Conditions of Soldiers."

The terms of section 17 of the Law on certain conditions of service of members of the armed forces, No. 76/1959 in the Compendium of Legislation, are as follows:

#### Section 17

Text transmitted by Note Verbale from the Permanent Representation of the Czech and Slovak Federal Republic, dated 8 April 1992, registered at the Secretariat General on the same day - Or. Fr.

#### Disciplinary Sanctions

1. Disciplinary sanctions shall comprise: a reprimand, penalties for petty offences, custodial penalties, demotion by one rank, and in the case of non-commissioned officers, reduction to the ranks.

2. Disciplinary custodial penalties shall comprise: confinement after duty, light imprisonment and house arrest.

3. The maximum duration of a disciplinary custodial penalty shall be 21 days.

**Period covered: 1/1/1993 -**

***The preceding statement concerns Article(s) : 5, 6***

## **Spain :**

### **Reservation made at the time of deposit the instrument of ratification, on 4 October 1979 - Or. Sp.**

In pursuance of Article 64 of the Convention [Article 57 since the entry into force of the Protocol No 11], Spain makes reservations in respect of the application of the following provisions:

Article 11, insofar as it may be incompatible with Articles 28 and 127 of the Spanish Constitution.

Brief statement of the relevant provisions:

Article 28 of the Constitution recognises the right to organise, but provides that legislation may restrict the exercise of this right or make it subject to exception in the case of the armed forces or other corps subject to military discipline and shall regulate the manner of its exercise in the case of civil servants.

Article 127, paragraph 1, specifies that serving judges, law officers and prosecutors may not belong to either political parties or trade unions and provides that legislation shall lay down the system and modalities as to the professional association of these groups.

**Period covered: 4/10/1979 -**

***The preceding statement concerns Article(s) : 11***

### **Declaration made at the time of deposit the instrument of ratification, on 4 October 1979 - Or. Sp.**

Spain declares that it interprets the provisions of the last sentence in Article 10, paragraph 1, as being compatible with the present system governing the organisation of radio and television broadcasting in Spain.

**Period covered: 4/10/1979 -**

***The preceding statement concerns Article(s) : 10***

### **Declaration made at the time of deposit the instrument of ratification, on 4 October 1979 - Or. Sp.**

The provisions of Articles 15 and 17 to the effect that they permit the adoption of the measures contemplated in Articles 55 and 116 of the Spanish Constitution.

**Period covered: 4/10/1979 -**

***The preceding statement concerns Article(s) : 15***

### **Declaration contained in a letter from the Permanent Representative of Spain, dated 28 May 1986**

At the time of deposit of the instrument of ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms, on 29 September 1979, Spain formulated a reservation to Articles 5 and 6 to the extent to which those Articles might be incompatible with the provisions of the Code of Military Justice - Chapter XV of Part II and Chapter XXIV of Part III - concerning the disciplinary regime of the Armed Forces.

I have the honour to inform you, for communication to the Parties to the Convention, that these provisions have been replaced by Basic Law 12/1985 of 27 November - Chapter II of Part III and Chapters II, III and IV of Part IV - concerning the disciplinary regime of the Armed Forces, which will enter into force on 1 June 1986.

The new legislation amends the former provisions by reducing the duration of the sanctions imposing deprivation of liberty which can be applied without judicial intervention by increasing the guarantees of persons during the preliminary investigation.

Spain confirms nevertheless its reservation to Articles 5 and 6 to the extent to which those Articles might be incompatible with the provisions of Basis Law 12/1985 of 27 November - Chapter II of Part III and Chapters II, III and IV of Part IV - concerning the disciplinary regime of the Armed Forces, which will enter into force on 1 June 1986.

**Period covered: 28/5/1996 -**

***The preceding statement concerns Article(s) : 5, 6***

## **United Kingdom :**

### **Declarations contained in a letter from the Permanent Representative of the United Kingdom, dated 31 March 2004, registered at the Secretariat General on 1 April 2004 - Or. Engl.**

The Government of the United Kingdom declares that it extends the Convention to the Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus, being a territory for whose international relations the United Kingdom is responsible.

