

## 15. CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

*New York, 13 December 2006*

**ENTRY INTO FORCE:** 3 May 2008, in accordance with article 45(1).  
**REGISTRATION:** 3 May 2008, No. 44910.  
**STATUS:** Signatories: 160. Parties: 172.  
**TEXT:** United Nations, *Treaty Series*, vol. 2515, p. 3;

*Note:* The above Convention 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 42, the Convention shall be open for signature by all States and by regional integration organizations 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	Canada .....	30 Mar 2007	11 Mar 2010
Albania.....	22 Dec 2009	11 Feb 2013	Central African Republic .....	9 May 2007	11 Oct 2016
Algeria .....	30 Mar 2007	4 Dec 2009	Chad.....	26 Sep 2012	
Andorra.....	27 Apr 2007	11 Mar 2014	Chile.....	30 Mar 2007	29 Jul 2008
Angola .....		19 May 2014 a	China <sup>2</sup> .....	30 Mar 2007	1 Aug 2008
Antigua and Barbuda .....	30 Mar 2007	7 Jan 2016	Colombia .....	30 Mar 2007	10 May 2011
Argentina .....	30 Mar 2007	2 Sep 2008	Comoros.....	26 Sep 2007	16 Jun 2016
Armenia .....	30 Mar 2007	22 Sep 2010	Congo.....	30 Mar 2007	2 Sep 2014
Australia.....	30 Mar 2007	17 Jul 2008	Cook Islands .....		8 May 2009 a
Austria .....	30 Mar 2007	26 Sep 2008	Costa Rica.....	30 Mar 2007	1 Oct 2008
Azerbaijan.....	9 Jan 2008	28 Jan 2009	Côte d'Ivoire .....	7 Jun 2007	10 Jan 2014
Bahamas.....	24 Sep 2013	28 Sep 2015	Croatia .....	30 Mar 2007	15 Aug 2007
Bahrain.....	25 Jun 2007	22 Sep 2011	Cuba.....	26 Apr 2007	6 Sep 2007
Bangladesh.....	9 May 2007	30 Nov 2007	Cyprus.....	30 Mar 2007	27 Jun 2011
Barbados .....	19 Jul 2007	27 Feb 2013	Czech Republic.....	30 Mar 2007	28 Sep 2009
Belarus .....	28 Sep 2015	29 Nov 2016	Democratic People's Republic of Korea....	3 Jul 2013	6 Dec 2016
Belgium .....	30 Mar 2007	2 Jul 2009	Democratic Republic of the Congo.....		30 Sep 2015 a
Belize .....	9 May 2011	2 Jun 2011	Denmark .....	30 Mar 2007	24 Jul 2009
Benin.....	8 Feb 2008	5 Jul 2012	Djibouti.....		18 Jun 2012 a
Bhutan.....	21 Sep 2010		Dominica .....	30 Mar 2007	1 Oct 2012
Bolivia (Plurinational State of) <sup>1</sup> .....	13 Aug 2007	16 Nov 2009	Dominican Republic .....	30 Mar 2007	18 Aug 2009
Bosnia and Herzegovina .....	29 Jul 2009	12 Mar 2010	Ecuador.....	30 Mar 2007	3 Apr 2008
Brazil .....	30 Mar 2007	1 Aug 2008	Egypt.....	4 Apr 2007	14 Apr 2008
Brunei Darussalam .....	18 Dec 2007	11 Apr 2016	El Salvador .....	30 Mar 2007	14 Dec 2007
Bulgaria .....	27 Sep 2007	22 Mar 2012	Estonia .....	25 Sep 2007	30 May 2012
Burkina Faso.....	23 May 2007	23 Jul 2009	Ethiopia.....	30 Mar 2007	7 Jul 2010
Burundi .....	26 Apr 2007	22 May 2014	European Union.....	30 Mar 2007	23 Dec 2010 c
Cabo Verde .....	30 Mar 2007	10 Oct 2011	Fiji .....	2 Jun 2010	
Cambodia.....	1 Oct 2007	20 Dec 2012	Finland .....	30 Mar 2007	11 May 2016
Cameroon.....	1 Oct 2008		France .....	30 Mar 2007	18 Feb 2010

