

**8. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION  
AGAINST WOMEN**

*New York, 18 December 1979<sup>1</sup>*

**ENTRY INTO FORCE:** 3 September 1981, in accordance with article 27(1).  
**REGISTRATION:** 3 September 1981, No. 20378.  
**STATUS:** Signatories: 98. Parties: 186.  
**TEXT:** United Nations, *Treaty Series*, vol. 1249, p. 13.

*Note:* The Convention was opened for signature at the United Nations Headquarters on 1 March 1980.

<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>	<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>
Afghanistan.....	14 Aug 1980	5 Mar 2003	Chad.....		9 Jun 1995 a
Albania.....		11 May 1994 a	Chile.....	17 Jul 1980	7 Dec 1989
Algeria.....		22 May 1996 a	China <sup>12,13</sup> .....	17 Jul 1980	4 Nov 1980
Andorra.....		15 Jan 1997 a	Colombia.....	17 Jul 1980	19 Jan 1982
Angola.....		17 Sep 1986 a	Comoros.....		31 Oct 1994 a
Antigua and Barbuda ....		1 Aug 1989 a	Congo.....	29 Jul 1980	26 Jul 1982
Argentina.....	17 Jul 1980	15 Jul 1985	Cook Islands <sup>14</sup> .....		11 Aug 2006 a
Armenia.....		13 Sep 1993 a	Costa Rica.....	17 Jul 1980	4 Apr 1986
Australia <sup>2</sup> .....	17 Jul 1980	28 Jul 1983	Côte d'Ivoire.....	17 Jul 1980	18 Dec 1995
Austria <sup>3</sup> .....	17 Jul 1980	31 Mar 1982	Croatia <sup>6</sup> .....		9 Sep 1992 d
Azerbaijan.....		10 Jul 1995 a	Cuba.....	6 Mar 1980	17 Jul 1980
Bahamas.....		6 Oct 1993 a	Cyprus <sup>15</sup> .....		23 Jul 1985 a
Bahrain.....		18 Jun 2002 a	Czech Republic <sup>16</sup> .....		22 Feb 1993 d
Bangladesh <sup>4</sup> .....		6 Nov 1984 a	Democratic People's Republic of Korea <sup>17</sup> .....		27 Feb 2001 a
Barbados.....	24 Jul 1980	16 Oct 1980	Democratic Republic of the Congo.....	17 Jul 1980	17 Oct 1986
Belarus.....	17 Jul 1980	4 Feb 1981	Denmark <sup>18</sup> .....	17 Jul 1980	21 Apr 1983
Belgium <sup>5</sup> .....	17 Jul 1980	10 Jul 1985	Djibouti.....		2 Dec 1998 a
Belize.....	7 Mar 1990	16 May 1990	Dominica.....	15 Sep 1980	15 Sep 1980
Benin.....	11 Nov 1981	12 Mar 1992	Dominican Republic.....	17 Jul 1980	2 Sep 1982
Bhutan.....	17 Jul 1980	31 Aug 1981	Ecuador.....	17 Jul 1980	9 Nov 1981
Bolivia.....	30 May 1980	8 Jun 1990	Egypt <sup>19</sup> .....	16 Jul 1980	18 Sep 1981
Bosnia and Herzegovina <sup>6</sup> .....		1 Sep 1993 d	El Salvador.....	14 Nov 1980	19 Aug 1981
Botswana.....		13 Aug 1996 a	Equatorial Guinea.....		23 Oct 1984 a
Brazil <sup>7</sup> .....	31 Mar 1981	1 Feb 1984	Eritrea.....		5 Sep 1995 a
Brunei Darussalam.....		24 May 2006 a	Estonia.....		21 Oct 1991 a
Bulgaria <sup>8</sup> .....	17 Jul 1980	8 Feb 1982	Ethiopia.....	8 Jul 1980	10 Sep 1981
Burkina Faso.....		14 Oct 1987 a	Fiji <sup>20</sup> .....		28 Aug 1995 a
Burundi.....	17 Jul 1980	8 Jan 1992	Finland.....	17 Jul 1980	4 Sep 1986
Cambodia <sup>9,10</sup> .....	17 Oct 1980	15 Oct 1992 a	France <sup>21</sup> .....	17 Jul 1980	14 Dec 1983
Cameroon.....	6 Jun 1983	23 Aug 1994	Gabon.....	17 Jul 1980	21 Jan 1983
Canada <sup>11</sup> .....	17 Jul 1980	10 Dec 1981	Gambia.....	29 Jul 1980	16 Apr 1993
Cape Verde.....		5 Dec 1980 a	Georgia.....		26 Oct 1994 a
Central African Republic.....		21 Jun 1991 a	Germany <sup>22,23,24</sup> .....	17 Jul 1980	10 Jul 1985

<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>		<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>	
Ghana.....	17 Jul 1980	2 Jan	1986	Mauritius <sup>38</sup> .....		9 Jul	1984 a
Greece.....	2 Mar 1982	7 Jun	1983	Mexico.....	17 Jul 1980	23 Mar	1981
Grenada.....	17 Jul 1980	30 Aug	1990	Micronesia (Federated States of) .....		1 Sep	2004 a
Guatemala.....	8 Jun 1981	12 Aug	1982	Monaco.....		18 Mar	2005 a
Guinea <sup>25</sup> .....	17 Jul 1980	9 Aug	1982	Mongolia <sup>39</sup> .....	17 Jul 1980	20 Jul	1981
Guinea-Bissau.....	17 Jul 1980	23 Aug	1985	Montenegro <sup>40</sup> .....		23 Oct	2006 d
Guyana.....	17 Jul 1980	17 Jul	1980	Morocco.....		21 Jun	1993 a
Haiti.....	17 Jul 1980	20 Jul	1981	Mozambique.....		21 Apr	1997 a
Honduras.....	11 Jun 1980	3 Mar	1983	Myanmar.....		22 Jul	1997 a
Hungary <sup>26</sup> .....	6 Jun 1980	22 Dec	1980	Namibia.....		23 Nov	1992 a
Iceland.....	24 Jul 1980	18 Jun	1985	Nepal.....	5 Feb 1991	22 Apr	1991
India.....	30 Jul 1980	9 Jul	1993	Netherlands <sup>41</sup> .....	17 Jul 1980	23 Jul	1991
Indonesia.....	29 Jul 1980	13 Sep	1984	New Zealand <sup>42,43,44,45,46</sup> ..	17 Jul 1980	10 Jan	1985
Iraq.....		13 Aug	1986 a	Nicaragua.....	17 Jul 1980	27 Oct	1981
Ireland <sup>27</sup> .....		23 Dec	1985 a	Niger <sup>47</sup> .....		8 Oct	1999 a
Israel <sup>28</sup> .....	17 Jul 1980	3 Oct	1991	Nigeria.....	23 Apr 1984	13 Jun	1985
Italy.....	17 Jul 1980	10 Jun	1985	Norway.....	17 Jul 1980	21 May	1981
Jamaica <sup>29</sup> .....	17 Jul 1980	19 Oct	1984	Oman.....		7 Feb	2006 a
Japan.....	17 Jul 1980	25 Jun	1985	Pakistan.....		12 Mar	1996 a
Jordan.....	3 Dec 1980	1 Jul	1992	Panama.....	26 Jun 1980	29 Oct	1981
Kazakhstan.....		26 Aug	1998 a	Papua New Guinea.....		12 Jan	1995 a
Kenya.....		9 Mar	1984 a	Paraguay.....		6 Apr	1987 a
Kiribati.....		17 Mar	2004 a	Peru.....	23 Jul 1981	13 Sep	1982
Kuwait <sup>30</sup> .....		2 Sep	1994 a	Philippines.....	15 Jul 1980	5 Aug	1981
Kyrgyzstan.....		10 Feb	1997 a	Poland <sup>48</sup> .....	29 May 1980	30 Jul	1980
Lao People's Democratic Republic.....	17 Jul 1980	14 Aug	1981	Portugal <sup>12,49</sup> .....	24 Apr 1980	30 Jul	1980
Latvia.....		14 Apr	1992 a	Qatar.....		29 Apr	2009 a
Lebanon.....		16 Apr	1997 a	Republic of Korea <sup>50</sup> .....	25 May 1983	27 Dec	1984
Lesotho <sup>31</sup> .....	17 Jul 1980	22 Aug	1995	Republic of Moldova....		1 Jul	1994 a
Liberia.....		17 Jul	1984 a	Romania <sup>51</sup> .....	4 Sep 1980	7 Jan	1982
Libyan Arab Jamahiriya <sup>32</sup> .....		16 May	1989 a	Russian Federation <sup>52</sup> .....	17 Jul 1980	23 Jan	1981
Liechtenstein <sup>33</sup> .....		22 Dec	1995 a	Rwanda.....	1 May 1980	2 Mar	1981
Lithuania.....		18 Jan	1994 a	Samoa.....		25 Sep	1992 a
Luxembourg.....	17 Jul 1980	2 Feb	1989	San Marino.....	26 Sep 2003	10 Dec	2003
Madagascar.....	17 Jul 1980	17 Mar	1989	Sao Tome and Principe .	31 Oct 1995	3 Jun	2003
Malawi <sup>34</sup> .....		12 Mar	1987 a	Saudi Arabia.....	7 Sep 2000	7 Sep	2000
Malaysia <sup>35</sup> .....		5 Jul	1995 a	Senegal.....	29 Jul 1980	5 Feb	1985
Maldives <sup>36</sup> .....		1 Jul	1993 a	Serbia <sup>6</sup> .....		12 Mar	2001 d
Mali.....	5 Feb 1985	10 Sep	1985	Seychelles.....		5 May	1992 a
Malta.....		8 Mar	1991 a	Sierra Leone.....	21 Sep 1988	11 Nov	1988
Marshall Islands.....		2 Mar	2006 a	Singapore <sup>53</sup> .....		5 Oct	1995 a
Mauritania <sup>37</sup> .....		10 May	2001 a	Slovakia <sup>16</sup> .....		28 May	1993 d
				Slovenia <sup>6</sup> .....		6 Jul	1992 d

<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>	<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>
Solomon Islands.....		6 May 2002 a	Turkmenistan.....		1 May 1997 a
South Africa.....	29 Jan 1993	15 Dec 1995	Tuvalu.....		6 Oct 1999 a
Spain.....	17 Jul 1980	5 Jan 1984	Uganda.....	30 Jul 1980	22 Jul 1985
Sri Lanka.....	17 Jul 1980	5 Oct 1981	Ukraine.....	17 Jul 1980	12 Mar 1981
St. Kitts and Nevis.....		25 Apr 1985 a	United Arab Emirates <sup>58</sup> .....		6 Oct 2004 a
St. Lucia.....		8 Oct 1982 a	United Kingdom of Great Britain and Northern Ireland <sup>13,59,60,61</sup> .....	22 Jul 1981	7 Apr 1986
St. Vincent and the Grenadines.....		4 Aug 1981 a	United Republic of Tanzania.....	17 Jul 1980	20 Aug 1985
Suriname.....		1 Mar 1993 a	United States of America.....	17 Jul 1980	
Swaziland.....		26 Mar 2004 a	Uruguay.....	30 Mar 1981	9 Oct 1981
Sweden <sup>54,55</sup> .....	7 Mar 1980	2 Jul 1980	Uzbekistan.....		19 Jul 1995 a
Switzerland <sup>56</sup> .....	23 Jan 1987	27 Mar 1997	Vanuatu.....		8 Sep 1995 a
Syrian Arab Republic....		28 Mar 2003 a	Venezuela (Bolivarian Republic of).....	17 Jul 1980	2 May 1983
Tajikistan.....		26 Oct 1993 a	Viet Nam.....	29 Jul 1980	17 Feb 1982
Thailand <sup>57</sup> .....		9 Aug 1985 a	Yemen <sup>62</sup> .....		30 May 1984 a
The former Yugoslav Republic of Macedonia <sup>6</sup> .....		18 Jan 1994 d	Zambia.....	17 Jul 1980	21 Jun 1985
Timor-Leste.....		16 Apr 2003 a	Zimbabwe.....		13 May 1991 a
Togo.....		26 Sep 1983 a			
Trinidad and Tobago.....	27 Jun 1985	12 Jan 1990			
Tunisia.....	24 Jul 1980	20 Sep 1985			
Turkey.....		20 Dec 1985 a			

### *Declarations and Reservations*

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

#### **ALGERIA**<sup>63</sup>

##### *Reservations:*

###### *Article 2:*

The Government of the People's Democratic Republic of Algeria declares that it is prepared to apply the provisions of this article on condition that they do not conflict with the provisions of the Algerian Family Code.

###### *Article 9, paragraph 2:*

The Government of the People's Democratic Republic of Algeria wishes to express its reservations concerning the provisions of article 9, paragraph 2, which are incompatible with the provisions of the Algerian Nationality code and the Algerian Family Code.

The Algerian Nationality code allows a child to take the nationality of the mother only when:

- the father is either unknown or stateless;
- the child is born in Algeria to an Algerian mother and a foreign father who was born in Algeria;
- moreover, a child born in Algeria to an Algerian mother and a foreign father who was not born on Algerian territory may, under article 26 of the Algerian Nationality Code, acquire the nationality of the mother providing the Ministry of Justice does not object.

Article 41 of the Algerian Family Code states that a child is affiliated to its father through legal marriage.

Article 43 of that Code states that 'the child is affiliated to its father if it is born in the 10 months following the date of separation or death'.

###### *Article 15, paragraph 4:*

The Government of the People's Democratic Republic of Algeria declares that the provisions of article 15, paragraph 4, concerning the right of women to choose their residence and domicile should not be interpreted in such a manner as to contradict the provisions of chapter 4 (art. 37) of the Algerian Family Code.

###### *Article 16:*

The Government of the People's Democratic Republic of Algeria declares that the provisions of article 16 concerning equal rights for men and women in all matters relating to marriage, both during marriage and at its dissolution, should not contradict the provisions of the Algerian Family Code.

###### *Article 29:*

The Government of the People's Democratic Republic of Algeria does not consider itself bound by article 29, paragraph 1, which states that any dispute between two or more Parties concerning the interpretation or application of the Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration or to the International Court of Justice.

The Government of the People's Democratic Republic of Algeria holds that no such dispute can be submitted to

arbitration or to the Court of International Justice except with the consent of all the parties to the dispute.

#### ARGENTINA

##### *Reservation:*

The Government of Argentina declares that it does not consider itself bound by article 29, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women.

#### AUSTRALIA<sup>2</sup>

##### *Reservations:*

"The Government of Australia states that maternity leave with pay is provided in respect of most women employed by the Commonwealth Government and the Governments of New South Wales and Victoria. Unpaid maternity leave is provided in respect of all other women employed in the State of New South Wales and elsewhere to women employed under Federal and some State industrial awards. Social Security benefits subject to income tests are available to women who are sole parents.

"The Government of Australia advises that it is not at present in a position to take the measures required by article 11 (2) to introduce maternity leave with pay or with comparable social benefits throughout Australia.

....

##### *Declaration:*

"Australia has a Federal Constitutional System in which Legislative, Executive and Judicial Powers are shared or distributed between the Commonwealth and the Constituent States. The implementation of the Treaty throughout Australia will be effected by the Commonwealth State and Territory Authorities having regard to their respective constitutional powers and arrangements concerning their exercise."

30 August 2000

##### *Reservation:*

The Government of Australia advises that it does not accept the application of the Convention in so far as it would require alteration of Defence Force policy which excludes women from combat duties."

#### AUSTRIA<sup>3</sup>

##### *Reservation:*

"Austria reserves its right to apply the provision of Article 11, as far as special protection of working women is concerned within the limits established by national legislation."

#### BAHAMAS

##### *Reservations:*

"The Government of the Commonwealth of the Bahamas does not consider itself bound by the provisions of article 2(a), ... article 9, paragraph 2, ... article 16(h), ... [and] article 29, paragraph 1, of the Convention."

#### BAHRAIN

##### *Reservations:*

... the Kingdom of Bahrain makes reservations with respect to the following provisions of the Convention:

- Article 2, in order to ensure its implementation within the bounds of the provisions of the Islamic Shariah;
- Article 9, paragraph 2;
- Article 15, paragraph 4;
- Article 16, in so far as it is incompatible with the provisions of the Islamic Shariah;
- Article 29, paragraph 1.

#### BANGLADESH<sup>4</sup>

"The Government of the People's Republic of Bangladesh does not consider as binding upon itself the provisions of article 2, [... and ...] 16 (1) (c) as they conflict with *Sharia* law based on Holy Quran and Sunna."

#### BELARUS<sup>52</sup>

#### BELGIUM<sup>5</sup>

#### BRAZIL<sup>7</sup>

*Reservation made upon signature and confirmed upon ratification:*

"... Brazil does not consider itself bound by article 29, paragraph 1, of the above-mentioned Convention."

#### BRUNEI DARUSSALAM

##### *Reservations:*

"The Government of Brunei Darussalam expresses its reservations regarding those provisions of the said Convention that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, the official religion of Brunei Darussalam and, without prejudice to the generality of the said reservations, expresses its reservations regarding paragraph 2 of Article 9 and paragraph 1 of Article 29 of the Convention."

#### BULGARIA<sup>8</sup>

#### CANADA<sup>11</sup>

#### CHILE

##### *Upon signature:*

##### *Declaration:*

The Government of Chile has signed this Convention on the Elimination of All Forms of Discrimination Against Women, mindful of the important step which this document represents, not only in terms of the elimination of all forms of discrimination against women, but also in terms of their full and permanent integration into society in conditions of equality.

The Government is obliged to state, however, that some of the provisions of the Convention are not entirely compatible with current Chilean legislation.

At the same time, it reports the establishment of a Commission for the Study and Reform of the Civil Code, which now has before it various proposals to amend, *inter alia*, those provisions which are not fully consistent with the terms of the Convention.

#### CHINA

*Declaration made upon signature and confirmed upon ratification:*

The People's Republic of China does not consider itself bound by paragraph 1 of article 29 of the Convention.

#### COOK ISLANDS<sup>14</sup>

#### CUBA

##### *Reservation:*

The Government of the Republic of Cuba makes a specific reservation concerning the provisions of article 29 of the Convention inasmuch as it holds that any disputes that may arise between States Parties should be resolved through direct negotiations through the diplomatic channel.

**CYPRUS<sup>15</sup>**

**CZECH REPUBLIC<sup>16</sup>**

**DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA<sup>17</sup>**

*Reservations:*

“The Government of the Democratic People’s Republic of Korea does not consider itself bound by the provisions of paragraph (f) of article 2, paragraph 2 of article 9 and paragraph 1 of article 29 of [the Convention].”

**EGYPT<sup>19</sup>**

*Reservations made upon signature and confirmed upon ratification:*

[.....]

*In respect of article 16*

Reservation to the text of article 16 concerning the equality of men and women in all matters relating to marriage and family relations during the marriage and upon its dissolution, without prejudice to the Islamic *Sharia's* provisions whereby women are accorded rights equivalent to those of their spouses so as to ensure a just balance between them. This is out of respect for the sacrosanct nature of the firm religious beliefs which govern marital relations in Egypt and which may not be called in question and in view of the fact that one of the most important bases of these relations is an equivalency of rights and duties so as to ensure complementary which guarantees true equality between the spouses. The provisions of the *Sharia* lay down that the husband shall pay bridal money to the wife and maintain her fully and shall also make a payment to her upon divorce, whereas the wife retains full rights over her property and is not obliged to spend anything on her keep. The *Sharia* therefore restricts the wife's rights to divorce by making it contingent on a judge's ruling, whereas no such restriction is laid down in the case of the husband.

*In respect of article 29*

The Egyptian delegation also maintains the reservation contained in article 29, paragraph 2, concerning the right of a State signatory to the Convention to declare that it does not consider itself bound by paragraph 1 of that article concerning the submission to an arbitral body of any dispute which may arise between States concerning the interpretation or application of the Convention. This is in order to avoid being bound by the system of arbitration in this field.

*Reservation made upon ratification:*

*General reservation on article 2*

The Arab Republic of Egypt is willing to comply with the content of this article, provided that such compliance does not run counter to the Islamic *Sharia*.

**EL SALVADOR**

*Upon signature:*

Upon ratification of the Convention, the Government of El Salvador will make the reservation provided for in article 29.

*Upon ratification:*

*Reservation:*

With reservation as to the application of the provision of article 29, paragraph 1.

**ETHIOPIA**

*Reservation:*

Socialist Ethiopia does not consider itself bound by paragraph 1 of article 29 of the Convention.

**FIJI<sup>20</sup>**

**FRANCE<sup>21</sup>**

*Upon signature:*

The Government of the French Republic declares that article 9 of the Convention must not be interpreted as precluding the application of the second paragraph of article 96 of the code of French nationality.

[All other declarations and reservations were confirmed in substance upon ratification.]

*Upon ratification:*

*Declarations:*

The Government of the French Republic declares that the preamble to the Convention in particular the eleventh preambular paragraph contains debatable elements which are definitely out of place in this text.

The Government of the French Republic declares that the term "family education" in article 5 (b) of the Convention must be interpreted as meaning public education concerning the family and that, in any event, article 5 will be applied subject to respect for article 17 of the International Covenant on Civil and Political Rights and article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The Government of the French Republic declares that no provision of the Convention must be interpreted as prevailing over provisions of French legislation which are more favourable to women than to men.

*Reservations:*

.....

*Article 14*

1. The Government of the French Republic declares that article 14, paragraph 2 (c), should be interpreted as guaranteeing that women who fulfil the conditions relating to family or employment required by French legislation for personal participation shall acquire their own rights within the framework of social security.

2. The Government of the French Republic declares that article 14, paragraph 2 (h), of the Convention should not be interpreted as implying the actual provision, free of charge, of the services mentioned in that paragraph.

*Article 16 1 (g)*

The Government of the French Republic enters a reservation concerning the right to choose a family name mentioned in article 16, paragraph 1 (g), of the Convention.

*Article 29*

The Government of the French Republic declares, in pursuance of article 29, paragraph 2, of the Convention, that it will not be bound by the provisions of article 29, paragraph 1.

**GERMANY<sup>22,23</sup>**

*Declaration:*

The right of peoples to self-determination, as enshrined in the Charter of the United Nations and in the International Covenants of 19 December 1966, applies to all peoples and not only to those living 'under alien and colonial domination and foreign occupation'. All peoples thus have the inalienable right freely to determine their political status and freely to pursue their economic, social and cultural development. The Federal Republic of Germany would be unable to recognize as legally valid an interpretation of the right to self-determination which contradicts the unequivocal wording of the Charter of the United Nations and of the two International Covenants of 19 December 1966 on Civil and Political Rights and on Economic, Social and Cultural Rights. It will interpret the 11th paragraph of the Preamble accordingly.

## HUNGARY<sup>26</sup>

### INDIA

*Declarations and reservations made upon signature and confirmed upon ratification:*

*Declarations:*

"i) With regard to articles 5 (a) and 16 (1) of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that it shall abide by and ensure these provisions in conformity with its policy of non-interference in the personal affairs of any Community without its initiative and consent.

"ii) With regard to article 16 (2) of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that though in principle it fully supports the principle of compulsory registration of marriages, it is not practical in a vast country like India with its variety of customs, religions and level of literacy."

*Reservation:*

"With regard to article 29 of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that it does not consider itself bound by paragraph 1 of this article."

### INDONESIA

"The Government of the Republic of Indonesia does not consider itself bound by the provisions of article 29, paragraph 1 of this Convention and takes the position that any dispute relating to the interpretation or application of the Convention may only be submitted to arbitration or to the International Court of Justice with the agreement of all the parties to the dispute."

### IRAQ<sup>28</sup>

*Reservations:*

1. Approval of and accession to this Convention shall not mean that the Republic of Iraq is bound by the provisions of article 2, paragraphs (f) and (g), of article 9, paragraphs 1 and 2, nor of article 16 of the Convention. The reservation to this last-mentioned article shall be without prejudice to the provisions of the Islamic *Shariah* according women rights equivalent to the rights of their spouses so as to ensure a just balance between them. Iraq also enters a reservation to article 29, paragraph 1, of this Convention with regard to the principle of international arbitration in connection with the interpretation or application of this Convention.

2. This approval in no way implies recognition of or entry into any relations with Israel.

### IRELAND<sup>27</sup>

*Reservations:*

....

*Articles 16, 1 (d) and (f)*

Ireland is of the view that the attainment in Ireland of the objectives of the Convention does not necessitate the extension to men of rights identical to those accorded by law to women in respect of the guardianship, adoption and custody of children born out of wedlock and reserves the right to implement the Convention subject to that understanding.

*Articles 11 (1) and 13 (a)*

Ireland reserves the right to regard the Anti-Discrimination (Pay) Act, 1974 and the Employment Equality Act 1977 and other measures taken in implementation of the European Economic Community standards concerning employment opportunities and pay

as sufficient implementation of articles 11, 1 (b), (c) and (d).

Ireland reserves the right for the time being to maintain provisions of Irish legislation in the area of social security which are more favourable to women than men.

### ISRAEL

*Reservations:*

"1. The State of Israel hereby expresses its reservation with regard to article 7 (b) of the Convention concerning the appointment of women to serve as judges of religious courts where this is prohibited by the laws of any of the religious communities in Israel. Otherwise, the said article is fully implemented in Israel, in view of the fact that women take a prominent part in all aspect of public life.

"2. The State of Israel hereby expresses its reservation with regard to article 16 of the Convention, to the extent that the laws on personal status which are binding on the various religious communities in Israel do not conform with the provisions of that article."

*Declaration:*

"3. In accordance with paragraph 2 of article 29 of the Convention, the State of Israel hereby declares that it does not consider itself bound by paragraph 1 of that article."

### ITALY

*Upon signature:*

*Reservation:*

Italy reserves the right to exercise, when depositing the instrument of ratification, the option provided for in article 19 of the Vienna Convention on the Law of Treaties of 23 May 1969.

### JAMAICA<sup>29</sup>

The Government of Jamaica declares that it does not consider itself bound by the provisions of article 29, paragraph 1, of the Convention."

### JORDAN

*Declaration made upon signature and confirmed upon ratification:*

Jordan does not consider itself bound by the following provisions:

1. Article 9, paragraph 2;
2. Article 15, paragraph 4 (a wife's residence is with her husband);
3. Article 16, paragraph (1) (c), relating to the rights arising upon the dissolution of marriage with regard to maintenance and compensation;
4. Article 16, paragraph (1) (d) and (g).

### KUWAIT<sup>30,64</sup>

*Reservations:*

...

2. *Article 9, paragraph 2*

The Government of Kuwait reserves its right not to implement the provision contained in article 9, paragraph 2, of the Convention, inasmuch as it runs counter to the Kuwaiti Nationality Act, which stipulates that a child's nationality shall be determined by that of his father.

3. *Article 16 (f)*

The Government of the State of Kuwait declares that it does not consider itself bound by the provision contained in article 16 (f) inasmuch as it conflicts with the provisions of the *Islamic Shariah*, Islam being the official religion of the State.

4. The Government of Kuwait declares that it is not bound by the provision contained in article 29, paragraph 1.

#### LEBANON<sup>18</sup>

##### *Reservations:*

The Government of the Lebanese Republic enters reservations regarding article 9 (2), and article 16 (1) (c) (d) (f) and (g) (regarding the right to choose a family name).

In accordance with paragraph 2 of article 29, the Government of the Lebanese Republic declares that it does not consider itself bound by the provisions of paragraph 1 of that article.

#### LESOTHO<sup>30,31</sup>

##### *Reservation:*

"The Government of the Kingdom of Lesotho declares that it does not consider itself bound by article 2 to the extent that it conflicts with Lesotho's constitutional stipulations relative to succession to the throne of the Kingdom of Lesotho and law relating to succession to chieftainship."

#### LIBYAN ARAB JAMAHIRIYA<sup>32</sup>

##### *Reservation:*

1. Article 2 of the Convention shall be implemented with due regard for the peremptory norms of the Islamic *Shariah* relating to determination of the inheritance portions of the estate of a deceased person, whether female or male.

2. The implementation of paragraph 16 (c) and (d) of the Convention shall be without prejudice to any of the rights guaranteed to women by the Islamic *Shariah*.

#### LIECHTENSTEIN<sup>33</sup>

##### *Reservation concerning article 1:*

"In the light of the definition given in article 1 of the Convention, the Principality of Liechtenstein reserves the right to apply, with respect to all the obligations of the Convention, article 3 of the Liechtenstein Constitution."

#### LUXEMBOURG<sup>65</sup>

#### MALAWI<sup>34</sup>

#### MALAYSIA<sup>30,35,54</sup>

##### *Reservations:*

The Government of Malaysia declares that Malaysia's accession is subject to the understanding that the provisions of the Convention do not conflict with the provisions of the Islamic Sharia' law and the Federal Constitution of Malaysia. With regards thereto, further, the Government of Malaysia does not consider itself bound by the provisions of articles 5 (a) and 7 (b) of the aforesaid Convention.

In relation to article 11, Malaysia interprets the provisions of this article as a reference to the prohibition of discrimination on the basis of equality between men and women only.

#### MALDIVES<sup>30,36</sup>

23 June 1999

##### *Reservations:*

"1. The Government of the Republic of Maldives expresses its reservation to article 7 (a) of the Convention, to the extent that the provision contained in the said paragraph conflicts with the provision of article 34 of the Constitution of the Republic of Maldives.

2. The Government of the Republic of Maldives reserves its right to apply article 16 of the Convention concerning the equality of men and women in all matters relating to marriage and family relations without prejudice to the provisions of the Islamic Sharia, which govern all marital and family relations of the 100 percent Muslim population of the Maldives."

#### MALTA

##### *Reservations:*

##### "A. Article 11

The Government of Malta interprets paragraph 1 of article II, in the light of provisions of paragraph 2 of article 4, as not precluding prohibitions, restrictions, or conditions on the employment of women in certain areas, or the work done by them, where this is considered necessary or desirable to protect the health and safety of women or the human foetus, including such prohibitions, restrictions or conditions imposed in consequence of other international obligations of Malta.

##### "B. Article 13

(i) The Government of Malta reserves the right, notwithstanding anything in the Convention, to continue to apply its tax legislation which deems, in certain circumstances, the income of a married woman to be the income of her husband and taxable as such.

(ii) The Government of Malta reserves the right to continue to apply its social security legislation which in certain circumstances makes certain benefits payable to the head of the household which is, by such legislation, presumed to be the husband.

##### "C. Articles 13, 15, 16

While the Government of Malta is committed to remove, in as far as possible, all aspects of family and property law which may be considered as discriminatory to females, it reserves the right to continue to apply present legislation in that regard until such time as the law is reformed and during such transitory period until those laws are completely superseded.

##### "D. Article 16

The Government of Malta does not consider itself bound by sub-paragraph (e) of paragraph (1) of article 16 in so far as the same may be interpreted as imposing an obligation on Malta to legalize abortion."

#### MAURITANIA<sup>37</sup>

##### *Reservation:*

Having seen and examined the United Nations Convention on the Elimination of All Forms of Discrimination against Women, adopted by the United Nations General Assembly on 18 December 1979, have approved and do approve it in each and every one of its parts which are not contrary to Islamic Sharia and are in accordance with our Constitution.

#### MAURITIUS<sup>38</sup>

##### *Reservation:*

"The Government of Mauritius does not consider itself bound by paragraph 1 of article 29 of the Convention, in pursuance of paragraph 2 of article 29."

#### MEXICO

##### *Upon signature:*

##### *Declaration:*

In signing *ad referendum* the Convention on the Elimination of All Forms of Discrimination Against Women, which the General Assembly opened for signature by States on 18 December 1979, the Government of the United Mexican States wishes to place on record that it is doing so on the understanding that the provisions of the said Convention, which agree in all

essentials with the provisions of Mexican legislation, will be applied in Mexico in accordance with the modalities and procedures prescribed by Mexican legislation and that the granting of material benefits in pursuance of the Convention will be as generous as the resources available to the Mexican State permit.

#### MICRONESIA (FEDERATED STATES OF)<sup>66</sup>

##### *Reservations:*

"1. The Government of the Federated States of Micronesia advises that it is not at present in a position to take the measures either required by Article 11 (1) (d) of the Convention to enact comparable worth legislation, or by Article 11 (2) (b) to enact maternity leave with pay or with comparable social benefits throughout the nation;

2. The Government of the Federated States of Micronesia, in its capacity as trustee of the heritage of diversity within its States under Article V of its Constitution, reserves the right not to apply the provisions of Articles 2 (f), 5, and 16 to the succession of certain well-established traditional titles, and to marital customs that divide tasks or decision-making in purely voluntary or consensual private conduct; and

3. The Government of the Federated States of Micronesia does not consider itself bound by the provisions of Article 29 (1) of the Convention, and takes the position that any dispute relating to the interpretation or application of the Convention may only be submitted to arbitration or to the International Court of Justice with the agreement of all parties to the dispute."

#### MONACO

##### *Declarations:*

1. The implementation of the Convention on the Elimination of All Forms of Discrimination Against Women does not affect the validity of conventions concluded with France.

2. The Principality of Monaco deems that the aims of the Convention are to eliminate all forms of discrimination against women and to guarantee every individual, irrespective of gender, equality before the law, when the aforementioned aims are in line with the principles stipulated in the Constitution.

3. The Principality of Monaco declares that no provision in the Convention can be interpreted as impeding the provisions of the laws and regulations of Monaco that are more favourable to women than to men.

##### *Reservations:*

1. The ratification of the Convention by the Principality of Monaco shall have no effect on the constitutional provisions governing the succession to the throne.

2. The Principality of Monaco reserves the right not to apply the provisions of Article 7, paragraph b, of the Convention regarding recruitment to the police force.

3. The Principality of Monaco does not consider itself bound by the provisions of Article 9 which are not compatible with its nationality laws.

4. The Principality of Monaco does not consider itself bound by Article 16, paragraph 1 (g), regarding the right to choose one's surname.

5. The Principality of Monaco does not consider itself bound by Article 16, paragraph 1 (e), to the extent that the latter can be interpreted as forcing the legalization of abortion or sterilization.

6. The Principality of Monaco reserves the right to continue to apply its social security laws which, in certain circumstances, envisage the payment of certain benefits to the head of the household who, according to this legislation, is presumed to be the husband.

7. The Principality of Monaco declares, in conformity with the provisions of Article 29, paragraph 2,

that it does not consider itself bound by the provisions of the first paragraph of this article.

#### MONGOLIA<sup>39</sup>

#### MOROCCO

##### *Declarations:*

1. *With regard to article 2:*

The Government of the Kingdom of Morocco express its readiness to apply the provisions of this article provided that:

- They are without prejudice to the constitutional requirement that regulate the rules of succession to the throne of the Kingdom of Morocco;

- They do not conflict with the provisions of the Islamic Shariah. It should be noted that certain of the provisions contained in the Moroccan Code of Personal Status according women rights that differ from the rights conferred on men may not be infringed upon or abrogated because they derive primarily from the Islamic Shariah, which strives, among its other objectives, to strike a balance between the spouses in order to preserve the coherence of family life.