The Government of the United Kingdom declares on behalf of the above territory that the Government accepts the competence of the Court to receive applications as provided by Article 34 of the Convention.

**[Note by the Secretariat:** In accordance with the letter from the Permanent Representative of the United Kingdom, dated 21 February 2006, registered at the Secretariat General on 23 February 2006 - Or. Engl. - the current situation of territories for whose international relations the United Kingdom is responsible is the following:

1. Application of the Convention:

Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, the Bailiwick of Guernsey, Isle of Man, the Bailiwick of Jersey, Montserrat, St Helena, St Helena Dependencies, South Georgia and South Sandwich Islands, Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus, Turks and Caicos Islands.

2. Recognition of the right of individual petition before the European Court of Human Rights:

Territorial extension renewed for a period of five years as from 14 January 2006: Anguilla, Bermuda, Montserrat, St Helena, St Helena Dependencies, Turks and Caicos Islands.

Territorial extension accepted on a permanent basis as from 14 January 2001: Bailiwick of Jersey.

Territorial extension accepted on a permanent basis as from 1 June 2003: Isle of Man.

Territorial extension accepted on a permanent basis as from 1 May 2004 : Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus.

Territorial extension accepted on a permanent basis as from 14 January 2006: Falkland Islands, Gibraltar, South Georgia and South Sandwich Islands.

Territorial extension accepted on a permanent basis as from 23 February 2006: Bailiwick of Guernsey, Cayman Islands.]

**Period covered: 1/5/2004 -**

***The preceding statement concerns Article(s) : 34, 56***

**Withdrawal of derogation contained in a Note verbale from the Permanent Representation of the United Kingdom dated 16 March 2005, registered at the Secretariat General on 16 March 2005 - Or. Engl.**

The United Kingdom Permanent Representative to the Council of Europe presents his compliments to the Secretary General of the Council of Europe, and has the honour to refer to Article 15, paragraph 3, of the Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 5 November 1950, as well as to the notification made by the then United Kingdom Permanent Representative to the then Secretary General under Article 15, paragraph 3, dated 18 December 2001.

The provisions referred to in the 18 December 2001 notification, namely the extended power of arrest and detention in the Anti-terrorism, Crime and Security Act 2001, ceased to operate on 14 March 2005. Accordingly, the notification is withdrawn as from that date, and the Government of the United Kingdom confirm that the relevant provisions of the Convention will again be executed as from then.

**Period covered: 16/3/2005 -**

***The preceding statement concerns Article(s) : 15***

**Withdrawal of derogation contained in a letter from the Permanent Representative of the United Kingdom, transmitted by the Permanent Representation and registered by the Secretariat General on 5 May 2006 - Or. Engl.**

The United Kingdom Permanent Representative to the Council of Europe presents his compliments to the Secretary General of the Council of Europe, and has the honour to refer to Article 15, paragraph 3, of the Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950, as well as to the notification made by the United Kingdom under that provision dated 23 December 1988 and 23 March 1989, and to the further communication in that regard made on 12 November 1998.

By a letter from the then Permanent Representative of the United Kingdom to the then Secretary General dated 19 February 2001, the derogation referred to in the above-mentioned notifications was withdrawn as from that date in respect of the United Kingdom of Great Britain and Northern Ireland only.

It has now also become possible to withdraw the derogation referred to in those notifications and in the above mentioned letter of 12 November 1998 in respect of the Crown Dependencies, that is the Bailiwick of Jersey, the Bailiwick of Guernsey and the Isle of Man. Accordingly, the derogation is withdrawn in respect of those territories with immediate effect, and the Government of the United Kingdom confirm that the relevant provisions of the Convention will again be executed there.

**Period covered: 5/5/2006 -**

***The preceding statement concerns Article(s) : 15***