

15. a) Optional Protocol to the Convention on the Rights of Persons with Disabilities

New York, 13 December 2006

ENTRY INTO FORCE: 3 May 2008, in accordance with article 13(1).
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Note: The above Optional Protocol was adopted on 13 December 2006 during the sixty-first session of the General Assembly by resolution /doc/source/docs/A_Res_61_106-E.pdf. In accordance with its article 10, the Optional Protocol shall be open for signature by all signatory States and regional integration organizations of the Convention on the Rights of Persons with Disabilities at United Nations Headquarters in New York as of 30 March 2007.

<i>Participant</i>	<i>Signature</i>	<i>Formal confirmation(c), Accession(a), Ratification</i>	<i>Participant</i>	<i>Signature</i>	<i>Formal confirmation(c), Accession(a), Ratification</i>
Afghanistan.....		18 Sep 2012 a	Croatia	30 Mar 2007	15 Aug 2007
Algeria	30 Mar 2007		Cyprus.....	30 Mar 2007	27 Jun 2011
Andorra.....	27 Apr 2007	11 Mar 2014	Czech Republic.....	30 Mar 2007	
Angola		19 May 2014 a	Democratic Republic of the Congo.....		30 Sep 2015 a
Antigua and Barbuda	30 Mar 2007		Denmark ²		23 Sep 2014 a
Argentina	30 Mar 2007	2 Sep 2008	Djibouti		18 Jun 2012 a
Armenia	30 Mar 2007		Dominica		1 Oct 2012 a
Australia.....		21 Aug 2009 a	Dominican Republic	30 Mar 2007	18 Aug 2009
Austria	30 Mar 2007	26 Sep 2008	Ecuador.....	30 Mar 2007	3 Apr 2008
Azerbaijan.....	9 Jan 2008	28 Jan 2009	El Salvador	30 Mar 2007	14 Dec 2007
Bangladesh.....		12 May 2008 a	Estonia		30 May 2012 a
Belgium	30 Mar 2007	2 Jul 2009	Fiji	2 Jun 2010	
Benin.....	8 Feb 2008	5 Jul 2012	Finland	30 Mar 2007	11 May 2016
Bolivia (Plurinational State of) ¹	13 Aug 2007	16 Nov 2009	France	23 Sep 2008	18 Feb 2010
Bosnia and Herzegovina	29 Jul 2009	12 Mar 2010	Gabon.....	25 Sep 2007	26 Jun 2014
Brazil	30 Mar 2007	1 Aug 2008	Gambia.....		6 Jul 2015 a
Bulgaria	18 Dec 2008		Georgia	10 Jul 2009	
Burkina Faso.....	23 May 2007	23 Jul 2009	Germany	30 Mar 2007	24 Feb 2009
Burundi	26 Apr 2007	22 May 2014	Ghana.....	30 Mar 2007	31 Jul 2012
Cambodia.....	1 Oct 2007		Greece.....	27 Sep 2010	31 May 2012
Cameroon.....	1 Oct 2008		Guatemala.....	30 Mar 2007	7 Apr 2009
Central African Republic	9 May 2007	11 Oct 2016	Guinea.....	31 Aug 2007	8 Feb 2008
Chad.....	26 Sep 2012		Guinea-Bissau.....	24 Sep 2013	
Chile.....	30 Mar 2007	29 Jul 2008	Haiti		23 Jul 2009 a
Congo.....	30 Mar 2007	2 Sep 2014	Honduras.....	23 Aug 2007	16 Aug 2010
Cook Islands		8 May 2009 a	Hungary	30 Mar 2007	20 Jul 2007
Costa Rica.....	30 Mar 2007	1 Oct 2008	Iceland	30 Mar 2007	
Côte d'Ivoire	7 Jun 2007		Italy	30 Mar 2007	15 May 2009
			Jamaica	30 Mar 2007	
			Jordan.....	30 Mar 2007	

