

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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**JAARGANG 2016 Nr. 105**


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A. TITEL

*Verdrag inzake de rechten van personen met een handicap;  
New York, 13 december 2006*

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 2007, 169.

C. VERTALING

Zie *Trb.* 2007, 169. Voor correcties in de vertaling, zie *Trb.* 2014, 113.

D. PARLEMENT

Artikel 1 van de Rijkswet van 14 april 2016 (*Stb.* 2016, 182) luidt als volgt:

„Artikel 1

Het op 13 december 2006 te New York tot stand gekomen Verdrag inzake de rechten van personen met een handicap, waarvan de Engelse en Franse teksten en de vertaling in het Nederlands zijn geplaatst in *Tractatenblad* 2007, 169, met correcties in *Tractatenblad* 2014, 113, wordt goedgekeurd voor het gehele Koninkrijk.”

Deze Rijkswet is gecontrasigneerd door de Staatssecretaris van Volksgezondheid, Welzijn en Sport M.J. VAN RIJN en de Minister van Buitenlandse Zaken A.G. KOENDERS.

Voor de behandeling in de Staten-Generaal, zie Kamerstukken 33992 (R2034).

E. PARTIJGEGEVENS

Zie *Trb.* 2007, 169.

Partij	Ondertekening	Voorlopige toepassing	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Afghanistan			18-09-2012	T	18-10-2012		
Albanië	22-12-2009		11-02-2013	R	13-03-2013		
Algerije	30-03-2007		04-12-2009	R	03-01-2010		
Andorra	27-04-2007		11-03-2014	R	10-04-2014		
Angola			19-05-2014	T	18-06-2014		
Antigua en Barbuda	30-03-2007		07-01-2016	R	06-02-2016		
Argentinië	30-03-2007		02-09-2008	R	02-10-2008		
Armenië	30-03-2007		22-09-2010	R	22-10-2010		
Australië	30-03-2007		17-07-2008	R	16-08-2008		
Azerbeidzjan	09-03-2008		28-01-2009	R	27-02-2009		
Bahama's	24-09-2013		28-09-2015	R	28-10-2015		
Bahrein	25-06-2007		22-09-2011	R	22-10-2011		

Partij	Ondertekening	Voorlopige toepassing	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Bangladesh	09-05-2007		30-11-2007	R	03-05-2008		
Barbados	19-07-2007		27-02-2013	R	29-03-2013		
Belarus	28-09-2015						
België	30-03-2007		02-07-2009	R	01-08-2009		
Belize	09-05-2011		02-06-2011	R	02-07-2011		
Benin	08-02-2008		05-07-2012	R	04-08-2012		
Bhutan	21-09-2010						
Bolivia	13-08-2007		16-11-2009	R	16-12-2009		
Bosnië en Herzegovina	29-07-2009		12-03-2010	R	11-04-2010		
Brazilië	30-03-2007		01-08-2008	R	31-08-2008		
Brunei	18-12-2007		11-04-2016	R	11-05-2016		
Bulgarije	27-09-2007		22-03-2012	R	21-04-2012		
Burkina Faso	23-05-2007		23-07-2009	R	22-08-2009		
Burundi	26-04-2007		22-05-2014	R	21-06-2014		
Cambodja	01-10-2007		20-12-2012	R	19-01-2013		
Canada	30-03-2007		11-03-2010	R	10-04-2010		
Centraal-Afrikaanse Republiek	09-05-2007						
Chili	30-03-2007		29-07-2008	R	28-08-2008		
China	30-03-2007		01-08-2008	R	31-08-2008		
Colombia	30-03-2007		10-05-2011	R	09-06-2011		
Comoren	26-09-2007		16-06-2016	R	16-07-2016		
Congo, Democratische Republiek			30-09-2015	T	30-10-2015		
Congo, Republiek	30-03-2007		02-09-2014	R	02-10-2014		
Cookeilanden			08-05-2009	T	07-06-2009		
Costa Rica	30-03-2007		01-10-2008	R	31-10-2008		
Cuba	26-04-2007		06-09-2007	R	03-05-2008		
Cyprus	30-03-2007		27-06-2011	R	27-07-2011		
Denemarken	30-03-2007		24-07-2009	R	23-08-2009		
Djibouti			18-06-2012	T	18-07-2012		
Dominica	30-03-2007		01-10-2012	R	31-10-2012		
Dominicaanse Republiek	30-03-2007		18-08-2009	R	17-09-2009		
Duitsland	30-03-2007		24-02-2009	R	26-03-2009		
Ecuador	30-03-2007		03-04-2008	R	03-05-2008		
Egypte	04-04-2007		14-04-2008	R	14-05-2008		
El Salvador	30-03-2007		14-12-2007	R	03-05-2008		
Estland	25-09-2007		30-05-2012	R	29-06-2012		
Ethiopië	30-03-2007		07-07-2010	R	06-08-2010		
EU (Europese Unie)	30-03-2007		23-12-2010	R	22-01-2011		
Fiji	02-06-2010						
Filipijnen	25-09-2007		15-04-2008	R	15-05-2008		
Finland	30-03-2007		11-05-2016	R	10-06-2016		
Frankrijk	30-03-2007		18-02-2010	R	20-03-2010		

Partij	Ondertekening	Voorlopige toepassing	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Gabon	30-03-2007		01-10-2007	R	03-05-2008		
Gambia			06-07-2015	T	05-08-2015		
Georgië	10-07-2009		13-03-2014	R	12-04-2014		
Ghana	30-03-2007		31-07-2012	R	30-08-2012		
Grenada	12-07-2010		27-08-2014	R	26-09-2014		
Griekenland	30-03-2007		31-05-2012	R	30-06-2012		
Guatemala	30-03-2007		07-04-2009	R	07-05-2009		
Guinee	16-05-2007		08-02-2008	R	03-05-2008		
Guinee-Bissau	24-09-2013		24-09-2014	R	24-10-2014		
Guyana	11-04-2007		10-09-2014	R	10-10-2014		
Haïti			23-07-2009	T	22-08-2009		
Honduras	30-03-2007		14-04-2008	R	14-05-2008		
Hongarije	30-03-2007		20-07-2007	R	03-05-2008		
Ierland	30-03-2007						
IJsland	30-03-2007						
India	30-03-2007		01-10-2007	R	03-05-2008		
Indonesië	30-03-2007		30-11-2011	R	30-12-2011		
Irak			20-03-2013	T	19-04-2013		
Iran			23-10-2009	T	22-11-2009		
Israël	30-03-2007		28-09-2012	R	28-10-2012		
Italië	30-03-2007		15-05-2009	R	14-06-2009		
Ivoorkust	07-06-2007		10-01-2014	R	09-02-2014		
Jamaica	30-03-2007		30-03-2007	R	03-05-2008		
Japan	28-09-2007		20-01-2014	R	19-02-2014		
Jemen	30-03-2007		26-03-2009	R	25-04-2009		
Jordanië	30-03-2007		31-03-2008	R	03-05-2008		
Kaapverdië	30-03-2007		10-10-2011	R	09-11-2011		
Kameroen	01-10-2008						
Kazachstan	11-12-2008		21-04-2015	R	21-05-2015		
Kenia	30-03-2007		19-05-2008	R	18-06-2008		
Kirgistan	21-09-2011						
Kiribati			27-09-2013	T	27-10-2013		
Koeweit			22-08-2013	T	21-09-2013		
Kroatië	30-03-2007		15-08-2007	R	03-05-2008		
Laos	15-01-2008		25-09-2009	R	25-10-2009		
Lesotho			02-12-2008	T	01-01-2009		
Letland	18-07-2008		01-03-2010	R	31-03-2010		
Libanon	14-06-2007						
Liberia	30-03-2007		26-07-2012	R	25-08-2012		
Libië	01-05-2008						
Litouwen	30-03-2007		18-08-2010	R	17-09-2010		
Luxemburg	30-03-2007		26-09-2011	R	26-10-2011		
Macedonië, de voormalige Joegoslavische Republiek	30-03-2007		29-12-2011	R	28-01-2012		

Partij	Ondertekening	Voorlopige toepassing	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Madagaskar	25-09-2007		12-06-2015	R	12-07-2015		
Malawi	27-09-2007		27-08-2009	R	26-09-2009		
Malediven	02-10-2007		05-04-2010	R	05-05-2010		
Maleisië	08-04-2008		19-07-2010	R	18-08-2010		
Mali	15-05-2007		07-04-2008	R	07-05-2008		
Malta	30-03-2007		10-10-2012	R	09-11-2012		
Marokko	30-03-2007		08-04-2009	R	08-05-2009		
Marshall-eilanden			17-03-2015	T	16-04-2015		
Mauritanië			03-04-2012	T	03-05-2012		
Mauritius	25-09-2007		08-01-2010	R	07-02-2010		
Mexico	30-03-2007		17-12-2007	R	03-05-2008		
Micronesia	23-09-2011						
Moldavië	30-03-2007		21-09-2010	R	21-10-2010		
Monaco	23-09-2009						
Mongolië			13-05-2009	T	12-06-2009		
Montenegro	27-09-2007		02-11-2009	R	02-12-2009		
Mozambique	30-03-2007		30-01-2012	R	29-02-2012		
Myanmar			07-12-2011	T	06-01-2012		
Namibië	25-04-2007		04-12-2007	R	03-05-2008		
Nauru			27-06-2012	T	27-07-2012		
<b>Nederlanden, het Koninkrijk der</b>	30-03-2007		14-06-2016	R	14-07-2016		
Nepal	03-01-2008		07-05-2010	R	06-06-2010		
Nicaragua	30-03-2007		07-12-2007	R	03-05-2008		
Nieuw-Zeeland	30-03-2007		25-09-2008	R	25-10-2008		
Niger	30-03-2007		24-06-2008	R	24-07-2008		
Nigeria	30-03-2007		24-09-2010	R	24-10-2010		
Noord-Korea	03-07-2013						
Noorwegen	30-03-2007		03-06-2013	R	03-07-2013		
Oekraïne	24-09-2008		04-02-2010	R	06-03-2010		
Oezbekistan	27-02-2009						
Oman	17-03-2008		06-01-2009	R	05-02-2009		
Oostenrijk	30-03-2007		26-09-2008	R	26-10-2008		
Pakistan	25-09-2008		05-07-2011	R	04-08-2011		
Palau	20-09-2011		11-06-2013	R	11-07-2013		
Palestina			02-04-2014	T	02-05-2014		
Panama	30-03-2007		07-08-2007	R	03-05-2008		
Papoea-Nieuw-Guinea	02-06-2011		26-09-2013	R	26-10-2013		
Paraguay	30-03-2007		03-09-2008	R	03-10-2008		
Peru	30-03-2007		30-01-2008	R	03-05-2008		
Polen	30-03-2007		25-09-2012	R	25-10-2012		
Portugal	30-03-2007		23-09-2009	R	23-10-2009		
Qatar	09-07-2007		13-05-2008	R	12-06-2008		
Roemenië	26-09-2007		31-01-2011	R	02-03-2011		

