

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1991 Nr. 134

A. TITEL

*Verdrag inzake de uitbanning van alle vormen van discriminatie
van vrouwen;
New York, 18 december 1979*

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 1980, 146.

Voor ondertekeningen van het Verdrag zie *Trb.* 1980, 146 en *Trb.* 1981, 61.

Voorts is het Verdrag nog ondertekend voor de volgende Staten:

Uruguay	30 maart 1981
Brazilië ¹⁾	31 maart 1981
Guatemala	8 juni 1981
het Verenigd Koninkrijk van Groot- Brittannië en Noord-Ierland ²⁾	22 juli 1981
Peru	23 juli 1981
Benin	11 november 1981
Griekenland	2 maart 1982
Korea ³⁾	25 mei 1983
Kameroen	6 juni 1983
Nigeria	23 april 1984
Mali	5 februari 1985
Trinidad en Tobago ⁴⁾	27 juni 1985
Zwitserland	23 januari 1987
Sierra Leone	21 september 1988
Belize	7 maart 1990
Nepal	5 februari 1991

¹⁾ Onder het volgende voorbehoud:

“The Government of the Federative Republic of Brazil hereby expresses its

reservations of article 15, paragraph 4 and to article 16 paragraph 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.”

2) Met de volgende verklaring:

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

3) Onder het volgende voorbehoud:

“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.”

4) Onder het volgende voorbehoud:

“The Republic of Trinidad and Tobago declares that it does not consider itself bound by Article 29 of the said Convention, relating to the settlement of disputes which may arise concerning the application or interpretation of the Convention.”

C. VERTALING

Zie *Trb.* 1981, 61.

In de aldaar afgedrukte vertaling dienen de volgende correcties te worden aangebracht:

Op blz. 10 in artikel 5, letter a, dient de laatste regel als volgt te worden gelezen: „beide geslachten of op de stereotiepe rollen voor mannen en vrouwen.”

Op blz. 11 in artikel 10, letter a, eerste regel, dient „loopbaan- en beroepskeuze” te worden vervangen door: „beroepskeuzevoorlichting”.

Op blz. 15 in artikel 15, tweede lid, tweede regel, en derde lid, laatste regel, dient „rechtsbevoegdheid” te worden vervangen door: „handelingsbekwaamheid”.

Op blz. 16 in artikel 17, vierde lid, tweede regel, dient „Verenigde Staten” te worden vervangen door „Verenigde Naties”.

Voorts dient in artikel 17, eerste lid, vierde regel, na de komma „die” te worden vervangen door „dat”.

Voorts dient op blz. 16, 17 en 18 „De Commissie” c.q. „de Commissie” overal te worden vervangen door „Het Comité” c.q. „het Comité”.

Op blz. 17 dient in artikel 19, eerste lid, „haar” te worden vervangen door „zijn”.

Op blz. 18 dient in artikel 19, tweede lid, en in artikel 21, eerste lid, derde regel, „haar” te worden vervangen door „zijn”; in artikel 21, eerste lid, vijfde regel, dient „zij” te worden vervangen door „het”.

Op blz. 19 dient in artikel 23, letter b, eerste regel, de komma achter verdrag te worden geschrapt en dient het begin van het eerste lid van artikel 26 als volgt te worden gelezen: „1. Iedere Staat die partij is bij dit Verdrag”.

D. PARLEMENT

Artikel I van de Rijkswet van 3 juli 1991 (*Stb.* 355 en *Afk.bl.* Aruba 1991, 84) luidt: „Het op 18 december 1979 te New York tot stand gekomen Verdrag inzake de uitbanning van alle vormen van discriminatie van vrouwen, waarvan de Engelse en Franse tekst zijn geplaatst in Tractatenblad 1980, 146, en waarvan de vertaling in het Nederlands is geplaatst in Tractatenblad 1981, 61, wordt goedgekeurd voor het gehele Koninkrijk.”

Deze Rijkswet is gecontrasigneerd door de Staatssecretaris van Sociale Zaken en Werkgelegenheid E. TER VELD en de Minister van Buitenlandse Zaken H. VAN DEN BROEK.

Voor de behandeling in de Staten-Generaal zie Kamerstukken II 1984/85, 1986/87, 1988/89, 1989/90, 18 950 (R 1281); Hand. II 1989/90, blz. 4611–4625, 4844–4851, 4864–4876, 4979; Kamerstukken I 1989/90, nr. 258, 1990/91, nrs. 72, 72a en 72b; Hand. I 1990/91, blz. 1300.