<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>	
Gabon.....	30 Mar 2007	1 Oct	2007	Maldives .....	2 Oct 2007	5 Apr	2010
Gambia.....		6 Jul	2015 a	Mali.....	15 May 2007	7 Apr	2008
Georgia .....	10 Jul 2009	13 Mar	2014	Malta.....	30 Mar 2007	10 Oct	2012
Germany .....	30 Mar 2007	24 Feb	2009	Marshall Islands.....		17 Mar	2015 a
Ghana.....	30 Mar 2007	31 Jul	2012	Mauritania.....		3 Apr	2012 a
Greece.....	30 Mar 2007	31 May	2012	Mauritius.....	25 Sep 2007	8 Jan	2010
Grenada.....	12 Jul 2010	27 Aug	2014	Mexico .....	30 Mar 2007	17 Dec	2007
Guatemala <sup>3</sup> .....	30 Mar 2007	7 Apr	2009	Micronesia (Federated States of) .....	23 Sep 2011	7 Dec	2016
Guinea.....	16 May 2007	8 Feb	2008	Monaco .....	23 Sep 2009		
Guinea-Bissau.....	24 Sep 2013	24 Sep	2014	Mongolia.....		13 May	2009 a
Guyana.....	11 Apr 2007	10 Sep	2014	Montenegro.....	27 Sep 2007	2 Nov	2009
Haiti .....		23 Jul	2009 a	Morocco.....	30 Mar 2007	8 Apr	2009
Honduras.....	30 Mar 2007	14 Apr	2008	Mozambique .....	30 Mar 2007	30 Jan	2012
Hungary .....	30 Mar 2007	20 Jul	2007	Myanmar.....		7 Dec	2011 a
Iceland .....	30 Mar 2007	23 Sep	2016	Namibia .....	25 Apr 2007	4 Dec	2007
India.....	30 Mar 2007	1 Oct	2007	Nauru .....		27 Jun	2012 a
Indonesia.....	30 Mar 2007	30 Nov	2011	Nepal.....	3 Jan 2008	7 May	2010
Iran (Islamic Republic of).....		23 Oct	2009 a	Netherlands <sup>4</sup> .....	30 Mar 2007	14 Jun	2016
Iraq.....		20 Mar	2013 a	New Zealand <sup>5</sup> .....	30 Mar 2007	25 Sep	2008
Ireland.....	30 Mar 2007			Nicaragua.....	30 Mar 2007	7 Dec	2007
Israel .....	30 Mar 2007	28 Sep	2012	Niger .....	30 Mar 2007	24 Jun	2008
Italy .....	30 Mar 2007	15 May	2009	Nigeria .....	30 Mar 2007	24 Sep	2010
Jamaica .....	30 Mar 2007	30 Mar	2007	Norway .....	30 Mar 2007	3 Jun	2013
Japan .....	28 Sep 2007	20 Jan	2014	Oman .....	17 Mar 2008	6 Jan	2009
Jordan.....	30 Mar 2007	31 Mar	2008	Pakistan.....	25 Sep 2008	5 Jul	2011
Kazakhstan.....	11 Dec 2008	21 Apr	2015	Palau .....	20 Sep 2011	11 Jun	2013
Kenya.....	30 Mar 2007	19 May	2008	Panama.....	30 Mar 2007	7 Aug	2007
Kiribati.....		27 Sep	2013 a	Papua New Guinea .....	2 Jun 2011	26 Sep	2013
Kuwait .....		22 Aug	2013 a	Paraguay .....	30 Mar 2007	3 Sep	2008
Kyrgyzstan.....	21 Sep 2011			Peru.....	30 Mar 2007	30 Jan	2008
Lao People's Democratic Republic .....	15 Jan 2008	25 Sep	2009	Philippines .....	25 Sep 2007	15 Apr	2008
Latvia.....	18 Jul 2008	1 Mar	2010	Poland .....	30 Mar 2007	25 Sep	2012
Lebanon .....	14 Jun 2007			Portugal.....	30 Mar 2007	23 Sep	2009
Lesotho .....		2 Dec	2008 a	Qatar .....	9 Jul 2007	13 May	2008
Liberia.....	30 Mar 2007	26 Jul	2012	Republic of Korea.....	30 Mar 2007	11 Dec	2008
Libya.....	1 May 2008			Republic of Moldova.....	30 Mar 2007	21 Sep	2010
Lithuania.....	30 Mar 2007	18 Aug	2010	Romania.....	26 Sep 2007	31 Jan	2011
Luxembourg.....	30 Mar 2007	26 Sep	2011	Russian Federation .....	24 Sep 2008	25 Sep	2012
Madagascar.....	25 Sep 2007	12 Jun	2015	Rwanda .....		15 Dec	2008 a
Malawi.....	27 Sep 2007	27 Aug	2009	Samoa .....	24 Sep 2014	2 Dec	2016
Malaysia.....	8 Apr 2008	19 Jul	2010	San Marino .....	30 Mar 2007	22 Feb	2008
				Sao Tome and Principe..		5 Nov	2015 a
				Saudi Arabia .....		24 Jun	2008 a