Partij	Ondertekening	Voorlopige toepassing	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Russische Federatie	24-09-2008		25-09-2012	R	25-10-2012		
Rwanda			15-12-2008	T	14-01-2009		
Saint Lucia	22-09-2011						
Saint Vincent en de Grenadines			29-10-2010	T	28-11-2010		
Salomonseilanden	23-09-2008						
Samoa	24-09-2014						
San Marino	30-03-2007		22-02-2008	R	03-05-2008		
Sao Tomé en Principe			05-11-2015	T	05-12-2015		
Saudi-Arabië			24-06-2008	T	24-07-2008		
Senegal	25-04-2007		07-09-2010	R	07-10-2010		
Servië	17-12-2007		31-07-2009	R	30-08-2009		
Seychellen	30-03-2007		02-10-2009	R	01-11-2009		
Sierra Leone	30-03-2007		04-10-2010	R	03-11-2010		
Singapore	30-11-2012		18-07-2013	R	17-08-2013		
Slovenië	30-03-2007		24-04-2008	R	24-05-2008		
Slowakije	26-09-2007		26-05-2010	R	25-06-2010		
Spanje	30-03-2007		03-12-2007	R	03-05-2008		
Sri Lanka	30-03-2007		08-02-2016	R	09-03-2016		
Sudan	30-03-2007		24-04-2009	R	24-05-2009		
Suriname	30-03-2007						
Swaziland	25-09-2007		24-09-2012	R	24-10-2012		
Syrië	30-03-2007		10-07-2009	R	09-08-2009		
Tanzania	30-03-2007		10-11-2009	R	10-12-2009		
Thailand	30-03-2007		29-07-2008	R	28-08-2008		
Togo	23-09-2008		01-03-2011	R	31-03-2011		
Tonga	15-11-2007						
Trinidad en Tobago	27-09-2007		25-06-2015	R	25-07-2015		
Tsjaad	26-09-2012						
Tsjechië	30-03-2007		28-09-2009	R	28-10-2009		
Tunesië	30-03-2007		02-04-2008	R	03-05-2008		
Turkije	30-03-2007		28-09-2009	R	28-10-2009		
Turkmenistan			04-09-2008	T	04-10-2008		
Tuvalu			18-12-2013	T	17-01-2014		
Uganda	30-03-2007		25-09-2008	R	25-10-2008		
Uruguay	03-04-2007		11-02-2009	R	13-03-2009		
Vanuatu	17-05-2007		23-10-2008	R	22-11-2008		
Venezuela			24-09-2013	T	24-10-2013		
Verenigd Koninkrijk	30-03-2007		08-06-2009	R	08-07-2009		
Verenigde Arabische Emiraten	08-02-2008		19-03-2010	R	18-04-2010		
Verenigde Staten van Amerika	30-07-2009						
Vietnam	22-10-2007		05-02-2015	R	07-03-2015		
Zambia	09-05-2008		01-02-2010	R	03-03-2010		
Zimbabwe			23-09-2013	T	23-10-2013		

Partij	Ondertekening	Voorlopige toepassing	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Zuid-Afrika	30-03-2007		30-11-2007	R	03-05-2008		
Zuid-Korea	30-03-2007		11-12-2008	R	10-01-2009		
Zweden	30-03-2007		15-12-2008	R	14-01-2009		
Zwitserland			15-04-2014	T	15-05-2014		

\* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R=Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend

## Uitbreidingen

### China

Uitgebreid tot	In werking	Buiten werking
Hongkong SAR	31-08-2008	
Macau SAR	31-08-2008	

### Denemarken

Uitgebreid tot	In werking	Buiten werking
Faeröer	23-08-2009	
Groenland	23-08-2009	

## Verklaringen, voorbehouden en bezwaren

### Australië, 17 juli 2008

Australia recognizes that persons with disability enjoy legal capacity on an equal basis with others in all aspects of life. Australia declares its understanding that the Convention allows for fully supported or substituted decision-making arrangements, which provide for decisions to be made on behalf of a person, only where such arrangements are necessary, as a last resort and subject to safeguards;

Australia recognizes that every person with disability has a right to respect for his or her physical and mental integrity on an equal basis with others. Australia further declares its understanding that the Convention allows for compulsory assistance or treatment of persons, including measures taken for the treatment of mental disability, where such treatment is necessary, as a last resort and subject to safeguards;

Australia recognizes the rights of persons with disability to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others. Australia further declares its understanding that the Convention does not create a right for a person to enter or remain in a country of which he or she is not a national, nor impact on Australia's health requirements for non-nationals seeking to enter or remain in Australia, where these requirements are based on legitimate, objective and reasonable criteria.

### Azerbeidzjan, 28 januari 2009

The Republic of Azerbaijan declares that it is unable to guarantee the application of the provisions of the Convention in the territories occupied by the Republic of Armenia until these territories are liberated from occupation.

### Bezwaar door Armenië, 22 september 2010

Given that the Republic of Azerbaijan made a declaration to the Convention on the Rights of Persons with Disabilities at the time of ratification the Republic of Armenia declares:

The Republic of Azerbaijan deliberately misrepresents the essence of the Nagorno-Karabakh issue, with respect to cause and effect of the conflict. The conflict arose due to the policy of ethnic cleansing by the Republic of Azerbaijan followed by the massive military aggression against the selfdetermined Nagorno-Karabakh Republic – with the aim to repress the free will of the Nagorno-Karabakh population. As a result, the Republic of Azerbaijan has occupied several territories of the Nagorno-Karabakh Republic.

### België, 30 maart 2007

This signature is equally binding on the French community, the Flemish community, the German-speaking community, the Wallone region, the Flemisch region and the region of the capital-Brussels.

Brunei, 11 april 2016

The Government of Brunei Darussalam expresses its 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.

Canada, 11 maart 2010

Canada recognises that persons with disabilities are presumed to have legal capacity on an equal basis with others in all aspects of their lives. Canada declares its understanding that Article 12 permits supported and substitute decision-making arrangements in appropriate circumstances and in accordance with the law.

To the extent Article 12 may be interpreted as requiring the elimination of all substitute decision-making arrangements, Canada reserves the right to continue their use in appropriate circumstances and subject to appropriate and effective safeguards. With respect to Article 12 (4), Canada reserves the right not to subject all such measures to regular review by an independent authority, where such measures are already subject to review or appeal.

Canada interprets Article 33 (2) as accommodating the situation of federal states where the implementation of the Convention will occur at more than one level of government and through a variety of mechanisms, including existing ones.

Canada, 14 mei 2014

The Permanent Mission of Canada to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to refer to the Convention on the Rights of Persons with Disabilities, and the Secretary-General's communication of 9 April 2014, numbered C.N.186.2014.TREATIES-IV.15, relating to that treaty.

The Permanent Mission of Canada notes that this communication was made pursuant to the Secretary General's capacity as Depositary for the Convention on the Rights of Persons with Disabilities. The Permanent Mission of Canada notes the technical and administrative role of the Depositary, and that it is for States Parties to a treaty, not the Depositary, to make their own determination with respect to any legal issues raised by instruments circulated by a depositary.

In that context, the Permanent Mission of Canada notes that "Palestine" does not meet the criteria of a state under international law and is not recognized by Canada as a state. Therefore, in order to avoid confusion, the Permanent Mission of Canada wishes to note its position that in the context of the purported Palestinian accession to the Convention on the Rights of Persons with Disabilities, "Palestine" is not able to accede to this convention, and that the Convention on the Rights of Persons with Disabilities does not enter into force, or have an effect on Canada's treaty relations, with respect to the "State of Palestine".

China, 1 augustus 2008

The application of the provisions regarding liberty of movement and nationality of the Convention on the Rights of Persons with Disabilities to the Hong Kong Special Administrative Region of the People's Republic of China, shall not change the validity of relevant laws on immigration control and nationality application of the Hong Kong Special Administrative Region of the People's Republic of China.

Cyprus, 27 juni 2011

Whereas the Persons with Disabilities Law, as this has been harmonized with the Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, prescribes in section 3A thereof that the said Law shall not apply as regards employment:

- (a) to the armed forces, to the extent that the nature of the work requires special abilities which cannot be exercised by persons with disabilities, and
- (b) to occupational activities where by reason of the nature or the context in which they are carried out, a characteristic or an ability which is not possessed by a person with a disability, constitutes a genuine and determining occupational requirement, provided that the objective is legitimate and the requirement is proportionate, taking into account the possibility of adopting reasonable measures,.

the Republic of Cyprus declares that it ratifies the Convention with a reservation in respect of Article 27(1) of the Convention, to the extent that the provisions thereof are in conflict with the provisions of section 3A of the Persons with Disabilities Law.

Egypte, 4 april 2007

The Arab Republic of Egypt declares that its interpretation of article 12 of the International Convention on the Protection and Promotion of the Rights of Persons with Disabilities, which deals with the recognition of persons with disabilities on an equal basis with others before the law, with regard to the concept of legal capacity dealt with in paragraph 2 of the said article, is that persons with disabilities enjoy the capacity to acquire rights and assume legal responsibility ("ahliyyat al-wujub) but not the capacity to perform ("ahliyyat al-ada"), under Egyptian law.

El Salvador, 14 december 2007

The Government of the Republic of El Salvador signs the present Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, adopted by the United Nations General Assembly on 13 December 2006, to the extent that its provisions do not prejudice or violate the provisions of any of the precepts,

principles and norms enshrined in the Constitution of the Republic of El Salvador, particularly in its enumeration of principles.

Bezwaar door Duitsland, 28 januari 2010

Communication relating to the declaration made by the Republic of El Salvador upon signature and confirmed upon ratification.

The Federal Republic of Germany has carefully examined the aforementioned reservation.