2. *With regard to article 15, paragraph 4:*

The Government of the Kingdom of Morocco declares that it can only be bound by the provisions of this paragraph, in particular those relating to the right of women to choose their residence and domicile, to the extent that they are not incompatible with articles 34 and 36 of the Moroccan Code of Personal Status.

##### *Reservations:*

1. *With regard to article 9, paragraph 2:*

The Government of the Kingdom of Morocco makes a reservation with regard to this article in view of the fact that the Law of Moroccan Nationality permits a child to bear the nationality of its mother only in the cases where it is born to an unknown father, regardless of place of birth, or to a stateless father, when born in Morocco, and it does so in order to guarantee to each child its right to a nationality. Further, a child born in Morocco of a Moroccan mother and a foreign father may acquire the nationality of its mother by declaring, within two years of reaching the age of majority, its desire to acquire that nationality, provided that, on making such declaration, its customary and regular residence is in Morocco.

2. *With regard to article 16:*

The Government of the Kingdom of Morocco makes a reservation with regard to the provisions of this article, particularly those relating to the equality of men and women, in respect of rights and responsibilities on entry into and at dissolution of marriage. Equality of this kind is considered incompatible with the Islamic Shariah, which guarantees to each of the spouses rights and responsibilities within a framework of equilibrium and complementary in order to preserve the sacred bond of matrimony.

The provisions of the Islamic Shariah oblige the husband to provide a nuptial gift upon marriage and to support his family, while the wife is not required by law to support the family.

Further, at dissolution of marriage, the husband is obliged to pay maintenance. In contrast, the wife enjoys complete freedom of disposition of her property during the marriage and upon its dissolution without supervision by the husband, the husband having no jurisdiction over his wife's property.

For these reasons, the Islamic Shariah confers the right of divorce on a woman only by decision of a Shariah judge.

3. *With regard to article 29:*

The Government of the Kingdom of Morocco does not consider itself bound by the first paragraph of this article, which provides that Any dispute between two or more States Parties concerning the interpretation or application

of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration.

The Government of the Kingdom of Morocco is of the view that any dispute of this kind can only be referred to arbitration by agreement of all the parties to the dispute.

#### MYANMAR

*Reservation:*

*Article 29*

"[The Government of Myanmar] does not consider itself bound by the provision set forth in the said article."

#### NETHERLANDS

*Declaration:*

"During the preparatory stages of the present Convention and in the course of debates on it in the General Assembly the position of the Government of the Kingdom of the Netherlands was that it was not desirable to introduce political considerations such as those contained in paragraphs 10 and 11 of the preamble in a legal instrument of this nature. Moreover, the considerations are not directly related to the achievement of total equality between men and women. The Government of the Kingdom of the Netherlands considers that it must recall its objections to the said paragraphs in the preamble at this occasion."

#### NEW ZEALAND<sup>42,43,44</sup>

*Reservation:*

"The Government of the Cook Islands reserves the right not to apply article 2 (f) and article 5 (a) to the extent that the customs governing the inheritance of certain Cook Islands chief titles may be inconsistent with those provisions."

#### NIGER<sup>47</sup>

*Reservations:*

*Article 2, paragraphs (d) and (f)*

The Government of the Republic of the Niger expresses reservations with regard to article 2, paragraphs (d) and (f), concerning the taking of all appropriate measures to abolish all customs and practices which constitute discrimination against women, particularly in respect of succession.

*Article 5, paragraph (a)*

The Government of the Republic of the Niger expresses reservations with regard to the modification of social and cultural patterns of conduct of men and women.

*Article 15, paragraph 4*

The Government of the Republic of the Niger declares that it can be bound by the provisions of this paragraph, particularly those concerning the right of women to choose their residence and domicile, only to the extent that these provisions refer only to unmarried women.

*Article 16, paragraph 1 (c), (e) and (g)*

The Government of the Republic of the Niger expresses reservations concerning the above-referenced provisions of article 16, particularly those concerning the same rights and responsibilities during marriage and at its dissolution, the same rights to decide freely and responsibly on the number and spacing of their children, and the right to choose a family name.

The Government of the Republic of the Niger declares that the provisions of article 2, paragraphs (d) and (f), article 5, paragraphs (a) and (b), article 15, paragraph 4, and article 16, paragraph 1 (c), (e) and (g), concerning family relations, cannot be applied immediately, as they are contrary to existing customs and practices which, by their nature, can be modified only with the passage of

time and the evolution of society and cannot, therefore, be abolished by an act of authority.

*Article 29*

The Government of the Republic of the Niger expresses a reservation concerning article 29, paragraph 1, which provides that any dispute between two or more States concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration.

In the view of the Government of the Niger, a dispute of this nature can be submitted to arbitration only with the consent of all the parties to the dispute.

*Declaration*

The Government of the Republic of the Niger declares that the term "family education" which appears in article 5, paragraph (b), of the Convention should be interpreted as referring to public education concerning the family, and that in any event, article 5 would be applied in compliance with article 17 of the International Covenant on Civil and Political Rights.

#### OMAN

*Reservations:*

1. All provisions of the Convention not in accordance with the provisions of the Islamic sharia and legislation in force in the Sultanate of Oman;

2. Article 9, paragraph 2, which provides that States Parties shall grant women equal rights with men with respect to the nationality of their children;

3. Article 15, paragraph 4, which provides that States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile;

4. Article 16, regarding the equality of men and women, and in particular subparagraphs (a), (c), and (f) (regarding adoption).

5. The Sultanate is not bound by article 29, paragraph 1, regarding arbitration and the referral to the International Court of Justice of any dispute between two or more States which is not settled by negotiation.

#### PAKISTAN<sup>30,49,55</sup>

*Declaration:*

"The accession by [the] Government of the Islamic Republic of Pakistan to the [said Convention] is subject to the provisions of the Constitution of the Islamic Republic of Pakistan."

*Reservation:*

"The Government of the Islamic Republic of Pakistan declares that it does not consider itself bound by paragraph 1 of article 29 of the Convention."

#### POLAND<sup>48</sup>

#### REPUBLIC OF KOREA<sup>50</sup>

*Upon signature:*

*Reservation:*

"1. The Government of the Republic of Korea does not consider itself bound by the provisions of article 9 of the Convention on the Elimination of All Forms of Discrimination against Women of 1979.

"2. Bearing in mind the fundamental principles as embodied in the said Convention, the Government of the Republic of Korea has recently established the Korea Women's welfare and social activities. A committee under the chairmanship of the prime minister will shortly be set up to consider and coordinate overall policies on women.

"3. The Government of the Republic of Korea will make continued efforts to take further measures in line with the provisions stipulated in the Convention."

Upon ratification:

*Reservation:*

"The Government of the Republic of Korea, having examined the said Convention, hereby ratifies the Convention considering itself not bound by the provisions of [...] sub-paragraph [...] (g) of paragraph 1 of Article 16 of the Convention."

**ROMANIA**<sup>51</sup>

**RUSSIAN FEDERATION**<sup>52</sup>

**SAUDI ARABIA**

*Reservations:*

"1. In case of contradiction between any term of the Convention and the norms of Islamic law, the Kingdom is not under obligation to observe the contradictory terms of the Convention.

2. The Kingdom does not consider itself bound by paragraph 2 of article 9 of the Convention and paragraph 1 of article 29 of the Convention."

**SINGAPORE**<sup>30,53,55</sup>

*Reservations:*

(1) In the context of Singapore's multi-racial and multi-religious society and the need to respect the freedom of minorities to practise their religious and personal laws, the Republic of Singapore reserves the right not to apply the provisions of articles 2 and 16 where compliance with these provisions would be contrary to their religious or personal laws.

(2) [...]

(3) Singapore interprets article 11, paragraph 1 in the light of the provisions of article 4, paragraph 2 as not precluding prohibitions, restrictions or conditions on the employment of women in certain areas, or on work done by them where this is considered necessary or desirable to protect the health and safety of women or the human foetus, including such prohibitions, restrictions or conditions imposed in consequence of other international obligations of Singapore and considers that legislation in respect of article 11 is unnecessary for the minority of women who do not fall within the ambit of Singapore's employment legislation.

(4) The Republic of Singapore declares, in pursuance of article 29, paragraph 2 of the Convention that it will not be bound by the provisions of article 29, paragraph 1.

**SLOVAKIA**<sup>16</sup>

**SPAIN**

*Declaration:*

The ratification of the Convention by Spain shall not affect the constitutional provisions concerning succession to the Spanish crown.

**SWITZERLAND**<sup>56</sup>

.....

(b) *Reservation concerning article 16, paragraph 1 (g):*

Said provision shall be applied subject to the regulations on family name (Civil Code, article 160 and article 8 (a), final section);

(c) *Reservation concerning article 15, paragraph 2, and article 16, paragraph 1 (h):*

Said provisions shall be applied subject to several interim provisions of the matrimonial regime (Civil Code, articles 9 (e) and 10, final section).

**SYRIAN ARAB REPUBLIC**

*Reservation:*

..... subject to reservations to article 2; article 9, paragraph 2, concerning the grant of a woman's nationality to her children; article 15, paragraph 4, concerning freedom of movement and of residence and domicile; article 16, paragraph 1 (c), (d), (f) and (g), concerning equal rights and responsibilities during marriage and at its dissolution with regard to guardianship, the right to choose a family name, maintenance and adoption; article 16, paragraph 2, concerning the legal effect of the betrothal and the marriage of a child, inasmuch as this provision is incompatible with the provisions of the Islamic Shariah; and article 29, paragraph 1, concerning arbitration between States in the event of a dispute.

The accession of the Syrian Arab Republic to this Convention shall in no way signify recognition of Israel or entail entry into any dealings with Israel in the context of the provisions of the Convention..

**THAILAND**<sup>57</sup>

*Declaration:*

The Royal Thai Government wishes to express its understanding that the purposes of the Convention are to eliminate discrimination against women and to accord to every person, men and women alike, equality before the law, and are in accordance with the principles prescribed by the Constitution of the Kingdom of Thailand.

*Reservations:*

.....

3. The Royal Thai Government does not consider itself bound by the provisions of [...] article 16 and article 29, paragraph 1, of the Convention.

**TRINIDAD AND TOBAGO**

*Reservation made upon signature and confirmed upon ratification:*

"The Republic of Trinidad and Tobago declares that it does not consider itself bound by article 29 (1) of the said Convention, relating to the settlement of disputes."

**TUNISIA**

*1. General declaration:*

The Tunisian Government declares that it shall not take any organizational or legislative decision in conformity with the requirements of this Convention where such a decision would conflict with the provisions of chapter I of the Tunisian Constitution.

*2. Reservation concerning article 9, paragraph 2:*

The Tunisian Government expresses its reservation with regard to the provisions in article 9, paragraph 2 of the Convention, which must not conflict with the provisions of chapter VI of the Tunisian Nationality Code.

*3. Reservation concerning article 16, paragraphs (c), (d), (f), (g) and (h):*

The Tunisian Government considers itself not bound by article 16, paragraphs (c), (d) and (f) of the Convention and declares that paragraphs (g) and (h) of that article must not conflict with the provisions of the Personal Status Code concerning the granting of family names to children and the acquisition of property through inheritance.

*4. Reservation concerning article 29, paragraph 1:*

The Tunisian Government declares, in conformity with the requirements of article 29, paragraph 2 of the Convention, that it shall not be bound by the provisions of paragraph 1 of that article which specify that any dispute

between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall be referred to the International Court of Justice at the request of any one of those parties.

The Tunisian Government considers that such disputes should be submitted for arbitration or consideration by the International Court of Justice only with the consent of all parties to the dispute.

*5. Declaration concerning article 15, paragraph 4:*

In accordance with the provisions of the Vienna Convention on the Law of Treaties, dated 23 May 1969, the Tunisian Government emphasizes that the requirements of article 15, paragraph 4, of the Convention on the Elimination of All forms of Discrimination against Women, and particularly that part relating to the right of women to choose their residence and domicile, must not be interpreted in a manner which conflicts with the provisions of the Personal Status Code on this subject, as set forth in chapters 23 and 61 of the Code.

**TURKEY<sup>67</sup>**

*Reservations:*

"With respect to article 29, paragraph 1

In pursuance of article 29, paragraph 2 of the Convention, the Government of the Republic of Turkey declares that it does not consider itself bound by paragraph 1 of this article."

[.....]

**UKRAINE<sup>52</sup>**

**UNITED ARAB EMIRATES<sup>58</sup>**

*Reservations:*

The United Arab Emirates makes reservations to articles 2 (f), 9, 15 (2), 16 and 29 (1) of the Convention, as follows:

*Article 2 (f)*

The United Arab Emirates, being of the opinion that this paragraph violates the rules of inheritance established in accordance with the precepts of the Shariah, makes a reservation thereto and does not consider itself bound by the provisions thereof.

*Article 9*

The United Arab Emirates, considering the acquisition of nationality an internal matter which is governed, and the conditions and controls of which are established, by national legislation makes a reservation to this article and does not consider itself bound by the provisions thereof.

*Article 15 (2)*

The United Arab Emirates, considering this paragraph in conflict with the precepts of the Shariah regarding legal capacity, testimony and the right to conclude contracts, makes a reservation to the said paragraph of the said article and does not consider itself bound by the provisions thereof.

*Article 16*

The United Arab Emirates will abide by the provisions of this article insofar as they are not in conflict with the principles of the Shariah. The United Arab Emirates considers that the payment of a dower and of support after divorce is an obligation of the husband, and the husband has the right to divorce, just as the wife has her independent financial security and her full rights to her property and is not required to pay her husband's or her own expenses out of her own property. The Shariah makes a woman's right to divorce conditional on a judicial decision, in a case in which she has been harmed.

*Article 29 (1)*

The United Arab Emirates appreciates and respects the functions of this article, which provides:

"Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If

within six months...e parties are unable..." [any one of those parties] "may refer the dispute to the International Court of Justice..." This article, however, violates the general principle that matters are submitted to an arbitration panel by agreement between the parties. In addition, it might provide an opening for certain States to bring other States to trial in defence of their nationals; the case might then be referred to the committee charged with discussing the State reports required by the Convention and a decision might be handed down against the State in question for violating the provisions of the Convention. For these reasons the United Arab Emirates makes a reservation to this article and does not consider itself bound by the provisions thereof.

**UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND<sup>59,60</sup>**

*Upon signature:*

"The Government of the United Kingdom of Great Britain and Northern Ireland declare that it is their intention to make certain reservations and declarations upon ratification of the Convention.

*Upon ratification:*

"A. On behalf of the United Kingdom of Great Britain and Northern Ireland:

(a) The United Kingdom understands the main purpose of the Convention, in the light of the definition contained in Article 1, to be the reduction, in accordance with its terms, of discrimination against women, and does not therefore regard the Convention as imposing any requirement to repeal or modify any existing laws, regulations, customs or practices which provide for women to be treated more favourably than men, whether temporarily or in the longer term; the United Kingdom's undertakings under Article 4, paragraph 1, and other provisions of the Convention are to be construed accordingly."

...  
(c) In the light of the definition contained in Article 1, the United Kingdom's ratification is subject to the understanding that none of its obligations under the Convention shall be treated as extending to the succession to, or possession and enjoyment of, the Throne, the peerage, titles of honour, social precedence or armorial bearings, or as extending to the affairs of religious denominations or orders or any act done for the purpose of ensuring the combat effectiveness of the Armed Forces of the Crown."

...  
"Article 9

The British Nationality Act 1981, which was brought into force with effect from January 1983, is based on principles which do not allow of any discrimination against women within the meaning of Article 1 as regards acquisition, change or retention of their nationality or as regards the nationality of their children. The United Kingdom's acceptance of Article 9 shall not, however, be taken to invalidate the continuation of certain temporary or transitional provisions which will continue in force beyond that date."

...  
"Article 11

...  
"The United Kingdom reserves the right to apply all United Kingdom legislation and the rules of pension schemes affecting retirement pensions, survivors' benefits and other benefits in relation to death or retirement (including retirement on grounds of redundancy), whether or not derived from a Social Security scheme."

"This reservation will apply equally to any future legislation which may modify or replace such legislation, or the rules of pension schemes, on the understanding that the terms of such legislation will be compatible with the United Kingdom's obligations under the Convention."

"The United Kingdom reserves the right to apply the following provisions of United Kingdom legislation concerning the benefits specified:

...  
b) increases of benefits for adult dependants under sections 44 to 47, 49 and 66 of the Social Security Act 1975 and under sections 44 to 47, 49 and 66 of the Social Security (Northern Ireland) Act 1975;

...  
The United Kingdom reserves the right to apply any non-discriminatory requirement for a qualifying period of employment or insurance for the application of the provisions contained in Article 11 (2)."

"Article 15

...  
"In relation to Article 15, paragraph 3, the United Kingdom understands the intention of this provision to be that only those terms or elements of a contract or other private instrument which are discriminatory in the sense described are to be deemed null and void, but not necessarily the contract or instrument as a whole."

"Article 16

As regards sub-paragraph 1 (f) of Article 16, the United Kingdom does not regard the reference to the paramountcy of the interests of the children as being directly relevant to the elimination of discrimination against women, and declares in this connection that the legislation of the United Kingdom regulating adoption, while giving a principal position to the promotion of the children's welfare, does not give to the child's interests the same paramount place as in issues concerning custody over children."

...  
"B. On behalf of the Isle of Man, the British Virgin Islands, the Falkland Islands, South Georgia and the South Sandwich Islands, and the Turks and Caicos Islands:

[Same reservations as the one made on behalf of the United Kingdom under paragraphs A (a), (c), and (d) except that in the of case d) it applies to the territories and their laws].]

Article 1

[Same reservation as the one made in respect of the United Kingdom except with regard to the absence of a reference to United Kingdom legislation.]

Article 2

[Same reservation as the one made in respect of the United Kingdom except that reference is made to the laws of the territories, and not the laws of the United Kingdom.]

Article 9

[Same reservation as the one made in respect of the United Kingdom.]

Article 11

[Same reservation as those made in respect of the United Kingdom except that a reference is made to the laws of the territories, and not to the laws of the United Kingdom.]

"Also, as far as the territories are concerned, the specific benefits listed and which may be applied under the provisions of these territories' legislation are as follows:

- a) social security benefits for persons engaged in caring for a severely disabled person;
- b) increases of benefit for adult dependants;
- c) retirement pensions and survivors' benefits;
- d) family income supplements.

"This reservation will apply equally to any future legislation which may modify or replace any of the provisions specified in sub-paragraphs (a) to (d) above, on the understanding that the terms of such legislation will be compatible with the United Kingdom's obligations under the Convention."

"The United Kingdom reserves the right to apply any non-discriminatory requirement for a qualifying period of employment or insurance for the application of the provisions contained in Article 11 (2)."

Article 13, 15 and 16

[Same reservations as those made on behalf the United Kingdom.]

#### VENEZUELA (BOLIVARIAN REPUBLIC OF)

*Reservation made upon ratification confirming in substance the reservation made upon signature:*

Venezuela makes a formal reservation with regard to article 29, paragraph 1, of the Convention, since it does not accept arbitration or the jurisdiction of the International Court of Justice for the settlement of disputes concerning the interpretation or application of this Convention.

#### VIET NAM

*Reservation:*

In implementing this Convention, the Socialist Republic of Viet Nam will not be bound by the provisions of paragraph 1 article 29.

#### YEMEN<sup>62</sup>

The Government of the People's Democratic Republic of Yemen declares that it does not consider itself bound by article 29, paragraph 1, of the said Convention, relating to the settlement of disputes which may arise concerning the application or interpretation of the Convention.

### Objections

*(Unless otherwise indicated, the objections were made upon ratification, accession or succession.)*

#### AUSTRIA

26 October 1994

*With regard to the reservations made by Maldives upon accession:*

"The reservation made by the Maldives is incompatible with the object and purpose of the Convention and is therefore inadmissible under article 19 (c) of the Vienna Convention on the Law of Treaties and shall not be permitted, in accordance with article 28 (2) of the Convention on the Elimination of All Forms of Discrimination Against Women. Austria therefore states that this reservation cannot alter or modify in any respect

the obligations arising from the Convention for any State Party thereto."

5 June 1997

*With regard to the declaration made by Pakistan upon accession:*

"Austria is of the view that a reservation by which a State limits its responsibilities under the Convention in a general and unspecified manner by invoking internal law creates doubts as to the commitment of the Islamic Republic of Pakistan with its obligations under the Convention, essential for the fulfillment of its object and purpose.

It is in the common interests of States that treaties to which they have chosen to become Parties are respected, as to their object and purpose, by all Parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

Austria is further of the view that a general reservation of the kind made by the Government of the Islamic Republic of Pakistan, which does not clearly specify the provisions of the Convention to which it applies and the extent of the derogation therefrom, contributes to undermining the basis of international treaty law.

Given the general character of this reservation a final assessment as to its admissibility under international law cannot be made without further clarification.

According to international law a reservation is inadmissible to the extent as its application negatively affects the compliance by a State with its obligations under the Convention essential for the fulfillment of its object and purpose.

Therefore, Austria cannot consider the reservation made by the Government of the Islamic Republic of Pakistan as admissible unless the Government of the Islamic Republic of Pakistan, by providing additional information or through subsequent practice, ensures that the reservation is compatible with the provisions essential for the implementation of the object and purpose of the Convention.

This view by Austria would not preclude the entry into force in its entirety of the Convention between Pakistan and Austria."

20 February 1998

*With regard to reservations made by Lebanon upon accession:*

[Same objection, mutatis mutandis, as the one made for Pakistan.]

21 August 2001

*With regard to reservations made by Saudi Arabia upon ratification:*

"Austria has examined the reservations to the Convention on the Elimination of All Forms of Discrimination against Women made by the Government of the Kingdom of Saudi Arabia in its note to the Secretary-General of 7 September 2000.

The fact that the reservation concerning any interpretation of the provisions of the Convention that is incompatible with the norms of Islamic law does not clearly specify the provisions of the Convention to which it applies and the extent of the derogation therefrom raises doubts as to the commitment of the Kingdom of Saudi Arabia to the Convention.

Given the general character of this reservation a final assessment as to its admissibility under international law cannot be made without further clarification. Until the scope of the legal effects of this reservation is sufficiently specified by the Government of Saudi Arabia, Austria considers the reservation as not affecting any provision the implementation of which is essential to fulfilling the object and purpose of the Convention. In Austria's view, however, the reservation in question is inadmissible to the extent that its application negatively affects the compliance by Saudi Arabia with its obligations under the Convention essential for the fulfillment of its object and purpose. Austria does not consider the reservation made by the Government of Saudi Arabia as admissible unless the Government of Saudi Arabia, by providing additional information or through subsequent practice, ensures that the reservation is compatible with the provisions essential for the implementation of the object and purpose of the Convention.

As to the reservation to Paragraph 2 of Article 9 of the Convention Austria is of the view that the exclusion of such an important provision of non-discrimination is not

compatible with object and purpose of the Convention. Austria therefore objects to this reservation.

This position, however, does not preclude the entry into force in its entirety of the Convention between Saudi Arabia and Austria."

*With regard to reservations made by the Democratic Republic of Korea upon accession:*

"Austria has examined the reservations to the Convention on the Elimination of All Forms of Discrimination against Women made by the Government of the Democratic People's Republic of Korea in its note to the Secretary General of 27 February 2001.

Taking into consideration that according to Paragraph 2 of Article 28 of the Convention, reservations which are incompatible with the objective and purpose of the Convention are not acceptable, Austria objects to the reservations in respect of Paragraph f of Article 2 and Paragraph 2 of Article 9.

Both Paragraphs refer to basic aspects of the Convention, that are legislation to abolish existing discrimination against women and a specific form of discrimination, such as the nationality of children.

This position, however, does not preclude the entry into force in its entirety of the Convention between the Democratic People's Republic of Korea and Austria."

13 February 2002

*With regard to the reservation made by Mauritania upon accession:*

"The Government of Austria has examined the reservation to the Convention on the Elimination of all Forms of Discrimination against Women made by the Government of the Islamic Republic of Mauritania in its note to the Secretary-General of 5 June 2001.

The Government of Austria considers that, in the absence of further clarification, this reservation raises doubts as to the degree of commitment assumed by Mauritania in becoming a party to the Convention since it refers to the contents of Islamic Sharia and to existing national legislation in Mauritania. The Government of Austria would like to recall that, according to art. 28 (2) of the Convention as well as customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

For these reasons, the Government of Austria objects to this reservation made by the Government of Mauritania.

This position, however, does not preclude the entry into force in its entirety of the Convention between Mauritania and Austria."

31 March 2003

*With regard to the reservation made by Bahrain upon accession:*

"The Government of Austria has examined the reservation to the Convention on the Elimination of all forms of Discrimination against Women made by the Government of the Kingdom of Bahrain in its note to the Secretary-General of 18 June 2002, regarding articles 2, 9(2), 15(4) and 16.

The reservation to articles 9(2) and 15(4), if put into practice, would inevitably result in discrimination against women on the basis of sex. This is contrary to the object and purpose of the Convention.

The Government of Austria further considers that, in the absence of further clarification, the reservation to articles 2 and 16 which does not clearly specify the extent of Bahrain's derogation from the provisions in question

raises doubts as to the degree of commitment assumed by Bahrain in becoming a party to the Convention since it refers to the contents of Islamic Sharia.

The Government of Austria would like to recall that, according to art. 28(2) of the Convention as well as customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

For these reasons, the Government of Austria objects to this reservation made by the Government of Bahrain.

This position, however, does not preclude the entry into force in its entirety of the Convention between Bahrain and Austria."

14 August 2003

*With regard to the reservations made by the Syrian Arab Republic upon accession:*

"The Government of Austria has examined the reservation made by the Government of the Syrian Arab Republic upon accession to the Convention on the Elimination of All Forms of Discrimination against Women regarding article 2, article 9, paragraph 2, article 15, paragraph 4, article 16, paragraphs 1 (c), (d), (f) and (g) and article 16, paragraph 2.

The Government of Austria finds that the reservations to article 2, article 9, paragraph 2, article 15, paragraph 4, article 16, paragraphs 1 (c), (d), (f) and (g), if put into practice, would inevitably result in discrimination against women on the basis of sex. This is contrary to the object and purpose of the Convention.

The Government of Austria further considers that, in the absence of further clarification, the reservation to article 16, paragraph 2, which refers to the contents of Islamic Sharia, does not clearly specify the extent of the reservation and therefore raises doubts as to the degree of commitment assumed by the Syrian Arab Republic in becoming a party to the Convention.

The Government of Austria would like to recall that, according to article 28 (2) of the Convention as well as customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

For these reasons, the Government of Austria objects to the aforementioned reservations made by the Syrian Arab Republic to the Convention on the Elimination of All Forms of Discrimination against Women.

This position, however, does not preclude the entry into force in its entirety of the Convention between the Syrian Arab Republic and Austria."

5 October 2005

*With regard to the reservations made by the United Arab Emirates upon accession:*

"The Government of Austria has examined the reservation made by the Government of the United Arab Emirates upon accession to the Convention on the Elimination of All Forms of Discrimination against Women regarding articles 2 (f), 9, 15 (2), 16 and 29 (1).

The Government of Austria finds that the reservations to article 2 (f), article 9, article 15 (2) and article 16, if put into practice, would inevitably result in discrimination

against women on the basis of sex. This is contrary to the object and purpose of the Convention.

The Government of Austria would like to recall that, according to article 28 (2) of the Convention as well as customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

For these reasons, the Government of Austria objects to the aforementioned reservations made by the United Arab Emirates to the Convention on the Elimination of All Forms of Discrimination against Women.

This position, however, does not preclude the entry into force in its entirety of the Convention between the United Arab Emirates and Austria."

18 December 2006

*With regard to the reservations made by Brunei Darussalam upon accession:*

"The Government of Austria has examined the reservations made by the Government of Brunei Darussalam upon accession to the Convention on the Elimination of All Forms of Discrimination against Women.

The Government of Austria finds that the reservation to article 9, paragraph 2 would inevitably result in discrimination against women on the basis of sex. This is contrary to the object and purpose of the Convention.

The Government of Austria further considers that, in the absence of further clarification, the reservation "regarding those provisions of the said Convention that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam" does not clearly specify its extent and therefore raises doubts as to the degree of commitment assumed by Brunei Darussalam in becoming a party to the Convention.

The Government of Austria would like to recall that, according to article 28, paragraph 2 of the Convention as well as customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

For these reasons, the Government of Austria objects to the aforementioned reservations made by Brunei Darussalam to the Convention on the Elimination of All Forms of Discrimination against Women.

This position however does not preclude the entry into force in its entirety of the Convention between Brunei Darussalam and Austria."

5 January 2007

*With regard to the reservations made by Oman upon accession:*

"The Government of Austria has examined the reservations made by the Government of the Sultanate of Oman upon accession to the Convention on the Elimination of All Forms of Discrimination against Women.

The Government of Austria finds that the reservations to article 9, paragraph 2, article 15, paragraph 4, and article 16 would inevitably result in discrimination against women on the basis of sex. This is contrary to the object and purpose of the Convention.

The Government of Austria further considers that, in the absence of further clarification, the reservation to "all provisions of the Convention not in accordance with the provisions of the Islamic sharia and legislation in force in the Sultanate of Oman" does not clearly specify its extent and therefore raises doubts as to the degree of commitment assumed by the Sultanate of Oman in becoming a party to the Convention.

The Government of Austria would like to recall that, according to article 28, paragraph 2 of the Convention as well as customary international law as codified in the Vienna Convention on the Law of Treaties (Art. 19 sub-paragraph c), a reservation incompatible with the object and purpose of a treaty shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become parties are requested as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

For these reasons, the Government of Austria objects to the aforementioned reservations made by the Sultanate of Oman to the Convention on the Elimination of All Forms of Discrimination against Women.

This position however does not preclude the entry into force in its entirety of the Convention between the Sultanate of Oman and Austria."

#### BELGIUM

30 April 2007

*With regard to the reservations made by Brunei Darussalam upon accession:*

Belgium has carefully examined the reservation formulated by Brunei Darussalam when it acceded, on 24 May 2006, to the Convention on the Elimination of All Forms of Discrimination against Women, adopted in New York on 18 December 1979. Belgium notes that the reservation formulated with respect to article 9, paragraph 2, concerns a fundamental provision of the Convention and is therefore incompatible with the object and purpose of that instrument.

In addition, the reservation makes the implementation of the Convention's provisions contingent upon their compatibility with the Constitution of Brunei Darussalam and the beliefs and principles of Islam, the official religion of Brunei Darussalam. This creates uncertainty as to which of its obligations under the Convention Brunei Darussalam intends to observe and raises doubts as to Brunei Darussalam's respect for the object and purpose of the Convention.

Belgium recalls that, under article 28, paragraph 2, of the Convention, reservations incompatible with the object and purpose of the Convention are not permitted. It is in the common interest for all parties to respect the treaties to which they have acceded and for States to be willing to enact such legislative amendments as may be necessary in order to fulfil their treaty obligations. Under customary international law, as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty is not permitted (article 19 (c)).

In consequence, Belgium objects to the reservation formulated by Brunei Darussalam with respect to the Convention on the Elimination of All Forms of Discrimination against Women. This objection shall not preclude the entry into force of the Convention between the Kingdom of Belgium and Brunei Darussalam. The Convention shall enter into force in its entirety, without Brunei Darussalam benefiting from its reservation.

30 April 2007

*With regard to the reservations made by Oman upon accession:*

Belgium has carefully examined the reservation formulated by the Sultanate of Oman when it acceded, on 7 February 2006, to the Convention on the Elimination of All Forms of Discrimination against Women, adopted in New York on 18 December 1979. Belgium notes that the reservation formulated with respect to article 9, paragraph 2; article 15, paragraph 4; and article 16 concerns fundamental provisions of the Convention and is therefore incompatible with the object and purpose of that instrument.

In addition, the first paragraph of the reservation makes the implementation of the Convention's provisions contingent upon their compatibility with the Islamic sharia and legislation in force in the Sultanate of Oman. This creates uncertainty as to which of its obligations under the Convention the Sultanate of Oman intends to observe and raises doubts as to Oman's respect for the object and purpose of the Convention.

Belgium recalls that, under article 28, paragraph 2, of the Convention, reservations incompatible with the object and purpose of the Convention are not permitted. It is in the common interest for all parties to respect the treaties to which they have acceded and for States to be willing to enact such legislative amendments as may be necessary in order to fulfil their treaty obligations. Under customary international law, as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty is not permitted (article 19 (c)).

In consequence, Belgium objects to the reservation formulated by the Sultanate of Oman with respect to the Convention on the Elimination of All Forms of Discrimination against Women. This objection shall not preclude the entry into force of the Convention between the Kingdom of Belgium and the Sultanate of Oman. The Convention shall enter into force in its entirety, without Oman benefiting from its reservation.

#### CANADA

25 October 1994

*With regard to the reservations made by Maldives upon accession:*

"In the view of the Government of Canada, this reservation is incompatible with the object and purpose of the Convention (article 28, paragraph 2). The Government of Canada therefore enters its formal objection to this reservation. This objection shall not preclude the entry into force of the Convention as between Canada and the Republic of Maldives."

14 June 2007

*With regard to the reservations made by Brunei Darussalam upon accession:*

"Canada has carefully examined the reservation formulated by Brunei Darussalam when it acceded, on 24 May 2006, to the Convention on the Elimination of All Forms of Discrimination against Women, adopted in New York on 18 December 1979.

Canada notes that the reservation formulated with respect to article 9, paragraph 2, concerns a fundamental provision of the Convention and is therefore incompatible with the object and purpose of that instrument.

In addition, the reservation makes the implementation of the Convention's provisions contingent upon their compatibility with the Constitution of Brunei Darussalam and the beliefs and principles of Islam, the official religion of Brunei Darussalam. The Government of Canada notes that such general reservation of unlimited scope and undefined character does not clearly define for the other States Parties to the Convention the extent to which Brunei Darussalam has accepted the obligations of the Convention and creates serious doubts as to the commitment of the State to fulfil its obligations under the Convention. Accordingly, the Government of Canada

considers this reservation to be incompatible with the object and purpose of the Convention.

It is in the common interest of States that treaties to which they have chosen to become party are respected, as to their object and purpose by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

Canada recalls that, under article 28, paragraph 2, of the Convention, reservations incompatible with the object and purpose of the Convention are not permitted.

Under customary international law, as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty is not permitted.

In consequence, Canada objects to the reservation formulated by Brunei Darussalam with respect to the Convention on the Elimination of All Forms of Discrimination against Women. This objection shall not preclude the entry into force of the Convention between Canada and Brunei Darussalam. The Convention shall enter into force in its entirety, without Brunei Darussalam benefiting from its reservation."

#### CZECH REPUBLIC

12 January 2007

*With regard to the reservations made by Oman upon accession:*

"The Government of the Czech Republic has examined the reservations made by the Sultanate of Oman upon accession to the Convention on the Elimination of All Forms of Discrimination against Women.