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Senegal.....	25 Apr 2007	7 Sep	2010	Togo.....	23 Sep 2008	1 Mar	2011
Serbia.....	17 Dec 2007	31 Jul	2009	Tonga.....	15 Nov 2007		
Seychelles.....	30 Mar 2007	2 Oct	2009	Trinidad and Tobago.....	27 Sep 2007	25 Jun	2015
Sierra Leone.....	30 Mar 2007	4 Oct	2010	Tunisia.....	30 Mar 2007	2 Apr	2008
Singapore.....	30 Nov 2012	18 Jul	2013	Turkey.....	30 Mar 2007	28 Sep	2009
Slovakia.....	26 Sep 2007	26 May	2010	Turkmenistan.....		4 Sep	2008 a
Slovenia.....	30 Mar 2007	24 Apr	2008	Tuvalu.....		18 Dec	2013 a
Solomon Islands.....	23 Sep 2008			Uganda.....	30 Mar 2007	25 Sep	2008
South Africa.....	30 Mar 2007	30 Nov	2007	Ukraine.....	24 Sep 2008	4 Feb	2010
Spain.....	30 Mar 2007	3 Dec	2007	United Arab Emirates.....	8 Feb 2008	19 Mar	2010
Sri Lanka.....	30 Mar 2007	8 Feb	2016	United Kingdom of Great Britain and Northern Ireland.....	30 Mar 2007	8 Jun	2009
St. Lucia.....	22 Sep 2011			United Republic of Tanzania.....	30 Mar 2007	10 Nov	2009
St. Vincent and the Grenadines.....		29 Oct	2010 a	United States of America.....	30 Jul 2009		
State of Palestine.....		2 Apr	2014 a	Uruguay.....	3 Apr 2007	11 Feb	2009
Sudan.....	30 Mar 2007	24 Apr	2009	Uzbekistan.....	27 Feb 2009		
Suriname.....	30 Mar 2007			Vanuatu.....	17 May 2007	23 Oct	2008
Swaziland.....	25 Sep 2007	24 Sep	2012	Venezuela (Bolivarian Republic of).....		24 Sep	2013 a
Sweden.....	30 Mar 2007	15 Dec	2008	Viet Nam.....	22 Oct 2007	5 Feb	2015
Switzerland.....		15 Apr	2014 a	Yemen.....	30 Mar 2007	26 Mar	2009
Syrian Arab Republic.....	30 Mar 2007	10 Jul	2009	Zambia.....	9 May 2008	1 Feb	2010
Thailand.....	30 Mar 2007	29 Jul	2008	Zimbabwe.....		23 Sep	2013 a
The former Yugoslav Republic of Macedonia.....	30 Mar 2007	29 Dec	2011				

***Declarations and Reservations***  
***(Unless otherwise indicated, the declarations and reservations were made upon ratification, formal confirmation or accession.)***

**AUSTRALIA**

“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.”

**AZERBAIJAN**

“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.”

**BELGIUM**

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

## **BRUNEI DARUSSALAM**

“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**

“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.”

## **CYPRUS**

“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.”

## **EGYPT**

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<sup>6,7</sup>**

## **ESTONIA**

“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.”

## **EUROPEAN UNION**

“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 (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)).

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. 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.

#### Appendix

#### COMMUNITY ACTS WHICH REFER TO MATTERS GOVERNED BY THE CONVENTION

The Community acts listed below illustrate the extent of the area of competence of the Community in accordance with the Treaty establishing the European Community. In particular the European Community has exclusive competence in relation to some matters and in some other matters competence is shared between the Community and the Member States. The extent of the 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 that are affected by the provisions of the Convention.

##### – regarding accessibility

Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity (OJ L 91, 7.4.1999, p. 10).

Directive 2001/85/EC of the European Parliament and the Council of 20 November 2001 relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat, amending Directives 70/156/EEC and 97/27/EC (OJ L 42, 13.2.2002, p. 1).