<i>Participant</i>	<i>Signature</i>	<i>Formal confirmation(c), Accession(a), Ratification</i>	<i>Participant</i>	<i>Signature</i>	<i>Formal confirmation(c), Accession(a), Ratification</i>
Kazakhstan.....	11 Dec 2008		Seychelles	30 Mar 2007	
Latvia	22 Jan 2010	31 Aug 2010	Sierra Leone.....	30 Mar 2007	
Lebanon	14 Jun 2007		Slovakia	26 Sep 2007	26 May 2010
Liberia.....	30 Mar 2007		Slovenia	30 Mar 2007	24 Apr 2008
Lithuania.....	30 Mar 2007	18 Aug 2010	Solomon Islands	24 Sep 2009	
Luxembourg.....	30 Mar 2007	26 Sep 2011	South Africa.....	30 Mar 2007	30 Nov 2007
Madagascar	25 Sep 2007		Spain	30 Mar 2007	3 Dec 2007
Mali.....	15 May 2007	7 Apr 2008	St. Vincent and the Grenadines		29 Oct 2010 a
Malta.....	30 Mar 2007	10 Oct 2012	Sudan		24 Apr 2009 a
Mauritania.....		3 Apr 2012 a	Swaziland.....	25 Sep 2007	24 Sep 2012
Mauritius.....	25 Sep 2007		Sweden.....	30 Mar 2007	15 Dec 2008
Mexico	30 Mar 2007	17 Dec 2007	Syrian Arab Republic		10 Jul 2009 a
Mongolia.....		13 May 2009 a	Thailand.....		2 Sep 2016 a
Montenegro.....	27 Sep 2007	2 Nov 2009	The former Yugoslav Republic of Macedonia.....	29 Jul 2009	29 Dec 2011
Morocco.....		8 Apr 2009 a	Togo.....	23 Sep 2008	1 Mar 2011
Mozambique		30 Jan 2012 a	Tunisia	30 Mar 2007	2 Apr 2008
Namibia	25 Apr 2007	4 Dec 2007	Turkey.....	28 Sep 2009	26 Mar 2015
Nepal.....	3 Jan 2008	7 May 2010	Turkmenistan		10 Nov 2010 a
New Zealand ³		4 Oct 2016 a	Uganda.....	30 Mar 2007	25 Sep 2008
Nicaragua.....	21 Oct 2008	2 Feb 2010	Ukraine	24 Sep 2008	4 Feb 2010
Niger	2 Aug 2007	24 Jun 2008	United Arab Emirates	12 Feb 2008	
Nigeria	30 Mar 2007	24 Sep 2010	United Kingdom of Great Britain and Northern Ireland.....	26 Feb 2009	7 Aug 2009
Palau		11 Jun 2013 a	United Republic of Tanzania.....	29 Sep 2008	10 Nov 2009
Panama.....	30 Mar 2007	7 Aug 2007	Uruguay		28 Oct 2011 a
Paraguay	30 Mar 2007	3 Sep 2008	Venezuela (Bolivarian Republic of)		24 Sep 2013 a
Peru	30 Mar 2007	30 Jan 2008	Yemen.....	11 Apr 2007	26 Mar 2009
Portugal.....	30 Mar 2007	23 Sep 2009	Zambia	29 Sep 2008	
Qatar	9 Jul 2007		Zimbabwe		23 Sep 2013 a
Romania.....	25 Sep 2008				
Rwanda		15 Dec 2008 a			
San Marino	30 Mar 2007	22 Feb 2008			
Saudi Arabia		24 Jun 2008 a			
Senegal.....	25 Apr 2007				
Serbia.....	17 Dec 2007	31 Jul 2009			

Declarations and Reservations

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

AZERBAIJAN

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

EL SALVADOR^{1,4,5}

SYRIAN ARAB REPUBLIC

The Government of the Syrian Arab Republic declares that it does not recognize the competence of the Committee on the Rights of Persons with Disabilities

("the Committee") provided for in articles 6 and 7 of the Optional Protocol, in accordance with Article 8 of that Protocol, which provides that each State Party may, at the time of signature or ratification of the present Protocol or accession thereto, declare that it does not recognize the competence of the Committee provided for in articles 6 and 7.

TURKEY⁶

"Turkey declares that [its] ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities neither amounts to any form of recognition of the Greek Cypriot Administration's pretention to represent the defunct 'Republic of Cyprus' as party to that Protocol, nor should it imply any obligation on the part of Turkey to enter into any dealing with the so-called Republic of Cyprus within the framework of the said Protocol."