The Government of the Czech Republic is of the view that the reservations made to Article 9 paragraph 2, Article 15, paragraph 4 and Article 16, if put into practice, would inevitably result in discrimination against women on the basis of sex, which is contrary to the object and purpose of the Convention. Furthermore, the Government of the Czech Republic notes that the reservation regarding all provisions of the Convention not in accordance with the provisions of the Islamic sharia and legislation in force in the Sultanate of Oman does not clearly define for the other States Parties to the Convention the extent to which the Sultanate of Oman has accepted the obligations of the Convention and therefore raises concerns as to its commitment to the object and purpose of the Convention.

It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties. According to Article 28, paragraph 2 of the Convention and according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation that is incompatible with the object and purpose of a treaty shall not be permitted.

The Government of the Czech Republic therefore objects to the aforesaid reservations made by the Government of the Sultanate of Oman to the Convention. This objection shall not preclude the entry into force of the Convention between the Czech Republic and the Sultanate of Oman. The Convention enters into force in its entirety between the Czech Republic and the Sultanate of Oman, without the Sultanate of Oman benefiting from its reservation."

11 April 2007

*With regard to the reservations made by Brunei Darussalam upon accession:*

"The Government of the Czech Republic has examined the reservations made by the Government of Brunei Darussalam upon accession to the Convention on the Elimination of All Forms of Discrimination against Women regarding Article 9 paragraph 2 and those

provisions of the Convention that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam.

The Government of the Czech Republic notes that a reservation to a Convention which consists of a general reference to national law without specifying its contents does not clearly define for the other States Parties to the Convention the extent to which the reserving State has accepted the obligations of the Convention. Furthermore, the reservation made to Article 9 paragraph 2, if put into practice, would inevitably result in discrimination against women on the basis of sex, which is contrary to the object and purpose of the Convention.

It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties. According to Article 28 paragraph 2 of the Convention and according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation that is incompatible with the object and purpose of a treaty shall not be permitted.

The Government of the Czech Republic therefore objects to the aforesaid reservations made by the Government of Brunei Darussalam to the Convention. This objection shall not preclude the entry into force of the Convention between the Czech Republic and Brunei Darussalam. The Convention enters into force in its entirety between the Czech Republic and Brunei Darussalam, without Brunei Darussalam benefiting from its reservation."

#### DENMARK

3 July 1990

*With regard to the reservation made by the Libyan Arab Jamahiriya upon accession:*

"The Government of Denmark has taken note of the reservation made by the Libyan Arab Jamahiriya when acceding [to the said Convention]. In the view of the Government of Denmark this reservation is subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its internal law as justification for failure to perform a treaty."

2 November 2000

*With regard to the reservations to article 2, paragraphs (d) and (f), article 5, paragraph (a), article 15, paragraph (4) and article 16, paragraph 1 (c), (e) and (g) made by Niger upon accession:*

"The Government of Denmark finds that the reservations made by the Government of Niger are not in conformity with the object and purpose of the Convention. The provisions in respect of which Niger has made reservations cover fundamental rights of women and establish key elements for the elimination of discrimination against women. For this reason, the Government of Denmark objects to the said reservations made by the Government of Niger.

The Convention remains in force in its entirety between Niger and Denmark.

It is the opinion of the Government of Denmark, that no time limit applies to objections against reservations, which are inadmissible under international law.

The Government of Denmark recommends the Government of Niger to reconsider its reservations to the Convention on the Elimination of All Forms of Discrimination against Women."

10 August 2001

*With regard to the reservations made by Saudi Arabia upon ratification:*

"The Government of Denmark has examined the reservations made by the Government of Saudi Arabia upon ratification on the Convention on the Elimination of All Forms of Discrimination Against Women as to any interpretation of the provisions of the Convention that is incompatible with the norms of Islamic law.

The Government of Denmark finds that the general reservation with reference to the provisions of Islamic law are of unlimited scope and undefined character. Consequently, the Government of Denmark considers the said reservations as being incompatible with the object and purpose of the Convention and accordingly inadmissible and without effect under international law.

The Government of Denmark furthermore notes that the reservation to paragraph 2 of article 9 of the Convention aims to exclude one obligation of non-discrimination which is the aim of the Convention and therefore renders this reservation contrary to the essence of the Convention.

The Government of Denmark therefore objects to the aforesaid reservations made by the Government of the Kingdom of Saudi Arabia to the Convention on Elimination of All Forms of Discrimination against Women.

These objections shall not preclude the entry into force of the Convention in its entirety between Saudi Arabia and Denmark.

The Government of Denmark recommends the Government of Saudi Arabia to reconsider its reservations to the Convention on the Elimination of All Forms of Discrimination against Women."

21 February 2002

*With regard to the reservation made by Mauritania upon accession:*

"The Government of Denmark has examined the reservations made by the Government of Mauritania upon accession to the Convention on the Elimination of All Forms of Discrimination Against Women as to any interpretation of the provisions of the Convention that is incompatible with the norms of Islamic law and the Constitution in Mauritania.

The Government of Denmark finds that the general reservation with reference to the provisions of Islamic law and the Constitution are of unlimited scope and undefined character. Consequently, the Government of Denmark considers the said reservation as being incompatible with the object and purpose of the Convention and accordingly inadmissible and without effect under international law.

The Government of Denmark therefore objects to the aforesaid reservation made by the Government of Mauritania to the Convention on the Elimination of all Forms of Discrimination against Women.

This shall not preclude the entry into force of the Convention in its entirety between Mauritania and Denmark.

The Government of Denmark recommends the Government of Mauritania to reconsider its reservations to the Convention on the Elimination of All Forms of Discrimination against Women."

*With regard to the reservations made by the Democratic People's Republic of Korea upon accession:*

"The Government of Denmark has examined the reservations made by the Democratic People's Republic of Korea upon accession to the Convention on [the] Elimination of All Forms of Discrimination Against Women in respect of paragraph (f) of article 2 and paragraph 2 of article 9.

The Government of Denmark finds that the reservation to paragraph (f) of article 2 aims at excluding the Democratic People's Republic of Korea from the obligation to adopt necessary measures, including those of a legislative character, to eliminate any form of discrimination against women. This provision touches

upon a key element for effective elimination of discrimination against women.

The Government of Denmark furthermore notes that the reservation to paragraph 2 of article 9 of the Convention aims to exclude an obligation of non-discrimination, which is the aim of the Convention.

The Government of Denmark finds that the reservations made by the Democratic People's Republic of Korea are not in conformity with the object and purpose of the Convention.

The Government of Denmark therefore objects to the said reservation made by the Democratic People's Republic of Korea.

The Government of Denmark recommends the Government of [the] Democratic People's Republic of Korea to reconsider its reservations to the Convention.

The Convention on [the] Elimination of All Forms of Discrimination Against Women remains in force in its entirety between the Democratic People's Republic of Korea and Denmark."

28 February 2003

*With regard to the reservation made by Bahrain upon accession:*

"The Government of Denmark has examined the reservations made by the Government of Bahrain upon accession to the Convention on the Elimination of All Forms of Discrimination Against Women regarding article 2, paragraph 2 of article 9, paragraph 4 of article 15 and article 16.

The Government of Denmark finds that the reservation to articles 2 and 16 with reference to the provisions of Islamic Sharia is of unlimited scope and undefined character. Consequently, the Government of Denmark considers the said reservations as being incompatible with the object and purpose of the Convention and accordingly inadmissible and without effect under international law.

The Government of Denmark furthermore notes that the reservations to paragraph 2 of article 9 and to paragraph 4 of article 15 of the Convention seek to exclude an obligation of non-discrimination, which is the aim of the Convention. The Government of Denmark finds that these reservations made by the Government of Bahrain are not in conformity with the object and purpose of the Convention.

The Government of Denmark therefore objects to the aforesaid reservations made by the Government of Bahrain to the Convention on the Elimination of all Forms of Discrimination Against Women. This shall not preclude the entry into force of the Convention in its entirety between Bahrain and Denmark.

The Government of Denmark recommends the Government of Bahrain to reconsider its reservations to the Convention on the Elimination of All Forms of Discrimination against Women."

27 May 2003

*With regard to the reservation made by the Syrian Arab Republic upon accession:*

"The Government of Denmark has examined the reservations made by the Government of the Syrian Arab Republic upon accession to the Convention on the Elimination of All Forms of Discrimination Against Women regarding article 2, article 9, paragraph 2, article 15, paragraph 4, article 16, paragraphs 1 (c), (d), (f) and (g) and article 16, paragraph 2 in its note of 7 April 2003, to the Secretary-General of the United Nations distributed under reference No. C.N.267.2003.TREATIES-6.

The Government of Denmark finds that the reservation to article 2 seeks to evade the obligation of non-discrimination, which is the aim of the Convention. The Government of Denmark is of the view that a general reservation to one of the core articles of the Convention raises doubts as to the commitment of the Government of the Syrian Arab Republic to fulfil its obligations under the Convention.

The Government of Denmark furthermore notes that the reservations to article 9, paragraph 2, article 15, paragraph 4, article 16, paragraphs 1 (c), (d), (f) and (g) and article 16, paragraph 2, would inevitably result in discrimination against women on the basis of sex, which is contrary to the object and purpose of the Convention. It should be borne in mind that the principles of equal rights of men and women and of non-discrimination on the basis of sex are set forth in the Charter of the United Nations as one of the purposes of the organization, as well as in the Universal Declaration of Human Rights of 1948.

The Government of Denmark finds that these reservations made by the Government of the Syrian Arab Republic are not in conformity with the object and purpose of the Convention.

The Government of Denmark recalls that according to article 28, paragraph 2 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Denmark therefore objects to the aforementioned reservations made by the Government of the Syrian Arab Republic to the Convention on the Elimination of All Forms of Discrimination Against Women.

This shall not preclude the entry into force of the Convention in its entirety between the Syrian Arab Republic and Denmark.

The Government of Denmark recommends the Government of the Syrian Arab Republic to reconsider its reservations to the Convention on the Elimination of All Forms of Discrimination Against Women."

6 October 2006

*With regard to the reservations made by Oman upon accession:*

"The Government of Denmark has examined the reservations made by the Sultanate of Oman upon accession to the Convention on the Elimination of all Forms of Discrimination Against Women regarding article 9 (2), 15 (4), 16 (a, c, f), and all provisions of the Convention not in accordance with the principles of the Islamic Sharia.

The Government of Denmark finds that the general reservation with reference to the provisions of the Islamic Sharia is of unlimited scope and undefined character. The Government of Denmark furthermore notes that the reservations made by the Sultanate of Oman to article 9 (2), 15 (4), and 16 (a, c, f) would inevitable result in the discrimination against women on the basis of sex, which is contrary to the object and purpose of the Convention. Consequently, the Government of Denmark considers the said reservations to be incompatible with the object and purpose of the Convention and accordingly inadmissible and without effect under international law.

The Government of Denmark wishes to recall that, according to article 28 (2) of the Convention, reservations incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Denmark therefore objects to the aforementioned reservations made by the Sultanate of Oman to the Convention on the Elimination of all Forms of Discrimination Against Women. This shall not preclude the entry into force of the Convention in its entirety between Oman and Denmark.

The Government of Denmark recommends the Sultanate of Oman to reconsider its reservations to the Convention on the Elimination of all Forms of Discrimination Against Women."

*With regard to the reservations made by Brunei Darussalam upon accession:*

"The Government of Denmark has examined the reservations made by the Government of Brunei Darussalam upon accession to the Convention on the Elimination of all Forms of Discrimination Against Women regarding article 9 (2) and all provisions of the

Convention not in accordance with the principles of Islam.

The Government of Denmark finds that the general reservation made by the Government of Brunei Darussalam with reference to the principles of Islam is of unlimited scope and undefined character. The Government of Denmark furthermore notes that the reservation to article 9 (2) would inevitably result in the discrimination against women on the basis of sex, which is contrary to the object and purpose of the Convention. Consequently, the Government of Denmark considers the said reservations to be incompatible with the object and purpose of the Convention and accordingly inadmissible and without effect under international law.

The Government of Denmark wishes to recall that, according to article 28 (2) of the Convention, reservations incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Denmark therefore objects to the aforementioned reservations made by the Government of Brunei Darussalam to the Convention on the Elimination of all Forms of Discrimination Against Women. This shall not preclude the entry into force of the Convention in its entirety between Brunei Darussalam and Denmark.

The Government of Denmark recommends the Government of Brunei Darussalam to reconsider its reservations to the Convention on the Elimination of all Forms of Discrimination Against Women."

#### ESTONIA

1 April 2004

*With regard to the reservation made by the Syrian Arab Republic upon accession:*

"The Government of Estonia has carefully examined the reservations made by the Government of the Syrian Arab Republic to Article 2, paragraph 2 of Article 9, paragraph 4 of Article 15 and to paragraphs 1 (c), (d), (f) and (g) of Article 16 of the Convention on the Elimination of all Forms of Discrimination Against Women.

Article 2 of the Convention is one of the core articles of the Convention. By making a reservation to this article, the Government of the Syrian Arab Republic is making a reservation of general scope that renders the provisions of the Convention completely ineffective. The Government of Estonia considers the reservation incompatible with the object and purpose of the Convention.

The reservations to article 9, paragraph 2, article 15, paragraph 4 and article 16, paragraphs 1 (c), (d), (f) and (g), if put into practice, would inevitably result in discrimination against women on the basis of sex, which is contrary to the object and purpose of the Convention. It should be borne in mind that the principles of equal rights of men and women and of non-discrimination on the basis of sex are set forth in the Charter of the United Nations as one of the purposes of the organization, as well as in the Universal Declaration of Human Rights of 1948.

The reservation to article 16, paragraph 2, makes a general reference to the Islamic Shariah. The Government of Estonia is of the view that in the absence of further clarification, this reservation which does not clearly specify the extent of the Syrian Arab Republic's derogation from the provision in question raises serious doubts as to the commitment of the Syrian Arab Republic to the object and purpose of the Convention.

The Government of Estonia recalls that according to article 28, paragraph 2 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Estonia therefore objects to the aforementioned reservation made by the Government of the Syrian Arab Republic to the Convention.

This objection does not preclude the entry into force of the Convention between the Syrian Arab Republic and Estonia. The Convention will thus become operative

between the two States without the Syrian Arab Republic benefiting from its reservations.

The Government of Estonia recommends the Government of the Syrian Arab Republic to reconsider its reservations to the Convention on the Elimination of All Forms of Discrimination Against Women."

4 December 2006

*With regard to the reservations made by Brunei*

*Darussalam upon accession:*

"The Government of the Republic of Estonia has carefully examined the reservations made by the Government of Brunei Darussalam to Article 9, paragraph 2 of the Convention on the Elimination of all Forms of Discrimination Against Women.

The reservation to Article 9, paragraph 2, if put into practice, would inevitably result in discrimination against women on the basis of sex, which is contrary to the object and purpose of the Convention.

Furthermore, the reservation made by Brunei Darussalam makes a general reference to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam. The Government of Estonia is of the view that in the absence of further clarification, the reservation makes it unclear to what extent the State of Brunei Darussalam considers itself bound by the obligations of the Convention and therefore raises concerns as to the commitment of the State of Brunei Darussalam to the object and purpose of the Convention.

According to Article 28, paragraph 2 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Estonia therefore objects to the reservation to Article 9, paragraph 2, and to the general reservation regarding the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, made by the Government of Brunei Darussalam to the Convention on the Elimination of all Forms of Discrimination Against Women.

This objection shall not preclude the entry into force of the Convention on the Elimination of all Forms of Discrimination Against Women as between the Republic of Estonia and the State of Brunei Darussalam."

*With regard to the reservation made by Oman upon accession:*

"The Government of the Republic of Estonia has carefully examined the reservations made by the Government of Sultanate of Oman to paragraph 2 of Article 9, paragraph 4 of Article 15, and subparagraphs (a), (c) and (f) of Article 16 of the Convention on the Elimination of all Forms of Discrimination Against Women.

The reservations to paragraph 2 of Article 9, paragraph 4 of Article 15, and subparagraphs (a), (c) and (f) of Article 16, if put into practice, would inevitably result in discrimination against women on the basis of sex, which is contrary to the object and purpose of the Convention. In particular, Article 16 is one of the core provisions of the Convention to which reservations are incompatible with the Convention and therefore impermissible.

Furthermore, section one of the reservation makes a general reference to the provisions of the Islamic sharia and legislation in force in the Sultanate of Oman. The Government of Estonia is of the view that in the absence of further clarification, this reservation makes it unclear to what extent the Sultanate of Oman considers itself bound by the obligations of the Convention and therefore raises concerns as to the commitment of the Sultanate of Oman to the object and purpose of the Convention.

According to Article 28, paragraph 2 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Estonia therefore objects to the general reservation made in section one, and reservations to paragraph 2 of Article 9, paragraph 4 of Article 15, and

subparagraphs (a), (c) and (f) of Article 16, made by the Government of the Sultanate of Oman to the Convention on the Elimination of all Forms of Discrimination Against Women.

This objection shall not preclude the entry into force of the Convention on the Elimination of all Forms of Discrimination Against Women as between the Republic of Estonia and the Sultanate of Oman".

## FINLAND

8 June 1990

*With regard to the reservation made by the Libyan Arab Jamahiriya upon accession (see also objection made on 16 October 1996, hereinafter, with regard to the reservation made by the Libyan Arab Jamahiriya upon accession, as modified on 5 July 1995):*

"The Government of Finland has examined the contents of the reservation made by the Libyan Arab Jamahiriya and considers the said reservation as being incompatible with the object and purpose of the Convention. The Government of Finland therefore enters its formal objection to this reservation.

"This objection is not an obstacle to the entry into force of the said Convention between Finland and the Libyan Arab Jamahiriya."

5 May 1994

*With regard to the reservations made by Maldives upon accession:*

In the view of the Government of Finland, the unlimited and undefined character of the said reservations create serious doubts about the commitment of the reserving State to fulfil its obligations under the Convention. In their extensive formulation, they are clearly contrary to the object and purpose of the Convention. Therefore, the Government of Finland objects to such reservations.

The Government of Finland also recalls that the said reservations are subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its domestic law as a justification for failure to perform its treaty obligations.

The Government of Finland does not, however, consider that this objection constitutes an obstacle to the entry into force of the Convention between Finland and Maldives."

17 January 1996

*With regard to the reservations made by Kuwait upon accession:*

"The Government of Finland recalls that by acceding to the Convention, a State commits itself to adopt the measures required for the elimination of discrimination, in all its forms and manifestations, against women. In particular, article 7 requires States Parties to undertake actions to eliminate discrimination against women in the political and public life of the country. This is a fundamental provision of the Convention the implementation of which is essential to fulfilling its object and purpose.

Reservations to article 7 (a) and article 9 paragraph 2 are both subject to the general principle of the observance of treaties according to which a party may not invoke the provisions of its internal law as justification for its failure to perform its treaty obligations. It is in the common interest of States that contracting parties to international treaties are prepared to undertake the necessary legislative changes in order to fulfill the object and purpose of the treaty.

Furthermore, in the view of the Government of Finland, the unlimited and undefined character of the reservation to article 16 (f) leaves open to what extent the reserving State commits itself to the Convention and

therefore creates serious doubts about the commitment of the reserving State to fulfil its obligations under the Convention. Reservations of such unspecified nature may contribute to undermining the basis of international human rights treaties.

In their present formulation the reservations are clearly incompatible with the object and purpose of the Convention and therefore inadmissible under article 28 paragraph 2, of the said Convention. Therefore, the Government of Finland objects to these reservations. The Government of Finland further notes that the reservations made by the Government of Kuwait are devoid of legal effect.

The Government of Finland recommends the Government of Kuwait to reconsider its reservations to the [said] Convention."

16 October 1996

*With regard to the reservation made by the Libyan Arab Jamahiriya upon accession, as modified (see objection under 8 June 1990 and note 28):*

"A reservation which consists of a general reference to religious law without specifying its contents does not clearly define to the other Parties of the Convention the extent to which the reserving State commits itself to the Convention and therefore may cast doubts about the commitment of the reserving State to fulfil its obligations under the Convention. Such a reservation is also, in the view of the Government of Finland, subject to the general principle of the observance of treaties according to which a Party may not invoke the provisions of its internal law as justification for failure to perform a treaty."

*With regard to the reservations made by Malaysia upon accession:*

"The reservations made by Malaysia, consisting of a general reference to religious and national law without specifying the contents thereof and without stating unequivocally the provisions the legal effect of which may be excluded or modified, do not clearly define to the other Parties of the Convention the extent to which the reserving State commits itself to the Convention and therefore creates serious doubts about the commitment of the reserving State to fulfill its obligations under the Convention. Reservations of such unspecified nature may contribute to undermining the basis of international human rights treaties.

The Government of Finland also recalls that the reservations of Malaysia are subject to the general principles of observance of treaties according to which a party may not invoke the provisions of its internal law as justification for failure to perform its treaty obligations. It is in the common interest of States that Parties to international treaties are prepared to take the necessary legislative changes in order to fulfil the object and purpose of the treaty.

Furthermore, the reservations made by Malaysia, in particular to articles 2 (f) and 5 (a), are two fundamental provisions of the Convention the implementation of which is essential to fulfilling its object and purpose.

The Government of Finland considers that in their present formulation the reservations made by Malaysia are clearly incompatible with the object and purpose of the said Convention and therefore inadmissible under article 28, paragraph 2, of the said Convention. In view of the above, the Government of Finland objects to these reservations and notes that they are devoid of legal effect."

1 November 1996

*With regard to the reservations made by Lesotho upon ratification:*

*[Same objection, mutatis mutandis, as the one made for Malaysia.]*

21 November 1996

*With regard to the reservations made by Singapore upon accession:*

*[ Same objection, mutatis mutandis, as the one made for Malaysia .]*

6 June 1997

*With regard to the declaration made by Pakistan upon accession:*

*[Same objection, mutatis mutandis, as the one made for Malaysia.]*

24 October 2000

*With regard to the reservations made by Niger upon accession:*

" The Government of Finland notes that the reservations [...] are not in conformity with the object and purpose of the Convention. By acceding to the Convention, a State commits itself to adopt the measures required for the elimination of discrimination against women, in all its forms and manifestations. This includes taking appropriate measures, including legislation, to modify or abolish i.e. customs and practices which constitute discrimination against women.

As it appears evident that the Government of the Republic of Niger will not apply the Convention with a view to fulfilling its treaty obligations to eliminate all forms of discrimination against women and submits reservations to some of the most essential provisions of the Convention, the above-mentioned reservations are in contradiction with the object and purpose of the Convention.

The Government of Finland recalls Part VI, Article 28 of the Convention according to which reservations incompatible with object and purpose of the Convention are not permitted.

The Government of Finland therefore objects to the above-mentioned reservations made by the Government of Niger to the Convention.

This objection does not preclude the entry into force of the Convention between Niger and Finland. The Convention will thus become operative between the two states without benefitting from the reservations."

8 October 2002

*With regard to the reservations made by Saudi Arabia upon ratification:*

"The Government of Finland has examined the contents of the reservations made by the Government of Saudi Arabia to the Convention on the Elimination of all Forms of Discrimination Against Women.

The Government of Finland recalls that by acceding to the Convention, a State commits itself to adopt the measures required for the elimination of discrimination, in all its forms and manifestations, against women.

A reservation which consists of a general reference to religious law and national law without specifying its contents, as the first part of the reservation made by Saudi Arabia, does not clearly define to other Parties to the Convention the extent to which the reserving State commits itself to the Convention and therefore creates serious doubts as to the commitment of the reserving State to fulfil its obligations under the Convention.

Furthermore, reservations are subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its domestic law as justification for a failure to perform its treaty obligations.

As the reservation to Paragraph 2 of Article 9 aims to exclude one of the fundamental obligations under the Convention, it is the view of the Government of Finland that the reservation is not compatible with the object and purpose of the Convention.

The Government of Finland also recalls Part VI, Article 28 of the Convention according to which reservations incompatible with the object and purpose of the Convention are not permitted.

The Government of Finland therefore objects to the above-mentioned reservations made by the Government of Saudi Arabia to the Convention.

This objection does not preclude the entry into force of the Convention between Saudi Arabia and Finland. The Convention will thus become operative between the two States without Saudi Arabia benefiting from the reservations."

5 March 2002

*With regard to the reservations made by the Democratic People's Republic of Korea upon accession:*

"The Government of Finland has carefully examined the contents of the reservations made by the Government of the Democratic People's Republic of Korea to the Convention on the Elimination of all Forms of Discrimination Against Women.

The Government of Finland recalls that by acceding to the Convention, a State commit itself to adopt the measures required for the elimination of discrimination, in all its forms and manifestations, against women.

The Government of Finland notes that the reservation to paragraph (f) of Article 2 aims at excluding the Democratic People's Republic of Korea from the obligations to adopt necessary measures, including those of a legislative character, to eliminate any form of discrimination against women. This provision touches upon a key element for effective elimination of discrimination against women.

The Government of Finland further notes that the reservation to paragraph 2 of Article 9 of the Convention aims to exclude an obligation of non-discrimination, which is the aim of the Convention.

The Government of Finland also recalls Part VI, Article 28 of the Convention according to which reservations incompatible with the object and purpose of the Convention are not permitted.

The Government of Finland finds that the reservations made by the Democratic People's Republic of Korea are not in conformity with the object and purpose of the Convention and therefore objects to the said reservations.

This objection does not preclude the entry into force of the Convention between the People's Democratic Republic of Korea and Finland. The Convention will thus become operative between the two States with the People's Democratic Republic of Korea benefiting from the reservations."

20 May 2002

*With regard to the reservation made by Mauritania upon accession:*

"The Government of Finland has carefully examined the contents of the reservation made by the Government of Mauritania to the Convention on the Elimination of all Forms of Discrimination Against Women.

The Government of Finland notes that a reservation which consists of a general reference to religious or other national law without specifying its contents does not clearly define to other Parties to the Convention the extent to which the reserving State commits itself to the Convention and therefore creates serious doubts as to the commitment of the reserving State to fulfil its obligations under the Convention.

Furthermore, reservations are subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its domestic law as justification for a failure to perform its treaty obligations.

The Government of Finland recalls Part VI, Article 28 of the Convention according to which reservations incompatible with the object and purpose of the Convention are not permitted.

The Government of Finland therefore objects to the above-mentioned reservation made by the Government of Mauritania to the Convention.

This objection does not preclude the entry into force of the Convention between Mauritania and Finland. The

Convention will thus become operative between the two states without Mauritania benefiting from the reservations."

10 March 2003

*With regard to the reservations made by Bahrain upon accession:*

"The Government of Finland has carefully examined the contents of the reservations made by the Government of Bahrain to Article 2, paragraph 2 of Article 9, paragraph 4 of Article 15 and to Article 16 of the Convention on the Elimination of all Forms of Discrimination Against Women.

The Government of Finland notes that a reservation which consists of a general reference to religious or other national law without specifying its contents does not clearly define to other Parties to the Convention the extent to which the reserving State commits itself to the Convention and therefore creates serious doubts as to the commitment of the receiving State to fulfil its obligations under the Convention. Such reservations are subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its domestic law as justification for a failure to perform its treaty obligations.

The Government of Finland further notes that the reservations made by Bahrain, addressing some of the most essential provisions of the Convention, and aiming to exclude some of the fundamental obligations under it, are in contradiction with the object and purpose of the Convention.

The Government of Finland also recalls Part VI, Article 28 of the Convention according to which reservations incompatible with the object and purpose of the Convention are not permitted.

The Government of Finland therefore objects to the above-mentioned reservations made by the Government of Bahrain to the Convention.

This objection does not preclude the entry into force of the Convention between Bahrain and Finland. The Convention will thus become operative between the two states without Bahrain benefiting from its reservations."

17 June 2003

*With regard to the reservations made by the Syrian Arab Republic upon accession:*

"The Government of Finland has carefully examined the contents of the reservations made by the Government of the Syrian Arab Republic to Article 2, paragraph 2 of Article 9, paragraph 4 of Article 15 and to paragraphs 1(c), (d), (f) and (g) of Article 16 of the Convention on the Elimination of all Forms of Discrimination Against Women.

The Government of Finland notes that a reservation which consists of a general reference to religious or other national law without specifying its contents does not clearly define for other Parties to the Convention the extent to which the reserving State commits itself to the Convention and therefore creates serious doubts as to the commitment of the reserving State to fulfil its obligations under the Convention. Such reservations are subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its domestic law as justification for a failure to perform its treaty obligations.

The Government of Finland further notes that the reservations made by the Syrian Arab Republic, addressing some of the most essential provisions of the Convention, and aiming to exclude some of the fundamental obligations under it, are incompatible with the object and purpose of the Convention.

The Government of Finland also recalls Part VI, Article 28, of the Convention, according to which reservations incompatible with the object and purpose of the Convention are not permitted.

The Government of Finland therefore objects to the afore-mentioned reservations made by the Government of the Syrian Arab Republic to the Convention.

This objection does not preclude the entry into force of the Convention between the Syrian Arab Republic and Finland. The Convention will thus become operative between the two states without the Syrian Arab Republic benefiting from its reservations."

7 September 2005

*With regard to the reservations made by Micronesia (Federated States of) upon accession:*

"The Government of Finland has carefully examined the contents of the reservations made by the Government of the Federated States of Micronesia to paragraph (f) of Article 2, Article 5, paragraphs 1 (d) and 2 (b) of Article 11 and Article 16 of the Convention on the Elimination of all Forms of Discrimination Against Women.

The Government of Finland recalls that by acceding to the Convention, a State commit itself to adopt the measures required for the elimination of discrimination, in all its forms and manifestations, against women.

The Government of Finland notes that the reservations made by Micronesia, addressing some of the most essential provisions of the Convention, and aiming to exclude the obligations under those provisions, are in contradiction with the object and purpose of the Convention.

The Government of Finland also recalls Part VI, Article 28 of the Convention according to which reservations incompatible with the object and purpose of the Convention are not permitted.

The Government of Finland therefore objects to the above-mentioned reservations made by the Government of the Federated States of Micronesia to the Convention. This objection does not preclude the entry into force of the Convention between Micronesia and Finland. The Convention will thus become operative between the two states without Micronesia benefiting from its reservations".

15 November 2005

*With regard to the reservations made by the United Arab Emirates upon accession:*

"The Government of Finland has carefully examined the contents of the reservations made by the Government of the United Arab Emirates to paragraph (f) of Article 2, Article 9, paragraph (2) of Article 15 and Article 16 of the Convention on the Elimination of all Forms of Discrimination Against Women,

The Government of Finland recalls that by acceding to the Convention, a State commits itself to adopt the measures required for the elimination of discrimination, in all its forms and manifestations, against women.

The Government of Finland notes that a reservation which consists of a general reference to religious or other national law without specifying its contents does not clearly define to other Parties to the Convention the extent to which the reserving State commits itself to the Convention and creates serious doubts as to the commitment of the receiving State to fulfil its obligations under the Convention. Such reservations are, furthermore, subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its domestic law as justification for a failure to perform its treaty obligations.

The Government of Finland notes that the reservations made by the United Arab Emirates, addressing some of the most essential provisions of the Convention, and aiming to exclude the obligations under those provisions, are in contradiction with the object and purpose of the Convention.

The Government of Finland also recalls Part VI, Article 28 of the Convention according to which reservations incompatible with the object and purpose of the Convention are not permitted.

The Government of Finland therefore objects to the above-mentioned reservations made by the Government of the United Arab Emirates to the Convention. This objection does not preclude the entry into force of the Convention between the United Arab Emirates and Finland. The Convention will thus become operative between the two states without the United Arab Emirates benefiting from its reservations."

27 February 2007

*With regard to the reservations made by Oman upon accession:*

The Government of Finland has carefully examined the contents of the general reservation made by the Government of Oman to all provisions of the Convention on the Elimination of All Forms of Discrimination against Women and the specific reservations concerning paragraph 2 of Article 9, paragraph 4 of Article 15 and paragraphs 1 (a), 1 (c) and 1 (f) of Article 16 of the Convention.

The Government of Finland recalls that by acceding to the Convention, a State commits itself to adopt the measures required for the elimination of discrimination, in all its forms and manifestations, against women.

The Government of Finland notes that a reservation which consists of a general reference to religious or other national law without specifying its contents does not clearly define to other Parties to the Convention the extent to which the reserving State commits itself to the Convention and creates serious doubts as to the commitment of the receiving State to fulfil its obligations under the Convention. Such reservations are, furthermore, subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its domestic law as justification for a failure to perform its treaty obligations.

The Government of Finland also notes that the specific reservations made by Oman, addressing some of the most essential provisions of the Convention, and aiming to exclude the obligations under those provisions, are in contradiction with the object and purpose of the Convention.

The Government of Finland also recalls Part VI, Article 28 of the Convention, according to which reservations incompatible with the object and purpose of the Convention are not permitted.

The Government of Finland therefore objects to the above-mentioned reservations made by the Government of Oman to the Convention. This objection does not preclude the entry into force of the Convention between Oman and Finland. The Convention will thus become operative between the two States without Oman benefiting from its reservations.

*With regard to the reservations made by Brunei Darussalam upon accession:*

The Government of Finland has carefully examined the contents of the general reservation made by the Government of Brunei Darussalam to the Convention on the Elimination of All Forms of Discrimination against Women and the specific reservation concerning paragraph 2 of Article 9 of the Convention.

The Government of Finland recalls that by acceding to the Convention, a State commits itself to adopt the measures required for the elimination of discrimination, in all its forms and manifestations, against women.

The Government of Finland notes that a reservation which consists of a general reference to religious or other national law without specifying its contents does not clearly define to other Parties to the Convention the extent to which the reserving State commits itself to the Convention and creates serious doubts as to the commitment of the receiving State to fulfil its obligations under the Convention. Such reservations are, furthermore, subject to the general principle of treaty interpretation according to which a party may not invoke the provisions

of its domestic law as justification for a failure to perform its treaty obligations.

The Government of Finland also notes that the specific reservation made by Brunei Darussalam concerning paragraph 2 of Article 9 aims to exclude one of the fundamental obligations under the Convention and is therefore in contradiction with the object and purpose of the Convention.

The Government of Finland also recalls Part VI, Article 28 of the Convention, according to which reservations incompatible with the object and purpose of the Convention are not permitted.

The Government of Finland therefore objects to the above-mentioned reservations made by the Government of Brunei Darussalam to the Convention. This objection does not preclude the entry into force of the Convention between Brunei Darussalam and Finland. The Convention will thus become operative between the two States without Brunei Darussalam benefiting from its reservations.

## FRANCE

26 June 2001

*With regard to reservations made by Saudi Arabia upon ratification:*

The Government of the French Republic has examined the reservations made by the Government of the Kingdom of Saudi Arabia to the Convention on the Elimination of All Forms of Discrimination against Women, adopted in New York on 18 December 1979. By stating that in case of contradiction between any term of the Convention and the norms of Islamic law, it is not under obligation to observe the terms of the Convention, the Kingdom of Saudi Arabia formulates a reservation of general, indeterminate scope that gives the other States parties absolutely no idea which provisions of the Convention are affected or might be affected in future. The Government of the French Republic believes that the reservation could make the provisions of the Convention completely ineffective and therefore objects to it. The second reservation, concerning article 9, paragraph 2, rules out equality of rights between men and women with respect to the nationality of their children and the Government of the French Republic therefore objects to it.