Directive 96/48/EC on the interoperability of the trans-European high-speed rail system (OJ L 235, 17.09.1996, p. 6-24) as amended by Directive 2004/50/EC of the European Parliament and of the Council of 29 April 2004 (OJ L 164, 30.4.2004, p. 114).

Directive 2001/16/EC of the European Parliament and of the Council on the interoperability of the trans-European conventional rail system (OJ L 110, 20.04.2001, p. 1-27) -as amended by Directive

2004/50/EC of the European Parliament and of the Council of 29 April 2004 (OJ L 164, 30.4.2004, p. 114 ).

Directive 2006/87/EC of the European Parliament and of the Council of 12 December 2006 laying down technical requirements for inland waterway vessels and repealing Council Directive 82/714/EEC (OJ L 389, 30.12.2006, p. 1).

Directive 2003/24/EC of the European Parliament and of the Council of 14 April 2003 amending Council Directive 98/18/EC on safety rules and standards for passenger ships (OJ L 123, 17.5.2003, p. 18).

Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (Text with EEA relevance) (OJ L 263, 9.10.2007, p. 1).

Commission Decision 2008/164/EC of 21 December 2007 concerning the technical specification of interoperability relating to 'persons with reduced mobility' in the trans-European conventional and high-speed rail system (OJ L 64, 7.3.2008, p. 72).

Directive 95/16/EC of the European Parliament and of the Council of 29 June 1995 on the approximation of the laws of the Member States relating to lifts (OJ L 213, 7.9.1995, p. 1), as amended by Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (recast) (OJ L 157, 9.6.2006, p. 24).

Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) (OJ L 108, 24.4.2002, p. 33).

Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) (OJ L 108, 24.4.2002, p. 51).

Directive 97/67/EC of the European Parliament and of the Council of 15 December on common rules for the development of the internal market of Community postal services and the improvement of quality of services (OJ L 15, 21.1.1998, p. 14) as amended by Directive 2002/39/EC of the European Parliament and of the Council of 10 June 2002 amending Directive 97/67/EC with regard to the further opening to competition of Community postal services. (OJ L 176, 5.7.2002, p. 21) and as amended by Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008 amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services (OJ L 52, 27.2.2008, p. 3).

Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 (OJ L 210, 31.7.2006, p. 25).

Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (OJ L 134, 30.04.2004, p. 1).

Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 (on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (OJ L 134, 30.4.2004, p. 114).

Council Directive 92/13/EEC of 25 February 1992 coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors (OJ L 076, 23/03/1992, p. 14 ) as amended by Directive 2007/66/EC of the European Parliament and of the

Council of 11 December 2007 amending Council Directives 89/665/EEC and 92/13/EEC with regard to improving the effectiveness of review procedures concerning the award of public contracts (OJ L 335, 20.12.2007, p.31).

Council Directive 89/665/EEC of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts (OJ L 395, 30.12.1989, p. 33) as amended by Directive 2007/66/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directives 89/665/EEC and 92/13/EEC with regard to improving the effectiveness of review procedures concerning the award of public contracts (OJ L 335, 20.12.2007, p. 31).

- in the field of independent living and social inclusion, work and employment

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 02.12.2000, p. 16).

Commission Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty (General Block Exemption Regulation) (OJ L 214, 9.8.2008, p. 3).

Commission Regulation (EEC) No 2289/83 of 29 July 1983 - laying down provisions for the implementation of Articles 70 to 78 of Council Regulation (EEC) No 918/83 establishing a Community system of duty-free arrangements (OJ L 220, 11.8.1983, p. 15).

Council Directive 83/181/EEC of 28 March 1983 determining the scope of Article 14 (1) (d) of Directive 77/388/EEC as regards exemption from value added tax on the final importation of certain goods (OJ L 105, 23.4.1983, p. 38).

Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) (OJ L 204, 26.7.2006 p. 23).

Council Regulation (EEC) No 918/83 of 28 March 1983 setting up a Community system of reliefs from customs duty (OJ L 105, 23.4.1983, p. 1).

Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1), as amended by Council Directive 2009/47/EC of 5 May 2009 amending Directive 2006/112/EC as regards reduced rates of value added tax (OJ L 116, 9.5.2009, p. 18).

Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ L 277, 21.10.2005, p. 1).

Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity (Text with EEA relevance) (OJ L 283, 31.10.2003, p. 51).

- in the field of personal mobility

Council Directive 91/439/EEC of 29 July 1991 on driving licences (OJ L 237, 24.8.1991, p. 1).

Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (Recast) (Text with EEA relevance) (OJ L 403, 30.12.2006, p. 18).

Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain roadvehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (OJ L 226, 10.9.2003, p. 4).

Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and

assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (Text with EEA relevance) – (OJ L 46, 17.2.2004, p. 1).

Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, Text with EEA relevance. (OJ L 204, 26.7.2006 p. 1).

Regulation (EC) No 1899/2006 of the European Parliament and of the Council of 12 December 2006 amending Council Regulation (EEC) No 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation (Text with EEA relevance) (OJ L 377, 27.12.2006, p. 1).

Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (OJ L 315, 3.12.2007, p. 14).

Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70 (OJ L 315, 3.12.2007, p. 1).

Commission Regulation (EC) No 8/2008 of 11 December 2007 amending Council Regulation (EEC) No 3922/91 as regards common technical requirements and administrative procedures applicable to commercial transportation by aeroplane (Text with EEA relevance ) (OJ L 10, 12.1.2008, p. 1).

- regarding access to information

Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medical products for human use, as amended by Directive 2004/27/EC of the European Parliament and of the Council of 31 March 2004 (OJ L 136, 30.4.2004, p. 34).

Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (Text with EEA relevance) (OJ L 332, 18.12.2007, p. 27).

Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce) (OJ L 178, 17.7.2000, p. 1).

Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L 167, 22.06.2001 p. 10).

Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (OJ L 149, 11.6.2005, p. 22).

- regarding statistics and data collection

Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and the free movement of such data (OJ L 281, 23.11.1995, p. 31).

Council Regulation (EC) 577/98 of 9 March on the organisation of the Labour Force Sample Survey in the Community (OJ L 77, 14.3.1998, p. 1) with related implementing Regulations

Regulation (EC) No 1177/2003 of the European Parliament and of the Council of 16 June 2003 concerning Community statistics on income and living conditions

(EU-SILC): text with EEA relevance (OJ L 165, 3.7.2003, p. 1) with related implementing regulations. Regulation (EC) No 458/2007 of the European Parliament and of the Council of 25 April 2007 on the European system of integrated social protection statistics (ESSPROS) (Text with EEA relevance) (OJ L 113, 30.4.2007, p. 3) with related implementing regulations.

Regulation (EC) No 1338/2008 of the European Parliament and of the Council of 16 December 2008 on Community statistics on public health and health and safety at work (OJ L 354, 31.12.2008, p. 70).

– in the field of international cooperation

Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation (OJ L 378, 27.12.2006, p. 41).

Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide. (OJ L 386, 29.12.2006, p. 1).

Commission Regulation (EC) No 718/2007 of 12 June 2007 implementing Council Regulation (EC) No 185/2006 establishing an Instrument for Pre-accession Assistance (IPA)

(OJ L 170, 29.6.2007, p. 1)."

"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."

#### FRANCE

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.

#### GEORGIA

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.

#### GREECE

"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."

#### IRAN (ISLAMIC REPUBLIC OF)<sup>8</sup>

"... 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."

#### ISRAEL

"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."

#### JAPAN

"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."

#### KUWAIT

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.

#### LITHUANIA

"... 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."

#### MALAYSIA

"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."

#### **MALTA**

"[...] 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."

"(a) 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.

(b) 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):

At this stage, 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**

"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."

"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."

#### **MEXICO<sup>9</sup>**

#### **MONACO**

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.

#### **NETHERLANDS<sup>10</sup>**

##### **"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."

### NORWAY

#### "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."

### POLAND

"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."

"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."

### REPUBLIC OF KOREA

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

### SINGAPORE

"1. 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.”

#### **SLOVAKIA**

“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.”

#### **SYRIAN ARAB REPUBLIC**

##### *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<sup>11</sup>**

#### **UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND<sup>12</sup>**

“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.

“Education – Convention Article 24 Clause 2 (a) and 2 (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.”

#### **VENEZUELA (BOLIVARIAN REPUBLIC OF)**

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.

### ***Objections***

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

#### **ARMENIA**

“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 self-determined 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.”

#### **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 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.”

“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.”

#### **BELGIUM**

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 fulfil 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.

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 bases 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.

#### **CZECH REPUBLIC**

“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.”

“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.”

“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."

"The Government of the Czech Republic has examined the contents of the reservation made by the Government of Brunei Darussalam on 18 April 2016 upon ratification of the United Nations Convention on the Rights of Persons with Disabilities, according to which 'Brunei Darussalam would not consider itself bound by any provisions of the Convention contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam'.