The Federal Republic of Germany is of the opinion that reservations which consist in a general reference to a system of norms (like the constitution or the legal order of the reserving State) without specifying the contents thereof leave it uncertain to which extent that State accepts to be bound by the obligations under the treaty. Moreover, those norms may be subject to changes.

The reservation made by the Republic of El Salvador is therefore not sufficiently precise to make it possible to determine the restrictions that are introduced into the agreement.

The Federal Republic of Germany is therefore of the opinion that the reservation is incompatible with object and purpose of the Convention and the Protocol and would like to recall that, according to Article 46, paragraph 1 of the Convention, and Article 14, paragraph 1 of the Protocol, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Federal Republic of Germany therefore objects to the above-mentioned reservation. This objection shall not preclude the entry into force of the Convention and the Protocol between the Federal Republic of Germany and the Republic of El Salvador.

Bezwaar door **Nederlanden, het Koninkrijk der**, 22 januari 2009

The Government of Kingdom of the Netherlands has carefully examined the reservation made by the Government of the Republic of El Salvador upon signature and confirmed upon ratification to the Convention on the Rights of Persons with Disabilities, done at New York on 13 December 2006[6].

The Government of the Kingdom of the Netherlands considers that with this reservation the application of the Convention is made subject to the constitutional law in force in the Republic of El Salvador. This makes it unclear to what extent the Republic of El Salvador considers itself bound by the obligations of the Convention.

The Government of the Kingdom of the Netherlands considers that such a reservation must be regarded as incompatible with the object and purpose of the said instrument and would recall that, according to Article 46, paragraph 1 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of the Kingdom of the Netherlands therefore objects to the reservation made by the Government of the Republic of El Salvador to the Convention on the Rights of Persons with Disabilities. It is the understanding of the Government of the Kingdom of the Netherlands that the reservation of the Government of the Republic of El Salvador does not exclude or modify the legal effect of the provisions of the Convention in their application to the Republic of El Salvador.

This objection does not constitute an obstacle to the entry into force of the Convention between the Kingdom of the Netherlands and the Republic of El Salvador.

Bezwaar door Oostenrijk, 26 september 2008

The Government of Austria has examined the reservation to the Convention on the Rights of Persons with Disabilities and Optional Protocol thereto made by the Government of El Salvador.

According to its reservation, El Salvador envisages becoming Party to the Convention only to the extent that its provisions do not prejudice or violate the provisions of any of the precepts, principles and norms enshrined in the Constitution of the Republic of El Salvador, particularly in its enumeration of principles. In the absence of further clarification, this reservation does not clearly specify the extent of El Salvador's derogation from the provisions of the Convention. This general and vague wording of the reservation raises doubts as to the degree of commitment assumed by El Salvador in becoming a party to the Convention and is therefore incompatible with international law.

The Government of Austria objects to the reservation made by the Government of the Republic of El Salvador to the Convention on the Rights of Persons with Disabilities and Optional Protocol thereto.

This objection, however, does not preclude the entry into force, in its entirety, of the Convention between Austria and El Salvador.

Bezwaar door Portugal, 23 september 2009

The Government of the Portuguese Republic has carefully examined the reservation made by the Government of the Republic of El Salvador upon signature and confirmed upon ratification of the Convention on the Rights of Persons with Disabilities, done at New York, on the 13th December 2006.

The Government of the Portuguese Republic considers that with this reservation the application of the Convention is made subject to the constitutional law in force in the Republic of El Salvador. This makes it unclear to what extent the Republic of El Salvador considers itself bound by the obligations of the Convention.

The Government of the Portuguese Republic considers that such a reservation must be regarded as incompatible with the object and purpose of the said instrument and would recall that, according to

Article 46, paragraph 1 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of the Portuguese Republic therefore objects to the reservation made by the Government of the Republic of El Salvador to the Convention on the Rights of Persons with Disabilities.

This objection does not constitute an obstacle to the entry into force of the Convention between the Portuguese Republic and the Republic of El Salvador.

Bezwaar door Slowakije, 28 september 2010

The Slovak Republic has examined the reservation made by the Republic of El Salvador upon its signature and confirmed upon its ratification of the Convention on the Rights of Persons with Disabilities, according to which:

"The Government of the Republic of El Salvador signs the present Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, adopted by the United Nations General Assembly on 13 December 2006, to the extent that its provisions do not prejudice or violate the provisions of any of the precepts, principles and norms enshrined in the Constitution of the Republic of El Salvador, particularly in its enumeration of principles."

The Slovak Republic notes that the reservation makes unclear to what extent the Republic of El Salvador considers itself bound by the obligations of the Convention, as the Republic of El Salvador subjects the Convention by this reservation to "the provisions of any of the precepts, principles and norms enshrined in the Constitution of the Republic of El Salvador".

The Slovak Republic considers that this reservation is incompatible with the object and purpose of the Convention and, according to Article 46 paragraph 1 of the Convention and according to customary international law as codified in the Vienna Convention on the Law of Treaties; such reservation shall not be permitted.

The Slovak Republic, therefore, objects to the aforesaid reservation made by the Republic of El Salvador to the Convention. This objection shall not preclude the entry into force of the Convention between the Slovak Republic and the Republic of El Salvador, without the Republic of El Salvador benefiting from its reservation.

Bezwaar door Tsjechië, 30 november 2009

The Czech Republic has examined the reservation made by the Republic of El Salvador upon its signature and confirmed upon its ratification of the Convention on the Rights of Persons with Disabilities.

The Czech Republic notes that the reservation makes unclear to what extent the Republic of El Salvador considers itself bound by the obligations of the Convention, as the Republic of El Salvador subjects the Convention by this reservation to "the provisions of any of the precepts, principles and norms enshrined in the Constitution of the Republic of El Salvador".

The Czech Republic considers that this reservation is incompatible with the object and purpose of the Convention and, according to Article 46 paragraph 1 of the Convention and according to customary international law as codified in the Vienna Convention on the Law of Treaties, such reservation shall not be permitted.

The Czech Republic, therefore, objects to the aforesaid reservation made by the Republic of El Salvador to the Convention. This objection shall not preclude the entry into force of the Convention between the Czech Republic and the Republic of El Salvador, without the Republic of El Salvador benefiting from its reservation.

Bezwaar door Zweden, 23 januari 2009

[...] the Government of Sweden has examined the reservation made by the Government of the Republic of El Salvador upon ratifying the Convention on the Rights of Persons with Disabilities.

According to international customary law, as codified in the Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of a treaty 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 notes that El Salvador in its reservation gives precedence to its Constitution over the Convention. The Government of Sweden is of the view that such a reservation, which does not clearly specify the extent of the derogation, raises serious doubt as to the commitment of El Salvador to the object and purpose of the Convention.

The Government of Sweden therefore objects to the aforesaid reservation made by the Government of the Republic of El Salvador to the Convention on the Rights of Persons with Disabilities and considers the reservation null and void. This objection shall not preclude the entry into force of the Convention between El Salvador and Sweden. The Convention enters into force in its entirety between El Salvador and Sweden, without El Salvador benefiting from its reservation.

Bezwaar door Zwitserland, 15 april 2014

With respect to the reservation by the Republic of El Salvador made upon signature and confirmed upon ratification:

The Swiss Federal Council has examined the reservation made by the Government of the Republic of El Salvador upon ratification of the Convention on the Rights of Persons with Disabilities.

The Swiss Federal Council believes that the reservation made gives precedence to the Constitution of the Republic of El Salvador over the Convention. The Swiss Federal Council is of the view that the reservation does not clearly specify the extent of the derogation. Accordingly, the reservation is incompatible with the object and purpose of the Convention and is not permissible under article 46, paragraph 1, of the Convention.

It is in the common interest of States that the object and purpose of the instruments to which they choose to become parties be respected by all parties thereto, and that States be prepared to amend their legislation in order to fulfil their treaty obligations.

The Swiss Federal Council objects to the reservation of the Republic of El Salvador. This objection shall not preclude the entry into force of the Convention, in its entirety, between the Republic of El Salvador and Switzerland.

El Salvador, 18 maart 2015

Withdrawal of reservation made upon ratification

Estland, 30 mei 2012

The Republic of Estonia interprets article 12 of the Convention as it does not forbid to restrict a person's active legal capacity, when such need arises from the person's ability to understand and direct his or her actions. In restricting the rights of the persons with restricted active legal capacity the Republic of Estonia acts according to its domestic laws.

EU (Europese Unie), 23 december 2010

The European Community states that pursuant to Community law (notably Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation), the Member States may, if appropriate, enter their own reservations to Article 27(1) of the Disabilities Convention to the extent that Article 3(4) of the said Council Directive provides them with the right to exclude non-discrimination on the grounds of disability with respect to employment in the armed forces from the scope of the Directive. Therefore, the Community states that it concludes the Convention without prejudice to the above right, conferred on its Member States by virtue of Community law.

Article 44(1) of the United Nations Convention on the Rights of Persons with Disabilities (hereinafter referred to as the "Convention") provides that a regional integration organisation in its instrument of formal confirmation or accession is to declare the extent of its competence with respect to matters governed by the Convention.

The current members of the European Community are the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

The European Community notes that for the purpose of the Convention, the term "State Parties" applies to regional integration organisations within the limits of their competence.

The United Nations Convention on the Rights of Persons with Disabilities shall apply, with regard to the competence of the European Community, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty, in particular Article 299 thereof.

Pursuant to Article 299, this Declaration is not applicable to the territories of the Member States in which the said Treaty does not apply and is without prejudice to such act or positions as may be adopted under the Convention by Member States concerned on behalf and in the interests of those territories.

In accordance with Article 44(1) of the Convention, this Declaration indicates the competences transferred to the Community by the Member States under the Treaty establishing the European Community, in the areas covered by the Convention.

The scope and the exercise of Community competence are, by their nature, subject to continuous development and the Community will complete or amend this Declaration, if necessary, in accordance with Article 44(1) of the Convention.

In some matters the European Community has exclusive competence and in other matters competence is shared between the European Community and the Member States. The Member States remain competent for all matters in respect of which no competence has been transferred to the European Community.

At present:

1. The Community has exclusive competence as regards the compatibility of state aid with the common market and the common custom tariff.

To the extent that provisions of Community law are affected by the provision of the Convention, the European Community has an exclusive competence to accept such obligations with respect to its own public administration. In this regard, the Community declares that it has power to deal with regulating the

recruitment, conditions of service, remuneration, training etc. of non-elected officials under the Staff Regulations and the implementing rules to those Regulations.<sup>1)</sup>

2. The Community shares competence with Member States as regards action to combat discrimination on the ground of disability, free movement of goods, persons, services and capital agriculture, transport by rail, road, sea and air transport, taxation, internal market, equal pay for male and female workers, Trans-European network policy and statistics.