These objections do not preclude the Convention's entry into force between Saudi Arabia and France. The reservation rejecting the means of dispute settlement provided for in article 29, paragraph 1, of the Convention is in conformity with the provisions of article 29, paragraph 2.

4 March 2002

*With regard to reservations made by the Democratic People's Republic of Korea upon accession:*

Having considered the reservations and declarations made on 27 February 2001 by the Democratic People's Republic of Korea to the Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979, the Government of the French Republic objects to the said reservations and declarations relating to article 2, paragraph (f) and article 9, paragraph 2.

25 April 2003

*With regard to reservations made by Bahrain upon accession:*

The Government of the Republic of France has examined the reservations made by the Government of the Kingdom of Bahrain upon accession to the Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979. The Government of the Republic of France considers that, by making the implementation of articles 2 and 16 of the Convention subject to respect for the Islamic Shariah, the Government of the Kingdom of Bahrain is making two reservations of such a general and indeterminate scope that it is not possible to ascertain which changes to obligations under

the Convention they are intended to introduce. Consequently, the Government of France considers that the reservations as formulated could make the provisions of the Convention completely ineffective. For these reasons, the Government objects to the reservations made in respect of articles 2 and 16 of the Convention, which it considers to be reservations likely to be incompatible with the object and purpose of the Convention.

The Government of France objects to the reservations made in respect of article 9, paragraph 2, and article 15, paragraph 4, of the Convention.

The Government of France notes that these objections shall not preclude the entry into force of the Convention on the Elimination of All Forms of Discrimination against Women between Bahrain and France.

21 July 2003

*With regard to reservations made by the Syrian Arab*

*Republic upon accession:*

[The Government of the French Republic has examined the reservations made by the Syrian Arab Republic upon its accession to the 1979 Convention on the Elimination of All Forms of Discrimination against Women.

The Government of the French Republic considers that, by making a reservation to article 2 of the Convention, the Government of the Syrian Arab Republic is making a reservation of general scope that renders the provisions of the Convention completely ineffective. For this reason, the French Government objects to the reservation, which it considers to be incompatible with the object and purpose of the Convention.

The French Government objects to the reservations made to article 9, paragraph 2, article 15, paragraph 4, and article 16, paragraphs 1 and 2, of the Convention. The French Government notes that these objections do not preclude the entry into force of the 1979 Convention on the Elimination of All Forms of Discrimination against Women between Syria and France.

18 November 2005

*With regard to the reservations made by the United Arab*

*Emirates upon accession:*

The Government of the French Republic has examined the reservations formulated by the United Arab Emirates upon accession to the Convention on the Elimination of All Forms of Discrimination against Women, of 18 December 1979, according to which the United Arab Emirates, on the one hand, does not consider itself bound by the provisions of article 2 (f) and article 15, paragraph 2, because they are contrary to the sharia and, on the other, states that it will abide by the provisions of article 16 insofar as they are not in conflict with the principles of the sharia. The Government of the French Republic considers that, by precluding the application of these provisions, or by making it subject to the principles of the sharia, the United Arab Emirates is formulating reservations with a general scope depriving the provisions of the Convention of any effect. The Government of the French Republic considers that these reservations are contrary to the object and purpose of the Convention and enters an objection thereto. The Government of the French Republic also objects to the reservation formulated to article 9. These objections shall not preclude the entry into force of the Convention between France and the United Arab Emirates.

13 February 2007

*With regard to the reservations made by Oman upon accession:*

The Government of the French Republic has considered the reservations made by the Sultanate of Oman upon accession to the Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979, according to which the Sultanate of Oman does not consider itself bound by any

provisions of the Convention which are incompatible with Islamic Sharia or with the laws in force in the Sultanate of Oman', or by the provisions of article 9, paragraph 2, article 15, paragraph 4 and article 16, in particular paragraph 1 (a), (c) and (f). The Government of the French Republic considers that, by ruling out the application of the Convention or subordinating it to Sharia principles and the laws in force, the Sultanate of Oman is making a reservation of a general and indeterminate nature, thereby depriving the provisions of the Convention of any effect. The Government of the French Republic considers this reservation to be contrary to the object and purpose of the Convention and therefore wishes to register an objection thereto. The Government of the French Republic also objects to the reservations made to article 9, paragraph 2, article 15, paragraph 4 and article 16, in particular paragraph 1 (a), (c) and (f). These objections shall not prevent the entry into force of the Convention between France and the Sultanate of Oman.

13 June 2007

*With regard to the reservations made by Brunei*

*Darussalam upon accession:*

The Government of the French Republic has examined the reservations made by Brunei Darussalam upon acceding to the Convention on the Elimination of All Forms of Discrimination against Women, of 18 December 1979. The Government of the French Republic believes that in 'expressing' reservations regarding provisions of the Convention 'that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam', Brunei Darussalam is making a reservation of broad and indeterminate scope which does not allow other States Parties to ascertain which provisions of the Convention are envisaged and which may render the provisions of the Convention null and void. The Government of the French Republic believes that this reservation is incompatible with the object and purpose of the Convention and objects to it. The Government of the French Republic also objects to the reservation made specifically to article 9, paragraph 2 of the Convention. These objections shall not preclude the entry into force of the Convention between France and Brunei Darussalam.

## GERMANY<sup>22</sup>

The Federal Republic of Germany considers that the reservations made by Egypt regarding article 2, article 9, paragraph 2, and article 16, by Bangladesh regarding article 2, article 13 (a) and article 16, paragraph 1 (c), and (f), by Brazil regarding article 15, paragraph 4, and article 16, paragraph 1 (a), (c), (g) and (h), by Jamaica regarding article 9, paragraph 2, by the Republic of Korea regarding article 9 and article 16, paragraph 1 (c), (d), (f) and (g), and by Mauritius regarding article 11, paragraph 1 (b) and (d), and article 16, paragraph 1 (g), are incompatible with the object and purpose of the Convention (article 28, paragraph 2) and therefore objects to them. In relation to the Federal Republic of Germany, they may not be invoked in support of a legal practice which does not pay due regard to the legal status afforded to women and children in the Federal Republic of Germany in conformity with the above-mentioned articles of the Convention. This objection shall not preclude the entry into force of the Convention as between Egypt, Bangladesh, Brazil, Jamaica, the Republic of Korea, Mauritius and the Federal Republic of Germany.

*Objections of the same nature were also formulated by the Government of the Federal Republic of Germany in*

*regard to reservations made by various states, as follows:*

i) 15 October 1986: In respect of reservations formulated by the Government of Thailand concerning article 9, paragraph 2, article 10, article 11, paragraph 1 (b), article 15, paragraph 3 and article 16; (The Federal Republic of Germany also holds the view that the

reservation made by Thailand regarding article 7 of the Convention is likewise incompatible with the object and purpose of the Convention because for all matters which concern national security it reserves in a general and thus unpecific manner the right of the Royal Thai Government to apply the provisions only within the limits established by national laws, regulations and practices).

ii) 15 October 1986: In respect of reservations and some declarations formulated by the Government of Tunisia concerning article 9, paragraph 2 and article 16, as well as the declaration concerning article 15, paragraph 4.

iii) 3 March 1987: In respect of reservations made by the Government of Turkey to article 15, paragraphs 2 and 4, and article 16, paragraph 1 (c), (d), (f) and (g); in respect of reservations made by the Government of Iraq with regard to article 2, paragraphs (f) and (g), article 9 and article 16.

iv) 7 April 1988: In respect of the first reservation made by Malawi.

v) 20 June 1990: In respect of the reservation made by the Libyan Arab Jamahiriya.

vi) 24 October 1994: In respect of the reservations made by Maldives.

vii) 8 October 1996: In respect of the reservations made by Malaysia.

viii) 28 May 1997: In respect of the declaration made by Pakistan.

ix) 19 June 1997: In respect of the reservation made by Algeria.

19 January 2001

*With regard to the reservations made by Saudi Arabia upon ratification:*

"The Government of the Federal Republic of Germany is of the view that the reservation, with regard to compatibility of CEDAW rules with Islamic law, raises doubts as to the commitment of the Kingdom of Saudi Arabia to CEDAW. The Government of the Federal Republic of Germany considers this reservation to be incompatible with the object and purpose of the Convention.

The Government of the Federal Republic of Germany notes furthermore that the reservation to Paragraph 2 of article 9 of CEDAW aims to exclude one obligation of non-discrimination which is so important in the context of CEDAW as to render this reservation contrary to the essence of the Convention.

The Government of the Federal Republic of Germany therefore objects to the aforesaid reservations made by the Government of the Kingdom of Saudi Arabia to the Convention on Elimination of all Forms of Discrimination against Women.

This objection does not preclude the entry into force of the Convention between the Federal Republic of Germany and the Kingdom of Saudi Arabia."

2 October 2001

*With regard to the reservations made by the Democratic People's Republic of Korea upon accession:*

"The Government of the Federal Republic of Germany has examined the reservations to the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) made by the Government of the Democratic People's Republic of Korea upon its accession to the Convention. The Government of the Federal Republic of Germany is of the view that the reservations to article 2 paragraph (f) and article 9 paragraph 2 of CEDAW are incompatible with the object and purpose of the Convention, for they aim at excluding the Democratic People's Republic of Korea's obligations in respect of two basic aspects of the Convention.

The Government of the Federal Republic of Germany therefore objects to the aforesaid reservations made by the Government of the Democratic People's Republic of

Korea to the Convention on all Forms of Discrimination against Women.

This objection does not preclude the entry into force of the Convention between the Federal Republic of Germany and the Democratic People's Republic of Korea."

14 March 2002

*With regard to the reservation made by Mauritania upon accession:*

"The Government of the Federal Republic of Germany has examined the reservation to the Convention on the Elimination of all Forms of Discrimination against Women made by the Government of Mauritania at the time of its accession to the Convention. The Government of the Federal Republic of Germany is of the view that the reservation with regard to the compatibility of the rules of the Convention with the precepts of Islamic Sharia and the Constitution of Mauritania raises doubts as to the commitment of Mauritania to fulfil its obligations under the Convention. The Government of the Federal Republic of Germany consents this reservation to be incompatible with the object and purpose of the Convention. Therefore the Government of the Federal Republic of Germany objects to the aforesaid reservation made by the Government of Mauritania to the Convention.

This objection does not preclude the entry into force of the Convention between the Federal Republic of Germany and Mauritania."

18 February 2003

*With regard to the reservations made by Bahrain upon accession:*

"The Government of the Federal Republic of Germany has examined the reservations to the Convention on the Elimination of All Forms of Discrimination against Women made by the Government of the Kingdom of Bahrain at the time of accession to the Convention.

The Government of the Federal Republic of Germany is of the view that the reservations with regard to the compatibility of the rules of articles 2 and 16 of the Convention with the precepts of Islamic Shariah raises doubts as to the commitment of the Kingdom of Bahrain to fulfil its obligations under the Convention. These reservations are therefore incompatible with the object and purpose of the Convention.

The reservations to article 9 paragraph 2 and article 15 paragraph 4, if put into practice, would inevitably result in discrimination against women on the basis of sex, which is incompatible with the object and purpose of the Convention.

According to article 28 paragraph 2 of the Convention reservations incompatible with the object and purpose of the Convention shall not be permitted.

Therefore, the Government of the Federal Republic of Germany objects to the aforesaid reservations made by the Government of the Kingdom of Bahrain to the Convention.

This objection does not preclude the entry into force of the Convention between the Federal Republic of Germany and the Kingdom of Bahrain."

25 August 2003

*With regard to the reservations made by the Syrian Arab Republic upon accession:*

"The Government of the Federal Republic of Germany has examined the reservations made by the Government of the Syrian Arab Republic to the Convention on the Elimination of All Forms of Discrimination against Women in respect of Article 2; Article 9, paragraph 2; Article 15, paragraph 4; Article 16, paragraph 1 (c), (d), (f) and (g); and Article 16, paragraph 2.

The Government of the Federal Republic of Germany finds that the aforesaid reservations would allow to limit the responsibilities of the reserving State with regard to essential provisions of the Convention and therefore raise

doubts as to the commitment assumed by this State in acceding to the Convention.

Consequently, the Government of the Federal Republic of Germany considers that these reservations are incompatible with the object and purpose of the Convention.

According to Article 28, paragraph 2 of the Convention reservations incompatible with the object and purpose of the Convention shall not be permitted.

The Government of the Federal Republic of Germany therefore objects to the aforementioned reservations made by the Government of the Syrian Arab Republic to the Convention on the Elimination of All Forms of Discrimination against Women.

This objection does not preclude the entry into force of the Convention between the Federal Republic of Germany and the Syrian Arab Republic."

9 November 2005

*With regard to the reservations made by the United Arab Emirates upon accession:*

The Government of the Federal Republic of Germany has carefully examined the reservations made by the Government of the United Arab Emirates upon accession to the International Convention on the Elimination of All Forms of Discrimination Against Women. It is of the opinion that from the reservations to Article 2 (f), Article 15 (2) and Article 16, which give a specific legal system, the Islamic Sharia, precedence as a rule over the provisions of the Convention, it is unclear to what extent the UAE feels bound by the obligations of the Convention.

Moreover, the reservations to Article 9 (2) and Article 15 (2) would in practice result in a legal situation that discriminated against women, which would not be compatible with the object and purpose of the Convention.

Pursuant to Article 28 (2) of the Convention, reservations that are incompatible with the object and purpose of the present Convention shall not be permitted.

The Government of the Federal Republic of Germany therefore objects to the above-mentioned reservations made by the Government of the United Arab Emirates to the Convention on the Elimination of All Forms of Discrimination Against Women. This objection shall not preclude the entry into force of the Convention between the Federal Republic of Germany and the United Arab Emirates.

28 August 2006

*With regard to the reservations made by Oman upon accession:*

"The Government of the Federal Republic of Germany has carefully examined the reservations made by the Sultanate of Oman on 7 February 2006 upon accession to the Convention on the Elimination of All Forms of Discrimination Against Women of 18 December 1979. The reservations state the Sultanate of Oman does not consider itself bound by provisions of the Convention that are not in accordance with the provisions of the Islamic Sharia and legislation in force in the Sultanate of Oman, and also state that it is not bound by Article 9 (2), Article 15 (4) and Article 16, subparagraphs (a), (c) and (f) of the Convention.

The Government of the Federal Republic of Germany is of the opinion that by giving precedence to the principles of the Sharia and its own national law over the application of the provisions of the Convention, the Sultanate of Oman has made a reservation which leaves it unclear to what extent it feels bound by the obligations of the Convention and which is incompatible with the object and purpose of the Convention. Furthermore, the reservations to Article 9 (2), Article 15 (4) and Article 16 will unavoidably result in a legal situation that discriminates against women, which is incompatible with the object and purpose of the Convention.

Pursuant to Article 28 (2) of the Convention, reservations that are incompatible with the object and purpose of the Convention shall not be permitted.

The Government of the Federal Republic of Germany therefore objects to the above-mentioned reservations. This objection shall not preclude the entry into force of the Convention between the Federal Republic of Germany and the Sultanate of Oman."

19 December 2006

*With regard to the reservations made by Brunei*

*Darussalam upon accession:*

"The Government of the Federal Republic of Germany has carefully examined the reservations made by Brunei Darussalam on 24 May 2006 upon accession to the Convention on the Elimination of All Forms of Discrimination Against Women of 18 December 1979. The reservations state that Brunei Darussalam does not consider itself bound by provisions of the Convention that are contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, in particular Article 9 (2) of the Convention.

The Government of the Federal Republic of Germany is of the opinion that by giving precedence to the beliefs and principles of Islam and its own constitutional law over the application of the provisions of the Convention, Brunei Darussalam has made a reservation which leaves it unclear to what extent it feels bound by the obligations of the Convention and which incompatible with the object and purpose of the Convention. Furthermore, the reservation to Article 9 (2) will unavoidably result in a legal situation that discriminates against women, which is incompatible with the object and purpose of the Convention,

Pursuant to Article 28 (2) of the Convention, reservations that are incompatible with the object and purpose of the Convention shall not be permitted.

The Government of the Federal Republic of Germany therefore objects to the above-mentioned reservations. This objection shall not preclude the entry into force of the Convention between the Federal Republic of Germany and Brunei Darussalam."

#### GREECE

13 June 2003

*With regard to reservations made by Bahrain upon*

*accession:*

"The Government of the Hellenic Republic has examined the reservations made by the Government of the Kingdom of Bahrain upon accession to the Convention on the Elimination of all Forms of Discrimination Against Women.

The Government of the Hellenic Republic considers that the reservations with respect to articles 2 and 16, which contain a reference to the provisions of the Islamic Sharia are of unlimited scope and, therefore, incompatible with the object and purpose of the Convention.

The Government of the Hellenic Republic recalls that, according to article 28 (para 2) of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of the Hellenic Republic therefore objects to the aforementioned reservations made by the Government of the Kingdom of Bahrain to the Convention on the Elimination of all Forms of Discrimination Against Women. This shall not preclude the entry into force of the Convention in its entirety between Bahrain and Greece."

4 March 2004

*With regard to the reservations made by the Syrian Arab*

*Republic upon accession:*

"The Government of the Hellenic Republic has examined the reservations made by the Government of the Syrian Arab Republic upon accession to the Convention

on the Elimination of All Forms of Discrimination against Women.

The Government of the Hellenic Republic is of the view that the reservation with respect to article 2, which is a core provision of the Convention, is of a general character and is, therefore, contrary to the object and purpose of the Convention.

It also considers that the reservation regarding article 16, paragraph 2 which contains a reference to the provisions of the Islamic Shariah is of unlimited scope and is, similarly, incompatible with the object and purpose of the Convention.

The Government of the Hellenic Republic recalls that according to article 28 paragraph 2 of the Convention, a reservation which is incompatible with the object and purpose of the Convention shall not be permitted.

Consequently, the Government of the Hellenic Republic objects to the aforementioned reservations made by the Government of the Syrian Arab Republic to the Convention on the Elimination of All Forms of Discrimination against Women. This shall not preclude the entry into force of the Convention between Syria and Greece."

4 October 2005

*With regard to the reservations made by the United Arab*

*Emirates upon accession:*

"The Government of the Hellenic Republic have examined the reservations made by the Government of the United Arab Emirates upon accession to the Convention on the Elimination of All Forms of Discrimination against Women (New York, 18 December 1979).

The Government of the Hellenic Republic consider that the reservations in respect of Articles 2 (f), which is a core provision of the above Convention, 15 paragraph 2 and 16, all containing a reference to the provisions of the Islamic Shariah, are of unlimited scope and, therefore, incompatible with the object and purpose of the Convention.

The Government of the Hellenic Republic recall that, according to Article 28 paragraph 2 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

Consequently, the Government of the Hellenic Republic object to the aforementioned reservations made by the Government of the United Arab Emirates. This objection shall not preclude the entry into force of the Convention between Greece and the United Arab Emirates."

29 January 2007

*With regard to the reservations made by Oman upon*

*accession:*

"The Government of the Hellenic Republic have examined the reservations formulated by the Sultanate of Oman upon accession to the Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979.

The Government of the Hellenic Republic consider that the reservation to "all provisions of the Convention not in accordance with the provisions of the Islamic sharia and legislation in force in the Sultanate of Oman" is of unlimited scope and undefined character, while, furthermore, subjects the application of the Convention to the domestic law of the Sultanate of Oman. It is, therefore, incompatible with the object and purpose of the Convention.

Moreover, the Government of the Hellenic Republic consider that the reservations to articles 9 par. 2, 15 par. 4 and 16 do not specify the extent of the derogation therefrom and, therefore, are incompatible with the object and purpose of the Convention.

The Government of the Hellenic Republic recall that, according to Article 28 paragraph 2 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

For these reasons, the Government of the Hellenic Republic object to the abovementioned reservations formulated by the Sultanate of Oman.

This objection shall not preclude the entry into force of the Convention between Greece and the Sultanate of Oman."

15 June 2007

*With regard to the reservations made by Brunei*

*Darussalam upon accession:*

"The Government of the Hellenic Republic consider that the reservation "regarding those provisions of the said Convention that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, the official religion of Brunei Darussalam" is of unlimited scope and undefined character, while furthermore, subjects the application of the Convention to the constitutional law of Brunei Darussalam and the beliefs and principles of Islam. It is, therefore, incompatible with the object and purpose of the Convention.

Moreover, the Government of the Hellenic Republic consider that the reservation to article 9 par. 2 does not specify the extent of the derogation therefrom and, therefore, are incompatible with the object and purpose of the Convention.

The Government of the Hellenic Republic recall that, according to Article 28 paragraph 2 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

For these reasons, the Government of the Hellenic Republic object to the abovementioned reservations formulated by Brunei Darussalam.

This objection shall not preclude the entry into force of the Convention between Greece and Brunei Darussalam."

#### HUNGARY

7 February 2007

*With regard to the reservations made by Oman upon accession:*

"The Government of the Republic of Hungary has examined the reservations made by the Sultanate of Oman on 7 February 2006 upon accession to the Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979. The reservations state the Sultanate of Oman does not consider itself bound by the provisions of the Convention that are not in accordance with the provisions of the Islamic Sharia and legislation in force in the Sultanate of Oman, and also state that it is not bound by Article 9 (2), Article 15 (4) and Article 16, subparagraphs (a), (c) and (f) of the Convention.

The Government of the Republic of Hungary is of the opinion that by giving precedence to the principles of the Sharia and its own national law over the application of the provisions of the Convention, the Sultanate of Oman has made a reservation which leaves it unclear to what extent it feels bound by the obligations of the Convention and which is incompatible with the object and purpose of the Convention. Furthermore, the reservations to Article 9 (2), Article 15 (4) and Article 16 will unavoidably result in a legal situation that discriminates against women, which is incompatible with the object and purpose of the Convention.

Pursuant to Article 28 (2) of the Convention, reservations that are incompatible with the object and purpose of the Convention shall not be permitted.

The Government of the Republic of Hungary therefore objects to the above-mentioned reservations. This objection shall not preclude the entry into force of the Convention between the Republic of Hungary and the Sultanate of Oman."

24 April 2007

*With regard to the reservations made by Brunei*

*Darussalam upon accession:*

"The Government of the Republic of Hungary has examined the reservation made by the Brunei Darussalam on 24 May 2006 upon accession to the Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979. The reservation states that the Brunei Darussalam does not consider itself bound by Article 9 (2) of the Convention.

The Government of the Republic of Hungary is of the opinion that the reservation to Article 9 (2) will unavoidably result in a legal situation that discriminates against women, which is incompatible with the object and purpose of the Convention.

Pursuant to Article 28 (2) of the Convention, reservations that are incompatible with the object and purpose of the Convention shall not be permitted.

The Government of the Republic of Hungary therefore objects to the above-mentioned reservation. This objection shall not preclude the entry into force of the Convention between the Republic of Hungary and the Brunei Darussalam."

#### IRELAND

2 October 2001

*With regard to the reservations made by Saudi Arabia*

*upon ratification:*

"The Government of Ireland has examined the reservation made, on 7 September 2000, by the Government of the Kingdom of Saudi Arabia to the Convention on the Elimination of All Forms of Discrimination Against Women, in respect of any divergence between the terms of the Convention and the norms of Islamic law. It has also examined the reservation made on the same date by the Government of the Kingdom of Saudi Arabia to Article 9, paragraph 2 of the Convention concerning the granting to women of equal rights with men with respect to the nationality of their children.

As to the former of the aforesaid reservations, the Government of Ireland is of the view that a reservation which consists of a general reference to religious law without specifying the content thereof and which does not clearly specify the provisions of the Convention to which it applies and the extent of the derogation therefrom, may cast doubts on the commitment of the reserving State to fulfil its obligations under the Convention. The Government of Ireland is furthermore of the view that such a general reservation may undermine the basis of international treaty law.

As to the reservation to Article 9, paragraph 2 of the Convention, the Government of Ireland considers that such a reservation aims to exclude one obligation of non-discrimination which is so important in the context of the Convention on the Elimination of All Forms of Discrimination Against Women as to render this reservation contrary to the essence of the Convention. The Government of Ireland notes in this connection that Article 28, paragraph 2 of the Convention provides that a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Ireland moreover recalls that by ratifying the Convention, a State commits itself to adopt the measures required for the elimination of discrimination, in all its forms and manifestations, against women.

The Government of Ireland therefore objects to the aforesaid reservations made by the Government of the Kingdom of Saudi Arabia to the Convention on the Elimination of All Forms of Discrimination Against Women.

This objection shall not preclude the entry into force of the Convention between Ireland and the Kingdom of Saudi Arabia."

19 December 2006

*With regard to the reservations made by Brunei*

*Darussalam upon accession:*

"The Government of Ireland has examined the reservation made on 24 May 2006 by Brunei Darussalam to the Convention on the Elimination of All Forms of Discrimination Against Women at the time of its accession thereto.

The Government of Ireland notes that Brunei Darussalam subjects application of the Convention on the Elimination of All Forms of Discrimination against Women to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam. The Government of Ireland is of the view that a reservation which consists of a general reference to religious law and to the Constitution of the reserving State and which does not clearly specify the provisions of the Convention to which it applies and the extent of the derogation therefrom, may cast doubts on the commitment of the reserving State to fulfil its obligations under the Convention. The Government of Ireland is furthermore of the view that such a general reservation may undermine the basis of international treaty law and is incompatible with the object and purpose of the Convention. The Government of Ireland recalls that according to Article 28, paragraph 2 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Ireland further considers that the reservation made with respect to Article 9, paragraph 2 is incompatible with the object and purpose of the Convention.

The Government of Ireland therefore objects to the aforesaid reservations made by the Brunei Darussalam to the Convention on the Elimination of All forms of Discrimination against Women.

This objection shall not preclude the entry into force of the Convention between Ireland and Brunei Darussalam."

*With regard to the reservations made by Oman upon accession:*

"The Government of Ireland has examined the reservation made on 7 February 2006 by the Sultanate of Oman to the Convention on the Elimination of All Forms of Discrimination against Women at the time of its accession thereto.

The Government of Ireland notes that the Sultanate of Oman subjects application of the Convention on the Elimination of All Forms of Discrimination against Women to the provisions of Islamic sharia and legislation in force in the Sultanate. The Government of Ireland is of the view that a reservation which consists of a general reference to religious law and to the Constitution of the reserving State and which does not clearly specify the provisions of the Convention to which it applies and the extent of the derogation therefrom, may cast doubts on the commitment of the reserving state to fulfil its obligations under the Convention. The Government of Ireland is furthermore of the view that such a general reservation may undermine the basis of international treaty law and is incompatible with the object and purpose of the Convention. The Government of Ireland recalls that according to Article 28, paragraph 2 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Ireland further considers that the reservations made with respect to Article 9, paragraph 2, Article 15, paragraph 4 and Article 16 of the Convention are incompatible with the object and purpose of the Convention.

The Government of Ireland therefore objects to the aforesaid reservations made by the Sultanate of Oman to the Convention on the Elimination of All Forms of Discrimination against Women.

This objection shall not preclude the entry into force of the Convention between Ireland and the Sultanate of Oman."

**ITALY**

2 September 2003

*With regard to the reservations made by the Syrian Arab Republic upon accession:*

"The Government of Italy has examined the reservations made by the Government of the Syrian Arab Republic at the time of its accession to the Convention on the Elimination of All Forms of Discrimination against Women, regarding article 2, article 9, paragraph 2, article 15, paragraph 4, article 16, paragraph 1 (c), (d), (f) and (g), and article 16, paragraph 2.

The Government of Italy considers that the reservations to article 2, article 9, paragraph 2, article 15, paragraph 4, article 16, paragraph 1 (c), (d), (f) and (g) are incompatible with the object and purpose of the above-mentioned Convention, as they contrast with the commitment of all parties to an effective implementation of the basic principles established in the Convention.

Furthermore, the Government of Italy underlines that the reservation with respect to article 16, paragraph 2, of the Convention, concerning the Islamic Sharia of the Syrian Arab Republic, may limit the responsibilities and obligations of the reserving State under the Convention, and therefore raises serious doubts about the real extent of the commitment undertaken by the Syrian Arab Republic at the time of its accession to the Convention.

The Government of Italy recalls that, according to article 28, paragraph 2 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

As a consequence, the Government of Italy objects to the above-mentioned reservations made by the Syrian Arab Republic to the Convention on the Elimination of All Forms of Discrimination against Women.

This objection, however, shall not preclude the entry into force of the Convention between the Government of Italy and the Syrian Arab Republic."

15 June 2007

*With regard to the reservations made by the Brunei*

*Darussalam upon accession:*

"... the Government of Italy has carefully examined the reservations made by Brunei Darussalam on 24 May 2006 upon accession to the Convention on the Elimination of All Forms of Discrimination Against Women of 18 December 1979. The reservations state that Brunei Darussalam does not consider itself bound by provisions of the Convention that are contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, in particular Article 9 (2) of the Convention.

The Government of Italy is of the opinion that by giving precedence to the beliefs and principles of Islam and its own constitutional law over the application of the provisions of the Convention, Brunei Darussalam has made a reservation which leaves it unclear to what extent it feels bound by the obligations of the Convention and which is incompatible with the object and purpose of the Convention. Furthermore, the reservation to Article 9 (2) will unavoidably result in a legal situation that discriminates against women, which is incompatible with the object and purpose of the Convention. Pursuant to Article 28 (2) of the Convention, reservations that are incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Italy therefore objects to the above-mentioned reservations. This objection shall not

preclude the entry into force of the Convention between Italy and Brunei Darussalam."

9 July 2007

*With regard to the reservations made by Oman upon accession:*

"..., the Government of Italy has carefully examined the reservations made by the Sultanate of Oman on 7 February 2006 upon accession to the above mentioned Convention. The reservations state that the Sultanate of Oman does not consider itself bound by provisions of the Convention that are not in accordance with the provisions of the Islamic Sharia and legislation in force in the Sultanate of Oman, and also state that it is not bound by Article 9 (2), Article 15 (4) and Article 16, subparagraphs (a), (c) and (f) of the Convention.

The Government of Italy is of the opinion that by giving precedence to the principles of the Sharia and its own national law over the application of the provisions of the Convention, the Sultanate of Oman has made a reservation which leaves it unclear to what extent it feels bound by the obligations of the Convention and which is incompatible with the object and purpose of the Convention. Pursuant to Article 28 (2) of the Convention, reservations that are incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Italy therefore objects to the above-mentioned reservations. This objection shall not preclude the entry into force of the Convention between Italy and the Sultanate of Oman."

#### LATVIA

4 October 2005

*With regard to the reservations made by the United Arab Emirates upon accession:*

"The Government of the Republic of Latvia has carefully examined the reservations made by the United Arab Emirates to the Convention on the Elimination of All Forms of Discrimination against Women upon accession to the Convention regarding Article 2 (f), Article 15 (2), and Article 16 thereof.

The Government of the Republic of Latvia considers that the reservations made by the United Arab Emirates contain general reference to national law without making specific reference to the extent of the obligations the United Arab Emirates are accepting.

Moreover, the Government of the Republic of Latvia is of the opinion that these reservations contradict to the object and purpose of the Convention and in particular to obligation all States Parties to pursue by all appropriate means and without delay a policy of eliminating discrimination against women.

The Government of the Republic of Latvia recalls Part VI, Article 28 of the Convention setting out that reservations incompatible with the object and purpose of the Convention are not permitted.

The Government of the Republic of Latvia therefore objects to the aforesaid reservations made by the United Arab Emirates to the Convention on the Elimination of All Forms of Discrimination against Women.

However, this objection shall not preclude the entry into force of the Convention between the Republic of Latvia and the United Arab Emirates."

6 December 2006

*With regard to the reservations made by Brunei Darussalam upon accession:*

"The Government of the Republic of Latvia has carefully examined the reservations made by the Brunei Darussalam to the Convention on the Elimination of All Forms of Discrimination against Women upon accession to the Convention regarding paragraph 2 of Article 9, paragraph 1 of Article 29.

The Government of the Republic of Latvia considers that the aim of the said Convention is to grant the equality

between men and women and therefore the distinction between genders regarding the rights to determine the nationality of children is not in accordance with the aim of the said convention.

Moreover, the reservation made by the Brunei Darussalam regarding paragraph 1 of Article 29 is in accordance with the Convention and general principles of international law, because any state may declare that it is not bound by some mechanism of settlement of disputes.

The Government of the Republic of Latvia recalls Article 28 of the Convention setting out that reservations incompatible with the object and purpose of the Convention are not permitted.

The Government of the Republic of Latvia, therefore, objects to the aforesaid reservation made by the Brunei Darussalam to the Convention on the Elimination of All Forms of Discrimination against Women.

However, this objection shall not preclude the entry into force of the Convention between the Republic of Latvia and the Brunei Darussalam. Thus, the Convention will become operative without the Brunei Darussalam benefiting from its reservation."

*With regard to the reservations made by Oman upon accession:*

"The Government of the Republic of Latvia has carefully examined the reservations made by the Sultanate of Oman to the Convention on the Elimination of All Forms of Discrimination against Women upon accession to the Convention regarding Article 9 paragraph 2, article 15 paragraph 4 and article 16.

The Government of the Republic of Latvia considers that the aim of the said Convention is to grant the equality between men and women and therefore the distinction between genders regarding the rights to determine the nationality of children is not in accordance with the aim of the said convention.

Moreover, the rights to determine its own domicile, is a part of the free movement of person, is very important part of human rights and, thus no limitations may be permitted to the said right.

The Government of the Republic of Latvia is of the opinion that the equality between spouses is a very important issue and, therefore, no exemption regarding the said rights is acceptable.

Moreover, the Government of the Republic of Latvia is of the opinion that these reservations made by the Sultanate of Oman contradict to the object and purpose of the Convention and in particular to the obligation of all States Parties to pursue by all appropriate means and without delay a policy of eliminating the discrimination against women.

The Government of the Republic of Latvia recalls Part VI, Article 28 of the Convention setting out that reservations incompatible with the object and purpose of the Convention are not permitted.

The Government of the Republic of Latvia, therefore, objects to the aforesaid reservations made by the Sultanate of Oman to the Convention on the Elimination of All Forms of Discrimination against Women.

However, this objection shall not preclude the entry into force of the Convention between the Republic of Latvia and the Sultanate of Oman. Thus, the Convention will become operative without the Sultanate of Oman benefiting from its reservation."

#### MEXICO

11 January 1985

The Government of the United Mexican States has studied the content of the reservations made by Mauritius to article 11, paragraph 1 (b) and (d), and article 16, paragraph 1 (g), of the Convention and has concluded that they should be considered invalid in the light of article 28, paragraph 2, of the Convention, because they are incompatible with its object and purpose.

Indeed, these reservations, if implemented, would inevitably result in discrimination against women on the basis of sex, which is contrary to all the articles of the Convention. The principles of equal rights of men and women and non-discrimination on the basis of sex, which are embodied in the second preambular paragraph and Article 1, paragraph 3, of the Charter of the United Nations, to which Mauritius is a signatory, and in articles 2 and 16 of the Universal Declaration of Human Rights of 1948, were previously accepted by the Government of Mauritius when it acceded, on 12 December 1973, to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The above principles were stated in article 2, paragraph 1, and article 3 of the former Covenant and in article 2, paragraph 2, and article 3 of the latter. Consequently, it is inconsistent with these contractual obligations previously assumed by Mauritius for its Government now to claim that it has reservations, on the same subject, about the 1979 Convention.