The Government of the Czech Republic is of the view that the reservation to any provision of the Convention contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam has a general and indeterminate scope, since it does not sufficiently specify to what extent Brunei Darussalam considers itself bound by the provisions of the Convention. Furthermore, the Czech Republic considers it unacceptable under the customary international law, as codified in Article 27 of the Vienna Convention on the Law of Treaties, to support a reservation to a treaty by references to domestic law. Thus, this general reservation referring to domestic and religious laws without specifying its contents also raises concern regarding the extent to which Brunei Darussalam is committed to the object and purpose of the Convention.

The Government of the Czech Republic wishes to recall that, according to article 46 paragraph 1 of the Convention, as well as according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted and that such a reservation is null and void and therefore devoid of any legal effect.

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

#### FRANCE

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.

#### GERMANY

"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."

"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."

#### HUNGARY

"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."

#### LATVIA

"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."

#### MEXICO

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.

#### NETHERLANDS

"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 200[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."

"The Government of the Kingdom of the Netherlands has carefully 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 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.

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.

The Government of the Kingdom of the Netherlands therefore objects to the reservation made by the Islamic Republic of Iran to 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 the Netherlands and the Islamic Republic of Iran.

The Government of the Kingdom of the Netherlands recalls that according to article [46], paragraph [2] 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 these reservations."

"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.

The Government of the Kingdom of the Netherlands

therefore objects to the reservations made by Malaysia to 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 the Netherlands and Malaysia.

The Government of the Kingdom of the Netherlands recalls 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 these reservations.”

#### PORTUGAL

“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.”

“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.”

“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.”

“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.”

#### ROMANIA

“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."

#### SLOVAKIA

"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."

"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."

#### SPAIN

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.

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.

#### SWEDEN

"... 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.”

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.”

“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.”

“The Government of Sweden has examined the contents of the reservation made by Brunei Darussalam in relation to the Convention on the Rights of Persons with Disabilities. Brunei Darussalam expresses that ‘[t]he 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’.

As regards the reservation made by Brunei Darussalam, Sweden would like to state the following.

Reservations by which a State Party limits its responsibilities under the Convention by invoking general references to national or religious law may cast doubts on the commitments of the reserving state to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law.

It is in the common interest of states that treaties to which they have chosen to become parties also are respected, as to object and purpose, by all parties. The Government of Sweden therefore objects to the aforementioned reservation.

This objection shall not preclude the entry into force of the Convention between Sweden and Brunei Darussalam, without Brunei Darussalam benefitting from its aforementioned reservation.”

#### SWITZERLAND

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.

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.

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.

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#### *Notes:*

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

<sup>2</sup> On 1 August 2008, the Secretary-General received from the Government of China the following declarations in respect of Hong Kong Special Administrative Region and Macao Special Administrative Region:

In accordance with the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and the Basic Law of the Macao Special Administrative Region of the People's Republic of China, the Government of the People's Republic of China decides that the Convention shall apply to the Hong Kong Special Administrative Region and the Macao Special Administrative Region of the People's Republic of China.

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.

<sup>3</sup> On 7 April 2009, upon its ratification to the Convention, the Government of Guatemala notified the Secretary-General, in accordance with article 33 of the Convention, that he has designated 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 the Convention.

<sup>4</sup> For the European Part of the Netherlands.

<sup>5</sup> On 25 September 2008, the Secretary-General received from the Government of New Zealand the following declaration:

".....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....."

<sup>6</sup> 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.”

<sup>7</sup> 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.

<sup>8</sup> On 4 November 2010, the Secretary-General received the following communication from the Government of Slovakia regarding the declaration made by the Islamic Republic of Iran upon accession:

“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.”

<sup>9</sup> On 3 January 2012, the Government of the United Mexican States informed the Secretary-General that it had decided to withdraw the interpretative declaration made upon ratification. The text of the interpretative declaration reads as follows:

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*.

<sup>10</sup> Refer to CN.474.2007.TREATIES-85 of 18 April 2007 for the declaration upon signature by the Netherlands.

<sup>11</sup> On 5 February 2015, the Government of the Kingdom of Thailand informed the Secretary-General that it had decided to withdraw the following interpretative declaration made upon ratification:

“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.”

<sup>12</sup> On 21 December 2011, the Government of the United Kingdom of Great Britain and Northern Ireland informed the Secretary-General that it had decided to withdraw the reservation under article 12.4 made upon ratification. The text of the declaration reads as follows:

“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.”