The European Community has exclusive competence to enter into this Convention in respect of those matters only to the extent that provisions of the Convention or legal instruments adopted in implementation thereof affect common rules previously established by the European Community. When Community rules exist but are not affected, in particular in cases of Community provisions establishing only minimum standards, the Member States have competence, without prejudice to the competence of the European Community to act in this field. Otherwise competence rests with the Member States. A list of relevant acts adopted by the European Community appears in the Appendix hereto<sup>2)</sup>. The extent of the European Community's competence ensuing from these acts must be assessed by reference to the precise provisions of each measure, and in particular, the extent to which these provisions establish common rules.

3. The following EC policies may also be relevant to the UN Convention: Member States and the Community shall work towards developing a coordinated strategy for employment. The Community shall contribute to the development of quality of education by encouraging cooperation between Member States and, if necessary, by supporting and supplementing their action. The Community shall implement a vocational training policy which shall support and supplement the action of the Member States. In order to promote its overall harmonious development, the Community shall develop and pursue its actions leading to the strengthening of its economic and social cohesion. The Community conducts a development cooperation policy and economic, financial and technical cooperation with third countries without prejudice to the respective competences of the Member States.

Frankrijk, 18 februari 2010

The French Republic declares that it will interpret the term "consent" in article 15 of the Convention in conformity with international instruments, in particular those that relate to human rights and biomedicine, and with national legislation, which is in line with these instruments. This means that, as far as biomedical research is concerned, the term "consent" applies to two different situations:

1. Consent given by a person who is able to consent, and
2. In the case of persons who are not able to give their consent, permission given by their representative or an authority or body provided for by law.

The French Republic considers it important that persons who are unable to give their free and informed consent receive specific protection, without prejudice to all medical research of benefit to them. In addition to the permission referred to under paragraph 2 above, other protective measures, such as those included in the above-mentioned international instruments, are considered to be part of this protection.

With regard to article 29 of the Convention, the exercise of the right to vote is a component of legal capacity that may not be restricted except in the conditions and in accordance with the modalities provided for in article 12 of the Convention.

Georgië, 13 maart 2014

Georgia interprets article 12 of the Convention in conjunction with respective provisions of other international human rights instruments and its domestic law and will therefore interpret its provisions in a way conferring the highest legal protection for safeguarding dignity, physical, psychological and emotional integrity of persons and ensuring integrity of their property.

Griekenland, 31 mei 2012

The provisions of Article 27 paragraph 1 of the Convention on the Rights of Persons with Disabilities shall not apply with respect to employment and occupation in the armed and security forces in so far as it relates to a difference of treatment on grounds of disability concerning the service thereto, as provided in Article 8 paragraph 4 of the Law 3304/2005 for the implementation of the principle of equal treatment, adopted pursuant to Articles 3 paragraph 4 and 4 of the Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

Guatemala, 7 april 2009

In accordance with article 33 of the Convention and by Decree No. 78-2009, it has been agreed to designate the National Council for the care of Persons with Disabilities (CONADI) as the government agency responsible for addressing issues relating to compliance with and implementation of the Convention on the Rights of Persons with Disabilities and for producing the reports required under that Convention.

<sup>1)</sup> Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968 laying down the Staff Regulations of officials of the European Communities and the Conditions of Employment of other servants of the European Communities (OJ L 56, 4.3.1968, p. 1).

<sup>2)</sup> Depository Notification C.N. 860.2010.

Iran, 23 oktober 2009

[...] with regard to Article 46, the Islamic Republic of Iran declares that it does not consider itself bound by any provisions of the Convention, which may be incompatible with its applicable rules.

Bezwaar door België, 28 juni 2010

Belgium has examined the declaration made by the Islamic Republic of Iran when it acceded to the Convention on the Rights of Persons with Disabilities. The vagueness and general nature of the reservation made by the Islamic Republic of Iran, which does not feel itself bound by any of the provisions of the Convention that are deemed potentially incompatible with Iranian laws, leaves open the extent of the commitment of the Islamic Republic of Iran to the Convention and therefore raises serious doubts about its commitment to fulfill its obligations under the Convention. Reservations of such unspecified nature may contribute to undermining the bases of international human rights treaties.

This reservation should therefore be considered as being incompatible with the object and purpose of the Convention. Belgium recalls that under article 19 (c) of the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty is not permitted. This objection shall not preclude the entry into force of the Convention between the Islamic Republic of Iran and Belgium.

Bezwaar door Duitsland, 1 november 2010

The Federal Republic of Germany has carefully examined the declaration made by the Government of the Islamic Republic of Iran upon its accession to the Convention on the Rights of Persons with Disabilities of 13 December 2006.

The Federal Republic of Germany is of the opinion that by excluding the application of those provisions of the Convention which may be incompatible with applicable national rules the Islamic Republic of Iran in fact has made a reservation which leaves it unclear to what extent the Islamic Republic of Iran accepts being bound by the obligations under the Convention.

The Federal Republic of Germany objects to this reservation as being incompatible with the object and purpose of the Convention and thus impermissible according to Article 46, paragraph 1 of the Convention.

This objection shall not preclude the entry into force of the Convention between the Federal Republic of Germany and the Islamic Republic of Iran.

Bezwaar door Frankrijk, 30 maart 2010

The Government of the French Republic has examined the declaration made by the Government of the Islamic Republic of Iran upon its adherence to the Convention on the Rights of Persons with Disabilities of 13 December 2006. The Government of the French Republic considers that, in aiming to exclude the application of those provisions of the Convention that are deemed incompatible with Iranian laws, the Islamic Republic of Iran has in effect made a reservation of general and indeterminate scope. This reservation is vague, failing to specify the relevant provisions of the Convention or the domestic laws to which the Islamic Republic of Iran wishes to give preference. Consequently, it does not allow other States parties to know the extent of the commitment of the Islamic Republic of Iran and could render the Convention ineffective. The Government of the French Republic considers that this reservation runs counter to the purpose and goals of the Convention and raises an objection to it. This objection does not prevent the entry into force of the Convention between the Islamic Republic of Iran and France.

Bezwaar door Letland, 22 oktober 2010

The Government of the Republic of Latvia has carefully examined the declaration made by the Islamic Republic of Iran to the Convention.

The Government of the Republic of Latvia considers that the declaration contains general reference to national law, making any provision of the Convention subject to the national law of the Islamic Republic of Iran.

Therefore, the Government of the Republic of Latvia is of the opinion that the declaration is in fact a unilateral act deemed to limit the scope of application of the Convention and therefore, it shall be regarded as a reservation.

Moreover, the Government of the Republic of Latvia considers that the reservation named as a declaration does not make it clear to what extent the Islamic Republic of Iran considers itself bound by the provisions of the Convention and whether the manner of application of the rights prescribed by the Convention are in line with the object and purpose of the Convention.

Therefore, the Government of the Republic of Latvia recalls that the provisions of Article 46 of the Convention set out that the reservations that are incompatible with object and purpose of the Convention are not permitted.

Consequently, the Government of the Republic of Latvia therefore objects to the aforesaid reservations made by the Islamic Republic of Iran to the Convention.

However, this objection shall not preclude the entry into force of the Convention between the Republic of Latvia and the Islamic Republic of Iran. Thus, the International Covenant will become operative without the Islamic Republic of Iran benefiting from its reservation.

Bezwaar door Mexico, 22 oktober 2010

Having examined the declaration made by the Islamic Republic of Iran with respect to the Convention, the United Mexican States has concluded that the declaration is, in fact, a reservation. This reservation, which aims to exclude the legal effects of certain provisions of the Convention, is incompatible with the object and purpose of that instrument. Indeed, the declaration is worded in such a way that it could hinder the realization of normative provisions of the Convention, including those of articles 4 and 1, and thus is in breach of article 46 of the Convention and article 19 of the Vienna Convention on the Law of Treaties. It should be noted that article 27 of the Vienna Convention codified the principle of international law whereby a party may not invoke the provisions of its domestic law as justification for its failure to comply with a treaty. The claim that domestic laws take precedence over the provisions of treaties that are in force for the Parties is therefore inadmissible.

This objection shall not preclude the entry into force of the Convention between the Islamic Republic of Iran and the United Mexican States.

Bezwaar door **Nederlanden, het Koninkrijk der**, 14 juni 2016

The Government of the Kingdom of the Netherlands has carefully examined the reservation and declaration made by the Islamic Republic of Iran upon accession to the Convention on the rights of persons with disabilities.

The Government of the Kingdom of the Netherlands considers that the declaration made by the Islamic Republic of Iran in substance constitutes a reservation limiting the scope of the Convention.

The Government of the Kingdom of the Netherlands notes that the reservation, according to which "[...] with regard to Article 46, the Islamic Republic of Iran declares that it does not consider itself bound by any provisions of the Convention, which may be incompatible with its applicable rules", implies that the application of the Convention is made subject to a general reservation referring to national legislation in force in the Islamic Republic of Iran.

Bezwaar door Oostenrijk, 1 november 2010

The Government of Austria has examined the declaration made by the Government of the Islamic Republic of Iran upon its accession to the Convention on the Rights of Persons with Disabilities of 13 December 2006.

The Government of Austria considers that in aiming to exclude the application of those provisions of the Convention which are deemed incompatible with applicable national rules, the Islamic Republic of Iran has made a reservation of general and indeterminate scope. 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 Austria therefore considers the reservation of the Islamic Republic of Iran incompatible with the object and purpose of the Convention and objects to it.

This objection shall not preclude the entry into force of the Convention between Austria and the Islamic Republic of Iran.

Bezwaar door Portugal, 2 november 2010

The Government of the Portuguese Republic has examined the reservation made by the Islamic Republic of Iran on 23 October 2009 upon accession to the Convention on the Rights of Persons with Disabilities.

The Government of the Portuguese Republic considers that the reservation subjects the Convention's application to domestic law, which is incompatible with the object and purpose of the Convention, insofar as it disregards the fundamental principles of International Law and the principles that shape the core of the Convention.

According to International Law, a reservation which is incompatible with the object and purpose of a treaty shall not be permitted.