E. BEKRACHTIGING

Zie *Trb.* 1980, 146 en *Trb.* 1981, 61¹⁾.

Behalve de aldaar genoemde hebben nog de volgende Staten in overeenstemming met artikel 25, derde lid, van het Verdrag een akte van bekrachtiging bij de Secretaris-Generaal van de Verenigde Naties nedergelegd:

Rwanda	2 maart 1981
de Oekraïne ²⁾	12 maart 1981
Mexico	23 maart 1981
Noorwegen	21 mei 1981
Haïti	20 juli 1981
Mongolië ³⁾	20 juli 1981
de Filippijnen	5 augustus 1981
Laos	14 augustus 1981
El Salvador ⁴⁾	19 augustus 1981
Bhoetan	31 augustus 1981
Ethiopië ⁵⁾	10 september 1981

Egypte ⁶⁾	18 september 1981
Srilanka	5 oktober 1981
Uruguay	9 oktober 1981
Nicaragua	27 oktober 1981
Panama	29 oktober 1981
Ecuador	9 november 1981
Canada ⁷⁾	10 december 1981
Roemenië ⁸⁾	7 januari 1982
Colombia	19 januari 1982
Bulgarije ⁹⁾	8 februari 1982
Tsjechoslowakije ¹⁰⁾	16 februari 1982
Vietnam ¹¹⁾	17 februari 1982
Joegoslavië	26 februari 1982
Oostenrijk ¹²⁾	31 maart 1982
Kongo	26 juli 1982
Guinee	9 augustus 1982
Guatemala	12 augustus 1982
de Dominicaanse Republiek	2 september 1982
Peru	13 september 1982
Gabon	21 januari 1983
Honduras	3 maart 1983
Denemarken	21 april 1983
Venezuela ¹³⁾	2 mei 1983
Griekenland	7 juni 1983
Australië ¹⁴⁾	28 juli 1983
Frankrijk ¹⁵⁾	14 december 1983
Spanje ¹⁶⁾	5 januari 1984
Brazilië ¹⁷⁾	1 februari 1984
Indonesië ¹⁸⁾	13 september 1984
Jamaica ¹⁹⁾	19 oktober 1984
Korea ²⁰⁾	27 december 1984
Nieuw-Zeeland ²¹⁾	10 januari 1985
Senegal	5 februari 1985
Italië	10 juni 1985
Nigeria	13 juni 1985
IJsland	18 juni 1985
Zambia	21 juni 1985
Japan	25 juni 1985
België ²²⁾	10 juli 1985
de Bondsrepubliek Duitsland ²³⁾	10 juli 1985
Argentinië ²⁴⁾	15 juli 1985
Oeganda	22 juli 1985
Tanzania	20 augustus 1985
Guinee-Bissau	23 augustus 1985
Mali	10 september 1985
Tunesië ²⁵⁾	20 september 1985
Ghana	2 januari 1986

Costa Rica	4 april 1986
het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland ²⁶⁾ . . .	7 april 1986
Finland	4 september 1986
Zaire	17 oktober 1986
Sierra Leone	11 november 1988
Luxemburg ²⁷⁾	2 februari 1989
Madagascar	17 maart 1989
Chili	7 december 1989
Trinidad en Tobago ²⁸⁾	12 januari 1990
Belize	16 mei 1990
Bolivia	8 juni 1990
Grenada	30 augustus 1990
Nepal	22 april 1991
het Koninkrijk der Nederlanden ²⁹⁾	23 juli 1991
(voor het gehele Koninkrijk)	

¹⁾ Op 8 maart 1989 heeft de *Sovjet-Unie* het bij de bekrachtiging op 23 januari 1981 gemaakte voorbehoud met betrekking tot artikel 29, eerste lid, van het Verdrag (tekst in *Trb.* 1981, 61, blz. 21) ingetrokken.

Op 19 april 1989 heeft *Witrusland* het bij de bekrachtiging gemaakte voorbehoud met betrekking tot artikel 29, eerste lid, van het Verdrag (zie *Trb.* 1981, 61, blz. 22) ingetrokken.

