No. 14668. INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS. ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 16 DECEMBER 1966[1]

RATIFICATION

Instrument deposited on:

8 June 1992

UNITED STATES OF AMERICA

(With effect from 8 September 1992.)

With the following reservations:

"(1) That Article 20 does not authorize or require legislation or other action by the United States that would restrict the right of free speech and association protected by the Constitution and laws of the United States.

(2) That the United States reserves the right, subject to its Constitutional constraints, to impose capital punishment on any person (other than a pregnant woman) duly convicted under existing or future laws permitting the imposition of capital punishment, including such punishment for crimes committed by persons below eighteen years of age.

(3) That the United States considers itself bound by Article 7 to the extent that 'cruel, inhuman or degrading treatment or punishment' means the cruel and unusual treatment or punishment prohibited by the Fifth, Eight, and/or Fourteenth Amendments to the Constitution of the United States.

(4) That because U.S. law generally applies to an offender the penalty in force at the time the offense was committed, the United States does not adhere to the third clause of paragraph 1 of Article 15.

(5) That the policy and practice of the United States are generally in compliance with and supportive of the

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[1] United Nations, *Treaty Series*, vol. 999, p. 171; vol. 1057, p. 407 (rectification of authentic Spanish text); and vol. 1059, p. 451 (corrigendum to vol. 999); for subsequent actions, see references in Cumulative Indexes Nos. 17 and 18, as well as annex A in volumes 1103, 1106, 1120, 1130, 1131, 1132, 1136, 1138, 1141, 1144, 1147, 1150, 1151, 1161, 1181, 1195, 1197, 1199, 1202, 1203, 1205, 1207, 1211, 1213, 1214, 1216, 1218, 1222, 1225, 1249, 1256, 1259, 1261, 1272, 1275, 1276, 1279, 1286, 1289, 1291, 1295, 1296, 1299, 1305, 1308, 1312, 1314, 1316, 1324, 1328, 1329, 1333, 1334, 1338, 1339, 1344, 1347, 1348, 1349, 1351, 1352, 1354, 1356, 1357, 1358, 1360, 1365, 1379, 1387, 1389, 1390, 1392, 1393, 1399, 1403, 1404, 1408, 1409, 1410, 1413, 1417, 1419, 1421, 1422, 1424, 1427, 1429, 1434, 1435, 1436, 1437, 1438, 1439, 1441, 1443, 1444, 1455, 1457, 1458, 1462, 1463, 1464, 1465, 1475, 1477, 1478, 1480, 1482, 1484, 1485, 1487, 1488, 1490, 1491, 1492, 1495, 1498, 1499, 1501, 1502, 1505, 1506, 1508, 1510, 1512, 1513, 1515, 1520, 1522, 1525, 1527, 1530, 1533, 1534, 1535, 1540, 1543, 1545, 1548, 1551, 1555, 1556, 1557, 1562, 1563, 1564, 1567, 1570, 1577, 1578, 1579, 1580, 1582, 1593, 1598, 1607, 1637, 1639, 1642, 1643, 1647, 1649, 1650, 1651, 1653, 1654, 1660, 1663, 1665, 1667, 1669, 1671, 1672, 1673 and 1675.

Covenant's provisions regarding treatment of juveniles in the criminal justice system. Nevertheless, the United States reserves the right, in exceptional circumstances, to treat juveniles as adults, notwithstanding paragraphs 2 (b) and 3 of Article 10 and paragraph 4 of Article 14. The United States further reserves to these provisions with respect to individuals who volunteer for military service prior to age 18."

With the following understandings:

"(1) That the Constitution and laws of the United States guarantee all persons equal protection of the law and provide extensive protections against discrimination. The United States understands distinctions based upon race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or any other status -- as those terms are used in Article 2, paragraph 1 and Article 26 -- to be permitted when such distinctions are, at minimum, rationally related to a legitimate governmental objective. The United States further understands the prohibition in paragraph 1 of Article 4 upon discrimination, in time of public emergency, based 'solely' on the status of race, colour, sex, language, religion or social origin not to bar distinctions that may have a disproportionate effect upon persons of a particular status.

(2) That the United States understands the right to compensation referred to in Articles 9(5) and 14(6) to require the provision of effective and enforceable mechanisms by which a victim of an unlawful arrest or detention or a miscarriage of justice may seek and, where justified, obtain compensation from either the responsible individual or the appropriate governmental entity. Entitlement to compensation may be subject to the reasonable requirements of domestic law.

(3) That the United States understands the reference to 'exceptional circumstances' in paragraph 2(a) of Article 10 to permit the emprisonment of an accused person with convicted persons where appropriate in light of an individual's overall dangerousness, and to permit accused persons to waive their right to segregation from convicted persons. The United States further understands that paragraph 3 of Article 10 does not diminish the goals of punishment, deterrence, and incapacitation as additional legitimate purposes for a penitentiary system.

(4) That the United States understands that subparagraphs 3(b) and (d) of Article 14 do not require the provision of a criminal defendant's counsel of choice when the defendant is provided with court-appointed counsel on grounds of indigence, when the defendant is financially able to retain alternative counsel, or when

imprisonment is not imposed. The United States further understand that paragraph 3(e) does not prohibit a requirement that the defendant make a showing that any witness whose attendance he seeks to compel is necessary for his defense. The United States understands the prohibition upon double jeopardy in paragraph 7 to apply only when the judgment of acquittal has been rendered by a court of the same governmental unit, whether the Federal Government or a constituent unit, as is seeking a new trial for the same cause.

(5) That the United States understands that this Covenant shall be implemented by the Federal Government to the extent that it exercises legislative and judicial jurisdiction over the matters covered therein, and otherwise by the state and local governments; to the extent that state and local governments exercise jurisdiction over such matters, the Federal Government shall take measures appropriate to the Federal system to the end that the competent authorities of the state or local governments may take appropriate measures for the fulfillment of the Covenant."

With the following declarations and declaration under article 41 recognizing the competence of the Human Rights Committee:

"(1) That the United States declares that the provisions of Articles 1 through 27 of the Covenant are not self-executing.

(2) That it is the view of the United States that States Party to the Covenant should wherever possible refrain from imposing any restrictions or limitations on the exercise of the rights recognized and protected by the Covenant, even when such restrictions and limitations are permissible under the terms of the Covenant. For the United States, Article 5, paragraph 2, which provides that fundamental human rights existing in any State Party may not be diminished on the pretext that the Covenant recognizes them to a lesser extent, has particular relevance to Article 19, paragraph 3, which would permit certain restrictions on the freedom of expression. The United States declares that it will continue to adhere to the requirements and constraints of its Constitution in respect to all such restrictions and limitations.

(3) That the United States declares that it accepts the competence of the Human Rights Committee to receive and consider communications under Article 41 in which a State Party claims that another State Party is not fulfilling its obligations under the Covenant.

(4) That the United States declares that the right referred to in Article 47 may be exercised only in accordance with international law."

Registered ex officio *on 8 June 1992.*

ACCESSION

Instrument deposited on:

10 June 1992

PARAGUAY

(With effect from 10 September 1992.)

Registered ex officio *on 10 June 1992.*