The Government of the Portuguese Republic therefore objects to the reservation made by the Islamic Republic of Iran on 23 October 2009 upon accession to the Convention on the Rights of Persons with Disabilities.

This objection does not preclude the entry into force of the Convention on the Rights of Persons with Disabilities between the Portuguese Republic and the Islamic Republic of Iran.

Bezwaar door Slowakije, 4 november 2010

The Slovak Republic has examined the interpretative declaration made by the Islamic Republic of Iran upon its accession to the Convention on the Rights of Persons with Disabilities on 23 October 2009 according to which:

"[...] with regard to Article 46, the Islamic Republic of Iran declares that it does not consider itself bound by any provisions of the Convention which may be incompatible with its applicable rules."

The Slovak Republic believes that the declaration made by the Islamic Republic of Iran constitutes in fact a reservation to the Convention.

The Slovak Republic notes that this reservation makes it unclear to what extent the Islamic Republic of Iran is willing to fulfil its obligations under the Convention, since "it does not consider itself bound by any provisions of the Constitution which may be incompatible with its applicable rules."

According to Article 46 paragraph 1 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 Slovak Republic, therefore, objects to the aforesaid reservation made by the Islamic Republic of Iran to the Convention. This objection shall not preclude the entry into force of the Convention between the Slovak Republic and the Islamic Republic of Iran, without the Islamic Republic of Iran benefiting from its reservation.

Bezwaar door Tsjechië, 28 juli 2010

The Czech Republic has examined the declaration made by the Islamic Republic of Iran upon its accession to the Convention on the Rights of Persons with Disabilities (hereinafter the "Convention") on October 23, 2009.

The Czech Republic points out that the title of a statement intended to modify or exclude the legal effects of certain provisions of a treaty does not alone determine the status of such statement as a reservation or declaration. The Czech Republic is of the opinion that the declaration made by the Islamic Republic of Iran constitutes, in fact, a reservation.

The Czech Republic finds that the reservation does not make it clear to what extent the Islamic Republic of Iran is willing to honour its obligations under the Convention, since "it does not consider itself bound by any provisions of the Convention which may be incompatible with its applicable rules".

The Czech Republic believes that this reservation is incompatible with the object and purpose of the Convention. According to Article 46, paragraph 1 of the Convention and customary international law codified in the Vienna Convention on the Law of Treaties, such reservations should 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 Czech Republic, therefore, objects to the aforesaid reservation made by the Islamic Republic of Iran and considers the reservation null and void. This objection shall not preclude the entry into force of the Convention between the Czech Republic and the Islamic Republic of Iran, without the Islamic Republic of Iran benefiting from its reservation.

Bezwaar door Zwitserland, 15 april 2014

With regard to the declaration made by the Islamic Republic of Iran upon accession:

The Swiss Federal Council has examined the declaration made by the Government of the Islamic Republic of Iran upon accession to the Convention on the Rights of Persons with Disabilities.

The Swiss Federal Council recalls that irrespective of the label given to it, a declaration constitutes a reservation if it excludes or modifies the legal effect of certain provisions of the treaty to which it relates. The Swiss Federal Council is of the opinion that, in substance, the declaration of the Islamic Republic of Iran constitutes a reservation to the Convention.

The Swiss Federal Council believes that the reservation formulated gives precedence to the rules of the Islamic Republic of Iran over the Convention. The Swiss Federal Council is of the view that this reservation does not clearly specify the extent of the derogation, in that it does not specify either the provisions of the Convention concerned or the rules of domestic law which the Islamic Republic of Iran intends to favour. Accordingly, the reservation is incompatible with the object and purpose of the Convention and is not permissible under article 46, paragraph 1, of the Convention.

It is in the common interest of States that the object and purpose of the instruments to which they choose to become parties be respected by all parties thereto, and that States be prepared to amend their legislation in order to fulfil their treaty obligations.

The Swiss Federal Council objects to the reservation of the Islamic Republic of Iran. This objection shall not preclude the entry into force of the Convention, in its entirety, between the Islamic Republic of Iran and Switzerland.

Israël, 28 september 2012

The State of Israel expresses its reservation with regard to the provisions concerning marriage in Article 23 (1) (a) 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 these provisions.

Israël, 16 mei 2014

The Permanent Mission of Israel to the United Nations presents its compliments to the Secretary-General of the United Nations, in his capacity as depositary to the Convention on the Rights of Persons with Disabilities, and refers to the communication by the depositary, dated 9 April 2014, regarding the Palestinian request to accede to this Convention (Reference number CN.186.2014.TREATIESIV.15).

"Palestine" does not satisfy the criteria for statehood under international law and lacks the legal capacity to join the aforesaid convention both under general international law and the terms of bilateral Israeli-Palestinian agreements.

The Government of Israel does not recognize "Palestine" as a State, and wishes to place on record, for the sake of clarity, its position that it does not consider "Palestine" a party to the Convention and regards the Pal-

estonian request for accession as being without legal validity and without effect upon Israel's treaty relations under the Convention.

Japan, 20 januari 2014

The Government of Japan declares that paragraph 4 of Article 23 of the Convention on the Rights of Persons with Disabilities be interpreted not to apply to a case where a child is separated from his or her parents as a result of deportation in accordance with its immigration law.

Koeweit, 22 augustus 2013

Subject to reservations concerning the provisions of article 18, subparagraph 1(a), and article 23, paragraph 2.

Article 12, paragraph 2: The enjoyment of legal capacity shall be subject to the conditions applicable under Kuwaiti law.

Article 19, paragraph (a): This paragraph shall not be interpreted to permit illicit relations outside legitimate marriage.

Article 25, paragraph (a): The care in question shall not imply recognition of illicit relations outside legitimate marriage.

Litouwen, 18 augustus 2010

[...] the Republic of Lithuania declares that the concept of "sexual and reproductive health" used in Article 25(a) of the Convention shall not be interpreted to establish new human rights and create relevant international commitments of the Republic of Lithuania. The legal content of this concept does not include support, encouragement or promotion of pregnancy termination, sterilization and medical procedures of persons with disabilities, able to cause discrimination on the grounds of genetic features.

Maleisië, 19 juli 2010

Malaysia acknowledges that the principles of non-discrimination and equality of opportunity as provided in articles 3 (b), 3 (e) and 5 (2) of the said Convention are vital in ensuring full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity, which shall be applied and interpreted on the basis of disability and on equal basis with others. Malaysia declares that its application and interpretation of the Federal Constitution of Malaysia pertaining to the principles of non-discrimination and equality of opportunity shall not be treated as contravening articles 3 (b), 3 (e) and 5 (2) of the said Convention.

Malaysia recognizes the participation of persons with disabilities in cultural life, recreation and leisure as provided in article 30 of the said Convention and interprets that the recognition is a matter for national legislation.

The Government of Malaysia ratifies the said Convention subject to the reservation that it does not consider itself bound by articles 15 and 18 of the said Convention.

Bezwaar door België, 28 juni 2011

Belgium has carefully examined the reservation made by Malaysia upon accession to the Convention on the Rights of Persons with Disabilities on 19 July 2010.

The vagueness and general nature of the reservation made by Malaysia – which does not consider itself bound by Articles 15 and 18 of the Convention – may contribute to undermining the basis of international human rights treaties.

Belgium further notes that the reservation made in respect of Article 15 – concerning the prohibition against torture, which is an absolute protection – and Article 18 concerns fundamental provisions of the Convention and is incompatible with the object and purpose of that instrument.

Belgium notes that under Article 46 (1) of the Convention, reservations incompatible with the object and purpose of the Convention are not permitted. Furthermore, 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)).

Consequently, Belgium objects to the reservation formulated by Malaysia with respect to Articles 15 and 18 of the Convention on the Rights of Persons with Disabilities.

This objection shall not preclude the entry into force of the Convention between the Kingdom of Belgium and Malaysia.

Bezwaar door Duitsland, 3 augustus 2011

The Government of the Federal Republic of Germany has carefully examined the reservation made by the Government of Malaysia upon ratification of the Convention on the Rights of Persons with Disabilities of 13 December 2006.

The Government of the Federal Republic of Germany considers that the provisions of Articles 15 and 18 are core provisions of the Convention and that the exclusion of their application is incompatible with the object and purpose of the Convention.

The Government of the Federal Republic of Germany therefore objects to this reservation as being inadmissible according to Article 46, paragraph 1 of the Convention.

This objection shall not preclude the entry into force of the Convention between the Federal Republic of Germany and Malaysia.

**Bezwaar door Hongarije, 1 augustus 2011**

The Government of the Republic of Hungary has examined the reservations made by Malaysia on 19 July 2010 upon ratification of the Convention on the Rights of Persons with Disabilities, adopted by the General Assembly of the United Nations on 13 December 2006, with regard to Articles 15 and 18 of the Convention.

The Government of the Republic of Hungary is of the view that Articles 15 and 18 of the Convention address core human rights values that are not only reflected in several multilateral treaties, such as the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Covenant on Civil and Political Rights but also form part of the international customary law.

In consequence, according to Article 19 (c) of the Vienna Convention on the Law of Treaties, which is a treaty and customary norm, these reservations shall not be permitted as they are incompatible with the object and purpose of the Convention.

Therefore, the Government of the Republic of Hungary objects to the reservations made by Malaysia to the Convention on the Rights of Persons with Disabilities, adopted by General Assembly of the United Nations on 13 December 2006, with regard to Articles 15 and 18.

This objection does not preclude the entry into force of the Convention between the Republic of Hungary and Malaysia.

**Bezwaar door Nederlanden, het Koninkrijk der, 14 juni 2016**

The Government of the Kingdom of the Netherlands has carefully examined the reservation and declaration made by the Government of Malaysia upon ratification of the Convention on the rights of persons with disabilities.

The Government of the Kingdom of the Netherlands considers that the provisions of Articles 15 and 18 are core provisions of the Convention and that the exclusion of their application is incompatible with the object and purpose of the Convention.

The Government of the Kingdom of the Netherlands considers that the declaration made by Malaysia in substance constitutes a reservation limiting the scope of the Convention.

The Government of the Kingdom of the Netherlands notes that this reservation, according to which "[...] its application and interpretation of the Federal Constitution of Malaysia pertaining to the principles of non-discrimination and equality of opportunity shall not be treated as contravening articles 3 (b), 3 (e) and 5 (2) of the said Convention", implies that the application of these provisions of the Convention is made subject to national legislation in force in Malaysia.