The objection of the Government of the United Mexican States to the reservations in question should not be interpreted as an impediment to the entry into force of the 1979 Convention between the United Mexican States and Mauritius.

*Objections, identical in essence, mutatis mutandis, were also formulated by the Government of Mexico in regard to reservations made by various States, as follows [for the States which were not Parties to the Covenants (marked below with an asterisk \*), the participation in the Covenants was not invoked by Mexico in its objection with regard to reservations]:*

- i) 21 February 1985: In respect of reservations by Bangladesh\* concerning article 2, article 13 (a) and article 16 paragraph 1 (c) and (f).
- ii) 21 February 1985: In respect of the reservation by Jamaica concerning article 9 (2).
- iii) 22 May 1985: In respect of reservations by New Zealand (applicable to the Cook Islands) concerning article 2 (f) and article 5 (a).
- iv) 6 June 1985: In respect of reservations by the Republic of Korea concerning article 9 and article 16, paragraph 1 (c), (d), (e), (f) and (g). In this case, the Government of Mexico stated that the principles of the equal rights of men and women and of non-discrimination on the basis of sex, which are set forth in the Charter of the United Nations as one of its purposes in the Universal Declaration of Human Rights of 1948 and in various multilateral instruments, have already become general principles of international law which apply to the international community, to which the Republic of Korea belongs.
- v) 29 January 1986: In respect of the reservation made by Cyprus to article 9, paragraph 2.
- vi) 7 May 1986: In respect of the reservations made by Turkey\* to paragraphs 2 and 4 of article 15 and paragraphs 1 (c), 1 (d), 1 (f) and 1 (g) of article 16.
- vii) 16 July 1986: In respect of reservations made by Egypt to articles 9 and 16.
- viii) 16 October 1986: In respect of reservations by Thailand\* concerning article 9, paragraph 2, article 15, paragraph 3 and article 16.
- ix) 4 December 1986: In respect of reservations by Iraq concerning article 2, paragraphs (f) and (g), article 9, paragraphs 1 and 2 and article 16.
- x) 23 July 1990: In respect of the reservation made by the Libyan Arab Jamahiriya.

#### NETHERLANDS

"The Government of the Kingdom of the Netherlands considers that the reservations made by Bangladesh regarding article 2, article 13 (a) and article 16, paragraph 1 (c) and (f), by Egypt regarding article 2, article 9 and article 16, by Brazil regarding article 15, paragraph 4, and

article 16, paragraph 1 (a), (c), (g), and (h), by Iraq regarding article 2, sub-paragraphs (f) and (g), article 9 and article 16, by Mauritius regarding article 11, paragraph 1 (b) and (d), and article 16, paragraph 1 (g), by Jamaica regarding article 9, paragraph 2, by the Republic of Korea regarding article 9 and article 16, paragraph 1 (c), (d), (f) and (g), by Thailand regarding article 9, paragraph 2, article 15, paragraph 3, and article 16, by Tunisia regarding article 9, paragraph 2, article 15, paragraph 4, and article 16, paragraph 1 (c), (d), (f), (g) and (h), by Turkey regarding article 15, paragraphs 2 and 4, and article 16, paragraph 1 (c), (d), (f) and (g), by the Libyan Arab Jamahiriya upon accession, and the first paragraph of the reservations made by Malawi upon accession, are incompatible with the object and purpose of the Convention (article 28, paragraph 2).

"These objections shall not preclude the entry into force of the Convention as between Bangladesh, Egypt, Brazil, Iraq, Mauritius, Jamaica, the Republic of Korea, Thailand, Tunisia, Turkey, Libyan Arab Jamahiriya, Malawi and the Kingdom of the Netherlands."

14 July 1994

The Government of the Kingdom of the Netherlands considers that the declarations made by India regarding article 5 (a) and article 16, paragraph 1. of the Convention are reservations incompatible with the object and purpose of the Convention (article 28, paragraph 2).

The Government of the Kingdom of the Netherlands considers that the declaration made by India regarding article 16, paragraph 2, of the Convention is a reservation incompatible with the object and purpose of the Convention (article 28, para. 2).

The Government of the Kingdom of the Netherlands considers that the declaration made by Morocco expressing the readiness of Morocco to apply the provisions of article 2 provided that they do not conflict with the provisions of the Islamic *Shariah*, is a reservation incompatible with the object and purpose of the Convention (article 28, paragraph 2).

The Government of the Kingdom of the Netherlands considers that the declaration made by Morocco regarding article 15, paragraph 4, of the Convention is a reservation incompatible with the object and purpose of the Convention (article 28, paragraph 2).

The Government of the Kingdom of the Netherlands considers that the reservations made by Morocco regarding article 9, paragraph 2, and article 16 of the Convention are reservations incompatible with the object and purpose of the Convention (article 28, paragraph 2).

The Government of the Kingdom of the Netherlands has examined the reservations made by the Maldives [...]. The Government of the Kingdom of the Netherlands considers the said reservations incompatible with the object and purpose of the Convention.

The Government of the Kingdom of the Netherlands objects to the above-mentioned declarations and reservations.

These objections shall not preclude the entry into force of the Convention as between India, Morocco, the Maldives and the Kingdom of the Netherlands.

16 January 1996

*With regard to the reservations made by Kuwait upon accession:*

"The Government of the Kingdom of the Netherlands considers the reservations made by Kuwait incompatible with the object and purpose of the Convention (article 28, paragraph 2).

The Government of the Kingdom of the Netherlands therefore objects to the [said] reservations. These objections shall not preclude the entry into force of the Convention between Kuwait and the Kingdom of the Netherlands."

15 October 1996

15 May 1998

*With regard to the reservations made by Malaysia upon accession:*

"The Government of the Kingdom of the Netherlands considers ... that such reservations, which seeks to limit the responsibilities of the reserving State under the Convention by invoking the general principles of national law and the Constitution, may raise doubts as to the commitment of this State to the object and purpose of the Convention and, moreover contribute to undermining the basis of international treaty law. It is in the common interest of States that treaties to which they have chosen to become parties should be respected, as to object and purpose, by all parties.

The Government of the Kingdom of the Netherlands further considers that the reservations made by Malaysia regarding article 2 (f), article 5 (a), article 9 and article 16 of the Convention are incompatible with the object and purpose of the Convention.

The Government of the Kingdom of the Netherlands therefore objects to the above-mentioned reservations. This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and Malaysia."

1 November 1996

*With regard to the reservations made by Fiji upon accession and Lesotho upon ratification:*

*[Same objection, mutatis mutandis, as the one made for Malaysia.]*

20 November 1996

*With regard to the reservations made by Singapore upon accession:*

"The Government of the Kingdom of the Netherlands ... considers:

- that the reservation under (1) is incompatible with the purpose of the Convention;
- that the reservation under (2) suggests a distinction between migrating men and migrating women, and by that is an implicit reservation regarding article 9 of the Convention, which is incompatible with the object and purpose of the Convention;
- that the reservation under (3), particularly the last part "...and considers that legislation in respect of article 11 is unnecessary for the minority of women who do not fall within the ambit of Singapore's employment legislation" is a reservation, which seeks to limit the responsibilities of the reserving State under the Convention by invoking the general principles of its national law, and in this particular case to exclude the application of the said article for a specific category of women, and therefore may raise doubts as to the commitment of this State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law. It is in the common interest of States that treaties to which they have chosen to become parties should be respected, as to object and purpose, by all parties;

The Government of the Kingdom of the Netherlands therefore objects to the above-mentioned reservations. This objection shall not preclude the entry into force of the Convention between Singapore and the Kingdom of the Netherlands."

30 May 1997

*With regard to the declaration made by Pakistan upon accession:*

*[Same objection, mutatis mutandis, as the one made for Malaysia.]*

1 July 1997

*With regard to the reservations made by Algeria upon accession:*

*[Same objection, mutatis mutandis, as the one made for Malaysia.]*

*With regard to the reservations regarding article 9, paragraph 2, and article 16 first paragraph (c), (d), (f) and (g) made by Lebanon upon accession:*

*[Same objection, mutatis mutandis, as the one made for Kuwait.]*

18 September 2001

*With regard to the reservations made by Saudi Arabia upon ratification:*

"The Government of the Kingdom of the Netherlands has examined the reservations made by the Government of Saudi Arabia at the time of its [ratification of] the Convention on the Elimination of All Forms of Discrimination against Women.

The Government of the Kingdom of the Netherlands considers that the reservation concerning the national law of Saudi Arabia, which seeks to limit the responsibilities of the reserving State under the Convention by invoking national law, may raise doubts as to the commitment of this State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law.

The Government of the Kingdom of the Netherlands furthermore considers that the reservation made by Saudi Arabia regarding article 9, paragraph 2, of the Convention is incompatible with the object and purpose of the Convention. The Government of the Kingdom of the Netherlands recalls that according to paragraph 2 of Article 28 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become party should be respected, as to object and purpose, by all parties. The Government of the Kingdom of the Netherlands therefore objects to the aforesaid reservations made by the Government of Saudi Arabia to the Convention on the Elimination of All Forms of Discrimination against Women.

This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and Saudi Arabia."

*With regard to the reservations made by the Democratic People's Republic of Korea upon accession:*

"The Government of the Kingdom of the Netherlands has examined the reservations made by the Government of the Democratic People's Republic of Korea regarding article 2, paragraph (f), and article 9, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women made at the time of its accession to the said Convention.

The Government of the Kingdom of the Netherlands considers that the reservations made by the Democratic People's Republic of Korea regarding article 2, paragraph (f), and article 9, paragraph 2, of the Convention are reservations incompatible with the object and purpose of the Convention. The Government of the Kingdom of the Netherlands recalls that, according to paragraph 2 of Article 28 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become party are respected, as to their object and purpose, by all parties and that States are prepared to take all appropriate measures, including legislation to comply with their obligations.

The Kingdom of the Netherlands therefore objects to the afore-said reservations made by the Government of the Democratic People's Republic of Korea to the Convention on the Elimination of All Forms of Discrimination against Women.

This objection shall not preclude the entry into force of the Convention between the Kingdom of the

Netherlands and the Democratic People's Republic of Korea."

8 February 2002

*With regard to the reservation made by Mauritania upon accession:*

"The Government of the Kingdom of the Netherlands has examined the reservation made by the Government of Mauritania at the time of its accession to the Convention on the Elimination of All Forms of Discrimination against Women and considers that the reservation concerning the Islamic Sharia and the national law of Mauritania, which seeks to limit the responsibilities of the reserving State under the Convention by invoking the Sharia and national law, may raise doubts as to the commitment of this State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law. The Government of the Kingdom of the Netherlands recalls that, according to paragraph 2 of Article 28 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become party are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties. The Government of the Kingdom of the Netherlands therefore objects to the aforesaid reservation made by the Government of Mauritania to the Convention on the Elimination of All Forms of Discrimination against Women.

This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and Mauritania."

22 November 2002

*With regard to the reservations made by Bahrain upon accession:*

The Government of the Kingdom of the Netherlands has examined the reservations made by the Government of Bahrain at the time of its accession to the Convention on the Elimination of All Forms of Discrimination against Women.

The Government of the Kingdom of the Netherlands considers that the reservations with respect to article 9, paragraph 2, and article 15, paragraph 4, of the Convention are reservations incompatible with the object and purpose of the Convention.

Furthermore, the Government of the Kingdom of the Netherlands considers that the reservations with respect to articles 2 and 16 of the Convention, concerning the Islamic Shariah of Bahrain, reservations which seek to limit the responsibilities of the reserving State under the Convention by invoking the Islamic Shariah, may raise doubts as to the commitment of this State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law.

The Government of the Kingdom of the Netherlands recalls that, according to paragraph 2 of Article 28 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become party are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of the Kingdom of the Netherlands therefore objects to the aforesaid reservations made by the Government of Bahrain to the Convention on the Elimination of All Forms of Discrimination against Women.

This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and Bahrain.

27 May 2003

*With regard to the reservations made by the Syrian Arab Republic upon accession:*

"The Government of the Kingdom of the Netherlands has examined the reservations made by the Government of the Syrian Arab Republic at the time of its accession to the Convention on the Elimination of All Forms of Discrimination against Women.

The Government of the Kingdom of the Netherlands considers that the reservations with respect to article 2, article 9, paragraph 2, article 15, paragraph 4, and article 16, paragraph 1 (c), (d), (f) and (g), of the Convention are reservations incompatible with the object and purpose of the Convention.

Furthermore, the Government of the Kingdom of the Netherlands considers that the reservation with respect to article 16, paragraph 2, of the Convention, concerning the Islamic Shariah of the Syrian Arab Republic, a reservation which seeks to limit the responsibilities of the reserving State under the Convention by invoking the Islamic Shariah, may raise doubts as to the commitment of this State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law. The Government of the Kingdom of the Netherlands recalls that, according to paragraph 2 of article 28 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become party are respected, as to their object and purpose, by all Parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of the Kingdom of the Netherlands therefore objects to the aforesaid reservations made by the Government of the Syrian Arab Republic to the Convention on the Elimination of All Forms of Discrimination against Women.

This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and the Syrian Arab Republic."

31 May 2005

*With regard to the reservations made by the United Arab Emirates upon accession:*

"The Government of the Kingdom of the Netherlands has examined the reservation made by the United Arab Emirates to the Convention on the Elimination of All Forms of Discrimination against Women.

The application of the Articles 2 (f), 15 (2) and 16 of the Convention on the Elimination of All Forms of Discrimination against Women has been made subject to religious considerations. This makes it unclear to what extent the United Arab Emirates considers itself bound by the obligations of the treaty and therefore raises concerns as to the commitment of the United Arab Emirates to the object and purpose of the Covenant.

It is of the common interest of States that all parties respect treaties to which they have chosen to become parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties. According to customary international law, as codified in the Vienna Convention on the Law of Treaties, a reservation which is incompatible with the object and purpose of a treaty shall not be permitted (Art. 19 c).

The Government of the Kingdom of the Netherlands therefore objects to the reservation made by the United Arab Emirates to the Convention on the Elimination of All Forms of Discrimination against Women.

This objection shall not preclude the entry into force of the Covenant between the United Arab Emirates and the Kingdom of the Netherlands, without the United Arab Emirates benefiting from its reservation."

19 July 2006

*With regard to the reservations made by Oman upon accession:*

"The Government of the Netherlands has examined the reservation made by Oman to the Convention on the Elimination of All Forms of Discrimination against Women. The Government of the Kingdom of the Netherlands considers that the reservations with respect to article 9, paragraph 2; article 15, paragraph 4; and article 16, of the Convention are reservations incompatible with the object and purpose of the Convention.

Furthermore, the Government of the Kingdom of the Netherlands considers that with the first part of the reservation the application of the Convention on the Elimination of All Forms of Discrimination against Women is made subject to the provisions of the Islamic sharia and legislation in force in the Sultanate of Oman. This makes it unclear to what extent Oman considers itself bound by the obligations of the treaty and therefore raises concerns as to the commitment of Oman to the object and purpose of the Convention.

The Government of the Kingdom of the Netherlands recalls that, according to paragraph 2 of article 28 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become party are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of the Kingdom of the Netherlands therefore objects to the aforesaid reservations made by the Government of Oman to the Convention on the Elimination of All Forms of Discrimination against Women.

This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and Oman."

11 April 2007

*With regard to the reservations made by Brunei*

*Darussalam upon accession:*

"The Government of the Kingdom of the Netherlands has examined the reservations made by Brunei Darussalam to the Convention on the Elimination of All Forms of Discrimination against Women. The Government of the Kingdom of the Netherlands considers that the reservation with respect to article 9, paragraph 2, of the Convention is a reservation incompatible with the object and purpose of the Convention.

Furthermore, the Government of the Kingdom of the Netherlands considers that with the first reservation the application of the Convention on the Elimination of All Forms of Discrimination against Women is made subject to the beliefs and principles of Islam and the provisions of constitutional law in force in Brunei Darussalam. This makes it unclear to what extent Brunei Darussalam considers itself bound by the obligations of the Convention and therefore raises concerns as to the commitment of Brunei Darussalam to the object and purpose of the Convention.

The Government of the Kingdom of the Netherlands recalls that, according to paragraph 2 of article 28 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become party are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of the Kingdom of the Netherlands therefore objects to the aforesaid reservations made by the Government of Brunei Darussalam to the Convention on

the Elimination of All Forms of Discrimination against Women.

This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and Brunei."

#### POLAND

28 November 2005

*With regard to the reservations made by the United Arab*

*Emirates upon accession:*

"The Government of the Republic of Poland has examined the reservations made by the United Arab Emirates upon accession to the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly of the United Nations on December 18, 1979, hereinafter called the Convention, regarding articles 2 (f), 9, 15 (2) and 16.

The Government of the Republic of Poland considers that the reservations made by the United Arab Emirates are incompatible with the object and purpose of the Convention which guarantees equal rights of women and men to exercise their economic, social, cultural, civil and political rights. The Government of the Republic of Poland therefore considers that, according to the customary international law as codified in the Vienna Convention on the Law of Treaties (article 19 (c)), done at Vienna on 23 May 1969, as well as article 28 (2) of the Convention on the Elimination of All Forms of Discrimination against Women, reservations incompatible with the object and purpose of a treaty shall not be permitted.

The Government of the Republic of Poland therefore objects to the aforementioned reservations made by the United Arab Emirates upon accession to the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly of the United Nations on 18 December 1979, regarding articles 2 (f), 9, 15 (2) and 16.

This objection does not preclude the entry into force of the Convention between the Republic of Poland and the United Arab Emirates."

1 March 2007

*With regard to the reservations made by Oman upon*

*accession:*

The Government of the Republic of Poland has examined the reservations made by the Sultanate of Oman upon accession to the Convention on the Elimination of All Forms of Discrimination against Women, adopted by General Assembly of the United Nations on December 18, 1979, regarding articles 9 paragraph 2, 15 paragraph 4, 16 (a), (c) and (f) and all provisions of the Convention not in accordance with the principles of the Islamic *Sharia*.

The Government of the Republic of Poland considers that the reservations made by the Sultanate of Oman are incompatible with the object and purpose of the Convention which guarantees equal rights of women and men to exercise their economic, social, cultural, civil, and political rights. The Government of the Republic of Poland therefore considers that, according to article 19 (c) of the Vienna Convention on the Law of Treaties, done at Vienna on 23 May 1969, as well as article 28 (2) of the Convention on the Elimination of All Form of Discrimination against Women, reservations incompatible with the object and purpose of a treaty shall not be permitted.

Moreover, the Government of the Republic of Poland considers that by making a general reference to the Islamic *Sharia* without indicating the provisions of the Convention to which the Islamic *Sharia* applies, the Sultanate of Oman does not specify the exact extent of the introduced limitations and thus does not define precisely enough the extent to which the Sultanate of Oman has accepted the obligations under the Convention.

The Government of the Republic of Poland therefore objects to the aforementioned reservations made by the Sultanate of Oman upon accession to the Convention on the Elimination of All Forms of Discrimination against Women, adopted by General Assembly of the United Nations on 18 December 1979, regarding articles 9 paragraph 2, 15 paragraph 4, 16 (a), (c) and (f) and all provisions of the Convention not in accordance with the principles of the Islamic *Sharia*.

This objection does not preclude the entry into force of the Convention between the Republic of Poland and Sultanate of Oman.

7 June 2007

*With regard to the reservations made by Brunei*

*Darussalam upon accession:*

"The Government of the Republic of Poland has examined the reservations made by Brunei Darussalam upon accession to the Convention on the Elimination of All Forms of Discrimination against Women, adopted by General Assembly of the United Nations on December 18, 1979, regarding article 9 paragraph 2 and those provisions of the Convention that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam.

The Government of the Republic of Poland considers that the reservations made by the Brunei Darussalam are incompatible with the object and purpose of the Convention which guarantees equal rights of women and men to exercise their economic, social, cultural, civil, and political rights. The Government of the Republic of Poland therefore considers that, according to article 19 (c) of the Vienna Convention on the Law of Treaties, done at Vienna on 23 May 1969, as well as article 28 (2) of the Convention on the Elimination of All Forms of Discrimination against Women, reservations incompatible with the object and purpose of a treaty shall not be permitted.

Moreover, the Government of the Republic of Poland considers that by making a general reference to the 'beliefs and principles of Islam' without indicating the provisions of the Convention to which they apply, Brunei Darussalam does not specify the exact extent of the introduced limitations and thus does not define precisely enough the extent to which Brunei Darussalam has accepted the obligations under the Convention.

The Government of the Republic of Poland therefore objects to the aforementioned reservations made by Brunei Darussalam upon accession to the Convention on the Elimination of All Forms of Discrimination against Women, adopted by General Assembly of the United Nations on 18 December 1979, regarding article 9 paragraph 2 and those provisions of the Convention that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam.

This objection does not preclude the entry into force of the Convention between the Republic of Poland and Brunei Darussalam."

#### PORTUGAL

26 October 1994

*With regard to the reservations made by Maldives upon accession:*

"The Government of Portugal considers that the reservations formulated by the Maldives are incompatible with the object and purpose of the Convention and they are inadmissible under article 19 (c) of the Vienna Convention on the Law of Treaties.

Furthermore, the Government of Portugal considers that these reservations cannot alter or modify in any respect the obligations arising from the Convention for any State party thereto."

18 July 2001

*With regard to the reservations made by Saudi Arabia upon ratification:*

"The Government of the Portuguese Republic has examined the reservation made on 7 September by the Government of the Kingdom of Saudi Arabia to the Convention on the Elimination of All Forms of Discrimination against Women (New York, 18 December 1979), regarding any interpretation of the provisions of the Convention that is incompatible with the precept of Islamic law and the Islamic religion. It has also examined the reservation to article 9.2 of the Convention.

The Government of the Portuguese Republic is of the view that the first reservation refers in general terms to the Islamic law, failing to specify clearly its content and, therefore, leaving the other State parties with doubts as to the real extent of the Kingdom of Saudi Arabia's commitment to the Convention.

Furthermore, it also considers the reservation made by the Government of the Kingdom of Saudi Arabia incompatible with the objective and purpose of the aforesaid Convention, for it refers to the whole of the Convention, and it seriously limits or even excludes its application on a vaguely defined basis, such as the global reference to the Islamic law.

Regarding the reservation to article 9.2, the Government of the Portuguese Republic is of the view that the said reservation intends to exclude one of the obligations of non-discrimination, which is the essence of the Convention.

Therefore, the Government of the Portuguese Republic objects to the aforementioned reservations made by the Government of the Kingdom of Saudi Arabia to the Convention on the Elimination of All Forms of Discrimination against Women.

This objection shall not preclude the entry into force of the Convention between the Portuguese Republic and the Kingdom of Saudi Arabia."

4 March 2002

*With regard to the reservations made by the Democratic*

*People's Republic of Korea upon accession:*

"The Government of the Portuguese Republic has examined the reservation made by the Government of the Democratic People's Republic of Korea to the Convention on the Elimination of All Forms of Discrimination against Women (New York, 18 December 1979) on 27 February 2001 in respect of articles 2 (f) and 9.2 of the Convention.

Recalling that, according to paragraph 2 of Article 28 of the Convention a reservation incompatible with the object and purpose of the Convention shall not be permitted, the Government of the Portuguese Republic objects to the said reservations.

In fact, the reservation relating to article 2 (f) refers to a basic aspect of the Convention, namely the compromise to enact legislation to abolish all existing legal practices discriminating against women.

Regarding the reservation to article 9.2, the Government of the Portuguese Republic is of the view that the said reservation intends to exclude one of the specific obligations of non-discrimination, which is the essence of the Convention.

It is in the common interests of States that Treaties to which they have chosen to become party are respected by all parties and that the States are prepared to take all appropriate measures, including legislation to comply with their obligations.

Therefore, the Government of the Portuguese Republic objects to the aforementioned reservations made by the Government of the Democratic People's Republic of Korea to the Convention on the Elimination of All Forms of Discrimination against Women.

This objection shall not preclude the entry into force of the Convention between the Portuguese Republic and the Democratic People's Republic of Korea."

*With regard to the reservation made by Mauritania upon accession:*

"The Government of the Portuguese Republic has examined the reservation made by the Government of the Islamic Republic of Mauritania to the Convention on the Elimination of All Forms of Discrimination against Women (New York, 18 December 1979) on 10 May 2001 in respect of any interpretation of the provisions of the Convention that it is incompatible with the precept of Islamic law and its Constitution.

The Government of the Portuguese Republic is of the view that the said reservation refers in a general manner to national law, failing to specify clearly its content and, therefore, leaving the other State parties with doubts as to the real extent of the Islamic Republic of Mauritania's commitment to the Convention.

Furthermore it also considers the reservation made by the Government of the Islamic Republic of Mauritania incompatible with the objective and purpose of the aforesaid Convention, and it seriously limits or even excludes its application on a vaguely defined basis, such as the global reference to the Islamic law.

The Government of the Portuguese Republic therefore objects to the reservation made by the Government of the Islamic Republic of Mauritania to the Convention on the Elimination of All Forms of Discrimination against Women.

This objection shall not preclude the entry into force of the Convention between the Portuguese Republic and the Islamic Republic of Mauritania."

28 November 2005

*With regard to the reservations made by the United Arab Emirates upon accession:*

"The Portuguese Government has carefully examined the reservations made by the United Arab Emirates upon its accession to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Most of these reservations concern fundamental provisions of the Convention, such as articles 2 (f), 9, 15 (2) and 16, since they outline the measures which a State Party is required to take in order to implement the Convention, cover the fundamental rights of women and deal with the key elements for the elimination of discrimination against women.

Portugal considers that such reservations, consisting of references to the precepts of the Shariah and to national legislation, create serious doubts as to the commitment of the reserving State to the object and purpose of the Convention and to the extent it has accepted the obligations imposed by it and, moreover, contribute to undermining the basis of international law.

It is in the common interest of all States that treaties to which they have chosen to become parties are respected as to their object and purpose by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under these treaties.

The Government of the Portuguese Republic, therefore, objects to the above reservations made by the United Arab Emirates to the CEDAW.

This objection shall not preclude the entry into force of the Convention between Portugal and the United Arab Emirates."

30 January 2007

*With regard to the reservations made by Oman upon accession:*

"The first reservation concerns "all provisions of the Convention not in accordance with the provisions of the Islamic sharia and legislation in force in the Sultanate of Oman". Portugal considers that this reservation is too general and vague and seeks to limit the scope of the Convention on an unilateral basis that is not authorised by it. Moreover, this reservation creates doubts as to the

commitment of the reserving State to the object and purpose of the Convention and, moreover, contributes to undermining the basis of international law. It is in the common interest of all States that treaties to which they have chosen to become parties are respected as to their object and purpose by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The second, third and fourth reservations concern fundamental provisions of the Convention, such as articles 9 (2), 15 (4) and 16, that cover the fundamental rights of women and deal with the key elements for the elimination of discrimination against women on the basis of sex. These reservations are thus incompatible with the object and purpose of the Convention and are not permitted under article 28 (2) of the CEDAW.

The Government of the Portuguese Republic, therefore, objects to the above mentioned reservations made by the Sultanate of Oman to the CEDAW.

This objection shall not preclude the entry into force of the Convention between Portugal and Oman."

*With regard to the reservations made by Brunei Darussalam upon accession:*

"The reservation concerning the "provisions of the said Convention that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, the official religion of Brunei Darussalam" is too general and vague and seeks to limit the scope of the Convention on a unilateral basis that is not authorised by it. Moreover, this reservation creates doubts as to the commitment of the reserving State to the object and purpose of the Convention and, moreover, contributes to undermining the basis of international law. It is in the common interest of all States that treaties to which they have chosen to become parties are respected as to their object and purpose by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The reservation concerning article 9 (2) undermines a key provision of the Convention concerning the elimination of discrimination against women on the basis of sex. This reservation is thus incompatible with the object and purpose of the Convention and is not permitted under article 28 (2) of the CEDAW.

The Government of the Portuguese Republic, therefore, objects to the above mentioned reservations made by the Government of Brunei Darussalam to the CEDAW.

This objection shall not preclude the entry into force of the Convention between Portugal and Brunei Darussalam."

## ROMANIA

3 December 2003

*With regard to the reservations made by the Syrian Arab Republic upon accession :*

"The Government of Romania has examined the reservations made by the Government of the Syrian Arab Republic at the time of its accession to the Convention on the Elimination of all Forms of Discrimination against Women, regarding article 2, article 9, paragraph 2, article 15, paragraph 4, article 16 paragraph 1 (c), (d), (f) and (g), and article 16 paragraph 2.

The Government of Romania considers that the reservations to article 2, article 9, paragraph 2, article 15, paragraph 4, article 16 paragraph 1 (c), (d), (f) and (g), article 16 paragraph 2, of the Convention on the Elimination of all Forms of Discrimination against Women are incompatible with the object and purpose of the above-mentioned Convention, taking into account the provisions of article 19 (c) of the Vienna Convention on the Law of Treaties (1969).

As a consequence, the Government of Romania objects to the above-mentioned reservations made by the

Syrian Arab Republic to the Convention on the Elimination of all Forms of Discrimination against Women.

This objection, however, shall not preclude the entry into force of the Convention between the Government of Romania and the Syrian Arab Republic."

8 February 2007

*With regard to the reservations made by Brunei*

*Darussalam upon accession:*

"The Government of Romania has carefully considered the reservations made by Brunei Darussalam on 24 May 2006 upon accession to the Convention on the Elimination of all Forms of Discrimination against Women (New York, 18 December 1979) and regards the reservation made to Article 9 para. 2 as incompatible with the object and purpose of the Convention, as, by its formulation, a certain form of discrimination against women is maintained and, implicitly, the inequality of rights between men and women is perpetuated.

Furthermore, the Government of Romania is of the opinion that the general reservation made by Brunei Darussalam subjects the application of the provisions of the Convention to their compatibility with the Islamic law and the fundamental law of this State. This reservation is, thus, problematic as it raises questions with regard to the actual obligations Brunei Darussalam understood to undertake by acceding to the Convention, and with regard to its commitment to the object and purpose of the Convention.

The Government of Romania recalls that, pursuant to Article 28 para. 2 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

Consequently, the Government of Romania objects to the aforementioned reservations made by Brunei Darussalam to the Convention on the Elimination of all Forms of Discrimination against Women. This objection shall not preclude the entry into force of the Convention, in its entirety, between Romania and Brunei Darussalam.

The Government of Romania recommends to Brunei Darussalam to reconsider the reservations made to the Convention on the Elimination of all Forms of Discrimination against Women."

*With regard to the reservations made by Oman upon accession:*

"The Government of Romania has carefully considered the reservations made by the Sultanate of Oman on 7 February 2006 upon accession to the Convention on the Elimination of all Forms of Discrimination against Women (New York, 18 December 1979) and regards the reservations made to Article 9 para. 2, Article 15 para.4 and Article 16, sub-paragraphs a), c) and f) (concerning adoptions), as incompatible with the object and purpose of the Convention, as, by their formulation, various forms of discrimination against women are maintained and, implicitly, the inequality of rights between men and women is perpetuated.

Furthermore, the Government of Romania is of the opinion that the general reservation made by the Sultanate of Oman subjects the application of the provisions of the Convention to their compatibility with the Islamic law and the national legislation in force in the Sultanate of Oman. This reservation is, thus, problematic as it raises questions with regard to the actual obligations the Sultanate of Oman understood to undertake by acceding to the Convention, and with regard to its commitment to the object and purpose of the Convention.

The Government of Romania recalls that, pursuant to Article 28 para. 2 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

Consequently, the Government of Romania objects to the aforementioned reservations made by the Sultanate of Oman to the Convention on the Elimination of all Forms

of Discrimination against Women. This objection shall not preclude the entry into force of the Convention, in its entirety, between Romania and the Sultanate of Oman.

The Government of Romania recommends to the Sultanate of Oman to reconsider the reservations made to the Convention on the Elimination of all Forms of Discrimination against Women."

## SLOVAKIA

27 February 2007

*With regard to the reservation made by Oman upon accession:*

"The Government of Slovakia has carefully examined the reservation made by the Sultanate of Oman upon its accession to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDA W).

The Government of Slovakia is of the view that the general reservation made by the Sultanate of Oman that "all provisions of the Convention not in accordance with the provisions of the Islamic sharia and legislation in force in the Sultanate of Oman" is too general and does not clearly specify the extent of the obligation (mentioned in the Convention) for the Sultanate of Oman.

The Government of Slovakia finds the reservation to article 9 (2), article 15 (4) and article 16 incompatible with the object and purpose of the Convention and is therefore inadmissible under article 19 (c) of the Vienna Convention on the Law of Treaties. Therefore it shall not be permitted, in accordance with article 2[8], paragraph 2 of the Convention on the Elimination of All Forms of Discrimination Against Women.

For these reasons, the Government of Slovakia objects to the above mentioned reservation made by the Sultanate of Oman upon its accession to the Convention on the Elimination of All Forms of Discrimination Against Women.

This objection shall not preclude the entry into force of the Convention on the Elimination of All Forms of Discrimination Against Women between Slovakia and the Sultanate of Oman. The Convention enters into force in its entirety between Slovakia and the Sultanate of Oman, without the Sultanate of Oman benefitting from its reservation.

11 May 2007

*With regard to the reservations made by Brunei*

*Darussalam upon accession:*

"The Government of Slovakia has carefully examined the content of the reservations made by the Brunei Darussalam upon its accession to the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

The Government of Slovakia is of the opinion that the reservation containing the reference to the beliefs and principles of Islam is too general and raises serious doubt as to the commitment of Brunei Darussalam to the object and the purpose of the Convention.

Moreover, the Government of Slovakia considers that one of the aims of the Convention is to grant the equality between men and women with respect to determine the nationality of their children. Therefore it finds the reservation of Brunei Darussalam to paragraph 2 of article 9 of the Convention as undermining one of key provisions of the Convention and is incompatible with its object and purpose. It is therefore inadmissible and shall be permitted, in accordance with paragraph 2 of article 28 of the Convention on the Elimination of all Forms of Discrimination against Women.

For these reasons, the Government of Slovakia objects to the above mentioned reservations made by the Brunei Darussalam upon its accession to the Convention on the Elimination of all Forms of Discrimination against Women.

This objection shall not preclude the entry into force of the Convention between Slovakia and the Brunei Darussalam. The Convention enters into force in its entirety between Slovakia and the Brunei Darussalam without the Brunei Darussalam benefiting from its reservations."

## SPAIN

22 February 2001

*With regard to the reservations made by Saudi Arabia upon ratification :*

The Government of the Kingdom of Spain has examined the reservation made by the Government of the Kingdom of Saudi Arabia to the Convention on the Elimination of All Forms of Discrimination against Women on [7] September 2000, regarding any interpretation of the Convention that may be incompatible with the norms of Islamic law and regarding article 9, paragraph 2.

The Government of the Kingdom of Spain considers that the general reference to Islamic law, without specifying its content, creates doubts among the other States parties about the extent to which the Kingdom of Saudi Arabia commits itself to fulfil its obligations under the Convention.