Op 8 december 1989 heeft *Hongarije* het bij de ondertekening gemaakte en bij de bekrachtiging bevestigde voorbehoud met betrekking tot artikel 29, eerste lid, van het Verdrag ingetrokken.

²⁾ Onder eenzelfde voorbehoud als gemaakt door de Sovjet-Unie met betrekking tot artikel 29, eerste lid, van het Verdrag. Op 20 april 1989 heeft de Oekraïne het voorbehoud ingetrokken.

³⁾ Onder een voorbehoud met betrekking tot artikel 29, eerste lid, van het Verdrag. Op 19 juli 1990 heeft Mongolië het voorbehoud ingetrokken.

⁴⁾ Onder een voorbehoud met betrekking tot de toepassing van artikel 29, eerste lid, van het Verdrag.

⁵⁾ Onder het volgende voorbehoud:

“Socialist Ethiopia does not consider itself bound by paragraph 1 of Article 29 of the Convention.”

⁶⁾ Onder bevestiging van de bij de ondertekening gemaakte voorbehouden betreffende de artikelen 9, 16 en 29 (zie *Trb.* 1981, 61, blz. 2) en onder het volgende voorbehoud:

“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.”

⁷⁾ Onder de volgende mededeling:

“The Government of Canada states that the competent legislative authorities within Canada have addressed the concept of equal pay referred to in article 11 (1) (d) by legislation which requires the establishment of rates of remuneration without discrimination on the basis of sex. The competent

legislative authorities within Canada will continue to implement the object and purpose of article 11 (1) (d) and to that end have developed, and where appropriate will continue to develop, additional legislative and other measures.”

⁸⁾ Onder bevestiging van het bij de ondertekening gemaakte voorbehoud (zie *Trb.* 1981, 61, blz. 4 en 5).

⁹⁾ Onder bevestiging van het bij de ondertekening gemaakte voorbehoud (zie *Trb.* 1981, 61, blz. 1).

¹⁰⁾ Onder bevestiging van het bij de ondertekening gemaakte voorbehoud (zie *Trb.* 1981, 61, blz. 5). Tsjechoslowakije heeft het voorbehoud op 26 april 1991 ingetrokken.

¹¹⁾ Onder het volgende voorbehoud:

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

¹²⁾ Onder het volgende voorbehoud:

“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.”

¹³⁾ Onder bevestiging van het bij de ondertekening gemaakte voorbehoud (zie *Trb.* 1981, 61, blz. 5).

¹⁴⁾ Onder de volgende voorbehouden en de volgende verklaring:

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 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.”

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.”

¹⁵⁾ Onder de volgende verklaringen en voorbehouden:

Déclarations

«Le Gouvernement de la République française déclare que le préambule de

la Convention contient, notamment en son onzième considérant, des éléments contestables qui n'ont en tout état de cause pas leur place dans ce texte.

Le Gouvernement de la République française déclare que l'expression «éducation familiale» qui figure à l'article 5 b) de la Convention doit être interprétée comme visant l'éducation publique relative à la famille, et qu'en tout état de cause l'article 5 sera appliqué dans le respect de l'article 17 du Pacte international relatif aux droits civils et politiques et de l'article 8 de la Convention européenne de sauvegarde des droits de l'homme et des libertés fondamentales.

«Le Gouvernement de la République française déclare qu'aucune disposition de la Convention ne doit être interprétée comme faisant obstacle aux dispositions de la législation française qui sont plus favorables aux femmes qu'aux hommes.»

Réserves

Articles 5 b) et 16, 1 d)

«1) Le Gouvernement de la République française déclare que l'article 5 b) et le paragraphe 1 d) de l'article 16 de la Convention ne doivent pas être interprétés comme impliquant l'exercice commun de l'autorité parentale dans des situations où la législation française ne reconnaît cet exercice qu'à un seul des parents.

Article 14

«1) Le Gouvernement de la République française déclare que le paragraphe 2 c) de l'article 14 doit être interprété comme garantissant l'acquisition de droits propres dans le cadre de la sécurité sociale aux femmes qui satisfont aux conditions familiales ou d'activité professionnelle requises par la législation française pour bénéficier d'une affiliation à titre personnel.

«2) Le Gouvernement de la République française déclare que le paragraphe 2 h) de l'article 14 de la Convention ne doit pas être interprété comme impliquant la réalisation matérielle et gratuite des prestations prévues dans cette disposition.»