The Government of the Kingdom of the Netherlands considers that such a reservation must be regarded as incompatible with the object and purpose of the Convention and would recall that, in accordance with Article 46 of the Convention, reservations incompatible with its object and purpose shall not be permitted.

**Bezwaar door Oostenrijk, 24 juni 2011**

The Government of Austria has examined the reservation made by Malaysia upon ratification to the Convention on the Rights of Persons with Disabilities.

The Government of Austria finds that articles 15 and 18 relate to fundamental principles of the Convention and that the exclusion of the application of these articles is contrary to the object and purpose of the Convention. The Government of Austria therefore objects to this reservation.

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

**Bezwaar door Portugal, 26 juli 2011**

The Government of the Portuguese Republic has examined the reservations made by Malaysia upon ratification of the Convention on the Rights of Persons with Disabilities, New York, 13 December 2006.

The Government of the Portuguese Republic considers that the reservation made by Malaysia to Articles 15 and 18 is a reservation that seeks to exclude the application of these two provisions that are related to fundamental principles of the Convention thus limiting the scope of the Convention on an unilateral basis and contributing to undermining the basis of International Law.

The Government of the Portuguese Republic considers that the present reservation is contrary to the object and purpose of the Convention that seeks to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

The Government of the Portuguese Republic recalls that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, and in accordance with Article 46 of the Convention on the Rights of Persons with Disabilities, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of the Portuguese Republic therefore objects to the aforesaid reservation made by the Government of Malaysia to Articles 15 and 18 of the Convention on the Rights of Persons with Disabilities, New York, 13 December [2006].

However, this objection shall not preclude the entry into force of the Convention between the Portuguese Republic and Malaysia.

Bezwaar door Slowakije, 18 juli 2011

The Slovak Republic has examined the reservation made by Malaysia as to its ratification of the Convention on the Rights of Persons with Disabilities of 13 December 2006, according to which:

“The Government of Malaysia ratifies the said Convention subject to the reservation that it does not consider itself bound by articles 15 and 18 of the said Convention.”

The Slovak Republic considers the reservation to Articles 15 and 18 of the Convention as incompatible with the object and purpose of the Convention.

It is in the common interest of States that all parties respect treaties to which they have chosen to become party, 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.

The Slovak Republic notes that this calls into question the Malaysia’s commitment to the object and purpose of the Convention regarded to the prohibition of torture and to the rights associated with liberty of movement and nationality.

According to Article 46, paragraph 1 of the Convention and according to the customary international law as codified by the Vienna Convention on the Law of Treaties, and in particular Article 19 (c), the reservation that is incompatible with the object and purpose of a treaty is not permitted.

The Slovak Republic, therefore, objects to the reservation made by Malaysia to Articles 15 and 18 of the Convention. This objection shall not preclude the entry into force of the Convention between the Slovak Republic and Malaysia, without Malaysia benefiting from its reservation.

Bezwaar door Zweden, 6 juli 2011

The Government of Sweden has examined the interpretative declaration and reservations made by the Government of Malaysia at the time of its ratification of the Convention on the Rights of Persons with Disabilities.

The Government of Sweden recalls that the designation assigned to a statement whereby the legal effect of certain provisions of a treaty is excluded or modified does not determine its status as a reservation to the treaty. The Government of Sweden considers that the interpretative declaration made by the Government of Malaysia in substance constitutes a reservation, which raises serious doubt as to the commitment to the object and purpose of the Convention.

The Government of Sweden furthermore considers that the reservations to articles 15 and 18 raise serious doubt as to the commitment to the object and purpose of the Convention.

According to international customary law, as codified in the Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of a treaty 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 Government of Malaysia to the Convention on the Rights of Persons with Disabilities and considers the reservations null and void. This objection shall not preclude the entry into force of the Convention between Malaysia and Sweden. The Convention enters into force in its entirety between Malaysia and Sweden, without Malaysia benefiting from its reservations.

Bezwaar door Zwitserland, 15 april 2014

With regard to the reservation made by Malaysia upon ratification:

The Swiss Federal Council has examined the reservation made by the Government of Malaysia upon ratification of the Convention on the Rights of Persons with Disabilities.

The Swiss Federal Council believes that the specific reservation to article 15 concerns a fundamental legal guarantee enjoyed by persons with disabilities. Accordingly, the reservation to article 15 is incompatible with the object and purpose of the Convention and is not permissible under article 46, paragraph 1, of the Convention.

It is in the common interest of States that the object and purpose of the instruments to which they choose to become parties be respected by all parties thereto, and that States be prepared to amend their legislation in order to fulfil their treaty obligations.

The Swiss Federal Council objects to the reservation of Malaysia. This objection shall not preclude the entry into force of the Convention, in its entirety, between Malaysia and Switzerland.

Malta, 10 oktober 2012

[...] Pursuant to Article 25 of the Convention, Malta makes the following Interpretative Statement – Malta understands that the phrase “sexual and reproductive health” in Art 25 (a) of the Convention does not constitute recognition of any new international law obligation, does not create any abortion rights, and cannot

be interpreted to constitute support, endorsement, or promotion of abortion. Malta further understands that the use of this phrase is intended exclusively to underline the point that where health services are provided, they are provided without discrimination on the basis of disability.

Malta's national legislation considers the termination of pregnancy through induced abortion as illegal.

[...] Pursuant to Article 29 (a) (i) and (iii) of the Convention, while the Government of Malta is fully committed to ensure the effective and full participation of persons with disabilities in political and public life, including the exercise of their right to vote by secret ballot in elections and referenda, and to stand for elections, Malta makes the following reservations:

With regard to (a) (i):

Malta reserves the right to continue to apply its current electoral legislation in so far as voting procedures, facilities and materials are concerned.

With regard to (a) (iii):

Malta reserves the right to continue to apply its current electoral legislation in so far as assistance in voting procedures is concerned.

**Mauritius, 25 september 2007**

The Government of the Republic of Mauritius makes the following reservations in relation to Article 11 of the United Nations Convention on the Rights of Persons with Disabilities which pertains to situations of risk and humanitarian emergencies.

The Government of Mauritius signs the present Convention subject to the reservation that it does not consider itself bound to take measures specified in article 11 unless permitted by domestic legislation expressly providing for the taking of such measures.

**Mauritius, 8 januari 2010**

The Republic of Mauritius declares that it shall not for the time being take any of the measures provided for in Articles 9.2 (d) and (e) in view of their heavy financial implication.

With regard to Article 24.2 (b), the Republic of Mauritius has a policy of inclusive education which is being implemented incrementally alongside special education.

**Mexico, 17 december 2007**

The Political Constitution of the United Mexican States, in its article 1, establishes that: "( ... ) any discrimination on the grounds of ethnic or national origin, gender, age, disability, social status, health, religion opinion, preference, civil status or any other form of discrimination that is an affront to human dignity and is intended to deny or undermine the rights and freedoms of persons is prohibited".

In ratifying this Convention, the United Mexican States reaffirms its commitment to promoting and protecting the rights of Mexicans who suffer any disability, whether they are within the national territory or abroad. The Mexican State reiterates its firm commitment to creating conditions that allow all individuals to develop in a holistic manner and to exercise their rights and freedoms fully and without discrimination.

Accordingly, affirming its absolute determination to protect the rights and dignity of persons with disabilities, the United Mexican States interprets paragraph 2 of article 12 of the Convention to mean that in the case of conflict between that paragraph and national legislation, the provision that confers the greatest legal protection while safeguarding the dignity and ensuring the physical, psychological and emotional integrity of persons and protecting the integrity of their property shall apply, in strict accordance with the principle *pro homine*.

**Mexico, 3 januari 2012**

Withdrawal of interpretative declaration.

**Monaco, 23 september 2009**

The Government of His Serene Highness the Prince of Monaco declares that implementation of the Convention must take into account the unique features of the Principality of Monaco, particularly the small size of its territory and the needs of its people.

The Government of His Serene Highness the Prince of Monaco considers that articles 23 and 25 of the Convention must not be interpreted as recognizing an individual right to abortion except where expressly provided for under national law.

The Government of His Serene Highness the Prince of Monaco considers that the purpose of the Convention is to eliminate all discrimination on the basis of disability and to ensure that persons with disabilities have full enjoyment of all human rights and fundamental freedoms on an equal basis with others, but that the Convention does not imply that persons with disabilities should be afforded rights superior to those afforded to persons without disabilities, especially in terms of employment, accommodation and nationality.

**Nederlanden, het Koninkrijk der, 30 maart 2007**

The Kingdom of the Netherlands hereby expresses its intention to ratify the Convention on the Rights of Persons with Disabilities, subject to the following declarations and reservations as it may deem necessary upon ratification of the Convention.

#### Article 10

The Kingdom of the Netherlands acknowledges that unborn human life is worthy of protection. The Kingdom interprets the scope of Article 10 to the effect that such protection – and thereby the term “human being” – is a matter for national legislation.

#### Article 15

The Netherlands declares that it will interpret the term “consent” in Article 15 in conformity with international instruments, such as the Council of Europe Convention on Human Rights and Biomedicine and the Additional Protocol concerning Biomedical Research, and with national legislation which is in line with these instruments. This means that, as far as biomedical research is concerned, that term “consent” applies to two different situations:

1. consent given by a person who is able to consent, and
2. in the case of persons who are not able to give their consent, permission given by their representative or an authority or body provided for by law.

The Netherlands considers it important that persons who are unable to give their free and informed consent receive specific protection. In addition to the permission referred to under 2. above, other protective measures as included in the above-mentioned international instruments are considered to be part of this protection.

#### Article 23

With regard to Article 23 paragraph 1(b), the Netherlands declares that the best interests of the child shall be paramount.

#### Article 25

The individual autonomy of the person is an important principle laid down in Article 3 (a) of the Convention. The Netherlands understands Article 25(f) in the light of this autonomy. This provision is interpreted to mean that good care involves respecting a person’s wishes with regard to medical treatment, food and fluids.

### **Nederlanden, het Koninkrijk der, 14 juni 2016**

#### Article 10

The Kingdom of the Netherlands acknowledges that unborn human life is worthy of protection. The Kingdom of the Netherlands interprets the scope of Article 10, in line with the relevant case law of the European Court of Human Rights on this issue, to the effect that such protection – and thereby the term “human being” – is a matter of national legislation.