The Government of the Kingdom of Spain is of the view that such a reservation by the Government of the Kingdom of Saudi Arabia is incompatible with the object and purpose of the Convention, since it refers to the Convention as a whole and seriously restricts or even excludes its application on a basis as ill-defined as the general reference to Islamic law.

Furthermore, the reservation to article 9, paragraph 2, aims at excluding one of the obligations concerning non-discrimination, which is the ultimate goal of the Convention.

The Government of the Kingdom of Spain recalls that according to article 28, paragraph 2, of the Convention, reservations that are incompatible with the object and purpose of the Convention shall not be permitted.

Therefore, the Government of the Kingdom of Spain objects to the said reservations by the Government of the Kingdom of Saudi Arabia to the Convention on the Elimination of All Forms of Discrimination against Women.

This objection shall not preclude the entry into force of the Convention between the Kingdom of Spain and the Kingdom of Saudi Arabia.

5 July 2001

*With regard to the reservations made by the Democratic People's Republic of Korea upon accession :*

The Government of the Kingdom of Spain has examined the reservations made by the Government of the Democratic People's Republic of Korea to articles 2 (f) and 9 (2) of the Convention on the Elimination of All Forms of Discrimination against Women, on 27 February 2001 in acceding to the Convention.

The Government of the Kingdom of Spain considers those reservations to be incompatible with the object and purpose of the Convention, since their intent is to exempt the Democratic People's Republic of Korea from committing itself to two essential elements of the Convention, one being the general requirement to take measures, including legislation, to eliminate all forms of discrimination against women (article 2 (f)) and the other being the requirement to address a specific form of discrimination with respect to the nationality of children (article 9 (2)).

The Government of the Kingdom of Spain recalls that, under article 28 (2) of the Convention, reservations incompatible with the object and purpose of the Convention are not permitted.

Accordingly, the Government of the Kingdom of Spain objects to the above-mentioned reservations made by the Democratic People's Republic of Korea to the Convention on the Elimination of All Forms of Discrimination against Women.

This objection does not prevent the Convention's entry into force between the Kingdom of Spain and the Democratic People's Republic of Korea.

31 July 2003

*With regard to the reservations made by the Syrian Arab Republic upon accession :*

The Government of the Kingdom of Spain has examined the reservations made by the Government of the Syrian Arab Republic to article 2; article 9, paragraph 2; article 15, paragraph 4; and article 16, paragraph 1 (c), (d), (f) and (g) and paragraph 2 of the Convention on the Elimination of All Forms of Discrimination against Women, upon acceding to the Convention.

The Government of the Kingdom of Spain deems the above-mentioned reservations be contrary to the object and purpose of the Convention, since they affect fundamental obligations of States parties thereunder. Moreover, the reservation to article 16, paragraph 2, of the Convention refers to the Islamic Shariah, without specifying its content, which raises doubts as to the degree of commitment of the Syrian Arab Republic in acceding to the Convention.

The Government of the Kingdom of Spain recalls that, under article 28, paragraph 2, of the Convention, reservations incompatible with the object and purpose of the Convention are not permitted.

Accordingly, the Government of the Kingdom of Spain objects to the reservations made by the Government of the Syrian Arab Republic to the Convention on the Elimination of All Forms of Discrimination against Women.

This objection does not prevent the entry into force of the Convention between the Kingdom of Spain and the Syrian Arab Republic.

6 October 2005

*With regard to the reservations made by the United Arab Emirates upon accession:*

The Government of the Kingdom of Spain has examined the reservations entered by the Government of the United Arab Emirates to article 2, subparagraph (f); article 9; article 15, paragraph 2; and article 16 of the Convention on the Elimination of All Forms of Discrimination against Women upon its accession to that instrument on 6 October 2004.

The Government of the Kingdom of Spain considers that these reservations are incompatible with the object and purpose of the Convention, since they are intended to exempt the United Arab Emirates from obligations relating to essential aspects of the Convention: one of a general nature, namely the adoption of measures, including legislation, to eliminate all forms of discrimination against women (article 2, subparagraph (f)), and others concerning specific forms of discrimination in relation to nationality (article 9), legal capacity in civil matters (article 15, paragraph 2) and marriage and family relations (article 16).

The Government of the Kingdom of Spain recalls that, under article 28, paragraph 2, of the Convention, reservations incompatible with the object and purpose of the Convention are not permitted.

Moreover, the reservation to article 16 of the Convention makes a general reference to the principles of Islamic law without specifying their content, with the result that the other States parties cannot precisely determine the extent to which the Government of the United Arab Emirates accepts the obligations set out in article 16 of the Convention.

Accordingly, the Government of the Kingdom of Spain objects to the reservations entered by the

Government of the United Arab Emirates to article 2, subparagraph (f); article 9; article 15, paragraph 2; and article 16 of the Convention on the Elimination of All Forms of Discrimination against Women.

This objection shall not preclude the entry into force of the Convention between the Kingdom of Spain and the United Arab Emirates.

23 February 2007

*With regard to the reservations made by Oman upon accession:*

The Government of the Kingdom of Spain has examined the reservations made by the Sultanate of Oman upon accession to the Convention on the Elimination of All Forms of Discrimination against Women regarding all the provisions of the Convention which are incompatible with Islamic law and with the legislation in force in Oman and to articles 9 (2), 15 (4) and 16 of the Convention.

The Government of the Kingdom of Spain considers that the first part of the reservation which subordinates all the provisions of the Convention to conform to Islamic law and the legislation in force in Oman, to which it makes general reference, without specifying its content, does not permit clear determination as to the extent to which Oman has accepted the obligations derived under the Convention and, consequently, such reservation sheds doubt as to the extent to which the Sultanate of Oman is committed to the object and purpose of the Convention.

Furthermore, the reservations to articles 9 (2), 15 (4) and 16 are incompatible with the object and purpose of the Convention, which aim at exempting Oman from its commitment essential obligations of the Convention.

The Government of the Kingdom of Spain recalls that according to article 28 (2) of the Convention, reservations that are incompatible with the object and purpose of the Convention shall not be permitted.

Therefore, the Government of the Kingdom of Spain objects to the reservations made by the Sultanate of Oman to all the provisions of the Convention on the Elimination of All Forms of Discrimination against Women which are incompatible with Islamic law and with the legislation in force in Oman and to articles 9 (2), 15 (4) and 16 of the Convention.

This objection shall not preclude the entry into force of the Convention between the Kingdom of Spain and the Sultanate of Oman.

13 June 2007

*With regard to the reservations made by Brunei Darussalam upon accession:*

The Government of the Kingdom of Spain has examined the reservations made by Brunei Darussalam upon acceding to the Convention on the Elimination of All Forms of Discrimination against Women regarding all the provisions of the Convention that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, and regarding article 9.2 of the Convention.

The Government of the Kingdom of Spain believes that, by making the implementation of the provisions of the Convention subject to their compatibility with the Constitution of Brunei Darussalam and with the beliefs and principles of Islam, Brunei Darussalam has made a reservation which does not permit a clear determination of the extent to which it has accepted the obligations deriving from the Convention and that, consequently, the reservation raises doubts about the commitment of Brunei Darussalam to the object and purpose of the Convention. Moreover, the reservation regarding article 9.2 would exempt Brunei Darussalam from its commitment in relation to an essential element of the Convention and allow the continuation of a situation of *de jure* discrimination against women on grounds of sex which is incompatible with the object and purpose of the Convention.

The Government of the Kingdom of Spain recalls that, under article 28.2 of the Convention, reservations that are incompatible with the object and purpose of the Convention are not permitted.

Accordingly, the Government of the Kingdom of Spain objects to the reservations made by Brunei Darussalam regarding those provisions of the Convention on the Elimination of All Forms of Discrimination against Women that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam and regarding article 9.2 of the Convention.

This objection shall not preclude the entry into force of the Convention between the Kingdom of Spain and Brunei Darussalam.

SWEDEN

17 March 1986

*"The Government of Sweden considers that [the following reservations] are incompatible with the object and purpose of the Convention (article 28, paragraph 2) and therefore objects to them:*

- Thailand regarding article 9, paragraph 2, article 15, paragraph 3 and article 16;

- Tunisia regarding article 9, paragraph 2, article 15, paragraph 4, and article 16, paragraph 1 (c), (d), (f), (g) and (h).

- Bangladesh regarding article 2, article 13 (a) and article 16, paragraph 1 (c) and (f);

- Brazil regarding article 15, paragraph 4 and article 16, paragraph 1 (a), (c), (g) and (h);

"Indeed the reservations in question, if put into practice, would inevitably result in discrimination against women on the basis of sex, which is contrary to everything the Convention stands for. It should also be borne in mind that the principles of the equal rights of men and women and of non-discrimination on the basis of sex are set forth in the Charter of the United Nations as one of its purposes, in the Universal Declaration of Human Rights of 1948 and in various multilateral instruments, to which Thailand, Tunisia and Bangladesh are parties.

"The Government of Sweden furthermore notes that, as a matter of principle, the same objection could be made to the reservations made by:

- Egypt regarding article 2, article 9, paragraph 2, and article 16,

- Mauritius regarding article 11, paragraph 1 (b) and (d), and article 16, paragraph 1 (g),

- Jamaica regarding article 9, paragraph 2,

- Republic of Korea regarding article 9 and article 16, paragraph 1 (c), (d), (f) and (g),

- New Zealand in respect of the Cook Islands regarding article 2, paragraph (f) and article 5, paragraph (a).

"In this context the Government of Sweden wishes to take this opportunity to make the observation that the reason why reservations incompatible with the object and purpose of a treaty are not acceptable is precisely that otherwise they would render a basic international obligation of a contractual nature meaningless. Incompatible reservations, made in respect of the Convention on the elimination of all forms of discrimination against women, do not only cast doubts on the commitments of the reserving states to the objects and purpose of this Convention, but moreover, contribute to undermine the basis of international contractual law. It is in the common interest of states that treaties to which they have chosen to become parties also are respected, as to object and purpose, by other parties."

*Subsequently, the Secretary-General received, from the Government of Sweden, objections of the same nature as*

*the one above with regard to reservations made by the following States on the dates indicated hereinafter:*

- 12 March 1987 with regard to the reservation made by Iraq in respect of article 2, paragraph (f) and (g), article 9, paragraph 1, and article 16;
- 15 April 1988 with regard to the first reservations made by Malawi;
- 25 May 1990 with regard to the reservation made by the Libyan Arab Jamahiriya;
- 5 February 1993 with regard to the reservations made by Jordan in respect of article 9, paragraph 2, article 15, paragraph 4, the wording of article 16 (c), and article 16 (d) and (g);
- 26 October 1994 with regard to the reservations made by Maldives upon accession.

*The Government of Sweden also stated that:*

"The Government of Sweden therefore objects to these reservations and considers that they constitute an obstacle to the entry into force of the Convention between Sweden and the Republic of Maldives";

- 17 January 1996 with regard to the reservations made by Kuwait upon accession;
- 27 January 1998 with regard to the reservations made by Lebanon upon accession.
- 27 April 2000 with regard to the reservations to articles 2, 5, 15 and 16 made by Niger upon accession.

30 March 2001

*With regard to the reservations made by Saudi Arabia upon ratification:*

"The Government of Sweden has examined the reservation made by the Government of the Kingdom of Saudi Arabia at the time of its ratification of the Convention on the Elimination of All Forms of Discrimination against Women, as to any interpretation of the provisions of the Convention that is incompatible with the norms of Islamic law.

The Government of Sweden is of the view that this general reservation, which does not clearly specify the provisions of the convention to which it applies and the extent of the derogation therefrom, raises doubts as to the commitment of the Kingdom of Saudi Arabia to the object and purpose of the Convention.

It is in the common interest of States that treaties to which they have been chosen to become parties are respected as to their object and purpose, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties. According to customary law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted. The Government of Sweden therefore objects to the aforesaid general reservation made by the Government of the Kingdom of Saudi Arabia to the Convention on the Elimination of All Forms of Discrimination against Women.

This shall not preclude the entry into force of the Convention between the Kingdom of Saudi Arabia and the Kingdom of Sweden, without the Kingdom of Saudi Arabia benefiting from the said reservation".

25 July 2001

*With regard to the reservations made by the Democratic People's Republic of Korea upon accession:*

"The Government of Sweden has examined the reservation made by the Democratic People's Republic of Korea at the time of its accession to the Convention on the Elimination of All Forms of Discrimination against Women, regarding articles 2 (f) and 9 (2) of the Convention.

The reservation in question, if put into practice, would inevitably result in discrimination against women on the basis of sex, which is contrary to the object and purpose of the Convention. It should be borne in mind that the principles of the equal rights of men and women and of

non-discrimination on the basis of sex are set forth in the Charter of the United Nations as one of the purposes of the organisation, as well as in the Universal Declaration of Human Rights of 1948.

According to Article 28 (2) of the Convention, reservations incompatible with the object and purpose of the Convention shall not be permitted. It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties. According to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Sweden therefore objects to the aforesaid reservation made by the Government of the Democratic People's Republic of Korea to the Convention on the Elimination of All Forms of Discrimination against Women and considers the reservation null and void. The Convention enters into force in its entirety between the two States, without the Democratic People's Republic of Korea benefiting from its reservation".

21 January 2002

*With regard to the reservation made by Mauritania upon accession:*

"The Government of Sweden has examined the reservation made by Mauritania upon acceding to the Convention on the Elimination of All Forms of Discrimination Against Women.

The Government of Sweden notes that the Convention is being made subject to a general reservation of unlimited scope referring to the contents of Islamic Sharia and to existing legislation in Mauritania.

The Government of Sweden is of the view that this reservation which does not clearly specify the provisions of the Convention to which it applies, and the extent of the derogation therefrom, raises serious doubts as to the commitment of Mauritania to the object and purpose of the Convention. The Government of Sweden would like to recall that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Sweden therefore objects to the aforesaid reservation made by the Government of Mauritania to the Convention on the Elimination of All Forms of Discrimination Against Women.

The objection shall not preclude the entry into force of the Convention between Mauritania and Sweden. The Convention enters into force in its entirety between the two States, without Mauritania benefiting from its reservation."

27 November 2002

*With regard to the reservation made by Bahrain upon accession:*

"The Government of Sweden has examined the reservation made by Bahrain upon acceding to the Convention on the Elimination of All Forms of Discrimination Against Women, regarding articles 2, 9(2), 15(4) and 16.

The reservation to articles 9(2) and 15(4), if put into practice, would inevitably result in discrimination against women on the basis of sex, which is contrary to the object and purpose of the Convention. It should be borne in mind that the principles of the equal rights of men and

women and of non-discrimination on the basis of sex are set forth in the Charter of the United Nations as one of the purposes of the organisation, as well as in the Universal Declaration of Human Rights of 1948.

The reservation to articles 2 and 16 make general references to Islamic sharia. The Government of Sweden is of the view that, in absence of further clarification, this reservation which does not clearly specify the extent of Bahrain's derogation from the provisions in question raises serious doubts as to the commitment of Bahrain to the object and purpose of the Convention.

According to article 28(2) of the Convention, reservations incompatible with the object and purpose of the Convention shall not be permitted. It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Sweden objects to the aforesaid reservations made by the Government of Bahrain to the Convention on the Elimination of All Forms of Discrimination Against Women and considers the reservation null and void.

This objection shall not preclude the entry into force of the Convention between Bahrain and Sweden. The Convention enters into force in its entirety between the two States, without Bahrain benefiting from its reservation."

11 July 2003

*With regard to the reservations made by the Syrian Arab Republic upon accession:*

"The Government of Sweden has examined the reservations made by the Syrian Arab Republic upon acceding to the Convention on the Elimination of All Forms of Discrimination Against Women regarding article 2, article 9, paragraph 2, article 15, paragraph 4 and article 16, paragraphs 1 (c), (d), (f) (g) and 2 of the Convention.

Article 2 of the Convention is one of the core articles of the Convention. A general reservation to this article seriously raises doubts as to the commitment of the Syrian Arab Republic to the object and purpose of the Convention.

The reservations to articles 9, paragraph 2, article 15, paragraph 4 and article 16, paragraphs 1 (c), (d), (f) and (g), if put into practice, would inevitably result in discrimination against women on the basis of sex, which is contrary to the object and purpose of the Convention. It should be borne in mind that the principles of the equal rights of men and women and of non-discrimination on the basis of sex are set forth in the Charter of the United Nations as one of the purposes of the organisation, as well as in the Universal Declaration of Human Rights of 1948.

The reservation to article 16, paragraph 2, makes a general reference to Islamic sharia. The Government of Sweden is of the view that in the absence of further clarification, this reservation which does not clearly specify the extent of the Syrian Arab Republic's derogation from the provision in question raises serious doubts as to the commitment of the Syrian Arab Republic to the object and purpose of the Convention.

According to article 28, paragraph 2, of the Convention, reservations incompatible with the object and purpose of the Convention shall not be permitted. It is in the common interest of all States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Sweden therefore objects to the aforesaid reservations made by the Syrian Arab Republic to the Convention on the Elimination of All Forms of Discrimination against Women.

This objection shall not preclude the entry into force of the Convention between the Syrian Arab Republic and Sweden. The Convention enters into force in its entirety between the two States, without the Syrian Arab Republic benefiting from its reservations."

25 August 2005

*With regard to the reservations made by Micronesia (Federated States of) upon accession:*

"The Government of Sweden is of the view that this reservation raises serious doubts as to the commitment of the Government of Micronesia to the object and purpose of the Convention. The reservation would, if put into practice, result in discrimination against women on the basis of sex. It should be borne in mind that the principles of the equal right of men and women and of non-discrimination on the basis of sex are set forth in the Charter of the United Nations as one of the purposes of the organisation, as well as in the Universal Declaration of Human Rights of 1948.

According to article 28 (2) of the Convention, and to customary law as codified in the Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of the Convention shall not be permitted. It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Sweden therefore objects to the aforesaid reservation made by the Government of the Federated States of Micronesia to the Convention on the Elimination of All Forms of Discrimination against Women and considers the reservation null and void. The Convention enters into force in its entirety between the two States, without the Federated States of Micronesia benefiting from its reservations."

5 October 2005

*With regard to the reservations made by the United Arab Emirates upon accession:*

"The Government of Sweden has examined the reservations made by United Arab Emirates upon acceding to the Convention on the Elimination of All Forms of Discrimination Against Women, regarding Article 2 (f), 9, 15 (2) and 16.

The Government of Sweden notes that the said articles are being made subject to reservations referring to national legislation and Sharia principles.

The Government of Sweden is of the view that these reservations which do not clearly specify the extent of the United Arab Emirates' derogation from the provisions in question raises serious doubts as to the commitment of the United Arab Emirates to the object and purpose of the Convention. The reservations in question, if put into practice, would inevitably result in discrimination against women on the basis of sex, which is contrary to the object and purpose of the Convention. It should be borne in mind that the principles of the equal rights of women and men and of non-discrimination on the basis of sex are set forth in the Charter of the United Nations as one of the purposes of the organization, as well as in the declaration of Human Rights of 1948.

According to article 28 (2) of the Convention, and to international customary law as codified in the Vienna convention on the Law of the Treaties, reservations incompatible with the object and purpose of the Convention shall not be permitted. It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Sweden therefore objects to the aforesaid reservations made by the Government of the

United Arab Emirates to the Convention on the Elimination of All Forms of Discrimination Against Women and considers them null and void.

This objection shall not preclude the entry into force of the Convention between the United Arab Emirates and Sweden. The convention enters into force in its entirety between the two States, without the United Arab Emirates benefiting from its reservations."

6 February 2007

*With regard to the reservations made by Oman upon*

*accession:*

"The Government of Sweden has examined the reservations made by the Sultanate of Oman on 7 February 2006 to the Convention on the Elimination of All Forms of Discrimination against Women.

The Government of Sweden notes that the Sultanate of Oman gives precedence to the provisions of Islamic Sharia and national legislation over the application of the provisions of the Convention. The Government of Sweden is of the view that this reservation which does not clearly specify the extent of the Sultanate of Oman's derogation from the provisions in question raises serious doubt as to the commitment of the Sultanate of Oman to the object and purpose of the Convention.

Furthermore, the Government of Sweden considers that, regarding the reservations made with respect to articles 9 (2), 15 (4), 16 (a, c, f), if put into practice, would inevitably result in discrimination against women on the basis of sex, which is contrary to the object and purpose of the Convention. It should be borne in mind that the principles of the equal rights of women and men and of non-discrimination on the basis of sex are set forth in the Charter of the United Nations as one of the purposes of the organization, as well as the declaration of Human Rights of 1948.

According to article 28 (2) of the Convention and to international customary law, as codified in the Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of the Convention shall not be permitted. It is in the common interest of States that treaties to which they have chosen to become parties, are respected as to their object and purpose by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Sweden therefore objects to the aforesaid reservations made by the Sultanate of Oman to the Convention on the Elimination of All Forms of Discrimination against Women and considers them null and void.

This objection shall not preclude the entry into force of the Convention between the Sultanate of Oman and Sweden. The Convention enters into force in its entirety between the two States, without the Sultanate of Oman benefiting from its reservations."

12 February 2007

*With regard to the reservations made by Brunei*

*Darussalam upon accession:*

"The Government of Sweden has examined the reservations made by Brunei Darussalam on 24 May 2006 to the Convention on the Elimination of All Forms of Discrimination against Women.

The Government of Sweden notes that Brunei Darussalam gives precedence to the beliefs and principles of Islam and national legislation over the application of the provisions of the Convention. The Government of Sweden is of the view that this reservation which does not clearly specify the extent of Brunei Darussalam's derogation from the provisions in question raises serious doubt as to the commitment of Brunei Darussalam to the object and purpose of the Convention.

Furthermore, the Government of Sweden considers that, regarding the reservation made with respect to article 9 (2), if put into practice, would inevitably result in

discrimination against women on the basis of sex, which is contrary to the object and purpose of the Convention. It should be borne in mind that the principles of the equal rights of women and men and of non-discrimination on the basis of sex are set forth in the Charter of the United Nations as one of the purposes of the organization, as well as the Universal Declaration of Human Rights of 1948.

According to article 28 (2) of the Convention and to international customary law, as codified in the Vienna convention on the Law of Treaties, reservations incompatible with the object and purpose of the Convention shall not be permitted. It is in the common interest of States that treaties, to which they have chosen to become parties, are respected as to their object and purpose by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Sweden therefore objects to the aforesaid reservations made by Brunei Darussalam to the Convention on the Elimination of All Forms of Discrimination against Women and considers them null and void.

This objection shall not preclude the entry into force of the Convention between Brunei Darussalam and Sweden. The convention enters into force in its entirety between the two States without Brunei Darussalam benefiting from its reservations."

#### **UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**

6 September 2001

*With regard to the reservation made by Saudi Arabia*

*upon ratification:*

"The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to refer to the reservation made on 7 September 2000 by the Government of the Kingdom of Saudi Arabia to the Convention on the Elimination of All Forms of Discrimination Against Women, done at New York on 18 December 1979, which reads as follows:

"In case of contradiction between any term of the Convention and the norms of Islamic Law, the Kingdom is not under obligation to observe the contradictory terms of the Convention."

The Government of the United Kingdom note that a reservation which consists of a general reference to national law without specifying its contents does not clearly define for other States Parties to the Convention the extent to which the reserving State has accepted the obligations of the Convention. The Government of the United Kingdom therefore object to the aforesaid reservation made by the Government [of] the Kingdom of the Saudi Arabia.

This objection shall not preclude the entry into force of the Convention between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Saudi Arabia."

28 November 2001

*With regard to the reservation made by Mauritania upon*

*accession:*

"The Government of the United Kingdom of Great Britain and Northern Ireland have examined the reservation made by the Government of Mauritania in respect of the Convention, which reads as follows:

'Having seen and examined the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, adopted by the UN General Assembly on 18 December 1979, have approved and do approve it in each and every one of its parts which are not contrary to Islamic Sharia and are in accordance with our Constitution.

The Government of the United Kingdom note that a reservation to a Convention which consists of a general reference to national law without specifying its contents does not clearly define for the other States Parties to the Convention the extent to which the reserving State has accepted the obligations of the Convention. The Government of the United Kingdom therefore object to the reservation made by the Government of Mauritania.

This objection shall not preclude the entry into force of the Convention between the United Kingdom of Great Britain and Northern Ireland and Mauritania."

5 March 2002

*With regard to the reservations made by the Democratic People's Republic of Korea upon accession:*

"The Government of the United Kingdom has examined the reservation made by the Government of the Democratic People's Republic of Korea on 27 February in respect of the Convention, which reads as follows:

'The Government of the Democratic People's Republic of Korea does not consider itself bound by the provisions of paragraph (f) of Article 2...of the Convention on the Elimination of All Forms of Discrimination Against Women.'

Paragraph (f) of Article 2 requires States Parties to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women. The Government of the United Kingdom notes that a reservation which excludes obligations of such a general nature does not clearly define for the other States Parties to the Convention the extent to which the reserving State has accepted the obligations of the Convention. The Government of the United Kingdom therefore objects to the reservation made by the Government of the Democratic People's Republic of Korea.

This objection shall not preclude the entry into force of the Convention between the United Kingdom of Great Britain and Northern Ireland and the Democratic People's Republic of Korea."

26 June 2003

*With regard to the reservations made by the Syrian Arab Republic upon accession:*

"The Government of the United Kingdom have examined the reservations made by the Government of the Syrian Arab Republic to the Convention on the Elimination of All Forms of Discrimination Against Women (New York, 18 December 1979) on 28 March 2003 in respect of Article 2; and Article 16, paragraphs 1 (c), (d), (f) and (g), concerning equal rights and responsibilities during marriage and at its dissolution with regard to guardianship, the right to choose a family name, maintenance and adoption; and article 16, paragraph 2, concerning the legal effect of the betrothal and the marriage of a child, inasmuch as this provision is incompatible with the provisions of the Islamic Shariah.

The Government of the United Kingdom note that the Syrian reservation specifies particular provisions of the Convention Articles to which the reservation is addressed. Nevertheless this reservation does not clearly define for the other States Parties to the Convention the extent to which the reserving State has accepted the obligations of the Convention. The Government of the United Kingdom therefore object to the aforesaid reservations made by the Government of the Syrian Arab Republic.

This objection shall not preclude the entry into force of the Convention between the United Kingdom of Great Britain and Northern Ireland and the Syrian Arab Republic."

*With regard to the reservations made by Bahrain upon accession:*

"The Government of the United Kingdom have examined the reservations made by the Government of the Kingdom of Bahrain to the Convention on the Elimination

of All Forms of Discrimination Against Women (New York, 18 December 1979) on 18 June 2002 in respect of Article 2, in order to ensure its implementation within the bounds of the provisions of the Islamic Shariah; and Article 16, in so far as it is incompatible with the provisions of the Islamic Shariah.

The Government of the United Kingdom note that a reservation which consists of a general reference to national law without specifying its contents does not clearly define for the other States Parties to the Convention the extent to which the reserving State has accepted the obligations of the Convention. The Government of the United Kingdom therefore object to the aforesaid reservations made by the Government of the Kingdom of Bahrain.

This objection shall not preclude the entry into force of the Convention between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Bahrain."

17 August 2005

*With regard to the reservations made by the United Arab Emirates upon accession:*

"The Government of the United Kingdom have examined the reservations made by the Government of the United Arab Emirates to [the] Convention on the Elimination of all Forms of Discrimination against Women (New York, 18 December 1979) on 6 October 2004 in respect of Articles 2 (f), 15 (2), and 16 on the applicability of Sharia law.

The Government of the United Kingdom note that a reservation which consists of a general reference to a system of law without specifying its contents does not clearly define for the other States Parties to the Convention the extent to which the reserving State has accepted the obligations of the Convention. The Government of the United Kingdom therefore object to the aforesaid reservations made by the Government of the United Arab Emirates.

This objection shall not preclude the entry into force of the Convention between the United Kingdom of Great Britain and Northern Ireland and the United Arab Emirates."

*With regard to the reservations made by the Micronesia (Federated States of) upon accession:*

"The Government of the United Kingdom have examined the reservations made by the Government of Micronesia to the Convention on the Elimination of all Forms of Discrimination against Women (New York, 18 December 1979) on 9 September 2004 in respect of Article 11 (1) (d) on the enactment of comparable worth legislation.

The Government of the United Kingdom object to the aforesaid reservation made by the Government of Micronesia.

This objection shall not preclude the entry into force of the Convention between the United Kingdom of Great Britain and Northern Ireland and Micronesia."

28 February 2007

*With regard to the reservations made by Oman upon accession:*

"The Government of the United Kingdom have examined the reservations made by the Government of the Sultanate of Oman to the Convention on the Elimination of all Forms of Discrimination Against Women (New York, 18 December 1979).

In the view of the Government of the United Kingdom a reservation should clearly define for the other States Parties to the Convention the extent to which the reserving State has accepted the obligations of the Convention. A reservation which consists of a general reference to a system of law without specifying its contents does not do so. The Government of the United Kingdom therefore object to the Sultanate of Oman's

reservation from "all provisions of the Convention not in accordance with the provisions of the Islamic Sharia and legislation in force in the Sultanate of Oman".

The Government of the United Kingdom further object to the Sultanate of Oman's reservations from Article 15, paragraph 4 and Article 16 of the Convention.

These objections shall not preclude the entry into force of the Convention between the United Kingdom of Great Britain and Northern Ireland and Oman."

14 June 2007

*With regard to the reservations made by Brunei Darussalam upon accession:*

"The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations.....has the honour to refer to the reservations made by the Government of Brunei Darussalam to the Convention on the Elimination of all Forms of Discrimination Against Women (New York, 18 December 1979), which read:

"The Government of Brunei Darussalam expresses its reservations regarding those provisions of the said Convention that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, the official religion of Brunei Darussalam and, without prejudice to the generality of the said reservations, expresses its reservations regarding paragraph 2 of Article 9 and paragraph 1 of Article 29 of the Convention."

In the view of the United Kingdom a reservation should clearly define for the other States Parties to the Convention the extent to which the reserving State has accepted the obligations of the Convention. A reservation which consists of a general reference to a system of law without specifying its contents does not do so. The Government of the United Kingdom therefore object to the reservations made by the Government of Brunei Darussalam.

This objection shall not preclude the entry into force of the Convention between the United Kingdom of Great Britain and Northern Ireland and Brunei Darussalam."

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### Notes:

<sup>1</sup> *Resolution 34/180, Official Records of the General Assembly of the United Nations, Thirty-fourth Session, Supplement No. 46 (A/34/46), p. 193.*

<sup>2</sup> Upon ratification, the Government of Australia made the following reservations:

"The Government of Australia states that maternity leave with pay is provided in respect of most women employed by the Commonwealth Government and the Governments of New South Wales and Victoria. Unpaid maternity leave is provided in respect of all other women employed in the State of New South Wales and elsewhere to women employed under Federal and some State industrial awards. Social Security benefits subject to income tests are available to women who are sole parents.

"The Government of Australia advises that it is not at present in a position to take the measures required by article 11 (2) to introduce maternity leave with pay or with comparable social benefits throughout Australia.

The Government of Australia advises that it does not accept the application of the Convention is so far as it would require alteration of Defence Force policy which excludes women for combat and combat-related duties. The Government of Australia is reviewing this policy do as to more closely define 'combat' and 'combat-related duties'."

On 30 August 2000, the Government of Australia notified the Secretary-General of the following:

"The Government of Australia having considered the reservations [made upon ratification], hereby withdraws that part of the reservations which states:

The Government of Australia advises that it does not accept the application of the Convention in so far as it would require alteration of Defence Force policy which excludes women from combat and combat-related duties. The Government of Australia is reviewing this policy so as to more closely define 'combat' and 'combat-related duties'."

The complete text of the reservations is published in United Nations, *Treaty Series*, vol. 1325, p. 378.

<sup>3</sup> Upon ratification, the Government of Austria made the following reservation:

"Austria reserves its right to apply the provision of article 7 (b), as far as service in the armed forces is concerned, and the provision of article 11, as far as night work of women and special protection of working women is concerned, within the limits established by national legislation."

On 11 September 2000, the Government of Austria informed the Secretary-General that it had decided to withdraw the reservation to article 7 (b) of the Convention made upon ratification.

Further on 14 September 2006, the Government of Austria informed the Secretary-General of the following:

"The reservation formulated by the Republic of Austria to Article 11 of the Convention on the Elimination of All Forms of Discrimination against Women on the occasion of ratification is withdrawn with regard to the night work of women. The Republic of Austria maintains the reservation with regard to the special protection of working women."

The complete text of the reservation is published in United Nations, *Treaty Series*, vol. 1272, p. 456.

<sup>4</sup> Upon accession, the Government of Bangladesh made the following reservation:

"The Government of the People's Republic of Bangladesh does not consider as binding upon itself the provisions of articles 2, 13 (a) and 16 (1) (c) and (f) as they conflict with *Sharia* law based on Holy Quran and Sunna."

On 23 July 1997, the Government of Bangladesh notified the Secretary-General that it had decided to withdraw the reservation relating to articles 13 (a) and 16 (1) (f) made upon accession.

The complete text of the reservation is published in United Nations, *Treaty Series*, vol. 1379, p. 336.

<sup>5</sup> In communications received on 14 September 1998 and 8 July 2002, the Government of Belgium informed the Secretary-General that it had decided to withdraw its reservations made upon ratification with respect to articles 7 and 15, paragraphs 2 and 3, respectively. For the text of the reservations, see United Nations, *Treaty Series*, vol. 1402, p. 376.

<sup>6</sup> The former Yugoslavia had signed and ratified the Convention on 17 July 1980 and 26 February 1982, respectively. See also note 1 under “Bosnia and Herzegovina”, “Croatia”, “former Yugoslavia”, “Slovenia”, “The Former Yugoslav Republic of Macedonia” and “Yugoslavia” in the “Historical Information” section in the front matter of this volume.

<sup>7</sup> Upon signature and ratification, the Government of Brazil made, and confirmed, respectively, the following reservation:

"The Government of the Federative Republic of Brazil hereby expresses its reservations to article 15, paragraph 4 and to article 16, paragraphs 1 (a), (c), (g) and (h) of the Convention on the Elimination of All Forms of Discrimination Against Women.

"Furthermore, Brazil does not consider itself bound by article 29, paragraph 1, of the above-mentioned Convention."

On 20 December 1994, the Government of Brazil notified the Secretary-General that it had decided to withdraw the following reservation made upon signature and confirmed upon ratification:

"The Government of the Federative Republic of Brazil hereby expresses its reservations to article 15, paragraph 4 and to article 16, paragraphs 1 (a), (c), (g) and (h) of the Convention on the Elimination of All Forms of Discrimination Against Women.

The complete text of the reservation is published in United Nations, *Treaty Series*, vol. 1249, p. 121.

<sup>8</sup> On 24 June 1992, the Government of Bulgaria notified the Secretary-General its decision to withdraw the reservation to article 29 (1) of the Convention, made upon signature and confirmed upon ratification. For the text of the said reservation, see United Nations, *Treaty Series*, vol. 1249, p. 121.