Article 16, paragraphe 1 g)

«Le Gouvernement de la République française émet une réserve en ce qui concerne le droit au choix du nom de famille mentionné au paragraphe 1 g) de l'article 16 de la Convention.»

Article 29

«Le Gouvernement de la République française déclare, conformément au paragraphe 2 de l'article 29 de la Convention, qu'il ne sera pas lié par les dispositions du paragraphe premier de cet article.»

Op 26 maart 1984 heeft Frankrijk een bij de bekrachtiging gemaakt voorbehoud met betrekking tot artikel 7 ingetrokken. Op 21 juli 1986 heeft Frankrijk de voorbehouden met betrekking tot artikel 15, leden 2 en 3, en artikel 16, lid 1, letters c, d en h, van het Verdrag, gemaakt bij de bekrachtiging, ingetrokken.

¹⁶⁾ Met de verklaring dat "the ratification of the Convention by Spain shall not affect the constitutional provisions concerning succession to the Spanish Crown."

¹⁷⁾ Onder bevestiging van de bij de ondertekening gemaakte voorbehouden (zie blz. 1 en 2 van dit *Tractatenblad*).

¹⁸⁾ Onder het volgende voorbehoud:

"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.”

19) Onder de volgende voorbehouden:

“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.”

20) Onder het volgende voorbehoud:

“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.”

Op 15 maart 1991 heeft Korea het voorbehoud met betrekking tot artikel 16, eerste lid, letters c, d en f ingetrokken.

21) Onder de mededeling dat het Verdrag mede van toepassing zal zijn op de Cook-eilanden en op Niue en onder de volgende voorbehouden:

Reservations:

“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).

“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 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 chief titles may be inconsistent with those provisions.”

Op 13 januari 1989 heeft Nieuw-Zeeland, nadat het in overleg met de Cook-eilanden en Niue ILO Verdrag no. 45 had opgezegd, het volgende bij de bekrachtiging gemaakte voorbehoud ingetrokken:

“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.”

22) Onder de volgende voorbehouden:

Réserves:

Article 7

«L'application de l'article 7 n'affectera pas la validité des dispositions constitutionnelles, telles qu'elles sont prévues par l'article 60, réservant aux hommes l'exercice des pouvoirs royaux et par l'article 58, réservant aux fils du

Roi ou à leur défaut, aux princes belges de la branche de la famille royale appelée à régner, la fonction de sénateur de droit à l'âge de dix-huit ans et avec voix délibérative à l'âge de vingt-cinq ans.

Article 15, alinéas 2 et 3

L'application de l'article 15, alinéas 2 et 3 n'affectera pas la validité des dispositions temporaires prévues en faveur des époux mariés avant l'entrée en vigueur de la loi du 14 juillet 1976 concernant les droits et devoirs réciproques des conjoints et leur régimes matrimoniaux et qui auront, conformément à la faculté qui leur en est laissée en vertu de cette loi, fait une déclaration de maintien intégral de leur régime matrimonial antérieur.»

²³⁾ Onder de mededeling dat het Verdrag mede voor Berlijn (West) zal gelden vanaf de datum waarop het Verdrag in werking treedt voor de Bondsrepubliek Duitsland.

Voorts onder de volgende mededeling en het volgende voorbehoud:

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 of 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 of 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.

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.

Tegen de toepasselijkverklaring van het Verdrag op Berlijn (West) heeft de Sovjet Unie bezwaar gemaakt op 15 april 1986.

²⁴⁾ Onder het volgende voorbehoud:

"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."

²⁵⁾ Onder de volgende voorbehouden en verklaring:

Reservations:

1. *General declaration:*

The Tunisian Government declares that it shall not take any organization 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.

²⁶⁾ De bekrachtiging geldt voor het Verenigd Koninkrijk van Groot-Britannië en Noord-Ierland, het eiland Man, de Britse Maagden-eilanden, de Falkland-eilanden, Zuid-Georgia en de Zuidelijke Sandwich-eilanden en de Turks- en Caicos-eilanden.

De bekrachtiging geschiedde onder de volgende voorbehouden en verklaringen:

"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 co-education 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 of the human foetus, including such prohibitions, restrictions or conditions imposed in consequence of other international obligations of the United Kingdom; 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.

“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 section 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 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.

"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'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."