#### Article 12

The Kingdom of the Netherlands recognizes that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life. Furthermore, the Kingdom of the Netherlands declares its understanding that the Convention allows for supported and substitute decision-making arrangements in appropriate circumstances and in accordance with the law. The Kingdom of the Netherlands interprets Article 12 as restricting substitute decision-making arrangements to cases where such measures are necessary, as a last resort and subject to safeguards.

#### Article 14

The Kingdom of the Netherlands recognizes that all persons with disabilities enjoy the right to liberty and security of person, and a right to respect for physical and mental integrity on an equal basis with others. Furthermore, the Kingdom of the Netherlands declares its understanding that the Convention allows for compulsory care or treatment of persons, including measures to treat mental illnesses, when circumstances render treatment of this kind necessary as a last resort, and the treatment is subject to legal safeguards.

#### Article 15-

The Kingdom of the Netherlands declares that it will interpret the term “consent” in article 15 in conformity with international instruments and national legislation which is in line with these instruments. This means that, as far as biomedical research is concerned, the term “consent” applies to two different situations:

1. Consent given by a person who is able to consent, and
2. In the case of persons who are not able to give their consent, permission given by their representative or an authority or body provided for by law.

The Kingdom of the Netherlands considers it important that persons who are unable to give their free and informed consent receive specific protection taking into consideration the importance of the development of medical science for the benefit of persons with a disability. In addition to the permission referred to under 2. above, other protective measures as included in international instruments are considered to be part of this protection.

#### Article 23

With regard to Article 23 paragraph 1(b), the Kingdom of the Netherlands declares that the best interests of the child shall be paramount.

#### Article 25

The Kingdom of the Netherlands interprets article 25 (a) to concern access to health care and the affordability of health care, and confirms that discrimination in such matters is not allowed. The Kingdom of the Netherlands considers it also important that health care professionals may determine which health care is provided based on medical grounds and its expected (in)effectiveness.

The individual autonomy of the person is an important principle laid down in Article 3 (a) of the Convention. The Kingdom of the Netherlands understands Article 25 (f) in the light of this autonomy. This provision is interpreted to mean that good care involves respecting a person’s wishes with regard to medical treatment, food and fluids, and that a decision to withhold any of these can also be based on medical grounds.

#### Article 29

The Kingdom of the Netherlands is fully committed to ensure the effective and full exercise by persons with disabilities of their right and opportunity to vote by secret ballot. It recognizes the importance of persons with disabilities to have, where necessary, at their request, assistance in voting. To safeguard voting by secret ballot without intimidation, as provided for in article 29 (a) (ii), and to ensure the principle of one vote per person, the Kingdom of the Netherlands declares that it will interpret the term "assistance" in article 29 (a) (iii) as assistance only to be effected outside the voting booth, except with regard to assistance required due to a physical disability, in which case assistance may also be permitted inside the voting booth.

Nieuw-Zeeland, 25 september 2008

[...] 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, this ratification 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.

Noorwegen, 3 juni 2013

#### Article 12

Norway recognises that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life. Norway also recognizes its obligations to take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity. Furthermore, Norway declares its understanding that the Convention allows for the withdrawal of legal capacity or support in exercising legal capacity, and/or compulsory guardianship, in cases where such measures are necessary, as a last resort and subject to safeguards.

#### Articles 14 and 25

Norway recognises that all persons with disabilities enjoy the right to liberty and security of person, and a right to respect for physical and mental integrity on an equal basis with others. Furthermore, Norway declares its understanding that the Convention allows for compulsory care or treatment of persons, including measures to treat mental illnesses, when circumstances render treatment of this kind necessary as a last resort, and the treatment is subject to legal safeguards.

Palestina, 6 juni 2014

The Permanent Observer of the State of Palestine to the United Nations presents his compliments to the Secretary-General of the United Nations, in his capacity as Depositary, and has the honor to refer to depositary notification C.N.299.2014.TREATIES-IV.15, dated 22 May 2014, conveying a communication of Israel regarding the accession of the State of Palestine to the Convention on the Rights of Persons with Disabilities, dated 13 December 2006.

The Government of the State of Palestine regrets the position of Israel, the occupying Power, and wishes to recall United Nations General Assembly resolution 67/19 of 29 November 2012 according Palestine "non-member observer State status in the United Nations". In this regard, Palestine is a State recognized by the United Nations General Assembly on behalf of the international community.

As a State Party to the Convention on the Rights of Persons with Disabilities, which entered into force on 2 May 2014, the State of Palestine will exercise its rights and honor its obligations with respect to all States Parties. The State of Palestine trusts that its rights and obligations will be equally respected by its fellow States Parties.

Palestina, 6 juni 2014

The Permanent Observer of the State of Palestine to the United Nations presents his compliments to the Secretary-General of the United Nations, in his capacity as Depositary, and has the honor to refer to depositary notification C.N.281.2014.TREATIES-IV.15, dated 22 May 2014, conveying a communication of Canada regarding the accession of the State of Palestine to the Convention on the Rights of Persons with Disabilities, dated 13 December 2006.

The Government of the State of Palestine regrets the position of Canada and wishes to recall United Nations General Assembly resolution 67/19 of 29 November 2012 according Palestine "non-member observer State status in the United Nations". In this regard, Palestine is a State recognized by the United Nations General Assembly on behalf of the international community.

As a State Party to the Convention on the Rights of Persons with Disabilities, which entered into force on 2 May 2014, the State of Palestine will exercise its rights and honor its obligations with respect to all States Parties. The State of Palestine trusts that its rights and obligations will be equally respected by its fellow States Parties.

Polen, 30 maart 2007

The Republic of Poland understands that Articles 23. 1 (b) and 25 (a) shall not be interpreted in a way conferring an individual right to abortion or mandating state party to provide access thereto.

Polen, 25 september 2012

The Republic of Poland understands that Article 23.1 (b) and Article 25 (a) shall not be interpreted in a way conferring an individual right to abortion or mandating state party to provide access thereto, unless that right is guaranteed by the national law.

Article 23.1(a) of the Convention refers to the recognition of the right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses. By virtue of Article 46 of the Convention the Republic of Poland reserves the right not to apply Article 23.1(a) of the Convention until relevant domestic legislation is amended. Until the withdrawal of the reservation a disabled person whose disability results from a mental illness or mental disability and who is of marriageable age, can not get married without the court's approval based on the statement that the health or mental condition of that person does not jeopardize the marriage, nor the health of prospective children and on condition that such a person has not been fully incapacitated. These conditions result from Article 12 § 1 of the Polish Code on Family and Guardianship (Journal of Laws of the Republic of Poland of 1964, No. 9, item 59, with subsequent amendments).

The Republic of Poland declares that it will interpret Article 12 of the Convention in a way allowing the application of the incapacitation, in the circumstances and in the manner set forth in the domestic law, as a measure indicated in Article 12.4, when a person suffering from a mental illness, mental disability or other mental disorder is unable to control his or her conduct.

Singapore, 18 juli 2013

The Republic of Singapore's current legislative framework provides, as an appropriate and effective safeguard, oversight and supervision by competent, independent and impartial authorities or judicial bodies of measures relating to the exercise of legal capacity, upon applications made before them or which they initiate themselves in appropriate cases. The Republic of Singapore reserves the right to continue to apply its current legislative framework in lieu of the regular review referred to in Article 12, paragraph 4 of the Convention.

2. The Republic of Singapore recognises that persons with disabilities have the right to enjoyment of the highest attainable standards of health without discrimination on the basis of disability, with a reservation on the provision by private insurers of health insurance, and life insurance, other than national health insurance regulated by the Ministry of Health, Singapore, in Article 25, paragraph (e) of the Convention.
3. The Republic of Singapore is fully committed to ensuring the effective and full participation of persons with disabilities in political and public life, including through the protection of the exercise of their right to vote by secret ballot in elections and public referendums without intimidation. With respect to Article 29, subparagraph (a) (iii) of the Convention, the Republic of Singapore reserves the right to continue to apply its current electoral legislation which requires that assistance in voting procedures shall only be effected through a presiding officer who is appointed by the Returning Officer and has signed an oath to safeguard voting secrecy.

Bezwaar door Roemenië, 26 juni 2014

The Government of Romania has examined the reservation made by the Government of Singapore to articles 12, 25 and 29 of the Convention on the Rights of Persons with Disabilities (2006) and appreciates that a reservation which consists of references to national law may raise doubts as to the commitment of the reserving state to fulfill its obligations under the Convention.

In accordance to article 29 of the Convention, the exercise of the right to vote is a component of the legal capacity which cannot be restricted except under the conditions and in the manner provided by article 12 of the Convention, not as provided in paragraph 1 and 3 of the reservation, by applying the domestic legal framework.

Regarding paragraph 2 of the reservation, the Government of Romania appreciates that article 25 (e) of the Convention is applicable to the private health insurers too. The Convention does not create an exception for this category and does not make a distinction between state and private insurers. The prohibition of discrimination against persons with disabilities regarding the provision of health insurances, applies to all categories of insurers (including private ones).

The Government of Romania considers that the reservation made by Singapore subordinates the application of some fundamental provisions of the Convention to its domestic law, being incompatible to its object and purpose, which consist in the obligation to protect the fundamental rights of the persons with disabilities.

Such a reservation is also, in view of the Government of Romania, subject to the general principle of treaty interpretation and to Article 27 of the Vienna Convention of the Law of Treaties, according to which a party may not invoke the provisions of its domestic law as justification for failure to perform its treaty obligations.

The objection shall not otherwise affect the entry into force of the Convention between Romania and Singapore.

Slowakije, 26 mei 2010

In accordance with article 46 of the United Nations Convention on the rights of persons with disabilities and article 19 of the Vienna convention on the law of treaties:

The Slovak Republic shall apply the provisions of article 27(1)(a) on condition that the implementation of the prohibition of discrimination on the basis of disability in setting conditions of recruitment, hiring and employment shall not apply in the case of recruitment for service as a member of the armed forces, armed security forces, armed corps, the National Security Office, the Slovak Information Service and the Fire and Rescue Corps.

Syrië, 30 maart 2007

Upon signature

Understanding:

Our signature of this Convention does not in any way, imply recognition of Israel or entry into relations with Israel, in any shape or form, in connection with the Convention.

We signed today on the basis of the understanding contained in the letter dated 5 December 2006 from the Permanent Representative of Iraq to the United Nations addressed, in his capacity as Chairman of the Group of Arab States for that month, to the Chairman of the Committee, which contains the interpretation of the Arab Group concerning article 12 relating to the interpretation of the concept of "legal capacity".