<sup>9</sup> The Secretary-General received several objections to the signature of the above Convention by Democratic Kampuchea. These objections are identical in matter, *mutatis mutandis*, as those reproduced in note 3 in chapter IV.3 regarding Democratic Kampuchea. Following is the list of States who have notified their objection with the date of receipt of the notifications:

<i>Participant</i>	<i>Date of receipt</i>		
German Democratic Republic	11	Dec	1980
Hungary	19	Jan	1981
Bulgaria	29	Jan	1981
Russian Federation	13	Feb	1981
Belarus	18	Feb	1981
Czechoslovakia	10	Mar	1981

<sup>10</sup> Although Democratic Kampuchea had signed both [the

International Covenant on Economic, Social and Political Rights and the International Covenant on Civil and Political Rights] on 17 October 1980 (see note 3 in this chapter), the Government of Cambodia deposited an instrument of accession to the said Covenants.

<sup>11</sup> On 28 May 1992, the Government of Canada notified the Secretary-General its decision to withdraw the declaration to article 11 (1) (d) of the Convention, made upon ratification. For the text of the said declaration, see United Nations, *Treaty Series*, vol. 1257, p. 496.

<sup>12</sup> On 27 April 1999, the Government of Portugal informed the Secretary-General that the Convention would apply to Macao.

Subsequently, the Secretary-General the Secretary-General received communications concerning the status of Macao from Portugal and China (see note 1 under Portugal and note 3 under China regarding Macao in the “Historical Information” section in the front matter of this volume.) Upon resuming the exercise of sovereignty over Macao, China notified the Secretary-General that the Convention with the reservation made by China will also apply to the Macao Special Administrative Region.

<sup>13</sup> On 10 June 1997, the Secretary-General received communications concerning the status of Hong Kong from the Governments of China and the United Kingdom (see also note 2 under “China” and note 2 under “United Kingdom of Great Britain and Northern Ireland” regarding Hong Kong in the “Historical Information” section in the front matter of this volume). Upon resuming the exercise of sovereignty over Hong Kong, China notified the Secretary-General that the Convention with the reservation made by China will also apply to the Hong Kong special Administrative Region.

In addition, the notification made by the Government of China contained the following declarations:

1. ...

2. The Government of the People's Republic of China understands, on behalf of the Hong Kong Special Administrative Region, the main purpose of the Convention, in the light of the definition contained in article 1, to be the reduction, in accordance with its terms, of discrimination against women, and does not therefore regard the Convention as imposing any requirement upon the Hong Kong Special Administrative Region to repeal or modify any of its existing laws, regulations, customs or practices which provide for women to be treated more favourably than men, whether temporarily or in the longer term. Undertakings by the Government of the People's Republic of China on behalf of the Hong Kong Special Administrative Region under article 4, paragraph 1, and other provisions of the Convention are to be construed accordingly.

3. The Government of the People's Republic of China reserves, for the Hong Kong Special Administrative Region, the right to continue to apply relevant immigration legislation governing the entry into, stay in and departure from the Hong Kong Special Administrative Region as may be deemed necessary from time to time. Accordingly, acceptance of article 15, paragraph 4, and of the other provisions of the Convention is subject to the provisions of any such legislation as not at the time having the right under the laws of the Hong Kong Special

Administrative Region to enter and remain in the Hong Kong Special Administrative Region.

4. The Government of the People's Republic of China understands, in the light of the definition contained in article 1, that none of its obligations under the Convention shall be treated as extending to the affairs of religious denominations or orders in the Hong Kong Special Administrative Region.

5. Laws applicable in the New Territories of the Hong Kong Special Administrative Region which enable male indigenous villagers to exercise certain rights in respect of property and which provide for rent concessions in respect of land or property held by indigenous persons or their lawful successors through the male line will continue to [be] applied.

6. The Government of the People's Republic of China reserves, for the Hong Kong Special Administrative Region, the right to apply all its legislation and the rules of pension schemes affecting retirement pensions, survivors' benefits in relation to death or retirement (including retirement on ground of redundancy), whether or not derived from a social security scheme.

This reservation will apply to any future legislation which may modify or replace such aforesaid legislation, or the rules of pension schemes, on the understanding that the terms of such legislation will be compatible with the Government of the People's Republic of China's obligations under the Convention in respect of the Hong Kong Special Administrative Region.

The Government of the People's Republic of China reserves the right for the Hong Kong Special Administrative Region to apply any non-discriminatory requirement for a qualifying period of employment for the application of the provisions contained in article 11, paragraph 2 of the Convention.

7. The Government of the People's Republic of China understands, on behalf of the Hong Kong Special Administrative Region, the intention of article 15, paragraph 3, of the Convention to be that only those terms or elements of the contract or other private instrument which are discriminatory in the sense described are to be deemed null and void, but not necessarily the contract or instrument as a whole.

<sup>14</sup> On 30 July 2007, the Government of Cook Islands notified the Secretary-General of its decision to withdraw the reservations made upon accession to the Convention. The text of the reservations reads as follows: "The Government of the Cook Islands reserves the right not to apply the provisions of Article 11 (2) (b). The Government of the Cook Islands reserves the right not to apply the provisions of the Convention in so far as they are inconsistent with policies relating to recruitment into or service in: (a) The armed forces which reflect either directly or indirectly the fact that members of such forces are required to serve on armed forces aircraft or vessels and in situations involving armed combat; or (b) The law enforcement forces which reflect either directly or indirectly the fact that members of such forces are required to serve in situations involving violence or threat of violence. The Government of the Cook Islands reserves the right not to apply Article 2 (f) and Article 5 (a) to the extent that the customs governing the inheritance of certain Cook Islands chiefly titles may be inconsistent with those provisions."

<sup>15</sup> On 28 June 2000, the Government of Cyprus informed the

Secretary-General that it had decided to withdraw its reservation to article 9 (2) made upon accession. The text of the reservation reads as follows:

"The Government of the Republic of Cyprus wishes to enter a reservation concerning the granting to women of equal rights with men with respect to the nationality of their children, mentioned in article 9, paragraph 2 of the Convention. This reservation is to be withdrawn upon amendment of the relevant law."

<sup>16</sup> Czechoslovakia had signed and ratified the Convention on 17 July 1980 and 16 February 1982, respectively, with a reservation. Subsequently, on 26 April 1991, the Government of Czechoslovakia notified the Secretary-General of its decision to withdraw the reservation made upon signature and confirmed upon ratification. For the text of the reservation, see United Nations, *Treaty Series*, vol. 1249, p 123. See also note 1 under "Czech Republic" and note 1 under "Slovakia" in the "Historical Information" section in the front matter of this volume.

<sup>17</sup> With regard to the reservations made by the Democratic People's Republic of Korea upon accession, the Secretary-General received the following communication from the State indicated hereinafter:

*Ireland (2 April 2002):*

"The Government of Ireland has examined the reservations made by the Government of the Democratic People's Republic of Korea to paragraph (f) of article 2 of article 9 of the Convention on the Elimination of All Forms of Discrimination against Women, at the time of its accession thereto.

The Government of Ireland recalls that by acceding to the Convention, a State commits itself to adopt the measures required for the elimination of discrimination, in all its forms and manifestations, against women.

The Government of Ireland notes that the reservation to paragraph (f) of article 2 aims at excluding the Democratic People's Republic of Korea from the obligation to adopt necessary measures, including those of a legislative character, to eliminate any form of discrimination against women. This provision touches upon a key element for the effective elimination of discrimination against women.

The Government of Ireland further notes that the reservation to paragraph 2 of article 9 of the Convention aims to exclude an obligation of non-discrimination, which is the object of the Convention.

The Government of Ireland considers that the obligations contained in paragraph (f) of article 2 and paragraph 2 of article 9 are so central to the aims of the Convention as to render the aforesaid reservations contrary to its object and purpose.

The Government of Ireland recalls that. In accordance with paragraph 2 of article 28 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Ireland therefore objects to the aforesaid reservations made by the Government of the Democratic People's Republic of Korea to the Convention on the Elimination of All Forms of Discrimination against Women This

objection does not preclude the entry into force of the Convention between Ireland and the Democratic People's Republic of Korea."

<sup>18</sup> On 26 June 1998, the Secretary-General received from the Government of Denmark the following communication with regard to the reservation made by Lebanon upon accession in respect of article 9, paragraph 2, and article 16, paragraph 1 c), d), f) and g). in as much as the last paragraph deals with the right to choose a family name:

The Government of Denmark is of the view that the reservations made by the Government of Lebanon raise doubts as to the commitment of Lebanon to the object and purpose of the Convention and would recall that, according to article 28, paragraph 2 of the Convention, a reservation incompatible with the object and purpose of the present Convention shall not be permitted. For this reason, the Government of Denmark objects to the said reservations made by the Government of Lebanon.

The Government of Denmark recommends the Government of Lebanon to reconsider their reservations to [the Covenant].

<sup>19</sup> On 4 January 2008, the Government of Egypt notified the Secretary-General that it had decided to withdraw the reservation to article 9 (2) made upon ratification. The reservation reads as follows:

..., concerning the granting to women of equal rights with men with respect to the nationality of their children, without prejudice to the acquisition by a child born of a marriage of the nationality of his father. This is in order to prevent a child's acquisition of two nationalities where his parents are of different nationalities, since this may be prejudicial to his future. It is clear that the child's acquisition of his father's nationality is the procedure most suitable for the child and that this does not infringe upon the principle of equality between men and women, since it is customary for a woman to agree, upon marrying an alien, that her children shall be of the father's nationality.

<sup>20</sup> On 24 January 2000, the Government of Fiji notified the Secretary-General that it had decided to withdraw its "reservations on articles 5 (a) and 9 of the Convention." made upon accession.

<sup>21</sup> Upon ratification, the Government of France had also made the following reservations:

Articles 5 (b) and 16 (1 (d))

1. The Government of the French Republic declares that article 5 (b) and article 16, paragraph 1 (d), must not be interpreted as implying joint exercise of parental authority in situations in which French legislation allows of such exercise by only one parent.

2. The Government of the French Republic declares that article 16, paragraph 1 (d), of the Convention must not preclude the application of article 383 of the Civil Code.

Article 7

The Government of the French Republic declares that article 7 must not preclude the application of the second paragraph of article LO 128 of the electoral code.

Articles 15 (2) and (3) and 16, 1 (c) and (h)

The Government of the French Republic declares that article 15, paragraphs 2 and 3, and article 16, paragraphs 1 (c) and 1 (h), of the Convention must not preclude the application of the provisions of Book Three, part V, chapter II, of the Civil Code.

In a notification received on 26 March 1984, the Government of France informed the Secretary-General of its decision to withdraw the reservation to article 7 of the Convention made upon ratification. The notification specified that the withdrawal was effected because Organic Law No. 83-1096 of 20 December 1983 has abrogated article LO 128 of the electoral code relating to temporary disqualifications of persons who have obtained French nationality.

Subsequently, in a notification received on 21 July 1986, the Government of France informed the Secretary-General that it decided to withdraw its reservation relating to article 15, paragraphs 2 and 3, and article 16, paragraphs 1 (c), (d) and (h) of the Convention, made upon ratification. The notification specified that the withdrawal was effected because the existing discriminatory provisions, against women, in the rules governing property rights arising out of matrimonial relationship and in those concerning the legal administration of the property of children were abrogated by Act No. 85-1372 of 23 December 1985 concerning equality of spouses in respect of property rights arising out of a matrimonial relationship and equality of parents in respect of the property of minor children, which entered into force on 1 July 1986.

Further, on 22 December 2003, the Government of France informed the Secretary-General that it had decided to lift its reservation relating to articles 5(b) and 16 1(d) made upon ratification.

The complete text of the reservations is published in United Nations, *Treaty Series*, vol. 1343, p. 370.

<sup>22</sup> The German Democratic Republic had signed and ratified the Convention on 25 June 1980 and 9 July 1980, respectively. For the text of the reservation, see United Nations, *Treaty Series*, vol. 1249, p. 128. See also note 2 under "Germany" in the "Historical Information" section in the front matter of this volume.

<sup>23</sup> Upon ratification, the Government of the Federal Republic of Germany made the following declaration and reservation in respect of article 7 (b):

The Federal Republic of Germany declares in respect of the paragraph of the Preamble to the Convention starting with the words "affirming that the strengthening of international peace and security":

The right of peoples to self-determination, as enshrined in the Charter of the United Nations and in the International Covenants of 16 December 1966, applies to all peoples and not only to those living 'under alien and colonial domination and foreign occupation'. All peoples thus have the inalienable right freely to determine their political status and freely to pursue their economic, social and cultural development. The Federal

Republic of Germany would be unable to recognize as legally valid an interpretation of the right to self-determination which contradicts the unequivocal wording of the Charter of the United Nations and of the two International Covenants of 16 December 1966 on Civil and Political Rights and on Economic, Social and Cultural rights. It will interpret the 11th paragraph of the Preamble accordingly.

#### *Reservation*

Article 7(b) will not be applied to the extent that it contradicts the second sentence of Article 12 a (4) of the Basic Law of the Federal Republic of Germany. Pursuant to this provision of the Constitution, women may on no account render service involving the use of arms.

On 10 December 2001, the Government of the Federal Republic of Germany informed the Secretary-General that it had decided to withdraw its reservation to article 7 (b) made upon ratification.

The complete text of the reservation is published in United Nations, *Treaty Series*, vol. 1402, p. 378.

<sup>24</sup> See note 1 under “Germany” regarding Berlin (West) in the “Historical Information” section in the front matter of this volume.

<sup>25</sup> An instrument of accession had been deposited on 14 March 1980 with the Secretary-General. The signature was affixed on 17 July 1980 and was accompanied by the following declaration:

The People's Revolutionary Republic of Guinea wishes to sign the Convention . . . with the understanding that this procedure annuls the procedure of accession previously followed by Guinea with respect to the Convention.

<sup>26</sup> In a communication received on 8 December 1989, the Government of Hungary notified the Secretary-General that it had decided to withdraw the reservation in respect of article 29 (1) made upon ratification. For the text of the reservation see United Nations, *Treaty Series*, vol. 1249, p. 129.

<sup>27</sup> Upon accession, the Government of Ireland also made the following reservations:

#### *“ Article 9 (1)*

Pending the proposed amendment to the law relating to citizenship, which is at an advance stage, Ireland reserves the right to retain the provisions in its existing law concerning the acquisition of citizenship on marriage.

#### *Articles 13 (b) and (c)*

The question of supplementing the guarantee of equality contained in the Irish Constitution which special legislation governing access to financial credit and other services and recreational activities, where these are provided by private persons, organisations or enterprises is under consideration. For the time being Ireland reserves the right to regard its existing law and measures in this area as appropriate for the attainment in Ireland of the objectives of the Convention.

#### *Article 15*

With regard to paragraph 3 of this article, Ireland reserves the right not to supplement the existing provisions in Irish law which accord women a legal capacity identical to that of men with further legislation governing the validity of any contract or other private instrument freely entered into by a woman.

With regard to paragraph 4 of this article, Ireland observes the equal rights of women relating to the movement of persons and the freedom to choose their residence; pending the proposed amendment of the law of domicile, which is at an advance stage, it reserves the right to retain its existing law.

#### *Articles 11 (1) and 13 (a)*

Ireland reserves the right to regard the Anti-Discrimination (Pay) Act, 1974 and the Employment Equality Act 1977 and other measures taken in implementation of the European Economic Community standards concerning employment opportunities and pay as sufficient implementation of articles 11,1 (b), (c) and (d).

Ireland reserves the right for the time being to maintain provisions of Irish legislation in the area of social security which are more favourable to women than men and, pending its coming into force of the Social Welfare (Amendment) (No. 2) Act, 1985, to apply special conditions to the entitlement of married women to certain social security schemes.”

On 19 December 1986, the Government of Ireland notified the Secretary-General that “following the enactment of the Irish Nationality and Citizenship Act 1986, and the Domicile and Recognition of Foreign Divorces Act 1986, it has been decided to withdraw certain reservations which had been made upon accession and relating to articles 9 (1) and 15 (4) of the Convention. Following the coming into force of the Social Welfare (Amendment) (No. 2) Act 1985, it has also been decided to withdraw the reservation contained in the concluding words in the text of Ireland’s reservation to Article (11) (1) and 13 (a), that is: ‘and pending the coming into force of the Social Welfare (No. 2) Act 1985, to apply special conditions to the entitlement of married women to certain social security schemes’ ”.

Further, on 24 March 2000, the Government of Ireland notified the Secretary-General that it had decided to withdraw its reservation made to article 15 (3) made upon accession.

Subsequently, on 11 June 2004, the Government of Ireland notified the Secretary-General that it had decided to withdraw its reservation to articles 13(b) and (c) made upon accession which reads as follows:

“The question of supplementing the guarantee of equality contained in the Irish Constitution which special legislation governing access to financial credit and other services and recreational activities, where these are provided by private persons, organisations or enterprises is under consideration. For the time being Ireland reserves the right to regard its existing law and measures in this area as appropriate for the attainment in Ireland of the objectives of the Convention.”

The complete text of the reservations is published in United Nations, *Treaty Series*, vol. 1413, p. 415.

<sup>28</sup> On 12 December 1986, the Secretary General received from the Government of Israel the following objection:

. . . In the view of the Government of the State of Israel, such declaration which is explicitly of a political character is incompatible with the purposes and objectives of the Convention and cannot in any way affect whatever obligations are binding upon Iraq under general international law or under particular conventions.

The Government of the State of Israel will, in so far as concerns the substance of the matter, adopt towards Iraq an attitude of complete reciprocity.

<sup>29</sup> Upon ratification, the Government of Jamaica made the following reservations:

"The Government of Jamaica does not consider itself bound by the provisions of Article 9, paragraph 2, of the Convention."

"The Government of Jamaica declares that it does not consider itself bound by the provisions of Article 29, paragraph 1, of the Convention."

On 8 September 1995, the Government of Jamaica notified the Secretary-General of its decision to withdraw its reservation with respect to article 9 (2) which it had made upon ratification.

The complete text of the reservations is published in United Nations, *Treaty Series*, vol. 1374, p. 439.

<sup>30</sup> The Government of Kuwait informed the Secretary-General, by a notification received on 9 December 2005, of its decision to withdraw the following reservation in respect of article 7 (a), made upon accession to the Convention, which read as follows:

The Government of Kuwait enters a reservation regarding article 7 (a), inasmuch as the provision contained in that paragraph conflicts with the Kuwaiti Electoral Act, under which the right to be eligible for election and to vote is restricted to males.

It is recalled that, on 12 February 1997, the Secretary-General received from the Government of Denmark the following communication with regard to reservations made by Kuwait upon ratification:

"The Government of Denmark finds that the said reservations are covering central provisions of the Convention. Furthermore it is a general principle of international law that internal law may not be invoked as justification for failure to perform treaty obligations. The Government of Denmark finds that the reservations are incompatible with the object and purpose of the Convention and accordingly inadmissible and without effect under international law. Consequently, the Government of Denmark objects to these reservations.

It is the opinion of the Government of Denmark that no time limit applies to objections against reservations, which are inadmissible under international law.

The Convention remains in force in its entirety between Kuwait and Denmark.

The Government of Denmark recommends the Government of Kuwait to reconsider its reservations to the [said] Convention."

On that same date, the Secretary-General also received from the Government of Denmark, communications, identical in essence, *mutatis mutandis*, as the one made for Kuwait, with regard to reservations made by Lesotho and Malaysia, Maldives, and Singapore made upon accession, as well as on 23 March 1998, in regard to the reservations made by Pakistan upon ratification.

<sup>31</sup> On 25 August 2004, the Government of Lesotho informed the Secretary-General that it had decided to modify its reservation. The original reservation made upon ratification reads as follows:

"The Government of the Kingdom of Lesotho declares that it does not consider itself bound by article 2 to the extent that it conflicts with Lesotho's constitutional stipulations relative to succession to the throne of the Kingdom of Lesotho and law relating to succession to chieftainship. The Lesotho Government's ratification is subject to the understanding that none of its obligations under the Convention especially in article 2 (e), shall be treated as extending to the affairs of religious denominations. Furthermore, the Lesotho Government declares it shall not take any legislative measures under the Convention where those measures would be incompatible with the Constitution of Lesotho."

<sup>32</sup> On 5 July 1995, the Government of the Socialist People's Libyan Arab Republic notified the Secretary-General of the "new formulation of its reservation to the Convention, which replaces the formulation contained in the instrument of accession" which read as follows:

[Accession] is subject to the general reservation that such accession cannot conflict with the laws on personal status derived from the Islamic *Shariah*.

<sup>33</sup> Upon accession, the Government of Liechtenstein made the following reservations:

#### *Reservation concerning article 1*

"In the light of the definition given in article 1 of the Convention, the Principality of Liechtenstein reserves the right to apply, with respect to all the obligations of the Convention, article 3 of the Liechtenstein Constitution."

#### *Reservation concerning article 9 (2)*

The Principality of Liechtenstein reserves the right to apply the Liechtenstein legislation according to which Liechtenstein nationality is granted under certain conditions."

On 3 October 1996, the Government of Liechtenstein notified the Secretary-General that it had decided to withdraw its reservation to article 9 (2) made upon accession which reads as follows:

The Principality of Liechtenstein reserves the right to apply the Liechtenstein legislation according to which Liechtenstein nationality is granted under certain conditions."

The complete text of the reservation is published in United Nations, *Treaty Series*, vol. 1936, p. 407.

<sup>34</sup> On 24 October 1991, the Government of Malawi notified

the Secretary-General of its decision to withdraw the following reservations made upon accession:

"Owing to the deep-rooted nature of some traditional customs and practices of Malawians, the Government of the Republic of Malawi shall not, for the time being, consider itself bound by such of the provisions of the Convention as require immediate eradication of such traditional customs and practices.

"While the Government of the Republic of Malawi accepts the principles of article 29, paragraph 2 of the Convention this acceptance should nonetheless be read in conjunction with [its] declaration of 12th December 1966, concerning the recognition, by the Government of the Republic of Malawi, as compulsory the jurisdiction of the International Justice under article 36, paragraph 2 of the Statute of the Court."

In respect of the first reservation, the Secretary-General had received, on 5 August 1987, from the Government of Mexico the following communication:

The Government of the United Mexican States hopes that the process of eradication of traditional customs and practices referred to in the first reservation of the Republic of Malawi will not be so protracted as to impair fulfillment of the purpose and intent of the Convention.

<sup>35</sup> On 6 February 1998, the Government of Malaysia notified the Secretary-General of a partial withdrawal as follows:

"The Government of Malaysia withdraws its reservation in respect of article 2(f), 9(1), 16(b), 16(d), 16(e) and 16(h).

The same date, the Government of Malaysia notified the Secretary-General that it had decided to modify its reservation made upon accession as follows:

With respect to article 5 (a) of the Convention, the Government of Malaysia declares that the provision is subject to the *Syariah* law on the division of inherited property.

With respect to article 7 (b) of the Convention, the Government of Malaysia declares that the application of said article 7 (b) shall not affect appointment to certain public offices like the Mufti *Syariah* Court Judges, and the Imam which is in accordance with the provisions of the Islamic Shariah law.

With respect to article 9, paragraph 2 of the Convention, the Government of Malaysia declares that its reservation will be reviewed if the Government amends the relevant law.

With respect to article 16.1 (a) and paragraph 2, the Government of Malaysia declares that under the *Syariah* law and the laws of Malaysia the age limit for marriage for women is sixteen and men is eighteen."

In keeping with the depositary practice followed in similar cases, the Secretary-General proposed to receive the modification in question for deposit in the absence of any objection on the part of any of the Contracting States, either to the deposit itself or to the procedure envisaged, within a period of 90 days from the date of its notification (21 April 1998), that is to say, on 20 July 1998.

In this regard, on the dates indicated below, the Secretary-General received from the Governments of France and the

Netherlands the following communications relating to the said partial withdrawal.

*France (20 July 1998):*

France considers that the reservation made by Malaysia, as expressed in the partial withdrawal and modifications made by Malaysia on 6 February 1998, is incompatible with the object and purpose of the Convention. France therefore objects to the [reservation].

This objection shall not otherwise affect the entry into force of the Convention between France and Malaysia.

*Netherlands (21 July 1998):*

"The Government of the Kingdom of the Netherlands has examined the modification of the reservations made by Malaysia to article 5(a) and 16.1. (a) and paragraph 2 of the [Convention].

The Government of the Kingdom of the Netherlands acknowledges that Malaysia has specified these reservations, made at the time of its accession to the Convention. Nevertheless the Government of the Kingdom of the Netherlands wishes to declare that it assumes that Malaysia will ensure implementation of the rights enshrined in the above articles and will strive to bring its relevant national legislation into conformity with the obligations imposed by the Convention. This declaration shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and Malaysia."

Consequently, the modification in question is not accepted, the Government of France having objected thereto.

<sup>36</sup> On 29 January 1999, the Government of Maldives notified the Secretary-General of a modification of its reservation made upon accession. In keeping with the depositary practice followed in similar cases, the Secretary-General proposed to receive the modification in question for deposit in the absence of any objection on the part of any of the contracting States, either to the deposit itself or to the procedure envisaged, within a period of 90 days from the date of its notification (i.e. 25 March 1999). No objection having been received, the modification was accepted for deposit upon the expiration of the 90 day period, that is to say on 23 June 1999. The text of the reservations made upon accession read as follows:

*Reservations:*

"The Government of the Republic of Maldives will comply with the provisions of the Convention, except those which the Government may consider contradictory to the principles of the Islamic Sharia upon which the laws and traditions of the Maldives is founded.

Furthermore, the Republic of Maldives does not see itself bound by any provisions of the Convention which obliges to change its Constitution and laws in any manner."

In this regard, the Secretary-General received communications from various States on the dates indicated hereinafter:

*Finland (17 August 1999):*

"The Government of Finland objected in 1994 to the reservations made by the Government of Maldives upon accession to the Convention on the Elimination of All Forms of Discrimination against Women. The Government of Finland has now examined the contents of the modified reservation made by the Government of the Republic of Maldives to the said Convention.

The Government of Finland welcomes with satisfaction that the Government of the Republic of Maldives has specified the reservations made at the time of its accession to the Convention. However, the reservations to Article 7 (a) and Article 16 still include elements which are objectionable. The Government of Finland therefore wishes to declare that it assumes that the Government of the Republic of Maldives will ensure the implementation of the rights recognised in the Convention and will do its utmost to bring its national legislation into compliance with obligations under the Convention with a view to withdrawing the reservation. This declaration does not preclude the entry into force of the Convention between the Maldives and Finland".

*Germany (16 August 1999):*

The modification does not constitute a withdrawal or a partial withdrawal of the original reservations to the Convention by the Republic of the Maldives. Instead the modification constitutes a new reservation to articles 7 a (right of women to vote in all elections and public referenda and be eligible for elections to all publicly elected bodies) and 16 (elimination of discrimination against women in all matters relating to marriage and family relations) of the Convention extending and reinforcing the original reservations.

The Government of the Federal Republic of Germany notes that reservations to treaties can only be made by a State when signing, ratifying, accepting, approving or acceding to a treaty (article 19 of the Vienna Convention on the Law of Treaties). After a State has bound itself to a treaty under international law it can no longer submit new reservations or extend or add to old reservations. It is only possible to totally or partially withdraw original reservations, something unfortunately not done by the Government of the Republic of the Maldives with its modification.

The Government of the Federal Republic of Germany objects to the modification of the reservations".

<sup>37</sup> With regard to the reservation made by Mauritania upon accession, the Secretary-General received communications from the following States on the dates indicated hereinafter:

*Ireland (13 June 2002):*

"The Government of Ireland [has] examined the reservation made by Mauritania upon its accession to the Convention on the Elimination of All Forms of Racial Discrimination against Women.

The Government of Ireland [is] of the view that a reservation which consists of a general reference to religious law and to the Constitution of the reserving State and which does not clearly specify the provisions of the Convention to which it applies and the extent of the derogation therefrom, may cast doubts on the commitment of the reserving State to fulfil its obligations under the Convention. The Government of Ireland [is] furthermore of

the view that such a general reservation may undermine the basis of international treaty law.

The Government of Ireland [recalls] that article 28, paragraph 2 of the Convention provides that a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Ireland therefore [objects] to the reservation made by Mauritania to the Convention on the Elimination of All Forms of Discrimination against Women.

This objection shall not preclude the entry into force of the Convention between Ireland and Mauritania."

*France (17 June 2002):*

The Government of the French Republic has examined the reservation made by the Government of Mauritania upon accession to the Convention of 18 December 1979 on the Elimination of All Forms of Discrimination against Women. By stating that it approves the Convention in each and every one of its parts which are not contrary to Islamic Sharia and to its Constitution, the Government of Mauritania formulates a reservation of general, indeterminate scope that gives the other States parties no idea which provisions of the Convention are currently affected by the reservation or might be affected in future. The Government of the French Republic considers that the reservation could make the provisions of the Convention ineffective and objects to it.

<sup>38</sup> In a communication received on 5 May 1998, the Government of Mauritius informed the Secretary-General that it had decided to withdraw its reservations with regard to subparagraphs (b) and (d) of paragraph 1 of article 11 and subparagraph (g) of paragraph 1 of article 16 made upon accession. For the text of the reservations, see United Nations, *Treaty Series*, vol. 1361, p. 356.

<sup>39</sup> In a communication received on 19 July 1990, the Government of Mongolia notified the Secretary-General of its decision to withdraw the reservation, made upon ratification with respect to article 29 (1). For the text of the reservation, see United Nations, *Treaty Series*, vol. 1249, p. 131.

<sup>40</sup> See note 1 under "Montenegro" in the "Historical Information" section in the front matter of this volume.

<sup>41</sup> For the Kingdom in Europe, the Netherlands Antilles and Aruba.

<sup>42</sup> On 13 January 1989, the Secretary-General received from the Government of New Zealand, a communication notifying him that, after consultation with the Government of the Cook Islands and the Government of Niue, it denounced the Convention concerning the employment of women on underground work in mines of all kinds (ILO Convention No. 45) on 23 June 1987 and that in accordance with article 28 (3) of the Convention on the Elimination of All Forms of Discrimination against Women, it withdraws the reservation made upon ratification which reads as follows:

"The Government of New Zealand, the Government of the Cook Islands and the Government of Niue reserve the right, to the extent the Convention is inconsistent with the provisions of

the Convention concerning the Employment of Women on Underground Work in Mines of all Kinds (ILO Convention No. 45) which was ratified by the Government of New Zealand on 29 March 1938, to apply the provisions of the latter."

See also note 1 under "Cook Islands" and note 1 under "Niue" in the "Historical Information" section in the front matter of this volume.

<sup>43</sup> On 5 July 2007, the Government of New Zealand informed the Secretary-General that it had decided to withdraw the reservation made upon ratification in accordance with article 28 (1) of the Convention which read as follows: ... the Government of New Zealand, the Government of the Cook Islands and the Government of Niue reserved the right not to apply the provisions of CEDAW in so far as they are inconsistent with policies relating to recruitment into for service in: (a) the Armed Forces which reflect either directly or indirectly the fact that members of such forces are required to serve on armed forces aircraft or vessels and in situations involving armed combat; or (b) the law enforcement forces which reflect either directly or indirectly the fact that members of such forces are required to serve in situations involving violence or threat of violence, in their territories; ... NOW THEREFORE the Government of New Zealand, having considered the said reservation, HEREBY WITHDRAWS the said reservation in respect of the metropolitan territory of New Zealand pursuant to paragraph 3 of article 28 of CEDAW; ... AND DECLARES that, consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau, there having been consultations regarding CEDAW between the Government of New Zealand and the Government of Tokelau; the withdrawal of the said reservation shall also apply to Tokelau ..."

<sup>44</sup> On 5 September 2003, the Government of New Zealand informed the Secretary-General that it had decided to withdraw its reservation in respect only of the metropolitan territory of New Zealand. The reservation reads as follows:

"The Government of New Zealand, the Government of the Cook Islands and the Government of Niue reserve the right not to apply the provisions of article 11 (2) (b)."

Moreover, the Government of New Zealand notified the Secretary-General of the the following territorial exclusion:

"Declares that, consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, the withdrawal of this reservation shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the Depositary on the basis of appropriate consultation with that territory."

See also note 1 under "Cook Islands" and note 1 under "Niue" in the "Historical Information" section in the front matter of this volume.

<sup>45</sup> The instrument of ratification indicates that in accordance with the special relationships which exist between New Zealand and the Cook Islands and between New Zealand and Niue, there have been consultations regarding the Convention between the

Government of New Zealand and the Government of the Cook Islands and between the Government of New Zealand and the Government of Niue; that the Government of the Cook Islands, which has exclusive competence to implement treaties in the Cook Islands, has requested that the Convention should extend to the Cook Islands; that the Government of Niue which has exclusive competence to implement treaties in Niue, has requested that the Convention should extend to Niue. The said instrument specifies that accordingly the Convention shall apply also to the Cook Islands and Niue.

See also note 1 under "Cook Islands" and "Niue" in the Historical Information section in the front matter of this volume.

<sup>46</sup> See also note 1 under "New Zealand" regarding Tokelau in the "Historical Information" section in the front matter of this volume.

<sup>47</sup> With regard to the reservations made by the Government of Niger upon accession, the Secretary-General received from the Governments of the following States, communications on the dates indicated hereinafter:

France (14 November 2000):

By indicating that it "expresses reservations" to article 2, paragraphs (d) and (f), article 5, paragraph (a), and article 16, paragraph 1 (c), (e) and (g), the Government of the Republic of the Niger is aiming completely to preclude the application of the provisions concerned. The reservation to article 15, paragraph 4, which seeks to deprive married women of the right to choose their residence and domicile, is contrary to the object and purpose of the Convention.

The general reservation relating to the provisions of article 2, paragraphs (d) and (f), article 5, paragraphs (a) and (b), article 15, paragraph 4, and article 16, paragraph 1 (c), (e) and (g), seeks to ensure that domestic law, and even domestic practice and the current values of society, prevail in general over the provisions of the Convention. The provisions in question concern not only family relations but also social relations as a whole; in particular, article 2, paragraph (d), imposes an obligation on public authorities and institutions to comply with the ban on any act or practice of discrimination, and article 2, paragraph (f), establishes the obligation to take the appropriate measures, notably legislative measures, to prevent discrimination against women, including in relations between individuals. Because it ignores these obligations, the reservation is manifestly contrary to the object and purpose of the Convention.

The Government of the French Republic considers that the reservations to articles 2, 5, 15 and 16 completely vitiate the undertaking of the Republic of the Niger and are manifestly not authorized by the Convention; in consequence, it enters its objection to them.

[The Permanent Mission further adds] that the reservations of the Republic of the Niger, made on 8 October 1999, were notified by the Secretary-General of the United Nations on 2 November 1999 and received by the French Republic on 16 November 1999. In these circumstances, the French Republic is still able, as at this date and until 15 November 2000, to lodge an objection and the Secretary-General of the United Nations cannot treat this act as a simple communication.

Netherlands (6 December 2000):

"The Government of the Kingdom of the Netherlands is of the view that these reservations which seek to limit the obligations of the reserving State by invoking its national law, may raise doubts as to the commitment of Niger to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law.