Objections

(Unless otherwise indicated, the objections were made upon ratification, acceptance, approval or accession.)

AUSTRIA

"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."

"The Government of Austria has examined the declaration made by the Republic of Turkey upon ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities adopted on 13 December 2006. It welcomes the ratification of the Optional Protocol by Turkey as a significant step for the promotion of the rights of persons with disabilities. However, as a member state of the European Union, Austria opposes the declaration made by the Republic of Turkey which describes another member state, the Republic of Cyprus, as a defunct entity."

CYPRUS

"The Republic of Cyprus has examined the declaration deposited by the Republic of Turkey upon ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities (New York, 13 December 2006) on 26 March 2015, limiting the implementation of the provisions of the Convention and the Protocol, by excluding the Republic of Cyprus from the application of the Protocol at reference by the Republic of Turkey. The content of the declaration makes it tantamount in its essence to a reservation. Such a reservation is contrary to the object and purpose of the Convention and its Protocol, as it prevents the realization of the cooperation between

States Parties foreseen by the Convention and its Protocol. In addition, such a declaration / reservation also relies on the principle of reciprocity, which is incompatible with human rights' obligations assumed through this Convention. The legal reasoning, cited above, renders Turkey's declaration unacceptable, as the declaration under reference contravenes the letter and the spirit of the Convention and its Protocol. The Republic of Cyprus, therefore, objects to the aforesaid declaration made by the Republic of Turkey and considers the declaration null and void. This objection shall not preclude the entry into force of the Convention, in its entirety, between the Republic of Cyprus and the Republic of Turkey, without the Republic of Turkey benefiting from its declaration / reservation."

GREECE

"... The Government of the Hellenic Republic has examined the declaration made by the Republic of Turkey upon ratification, on 26 March 2015, of the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

The Republic of Turkey declares that its ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities should not imply any obligation on the part of Turkey to enter into any dealing with the Republic of Cyprus within the framework of the said Protocol.

In [the] view of the Government of the Hellenic Republic, the above declaration in fact amounts to a reservation, as it purports to exclude the application of the Protocol in Turkey's relations with the Republic of Cyprus. Such a reservation is incompatible with the principle that inter-State reciprocity has no place in the context of human rights treaties, which concern the endowment of individuals with rights. It is, therefore, contrary to the object and purpose of the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

The Government of the Hellenic Republic recalls that, according to Article 14 paragraph 1 of the Optional Protocol to the Convention on the Rights of Persons with Disabilities, reservations incompatible with the object and purpose of this Protocol shall not be permitted.

For the above reasons, the Government of the Hellenic Republic objects to the declaration made by the Republic of Turkey upon ratification of the said Protocol.

This objection shall not preclude the entry into force of the Protocol between the Hellenic Republic and the Republic of Turkey..."

¹ See Note 1 under "Bolivia (Plurinational State of)" in the "Historical Information" section.

² Upon its accession of the Optional Protocol the Government of Denmark notified the Secretary-General that the Optional Protocol shall not apply to Greenland.

³ With a territorial exclusion. See C.N.721.2016.TREATIES-IV.15.a of 4 October 2016.

⁴ On 28 January 2010, the Secretary-General received from the Government of Germany the following 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."

⁵ On 18 March 2015, the Government of El Salvador informed the Secretary-General that it had decided to withdraw the following Reservation made upon signature and confirmed upon ratification:

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.

⁶ On 6 December 2016, the Secretary-General received from the Government of Portugal the following communication relating to the declaration made by the Republic of Turkey upon ratification:

"The Government of the Portuguese Republic has examined the declaration made by the Republic of Turkey upon

ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities adopted on 13 December 2006.

It welcomes the ratification of the Optional Protocol by the Republic of Turkey since this is a significant step for the promotion of human rights, particularly the rights of those persons with disabilities.

Nevertheless, the Portuguese Republic, as a European Union Member State, opposes the declaration made by the Republic of Turkey since it describes another Member State, the Republic of Cyprus, as a defunct entity."