Thailand, 29 juli 2008

The Kingdom of Thailand hereby declares that the application of Article 18 of the Convention shall be subject to the national laws, regulations and practices in Thailand.

Bezwaar door Portugal, 23 september 2009

The Government of the Portuguese Republic has examined the interpretative declaration relating to Article 18 made by the Kingdom of Thailand upon its ratification of the Convention on the Rights of Persons with Disabilities, done at New York, on the 13th December 2006.

The Government of the Portuguese Republic believes that this interpretative declaration constitutes a reservation that makes the application of Article 18 of the Convention subject to conformity with the national laws, regulations and practices. The Kingdom of Thailand has formulated a reservation that makes it unclear to what extent it considers itself bound by the obligations of Article 18 of the Convention, and this calls into question the Kingdom of Thailand's commitment to the object and purpose of the Convention as regards the rights associated with liberty of movement and nationality.

The Government of the Portuguese Republic recalls that, by virtue of article 46, paragraph 1, of the Convention, reservations incompatible with the object and purpose of the Convention shall not be permitted.

Consequently, the Government of the Portuguese Republic objects to the interpretative declaration by the Kingdom of Thailand relating to Article 18 of the Convention on the Rights of Persons with Disabilities.

This objection does not preclude the entry into force of the Convention between the Portuguese Republic and the Kingdom of Thailand.

Bezwaar door Slowakije, 28 september 2010

The Slovak Republic has examined the interpretative declaration made by the Kingdom of Thailand upon its ratification of the Convention on the Rights of Persons with Disabilities on 29 July 2008 according to which:

"The Kingdom of Thailand hereby declares that the application of Article 18 of the Convention shall be subject to the national laws, regulations and practices in Thailand."

The Slovak Republic believes that the interpretative declaration made by the Kingdom of Thailand constitutes in fact a reservation to the Article 18 of the Convention.

The Slovak Republic notes that this reservation makes it unclear to what extent the Kingdom of Thailand considers itself bound by the obligations of Article 18 of the Convention, and this calls into question the Kingdom of Thailand's commitment to the object and purpose of the Convention as regards the rights associated with liberty of movement and nationality.

According to Article 46 paragraph 1 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 Slovak Republic, therefore, objects to the aforesaid reservation made by the Kingdom of Thailand to the Convention. This objection shall not preclude the entry into force of the Convention between the Slovak Republic and the Kingdom of Thailand, without the Kingdom of Thailand benefiting from its reservation.

Bezwaar door Spanje, 27 juli 2009

The Government of the Kingdom of Spain has examined the interpretative declaration made by Thailand upon its ratification of the Convention on the Rights of Persons with Disabilities, relating to article 18 of that international instrument.

The Government of the Kingdom of Spain believes that this interpretative declaration constitutes a reservation that makes the application of article 18 of the Convention subject to conformity with the national laws, regulations and practices. Thailand has formulated a reservation that makes it unclear to what extent it considers itself bound by the obligations of article 18 of the Convention, and this calls

into question Thailand's commitment to the object and purpose of the Convention as regards the rights associated with liberty of movement and nationality.

The Government of the Kingdom of Spain recalls that, by virtue of article 46, paragraph 1, of the Convention, reservations incompatible with the object and purpose of the Convention shall not be permitted. Consequently, the Government of the Kingdom of Spain objects to the interpretative declaration by Thailand relating to article 18 of the Convention on the Rights of Persons with Disabilities.

This objection does not preclude the entry into force of the Convention between Spain and Thailand.

Bezwaar door Tsjechië, 30 november 2009

The Czech Republic has examined the interpretative declaration made by the Kingdom of Thailand upon its ratification of the Convention on the Rights of Persons with Disabilities on 29 July 2008.

The Czech Republic believes that the interpretative declaration made by the Kingdom of Thailand constitutes in fact a reservation to the Article 18 of the Convention.

The Czech Republic notes that the reservation left open to what extent the Kingdom of Thailand commits itself to the Article 18 of the Convention and this calls into question the Kingdom of Thailand's commitment to the object and purpose of the Convention as regards the rights associated with liberty of movement and nationality. It is in the common interest of States that treaties, to which they have chosen to become a 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 these treaties.

According to Article 46 paragraph 1 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 Czech Republic, therefore, objects to the aforesaid reservation made by the Kingdom of Thailand to the Convention. This objection shall not preclude the entry into force of the Convention between the Czech Republic and the Kingdom of Thailand, without the Kingdom of Thailand benefiting from its reservation.

Bezwaar door Zweden, 28 juli 2009

The Government of Sweden has examined the interpretative declaration made by the Government of the Kingdom of Thailand on 29 July 2008 to the Convention on the Rights of Persons With Disabilities. The Government of Sweden recalls that the designation assigned to a statement whereby the legal effect of certain provisions of a treaty is excluded or modified does not determine its status as a reservation to the treaty. The Government of Sweden considers that the interpretative declaration made by the Government of Thailand in substance constitutes a reservation.

According to international customary law, as codified in the Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of a treaty 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 notes that Thailand gives precedence to its national laws, regulations and practices over the application of article 18 of the Convention. The Government of Sweden is of the view that such a reservation, which does not clearly specify the extent of the derogation, raises serious doubt as to the commitment to the object and purpose of the Convention.

The Government of Sweden therefore objects to the aforesaid reservation made by the Government of the Kingdom of Thailand to the Convention on the Rights of Persons with Disabilities and considers the reservation null and void. This objection shall not preclude the entry into force of the Convention between Thailand and Sweden. The Convention enters into force in its entirety between Thailand and Sweden, without Thailand benefiting from its reservation.

Thailand, 5 februari 2015

[...] the Government of the Kingdom of Thailand [does] hereby withdraw the interpretative declaration made with respect to Article 18 of the Convention.

Venezuela, 24 september 2013

The Bolivarian Republic of Venezuela reaffirms its absolute determination to guarantee the rights and protect the dignity of persons with disabilities. Accordingly, it declares that it interprets paragraph 2 of Article 12 of the Convention to mean that in the case of conflict between that paragraph and any provisions in Venezuelan legislation, the provisions that guarantee the greatest legal protection to persons with disabilities, while ensuring their well-being and integral development, without discrimination, shall apply.

Verenigd Koninkrijk, 8 juni 2009

Work and Employment – Convention Article 27 mainly

The United Kingdom accepts the provisions of the Convention, subject to the understanding that none of its obligations relating to equal treatment in employment and occupation, shall apply to the admission into or service in any of the naval, military or air forces of the Crown.

Education – Convention Article 24 Clause 2 (a) and 2 (b)

The United Kingdom reserves the right for disabled children to be educated outside their local community where more appropriate education provision is available elsewhere. Nevertheless, parents of disabled children have the same opportunity as other parents to state a preference for the school at which they wish their child to be educated.

#### Liberty of Movement

The United Kingdom reserves the right to apply such legislation, insofar as it relates to the entry into, stay in and departure from the United Kingdom of those who do not have the right under the law of the United Kingdom to enter and remain in the United Kingdom, as it may deem necessary from time to time.

#### Equal Recognition Before the Law – Convention Article 12.4

The United Kingdom's arrangements, whereby the Secretary of State may appoint a person to exercise rights in relation to social security claims and payments on behalf of an individual who is for the time being unable to act, are not at present subject to the safeguard of regular review, as required by Article 12.4 of the Convention and the UK reserves the right to apply those arrangements. The UK is therefore working towards a proportionate system of review.

#### Education – Convention Article 24 Clause 2 (a) and (b)

The United Kingdom Government is committed to continuing to develop an inclusive system where parents of disabled children have increasing access to mainstream schools and staff, which have the capacity to meet the needs of disabled children.

The General Education System in the United Kingdom includes mainstream, and special schools, which the UK Government understands is allowed under the Convention.

Verenigd Koninkrijk, 21 december 2011

Withdrawal of reservation under Article 12.4.

Zuid-Korea, 11 december 2008

[...] with a reservation on the provision regarding life insurance in the paragraph (e) of the Article 25.

Bezwaar door Spanje, 3 december 2009

The Government of the Kingdom of Spain has examined the reservation formulated by the Republic of Korea when it ratified the Convention on the Rights of Persons with Disabilities with regard to article 25(e) of this international treaty.

The Government of the Kingdom of Spain considers that the Republic of Korea has formulated a reservation which does not permit clear determination as to the extent to which the Republic of Korea has accepted the obligations under article 25(e) of the Convention, which raises doubts as to the commitment of the Republic of Korea to the object and purpose of the Convention in relation to the non-discriminatory, fair and reasonable provision of life insurance.

The Government of the Kingdom of Spain recalls that, under article 46.1 of the Convention, reservations incompatible with the object and purpose of the Convention are not acceptable.

Consequently, Spain objects to the reservation formulated by the Republic of Korea in relation to article 25(e) of the Convention on the Rights of Persons with Disabilities.

This objection shall not preclude the entry into force of the Convention between the Kingdom of Spain and the Republic of Korea.

#### G. INWERKINGTREDING

Zie *Trb.* 2014, 13.

Het Verdrag is ingevolge artikel 45, tweede lid, op 14 juli 2016 voor het Koninkrijk der Nederlanden in werking getreden.

Wat betreft het Koninkrijk der Nederlanden, geldt het Verdrag voor Nederland (het Europese deel).

#### Koninkrijk der Nederlanden

Land	Voorlopige toepassing	In werking	Terugwerkende kracht	Buiten werking
Nederland (in Europa)		14-07-2016		
Nederland (Bonaire)				
Nederland (Sint Eustatius)				
Nederland (Saba)				
Aruba				
Curaçao				
Sint Maarten				

## J. VERWIJZINGEN

Zie *Trb.* 2007, 169 en *Trb.* 2014, 113.

Titel : Handvest van de Verenigde Naties;  
San Francisco, 26 juni 1945  
Laatste *Trb.* : *Trb.* 2015, 143

Titel : Internationaal Verdrag inzake de uitbanning van alle vormen van rassendiscriminatie;  
New York, 7 maart 1966  
Laatste *Trb.* : *Trb.* 2014, 80

Titel : Verdrag inzake de uitbanning van alle vormen van discriminatie van vrouwen;  
New York, 18 december 1979  
Laatste *Trb.* : *Trb.* 2014, 118

Uitgegeven de zesentwintigste juli 2016.

*De Minister van Buitenlandse Zaken,*

A.G. KOENDERS