"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

(Zelfde voorbehouden als gemaakt voor het Verenigd Koninkrijk.)

Tegen de toepasselijkverklaring van het Verdrag op de Falklandeilanden heeft Argentinië bezwaar gemaakt op 4 april 1989. Dit bezwaar is op 27 november 1989 door het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland verworpen.

²⁷⁾ Onder de volgende voorbehouden:

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.

²⁸⁾ Onder bevestiging van het bij de ondertekening gemaakte voorbehoud (zie blz. 2 van dit *Tractatenblad*).

²⁹⁾ Onder de volgende verklaring:

“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.”.

F. TOETREDING

De volgende Staten hebben in overeenstemming met artikel 25, vierde lid, van het Verdrag een akte van toetreding bij de Secretaris-Generaal van de Verenigde Naties nedergelegd:

Kaapverdië	5 december 1980
St. Vincent en de Grenadinen	4 augustus 1981
St. Lucia	8 oktober 1982
Togo	26 september 1983
Kenya	9 maart 1984
Zuid-Jemen ¹⁾	30 mei 1984
Mauritius ²⁾	9 juli 1984
Liberia	17 juli 1984
Equatoriaal Guinee	23 oktober 1984
Bangladesh ³⁾	6 november 1984
St. Kitts en Nevis	25 april 1985
Cyprus ⁴⁾	23 juli 1985
Thailand ⁵⁾	9 augustus 1985
Turkije ⁶⁾	20 december 1985
Ierland ⁷⁾	23 december 1985
Irak ⁸⁾	13 augustus 1986
Angola	17 september 1986
Malawi ⁹⁾	12 maart 1987
Paraguay	6 april 1987
Burkina Faso	14 oktober 1987
Libië ¹⁰⁾	16 mei 1989
Antigua en Barbuda	1 augustus 1989
Malta ¹¹⁾	8 maart 1991
Zimbabwe	13 mei 1991
Centrafrikaanse Republiek	21 juni 1991

¹⁾ Onder het volgende voorbehoud:

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.

2) Onder de volgende voorbehouden:

"The Government of Mauritius does not consider itself bound by sub-paragraph (b) and (d) of paragraph 1 of article 11 and sub-paragraph (g) of paragraph 1 of article 16.

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."

3) Onder het volgende voorbehoud:

"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."

4) Onder het volgende voorbehoud:

"... 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."

5) Onder de volgende verklaring en de volgende voorbehouden:

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, and article 11, paragraph 1(b), as far as night work of women and special protection of working women are concerned, 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 15, paragraph 3, article 16 and article 29, paragraph 1, of the Convention."

Op 25 januari 1991 heeft Thailand het voorbehoud met betrekking tot artikel 11, eerste lid, letter b, en artikel 15, derde lid, ingetrokken.

6) Onder het volgende voorbehoud en de volgende verklaring:

Reservation:

"Reservations of the Government of the Republic of Turkey with regard to the articles of the Convention dealing with family relations which are not completely compatible with the provisions of the Turkish Civil Code, in particular, article 15, paragraph 2 and 4, and article 16, paragraphs 1(c), (d), (f) and (g), as well as 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."

Declaration:

"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."

7) Onder de volgende voorbehouden:

"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.

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.

Op 19 december 1986 heeft Ierland de volgende eveneens bij de toetreding gemaakte voorbehouden ingetrokken:

Article 9(1)

Pending the proposed amendment to the law relating to citizenship, which is at an advanced stage, Ireland reserves the right to retain the provisions in its existing law concerning the acquisition of citizenship on marriage.

Article 15

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 advanced stage, it reserves the right to retain its existing law.

Article 11(1) and 13 (a)

... and pending the 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."

8) Onder het volgende voorbehoud en de volgende verklaring:

"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 to 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." (*VN-Vertaling*).

Tegen de verklaring heeft Israël op 12 december 1986 bezwaar gemaakt.

⁹⁾ Onder de volgende voorbehouden:

"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."

Op 5 augustus 1987 deelde Mexico de Secretaris-Generaal van de Verenigde Naties naar aanleiding van bovenstaande verklaring mede:

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 fulfilment of the purpose and intent of the Convention.

¹⁰⁾ Onder het volgende voorbehoud:

"... is subject to the general reservation that such accession can not conflict with the laws on personal status derived from the Islamic Shariah." (*VN-Vertaling*).