The Government of the Kingdom of the Netherlands recalls that according to paragraph 2 of Article 28 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become party are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Kingdom of the Netherlands therefore objects to the afore-said reservations made by the Government of Niger to the Convention on the Elimination of All Forms of Discrimination against Women. This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and Niger."

<sup>48</sup> On 16 October 1997, the Government of Poland notified the Secretary-General that it had decided to withdraw its reservation with regard to article 29, paragraph 1 of the Convention made upon ratification. For the text of the reservation see United Nations, *Treaty Series*, vol. 1249, p. 13.

<sup>49</sup> In this regard, on 23 July 1997, the Secretary-General received from the Government of Portugal, the following communication:

"Portugal is of the view that a general declaration of the kind made by Pakistan, constituting in fact in legal terms a general reservation, and not clearly specifying the provisions of the Convention to which it applies and the extent of the derogation therefrom, contributes to undermining the basis of international law.

Furthermore, according to paragraph 2 of article 28 of the Convention, a general reservation of such a kind is incompatible with the object and purpose of the Convention and shall not be permitted.

Portugal therefore objects to the aforesaid general reservation which will not preclude the entry into force of the Convention in its entirety between Pakistan and Portugal."

<sup>50</sup> Upon ratification, the Government of the Republic of Korea made the following reservations:

"The Government of the Republic of Korea, having examined the said Convention, hereby ratifies the Convention considering itself not bound by the provisions of Article 9 and sub-paragraphs (c), (d), (f) and (g) of paragraph 1 of Article 16 of the Convention."

On 15 March 1991, the Government of the Republic of Korea notified the Secretary-General of its decision to withdraw, with effect as from that date, the reservation made upon ratification to

the extent that they apply to sub-paragraphs (c), (d) and (f) of paragraph 1 of article 16.

Subsequently, on 24 August 1999, the Government of the Republic of Korea notified the Secretary-General of its decision to withdraw, with effect as from that date, its reservation made upon ratification to article 9.

<sup>51</sup> On 2 April 1997, the Government of Romania notified the Secretary-General that it had decided to withdraw its reservation made with regard to article 29 of the Convention. For the text of the Convention, see United Nations, *Treaty Series*, vol. 1259, p. 437.

<sup>52</sup> In communications received on 8 March 1989, 19 and 20 April 1989, respectively, the Governments of the Union of Soviet Socialist Republics, the Byelorussian Soviet Socialist Republic and the Ukrainian- an Soviet Socialist Republic notified the Secretary-General that they had decided to withdraw the reservations made upon ratification relating to article 29 (1). The reservations were identical in essence, *mutatis mutandis*, to the reservation made by the Union of Soviet Socialist Republics. For the text of the reservations, see United Nations, *Treaty Series*, vol. 1249, pp. 117, 121 and 133.

<sup>53</sup> On 24 July 2007, the Government of Singapore notified the Secretary-General that it had decided to withdraw the following reservation made upon accession to the Convention: "(2) Singapore is geographically one of the smallest independent countries in the world and one of the most densely populated. The Republic of Singapore accordingly reserves the right to apply such laws and conditions governing the entry into, stay in, employment of and departure from its territory of those who do not have the right under the laws of Singapore to enter and remain indefinitely in Singapore and to the conferment, acquisitions and loss of citizenship of women who have acquired such citizenship by marriage and of children born outside Singapore."

<sup>54</sup> On 25 October 1996, the Secretary-General received from the Government of Sweden, the following communication regarding reservations made by Malaysia upon accession:

[*Same text, mutatis mutandis, as the one made under "Objections".*]

<sup>55</sup> On 13 August 1997, the Secretary-General received from the Government of Sweden the following communication with regard to the reservation made by Singapore:

"The Government of Sweden is of the view that these general reservations raise doubts as to the commitment of Singapore to the object and purpose of the Convention and would recall that, according to article 28, paragraph 2, of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

It is in the common interest of states that treaties to which they have chosen to become parties are respected, as to their object and purpose, by all parties and that states are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Sweden is further of the view that general reservations of the kind made by the Government of Singapore,

which do not clearly specify the provisions of the Convention to which they apply and the extent of the derogation therefrom, contribute to undermining the basis of international treaty law.

The Government of Sweden therefore objects to the aforesaid general reservations made by the Government of Singapore to the [said Convention].

This objection does not preclude the entry into force of the Convention between Singapore and Sweden. The Convention will thus become operative between the two states without Singapore benefiting from these reservations.

It is the opinion of the Government of Sweden, that no time limit applies to objections against reservations, which are inadmissible under international law."

On that same date, the Secretary-General received from the Government of Sweden, a communication with regard to the declaration made by Pakistan, identical in essence, *mutatis mutandis*, as the one made for Singapore.

<sup>56</sup> On 29 April 2004, the Government of Switzerland notified the Secretary-General that it had decided to withdraw its reservation in respect of article 7 (b) made upon ratification. The text of the reservation reads as follows:

(a) Reservation concerning article 7 (b):

Said provisions shall be without prejudice to Swiss military legislation prohibiting women from performing functions involving armed conflict, except in self-defence; ...

<sup>57</sup> Upon accession, the Government of Thailand made the following declaration and reservations:

"Declaration:

The Royal Thai Government wishes to express its understanding that the purposes of the Convention are to eliminate discrimination against women and to accord to every person, men and women alike, equality before the law, and are in accordance with the principles prescribed by the Constitution of the Kingdom of Thailand.

Reservations:

1. In all matters which concern national security, maintenance of public order and service or employment in the military or paramilitary forces, the Royal Thai Government reserves its right to apply the provisions of the Convention on the Elimination of all forms of discrimination against Women, in particular articles 7 and 10, only within the limits established by national laws regulations and practices.

2. With regard to article 9, paragraph 2, [...] the Royal Thai Government considers that the application of the said provisions shall be subject to the limits and criteria established by national law, regulations and practices."

3. The Royal Thai Government does not consider itself bound by the provisions of [...] article 16 and article 29, paragraph 1, of the Convention.

On 25 January 1991, the Government of Thailand notified the Secretary-General of its decision to withdraw the reservations

made upon accession to the extent that they apply to article 11, paragraph 1 (b), and article 15, paragraph 3.

Subsequently, on 26 October 1992, the Government of Thailand notified the Secretary-General its decision to withdraw one of the reservations made upon accession to the Convention, i.e., that relating to article 9 (2), which reservation reads as follows:

"2. With regard to article 9, paragraph 2, [...] the Royal Thai Government considers that the application of the said provisions shall be subject to the limits and criteria established by national law, regulations and practices."

Subsequently, on 1 August 1996, the Government of Thailand notified the Secretary-General of its decision to withdraw, as from that same date, the following reservation, made upon accession:

"1. In all matters which concern national security, maintenance of public order and service or employment in the military or para military forces, the Royal Thai Government reserves its right to apply the provisions of the Convention on the Elimination of all Forms of Discrimination against Women, in particular articles 7 and 10, only within the limits established by national laws, regulations and practices."

The complete text of the declaration and reservations are published in United Nations, *Treaty Series*, vol. 1404, p. 419.

<sup>58</sup> With regard to the reservations made by the United Arab Emirates upon accession, the Secretary-General received a communication from the following State on the date indicated hereinafter:

*Denmark (14 December 2005):*

"The Government of Denmark has examined the reservations made by the Government of the United Arab Emirates upon accession to the Convention on the Elimination of All Forms of Discrimination against Women regarding article 2 (f), 15 (2) and 16 pertaining to Shariah principles.

The Government of Denmark considers that the reservations made by the United Arab Emirates to article 2 (f), 15 (2) and 16 referring to the contents of the Shariah Law do not clearly specify the extent to which the United Arab Emirates feel committed to the object and purpose of the Convention. Consequently, the Government of Denmark considers the said reservations as being incompatible with the object and purpose of the Convention. Consequently, the Government of Denmark considers the said reservations as being incompatible with the object and purpose of the Convention and accordingly inadmissible and without effect under international law.

The Government of Denmark wishes to recall that, according to article 28 (2) of the Convention reservations incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Denmark therefore objects to the aforementioned reservations made by the Government of the United Arab Emirates to the Convention on the Elimination of All Forms of Discrimination against Women. This shall not preclude the entry into force of the Convention in its entirety between the United Arab Emirates and Denmark.

The Government of Denmark recommends the Government of the United Arab Emirates to reconsider its reservations to the Convention on the Elimination of All Forms of Discrimination against Women."

<sup>59</sup> Upon ratification the Government of the United Kingdom made the following declarations and reservations:

"A. On behalf of the United Kingdom of Great Britain and Northern Ireland:

"(a) The United Kingdom understands the main purpose of the Convention, in the light of the definition contained in Article 1, to be the reduction, in accordance with its terms, of discrimination against women, and does not therefore regard the Convention as imposing any requirement to repeal or modify any existing laws, regulations, customs or practices which provide for women to be treated more favourably than men, whether temporarily or in the longer term; the United Kingdom's undertakings under Article 4, paragraph 1, and other provisions of the Convention are to be construed accordingly.

"(b) The United Kingdom reserves the right to regard the provisions of the Sex Discrimination Act 1975, the Employment Protection (Consolidation) Act 1978, the Employment Act 1980, the Sex Discrimination (Northern Ireland) Order 1976, the Industrial Relations (No. 2) (Northern Ireland) Order 1976, the Industrial Relations (Northern Ireland) Order 1982, the Equal Pay Act 1970 (as amended) and the Equal Pay Act (Northern Ireland) 1970 (as amended), including the exceptions and exemptions contained in any of these Acts and Orders, as constituting appropriate measures for the practical realisation of the objectives of the Convention in the social and economic circumstances of the United Kingdom, and to continue to apply these provisions accordingly; this reservation will apply equally to any future legislation which may modify or replace the above Acts and Orders on the understanding that the terms of such legislation will be compatible with the United Kingdom's obligations under the Convention.

"(c) In the light of the definition contained in Article 1, the United Kingdom's ratification is subject to the understanding that none of its obligations under the Convention shall be treated as extending to the succession to, or possession and enjoyment of, the Throne, the peerage, titles of honour, social precedence or armorial bearings, or as extending to the affairs of religious denominations or orders or to the admission into or service in the Armed Forces of the Crown.

"(d) The United Kingdom reserves the right to continue to apply such immigration legislation governing entry into, stay in, and departure from, the United Kingdom as it may deem necessary from time to time and, accordingly, its acceptance of Article 15 (4) and of the other provisions of the Convention is subject to the provisions of any such legislation as regards persons not at the time having the right under the law of the United Kingdom to enter and remain in the United Kingdom.

#### *"Article 1*

With reference to the provisions of the Sex Discrimination Act 1975 and other applicable legislation, the United Kingdom's acceptance of Article 1 is subject to the reservation that the phrase "irrespective of their marital status" shall not be taken to render discriminatory any difference of treatment accorded to single persons as against married persons, so long as there is

equality of treatment as between married men and married women and as between single men and single women.

#### *"Article 2*

In the light of the substantial progress already achieved in the United Kingdom in promoting the progressive elimination of discrimination against women, the United Kingdom reserves the right, without prejudice to the other reservations made by the United Kingdom, to give effect to paragraphs (f) and (g) by keeping under review such of its laws and regulations as may still embody significant differences in treatment between men and women with a view to making changes to those laws and regulations when to do so would be compatible with essential and overriding considerations of economic policy. In relation to forms of discrimination more precisely prohibited by other provisions of the Convention, the obligations under this Article must (in the case of the United Kingdom) be read in conjunction with the other reservations and declarations made in respect of those provisions including the declarations and reservations of the United Kingdom contained in paragraphs (a) - (d) above.

"With regard to paragraphs (f) and (g) of this Article the United Kingdom reserves the right to continue to apply its law relating to sexual offences and prostitution; this reservation will apply equally to any future law which may modify or replace it.

#### *"Article 9*

The British Nationality Act 1981, which was brought into force with effect from January 1983, is based on principles which do not allow of any discrimination against women within the meaning of Article 1 as regards acquisition, change or retention of their nationality or as regards the nationality of their children. The United Kingdom's acceptance of Article 9 shall not, however, be taken to invalidate the continuation of certain temporary or transitional provisions which will continue in force beyond that date.

"The United Kingdom reserves the right to take such steps as may be necessary to comply with its obligations under Article 2 of the First Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Paris on 20 March 1952 and its obligations under paragraph 3 of Article 13 of the International Covenant on Economic, Social and Cultural Rights opened for signature at New York on 19 December 1966, to the extent that the said provisions preserve the freedom of parental choice in respect of the education of children; and reserves also the right not to take any measures which may conflict with its obligation under paragraph 4 of Article 13 of the said Covenant not to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject to the observation of certain principles and standards.

Moreover, the United Kingdom can only accept the obligations under paragraph (c) of Article 10 within the limits of the statutory powers of central Government, in the light of the fact that the teaching curriculum, the provision of textbooks and teaching methods are reserved for local control and are not subject to central Government direction; moreover, the acceptance of the objective of encouraging coeducation is without prejudice to the right of the United Kingdom also to encourage other types of education.

#### *"Article 11*

The United Kingdom interprets the "right to work" referred to in paragraph 1 (a) as a reference to the "right to work" as defined in other human rights instruments to which the United Kingdom is a party, notably Article 6 of the International Covenant on Economic, Social and Cultural Rights of 19 December 1966.

"The United Kingdom interprets paragraph 1 of Article 11, in the light of the provisions of paragraph 2 of Article 4, as not precluding prohibitions, restrictions or conditions on the employment of women in certain areas, or on the work done by them, where this is considered necessary or desirable to protect the health and safety of women or the human foetus, including such prohibitions, restrictions or conditions imposed in consequence of other international obligations of the United Kingdom; The United Kingdom declare that, in the event of a conflict between obligations under the present Convention and its obligations under the Convention concerning the employment of women on underground work in mines of all kinds (ILO Convention No. 45), the provisions of the last mentioned Convention shall prevail.

"The United Kingdom reserves the right to apply all United Kingdom legislation and the rules of pension schemes affecting retirement pensions, survivors' benefits and other benefits in relation to death or retirement (including retirement on grounds of redundancy), whether or not derived from a Social Security scheme.

"This reservation will apply equally to any future legislation which may modify or replace such legislation, or the rules of pension schemes, on the understanding that the terms of such legislation will be compatible with the United Kingdom's obligations under the Convention.

"The United Kingdom reserves the right to apply the following provisions of United Kingdom legislation concerning the benefits specified:

a) social security benefits for persons engaged in caring for a severely disabled person under section 37 of the Social Security Act 1975 and section 37 of the Social Security (Northern Ireland) Act 1975;

b) increases of benefits for adult dependants under sections 44 to 47, 49 and 66 of the Social Security Act 1975 and under sections 44 to 47, 49 and 66 of the Social Security (Northern Ireland) Act 1975;

c) retirement pensions and survivors' benefits under the Social Security Acts 1975 to 1982 and the Social Security (Northern Ireland) Acts 1975 to 1982;

d) family income supplements under the Family Income Supplements Act 1970 and the Family Income Supplements Act (Northern Ireland) 1971.

"This reservation will apply equally to any future legislation which may modify or replace any of the provisions specified in sub-paragraphs (a) to (d) above, on the understanding that the terms of such legislation will be compatible with the United Kingdom's obligations under the Convention.

The United Kingdom reserves the right to apply any non-discriminatory requirement for a qualifying period of employment or insurance for the application of the provisions contained in Article 11 (2).

#### *"Article 13*

The United Kingdom reserves the right, notwithstanding the obligations undertaken in Article 13, or any other relevant article of the Convention, to continue to apply the income tax and capital gains tax legislation which:

i) Deems for income tax purposes the income of a married woman living with her husband in a year, or part of a year, of assessment to be her husband's income and not to be her income (subject to the right of husband and the wife to elect jointly that the wife's earned income shall be charged to income tax as if she were a single woman with no other income); and

ii) Requires tax in respect of such income and of chargeable gains accruing to such a married woman to be assessed on her husband (subject to the right of either of them to apply for separate assessment) and consequently (if no such application is made) restricts to her husband the right to appeal against any such assessment and to be heard or to be represented at the hearing of any such appeal; and

iii) Entitles a man who has his wife living with him, or whose wife is wholly maintained by him, during the year of assessment to a deduction from his total income of an amount larger than that to which an individual in any other case is entitled and entitles an individual whose total income includes any earned income of his wife to have that deduction increased by the amount of that earned income or by an amount specified in the legislation whichever is the less.

#### *"Article 15*

"In relation to Article 15, paragraph 2, the United Kingdom understands the term 'legal capacity' as referring merely to the existence of a separate and distinct legal personality.

"In relation to Article 15, paragraph 3, the United Kingdom understands the intention of this provision to be that only those terms or elements of a contract or other private instrument which are discriminatory in the sense described are to be deemed null and void, but not necessarily the contract or instrument as a whole.

#### *"Article 16*

As regards sub-paragraph 1 (f) of Article 16, the United Kingdom does not regard the reference to the paramountcy of the interests of the children as being directly relevant to the elimination of discrimination against women, and declares in this connection that the legislation of the United Kingdom regulating adoption, while giving a principal position to the promotion of the children's welfare, does not give to the child's interests the same paramount place as in issues concerning custody over children.

"The United Kingdom' acceptance of paragraph 1 of Article 16 shall not be treated as either limiting the freedom of a person to dispose of his property as he wishes or as giving a person a right to property the subject of such limitation.

"B. *On behalf of the Isle of Man, the British Virgin Islands, the Falkland Islands, South Georgia and the South Sandwich Islands, and the Turks and Caicos Islands:*

*[Same reservations as the one made on behalf of the United Kingdom under paragraphs A (a), (c), and (d) except that in the case d) it applies to the territories and their laws].*

*Article 1*

*[Same reservation as the one made in respect of the United Kingdom except with regard to the absence of a reference to United Kingdom legislation.]*

*Article 2*

*[Same reservation as the one made in respect of the United Kingdom except that reference is made to the laws of the territories, and not the laws of the United Kingdom.]*

*Article 9*

*[Same reservation as the one made in respect of the United Kingdom.]*

*Article 11*

*[Same reservation as those made in respect of the United Kingdom except that a reference is made to the laws of the territories, and not to the laws of the United Kingdom.]*

"Also, as far as the territories are concerned, the specific benefits listed and which may be applied under the provisions of these territories' legislation are as follows:

- a) social security benefits for persons engaged in caring for a severely disabled person;
- b) increases of benefit for adult dependants;
- c) retirement pensions and survivors' benefits;
- d) family income supplements.

"This reservation will apply equally to any future legislation which may modify or replace any of the provisions specified in sub-paragraphs (a) to (d) above, on the understanding that the terms of such legislation will be compatible with the United Kingdom's obligations under the Convention.

"The United Kingdom reserves the right to apply any non-discriminatory requirement for a qualifying period of employment or insurance for the application of the provisions contained in Article 11 (2).

*Article 13, 15 and 16*

*[Same reservations as those made on behalf the United Kingdom.]*

On 4 January 1995, the Government of the United Kingdom of Great Britain and Northern Ireland notified the Secretary-General that it had decided to withdraw the following declaration and reservation made upon ratification:

*Declaration:*

"... the United Kingdom declares that, in the event of a conflict between obligations under the present Convention and its obligations under the Convention concerning the employment of

women on underground work in mines of all kinds (ILO Convention No. 45), the provisions of the last mentioned Convention shall prevail."

*Reservation:*

*"Article 13*

The United Kingdom reserves the right, notwithstanding the obligations undertaken in Article 13, or any other relevant article of the Convention, to continue to apply the income tax and capital gains tax legislation which:

i) deems for income tax purposes the income of a married woman living with her husband in a year, or part of a year, of assessment to be her husband's income and not to be her income (subject to the right of the husband and the wife to elect jointly that the wife's earned income shall be charged to income tax as if she were a single woman with no other income); and

ii) requires tax in respect of such income and of chargeable gains accruing to such a married woman to be assessed on her husband (subject to the right of either of them to apply for separate assessment) and consequently (if no such application is made) restricts to her husband the right to appeal against any such assessment and to be heard or to be represented at the hearing of any such appeal; and

iii) entitles a man who has his wife living with him or whose wife is wholly maintained by him, during the year of assessment to a deduction from his total income of an amount larger than that to which an individual in any other case is entitled and entitles an individual whose total income includes any earned income of his wife to have that deduction increased by the amount of that earned income or by an amount specified in the legislation whichever is the less.

Further, on 22 March 1996, the Government of the United Kingdom of Great Britain and Northern Ireland notified the Secretary-General that it had decided to withdraw the following reservations and declarations made upon ratification:

"(b) The United Kingdom reserves the right to regard the provisions of the Sex Discrimination Act 1975, the Employment Protection (Consolidation) Act 1978, the Employment Act 1980, the Sex Discrimination (Northern Ireland) Order 1976, the Industrial Relations (No. 2) (Northern Ireland) Order 1976, the Industrial Relations (Northern Ireland) Order 1982, the Equal Pay Act 1970 (as amended) and the Equal Pay Act (Northern Ireland) 1970 (as amended), including the exceptions and exemptions contained in any of these Acts and Orders, as constituting appropriate measures for the practical realisation of the objectives of the Convention in the social and economic circumstances of the United Kingdom, and to continue to apply these provisions accordingly; this reservation will apply equally to any future legislation which may modify or replace the above Acts and Orders on the understanding that the terms of such legislation will be compatible with the United Kingdom's obligations under the Convention."

*"Article 1*

With reference to the provisions of the Sex Discrimination Act 1975 and other applicable legislation, the United Kingdom's acceptance of Article 1 is subject to the reservation that the phrase "irrespective of their marital status" shall not be taken to

render discriminatory any difference of treatment accorded to single persons as against married persons, so long as there is equality of treatment as between married men and married women and as between single men and single women."

*"Article 2*

In the light of the substantial progress already achieved in the United Kingdom in promoting the progressive elimination of discrimination against women, the United Kingdom reserves the right, without prejudice to the other reservations made by the United Kingdom, to give effect to paragraphs (f) and (g) by keeping under review such of its laws and regulations as may still embody significant differences in treatment between men and women with a view to making changes to those laws and regulations when to do so would be compatible with essential and overriding considerations of economic policy. In relation to forms of discrimination more precisely prohibited by other provisions of the Convention, the obligations under this Article must (in the case of the United Kingdom) be read in conjunction with the other reservations and declarations made in respect of those provisions including the declarations and reservations of the United Kingdom contained in paragraphs (a) - (d) above.

"With regard to paragraphs (f) and (g) of this Article the United Kingdom reserves the right to continue to apply its law relating to sexual offences and prostitution; this reservation will apply equally to any future law which may modify or replace it."

*"Article 9*

.....

"The United Kingdom reserves the right to take such steps as may be necessary to comply with its obligations under Article 2 of the First Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Paris on 20 March 1952 and its obligations under paragraph 3 of Article 13 of the International Covenant on Economic, Social and Cultural Rights opened for signature at New York on 19 December 1966, to the extent that the said provisions preserve the freedom of parental choice in respect of the education of children; and reserves also the right not to take any measures which may conflict with its obligation under paragraph 4 of Article 13 of the said Covenant not to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject to the observation of certain principles and standards."

"Moreover, the United Kingdom can only accept the obligations under paragraph (c) of Article 10 within the limits of the statutory powers of central Government, in the light of the fact that the teaching curriculum, the provision of textbooks and teaching methods are reserved for local control and are not subject to central Government direction; moreover, the acceptance of the objective of encouraging coeducation is without prejudice to the right of the United Kingdom also to encourage other types of education."

*"Article 11*

The United Kingdom interprets the "right to work" referred to in paragraph 1 (a) as a reference to the "right to work" as defined in other human rights instruments to which the United Kingdom is a party, notably Article 6 of the International Covenant on Economic, Social and Cultural Rights of 19 December 1966.

"The United Kingdom interprets paragraph 1 of Article 11, in the light of the provisions of paragraph 2 of Article 4, as not precluding prohibitions, restrictions or conditions on the employment of women in certain areas, or on the work done by them, where this is considered necessary or desirable to protect the health and safety of women or the human foetus, including such prohibitions, restrictions or conditions imposed in consequence of other international obligations of the United Kingdom;

"The United Kingdom reserves the right to apply the following provisions of United Kingdom legislation concerning the benefits specified:

a) social security benefits for persons engaged in caring for a severely disabled person under section 37 of the Social Security Act 1975 and section 37 of the Social Security (Northern Ireland) Act 1975;

.....

c) retirement pensions and survivors' benefits under the Social Security Acts 1975 to 1982 and the Social Security (Northern Ireland) Acts 1975 to 1982;

d) family income supplements under the Family Income Supplements Act 1970 and the Family Income Supplements Act (Northern Ireland) 1971.

"This reservation will apply equally to any future legislation which may modify or replace any of the provisions specified in sub-paragraphs (a) to (d) above, on the understanding that the terms of such legislation will be compatible with the United Kingdom's obligations under the Convention."

*"Article 15*

In relation to Article 15, paragraph 2, the United Kingdom understands the term "legal capacity" as referring merely to the existence of a separate and distinct legal personality."

.....

*"Article 16*

.....

The United Kingdom's acceptance of paragraph 1 of Article 16 shall not be treated as either limiting the freedom of a person to dispose of his property as he wishes or as giving a person a right to property the subject of such a limitation."

By the same communication, the Government of the United Kingdom also informed the Secretary-General "for the avoidance of doubt, that the declarations and reservations entered in respect of the dependent territories on behalf of which the Convention was also ratified on 7 April 1986 continue to apply, but are under active review".

The complete text of the declarations and reservations are published in United Nations, *Treaty Series*, vol. 1423, p. 412.

Subsequently, on 6 June 2005, the Government of the United Kingdom notified the Secretary-General of the following:

"..... The Government of the United Kingdom wish to withdraw from paragraph A c) of that reservation the words:

"To the admission into or service in the Armed Forces of the Crown"

and to substitute the words:

"Any act done for the purpose of ensuring the combat effectiveness of the Armed Forces of the Crown."

So that Paragra A c) of the United Kingdom's reservation will then read

"In the light of the definition contained in Article 1, the United Kingdom's ratification is subject to the understanding that none of its obligations under the Convention shall be treated as extending to the succession to, or possession and enjoyment of, the Throne, the peerage, titles of honour, social precedence or armorial bearings, or as extending to the affairs of religious denominations or orders or any act done for the purpose of ensuring the combat effectiveness of the Armed Forces of the Crown."

<sup>60</sup> On 24 July 2007, the Government of the United Kingdom notified the Secretary-General that it had decided to withdraw the following reservation made upon ratification to the Convention: "(d) The United Kingdom reserves the right to continue to apply such immigration legislation governing entry into, stay in, and departure from, the United Kingdom as it may deem necessary from time to time and, accordingly, its acceptance of Article 15 (4) and of the other provisions of the Convention is subject to the provisions of any such legislation as regards persons not at the time having the right under the law of the United Kingdom to enter and remain in the United Kingdom."

<sup>61</sup> The instrument of ratification specifies that the said Convention is ratified in respect of the United Kingdom of Great Britain and Northern Ireland, the Isle of Man, British Virgin Islands, Falkland Islands (Malvinas), South Georgia and the South Sandwich Islands, and Turks and Caicos Islands.

In this connection, on 4 April 1989, the Government of Argentina made the following objection:

The Argentine Republic rejects the extension of the territorial application of the Convention on the Elimination of all Forms of Discrimination against Women, adopted by the United Nations General Assembly on 18 December 1979, to the Malvinas (Falkland) Islands, South Georgia and the South Sandwich Islands, notified by the Government of the United Kingdom of Great Britain and Northern Ireland upon its ratification of that instrument on 7 April 1986.

The Argentine Republic reaffirms its sovereignty over the aforementioned archipelagos, which are integral part of its national territory, and recalls that the United Nations General Assembly has adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12 and 39/6, in which a sovereignty dispute is recognized and the Governments of Argentina and the United Kingdom are urged to resume negotiations in order to find as soon as possible a peaceful and lasting solution to the dispute and their remaining differences relating to this question, through the good offices of the Secretary-General. The General Assembly has also adopted resolutions 40/21, 41/40, 42/19 and

43/25, which reiterate its request to the parties to resume such negotiations.

Subsequently, on 27 November 1989, the Secretary-General received from the Government of the United Kingdom of Great Britain and Northern Ireland the following communication:

"The Government of the United Kingdom of Great Britain and Northern Ireland reject the statement made by the Government of Argentina on 4 April 1989 regarding the Falkland Islands and South Georgia and the South Sandwichlands. The Government of the United Kingdom of Great Britain and Northern Ireland have no doubt as to the British sovereignty of the Falkland Islands and South Georgia and the South Sandwich Islands, and their consequent right to extend treaties to those Territories."

Further, on 14 October 1996, the Secretary-General received from the Government of the United Kingdom a communication stating that it had decided to apply the Convention to Hong Kong, subject to the following reservations and declarations:

#### *"General*

(a) The United Kingdom on behalf of Hong Kong understands the main purpose of the Convention, in the light of the definition contained in article 1, to the reduction, in accordance with its terms, of discrimination against women, and does not therefore regard the Convention as imposing any requirement to repeal or modify any existing laws, regulations, customs or practices which provide for women to be treated more favourably than men, whether temporarily or in the longer term. Undertakings by the United Kingdom on behalf of Hong Kong under article 4, paragraph 1, and other provisions of the Convention are to be construed accordingly.

(b) The right to continue to apply such immigration legislation governing entry into, stay in and departure from Hong Kong as may be deemed necessary from time to time is reserved by the United Kingdom on behalf of Hong Kong. Accordingly, acceptance of article 15 (4), and of the other provisions of the Convention, is subject to the provisions of any such legislation as regards persons not at the time having the right under the law of Hong Kong to enter and remain in Hong Kong.

(c) In the light of the definition contained in article 1, the United Kingdom's extension of its ratification to Hong Kong is subject to the understanding that none of its obligations under the Convention in Hong Kong shall be treated as extending to the affairs of religious denominations or orders.

(d) Laws applicable in the New Territories which enable male indigenous villagers to exercise certain rights in respect of property and which provide for rent concessions in respect of land or property held by indigenous persons or their lawful successors through the male line will continue to be applied.

#### *Specific articles*

##### *Article 9*

The British Nationality Act 1981, which was brought into force with effect from January 1983, is based on principles which do not allow of any discrimination against women within the meaning of article 1 as regards acquisition, change, or retention of their nationality or as regards the nationality of their

children. The United Kingdom's acceptance of article 9 on behalf of Hong Kong shall not, however, be taken to invalidate the continuation of certain temporary or transitional provisions which will continue in force beyond that date.

*Article 11*

The United Kingdom on behalf of Hong Kong reserves the right to apply all Hong Kong legislation and the rules of pension schemes affecting retirement pensions, survivors' benefits and other benefits in relation to death or retirement (including retirement on grounds of redundancy) whether or not derived from a social security scheme.

This reservation will apply equally to any further legislation which may modify or replace such legislation, or the rules of pension schemes, on the understanding that the terms of such legislation will be compatible with the United Kingdom's obligations under the Convention in respect of Hong Kong.

The United Kingdom on behalf of Hong Kong reserves the right to apply any non-discriminatory requirement for a qualifying period of employment for the application of the provisions contained in article 11(2).

*Article 15*

In relation to article 15, paragraph 3, the United Kingdom on behalf of Hong Kong understands the intention of this provisions to be that only those terms or elements of a contract or other private instrument which are discriminatory in the sense described are to be deemed null and void, but not necessarily the contract or instrument as a whole."

<sup>62</sup> The formality was effected by Democratic Yemen. See also note 1 under "Yemen" in the "Historical Information" section in the front matter of this volume.

<sup>63</sup> Several Governments notified the Secretary-General that they consider the reservations made by the Government of Algeria upon accession as incompatible with the object and purpose of the said Convention and, therefore, prohibited by virtue of its article 28 (2), on the dates indicated hereinafter:

<i>Participant:</i>	<i>Date of notification:</i>		
Sweden	4	Aug	1997
Portugal	14	Aug	1997
Denmark	24	Mar	1998

<sup>64</sup> Several Governments notified the Secretary-General that they consider the reservations made by the Government of Kuwait concerning article 7 (a) and article 16 (f) as "incompatible with the object and purpose of the said Convention and, therefore, as prohibited by virtue of its article 28 paragraph 2" on the dates indicated hereinafter:

<i>Participant:</i>	<i>Date of notification:</i>		
Belgium	19	Jan	1996
Austria	22	Feb	1996
Portugal	15	May	1996

<sup>65</sup> On 9 January 2008, the Government of Luxembourg notified the Secretary-General that it had decided to withdraw

the reservations made upon ratification. The text of the reservations reads as follows:

a) The application of article 7 shall not affect the validity of the article of our Constitution concerning the hereditary transmission of the crown of the Grand Duchy of Luxembourg in accordance with the family compact of the house of Nassau of 30 June 1783, maintained by article 71 of the Treaty of Vienna of 9 June 1815 and expressly maintained by article 1 of the Treaty of London of 11 May 1867.

(b) The application of paragraph 1 (g) of article 16 of the Convention shall not affect the right to choose the family name of children.

<sup>66</sup> In regard to the reservations made by the Government of Micronesia (Federated States of) upon accession, the Secretary-General received a communication from the following State on the date indicated hereinafter:

*Portugal (15 December 2005):*

The Government of Portugal has carefully examined the reservations made by the Federated States of Micronesia upon its accession to the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW).

The first and second reservations concern fundamental provisions of the Convention and are not in conformity with its object and purpose. Articles 2, 5, 11 and 16 outline the measures which a State party is required to take in order to implement the Convention, cover the fundamental rights of women and deal with key elements for the elimination and discrimination against women.

Portugal considers that such reservations may create doubts as to the commitment of the reserving State to the objection and purpose of the Convention and, moreover, contribute to undermining the basis of international law.

It is in the common interest of all states that treaties to which have chosen to become parties are respected as to their object and purpose by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of the Portuguese Republic, therefore, objects to the above reservations made by the Federated States of Micronesia to CEDAW.

This objection shall not preclude the entry into force of the Convention between Portugal and Micronesia.

<sup>67</sup> On 20 September 1999, the Government of Turkey notified the Secretary-General of a partial withdrawal as follows:

"[...] the Government of the Republic of Turkey has decided to withdraw its reservations made upon [accession to] the Convention on the Elimination of All Forms of Discrimination Against Women with regard to article 15, paragraphs 2 and 4, and article 16, paragraphs 1 (c), (d), (f) and (g).

[...] the reservation and declaration made upon [accession] by the Government of Turkey with respect to article 29, paragraph

1, and article 9, paragraph 1 of the Convention, respectively, continue to apply."

On 29 January 2008, the Government of the Republic of Turkey notified the Secretary-General that it had decided to withdraw the following declaration in respect to article 9 (1) made upon accession:

"Article 9, paragraph 1 of the Convention is not in conflict with the provisions of article 5, paragraph 1, and article 15 and

17 of the Turkish Law on Nationality, relating to the acquisition of citizenship, since the intent of those provisions regulating acquisition of citizenship through marriage is to prevent statelessness."