

## **Switzerland: Objections**

### **CCPR**

28 June 2011

With regard to the reservations made by Pakistan upon ratification:

Concerning the International Covenant on Civil and Political Rights of 16 December 1966:

“The Swiss Federal Council has examined the reservations made by the Islamic Republic of Pakistan upon its accession to the International Covenant on Civil and Political Rights of 16 December 1966, with regard to articles 3, 6, 7, 18 and 19 of the Covenant.

The reservations to the articles, which refer to the provisions of domestic law and Islamic Sharia law, do not specify their scope and raise doubts about the ability of the Islamic Republic of Pakistan to honour its obligations as a party to the Covenant. Furthermore, the Swiss Federal Council emphasizes that the third sentence of article 6, paragraph 1; article 7; and article 18, paragraph 2, constitute jus cogens and therefore enjoy absolute protection.

A general reservation to article 40, a key provision of the Covenant, raises serious doubts as to the compatibility of such a reservation with the object and purpose of the Covenant.

Article 19 of the Vienna Convention on the Law of Treaties of 23 May 1969 prohibits any reservation that is incompatible with the object and purpose of a treaty.

Consequently, the Swiss Federal Council objects to the aforesaid reservations made by the Islamic Republic of Pakistan to the International Covenant on Civil and Political Rights of 16 December 1966.

This objection does not preclude the entry into force of the Covenant between Switzerland and the Islamic Republic of Pakistan.”

### **CAT**

28 June 2011

With regard to the reservations made by Pakistan upon ratification:

Concerning the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984:

“The Swiss Federal Council has examined the reservations made by the Islamic Republic of Pakistan upon its accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984, with regard to articles 3, 4, 6, 12, 13 and 16.

The reservations to the articles, which refer to the provisions of domestic law and Islamic Sharia law, do not specify their scope and raise doubts about the ability of the Islamic Republic of Pakistan to honour its obligations as a party to the Convention.

Article 19 of the Vienna Convention on the Law of Treaties of 23 May 1969 prohibits any reservation that is incompatible with the object and purpose of a treaty.

Consequently, the Swiss Federal Council objects to the aforesaid reservations made by the Islamic Republic of Pakistan to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984.

This objection does not preclude the entry into force of the Convention between Switzerland and the Islamic Republic of Pakistan.”