¹¹⁾ Onder de volgende verklaring en voorbehouden:

"A. Article 11

The Government of Malta interprets paragraph 1 of Article II, 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 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 subparagraph (e) of paragraph (1) of Article 16 in so far as the same may be interpreted as imposing an obligation on Malta to legalise abortion.”

G. INWERKINGTREDING

De bepalingen van het Verdrag zijn ingevolge artikel 27, eerste lid, op 3 september 1981 in werking getreden voor Barbados, China, Cuba, Dominica, de Duitse Democratische Republiek, Guyana, Haïti, Hongarije, Kaapverdië, Mexico, Mongolië, Noorwegen, de Oekraïne, Polen, Portugal, Rwanda, Sint Vincent en de Grenadinen, de Sovjet-Unie, Witrusland en Zweden.

Voor de overige Staten die het Verdrag bekrachtigen of ertoe toetreden, treedt het ingevolge artikel 27, tweede lid, in werking op de dertigste dag na de nederlegging van de desbetreffende akte van bekrachtiging of toetreding.

Wat het Koninkrijk der Nederlanden betreft, is het Verdrag op 22 augustus 1991 voor het gehele Koninkrijk in werking getreden.

J. GEGEVENS

Zie *Trb.* 1980, 146.

Voor het op 26 juni 1945 te San Francisco tot stand gekomen Handvest van de Verenigde Naties zie ook, laatstelijk, *Trb.* 1990, 119.

Voor het op 26 juni 1945 te San Francisco tot stand gekomen Statuut van het Internationaal Gerechtshof zie ook *Trb.* 1987, 114.

Voor het op 19 december 1966 te New York tot stand gekomen Internationaal Verdrag inzake burgerrechten en politieke rechten zie ook *Trb.* 1984, 19.

De volgende Staten hebben bezwaar gemaakt tegen voorbehouden welke bij de bekrachtiging of toetreding werden gemaakt:

Denemarken

3 juli 1990

“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.”

Duitsland

10 juli 1985

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 due regard to the legal status afforded to women and children in the Federal Republic of Germany in conformity with the above-mentioned article 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, identical in essence, *mutatis mutandis*, were also formulated by the Government of the Federal Republic of Germany in regarding 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 hold 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 unspecific manner the right of the Royal Thai Government to apply the provisions only within the limit 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 1, paragraph 1 (c), (d), (f) and (g); 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 the Government of Malawi.
- v) 20 June 1990: In respect of the reservation made by the Libyan Arab Jamahiriya.

Finland

8 juni 1990

"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 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."

Koninkrijk der Nederlanden

23 juli 1991

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, 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), are incompatible with the object and purpose of the Convention (article 28, paragraph 2).

The Government of the Kingdom of the Netherlands has examined the contents of the reservation made by the Libyan Arab Jamahiriya, by which the accession "is made subject to the general reservation that such accession cannot conflict with the laws on personal status derived from the Islamic Shariah", and considers the said reservation incompatible with the object and purpose of the Convention.

The Government of the Kingdom of the Netherlands has also examined the reservations made by the Republic of Malawi, by which "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 provisions of the Convention as require immediate eradication of such traditional customs and practices", and considers the said reservations incompatible with the object and purpose of the Convention.

The Government of the Kingdom of the Netherlands therefore objects to the abovementioned reservations.

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.

Mexico

11 januari 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 14, 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 reservation]:

- 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.

Norwegen

16 juli 1990

“The Government of Norway has examined the contents of the reservation made by the Libyan Arab Jamahiriya, by which the accession “is subject to the general reservation that such accession cannot conflict with the laws on personal status derived from the Islamic Shariah”. The Norwegian Government has come to the conclusion that this reservation is incompatible with the object and purpose of the Convention (article 28, paragraph 2). The Government of Norway objects to the reservation.

“The Norwegian Government will stress 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 by which a State Party limits its responsibilities under the Convention by invoking religious law (Shariah), which is subject to interpretation, modification, and selective application in different states adhering to Islamic principles, may create doubts about the commitments of the reserving state to the object and purpose of the Convention. It may also undermine the basis of international treaty law. All states have common interest in securing that all parties respect treaties to which they have chosen to become parties.”

Zweden

17 maart 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.

Uitgegeven de *dertiende* september 1991.

De Minister van Buitenlandse Zaken,

H. VAN DEN BROEK