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).


Note: The above Convention was adopted on 13 December 2006 during the sixty-first session of the General Assembly by resolution A/RES/61/106. 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.

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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.

BRAZIL

“The Government of Brazil 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.”

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. In accordance with 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 respecting 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 Salvador8

“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 Kingdom 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 provisions of the Convention, the European Community has an exclusive competence to accept such obligations with respect to its own public administration.

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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 Regulation (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)). 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 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 appearing 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 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


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in the field of personal mobility


– regarding access to information


– regarding statistics and data collection
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).


"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."
(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.

LIBYA

“… the State of Libya, having reviewed the above-mentioned Convention, ratifies the Convention and interprets article 25 (a) thereof, concerning the provision of health-care services without discrimination on the basis of disability, in a manner that does not contravene the Islamic sharia and national legislation…”

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

“(a) Pursuant to Article 25 of the Convention, 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 (ii) 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 election, 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.

“[…] 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 constitue 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 (ii) 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 election, Malta makes the following reservations:

With regard to (a) (i):

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

With regard to (a) (iii):

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

MAURITIUS


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.”

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

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

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 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.

The Government of His Serene Highness the Prince of Monaco, taking into account the specific geographical and demographic features of the Principality of Monaco, which only has a limited number of persons with disabilities having identified needs, implements individual measures benefitting each person with disabilities in order to allow that person to seek, receive and impart information in an accessible and suitable format depending on the administrative procedures being undertaken and with personalized support. These measures constitute the “appropriate measures” referred to in article 21 of the Convention.

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 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

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 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.

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 recognises 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 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."

"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 121 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."

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 relating to the measures provided in Article 26 at the earliest possible stage due to the non-existence of the production of mobility devices and/or limited access to the materials and equipment needed to produce mobility devices..."

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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

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

“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 (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


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 made by the Islamic Republic of Iran”.

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

“The Government of Austria has examined the reservation made by Brunei Darussalam upon ratification of the Convention on the Rights of Persons with Disabilities.

Austria considers that by referring to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam Brunei Darussalam has made a reservation of a 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.

Austria therefore considers the reservation to be 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 the Republic of Austria and Brunei Darussalam.”

“Belgium has examined the declaration made by the State of Libya upon ratification of the Convention on the Rights of Persons with Disabilities.

Belgium considers that by referring to its national legislation and to the Islamic sharia, Libya has made a declaration of a general and indeterminate scope which amounts to a reservation. 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.

Belgium therefore considers the reservation to be 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 the Republic of Belgium and the State of Libya. The Convention will thus become operative between the two states without Libya benefitting from the aforementioned reservation.”

**BELGIUM**

Belgium has carefully examined the reservation made by Malaysia upon accession to the Convention on the Rights of Persons with Disabilities. The vagueness and general nature of the reservation made by the Islamic Republic of Iran, which does not feel itself bound by any of the provisions of the Convention that are deemed potentially incompatible with Iranian laws, leaves open the extent of the commitment of the Islamic Republic of Iran to the Convention and therefore raises serious doubts about its commitment to fulfill its obligations under the Convention. Reservations of such unspecified nature may contribute to undermining the bases of international human rights treaties. This reservation should therefore be considered as being incompatible with the object and purpose of the Convention. Belgium recalls that under article 19 (c) of the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty is not permitted. This objection shall not preclude the entry into force of the Convention between the Islamic Republic of Iran and Belgium.

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 prohibition—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.

The Kingdom of Belgium has carefully examined the reservation made by the Sultanate of Brunei Darussalam upon ratification on 11 April 2016 of the Convention on the Rights of Persons with Disabilities.

The Kingdom of Belgium considers that this reservation regarding the Convention on the Rights of Persons with Disabilities is as a whole incompatible with the object and purpose of the said Convention.

This reservation effectively subordinates the application of all the provisions of the Convention to their compatibility with the Constitution of Brunei Darussalam, and to the beliefs and principles of Islam. The Kingdom of Belgium considers that such a reservation seeks to limit the responsibilities of the Sultanate of Brunei Darussalam under the Convention through a general reference to national law and Islam without specifying its contents.

This results in uncertainty about the extent of the commitment of the Sultanate of Brunei Darussalam to the Convention.

Belgium recalls that, under article 46, paragraph 1 of the Convention on the Rights of Persons with Disabilities, reservations incompatible with the object and purpose of the Convention are not permitted. Consequently, Belgium objects to the reservation formulated by the Sultanate of Brunei Darussalam concerning all the provisions of the Convention on the Rights of Persons with Disabilities.

Belgium specifies that this objection does not constitute an impediment to the entry into force of the Convention between the Kingdom of Belgium and the Sultanate of Brunei Darussalam.

The Kingdom of Belgium has carefully examined the reservation made by the State of Libya on the occasion of the ratification, on 13 February 2018, of the Convention on the Rights of Persons with Disabilities.

The Kingdom of Belgium considers that the reservation to article 25 (a) of the Convention is incompatible with the object and purpose of the said Convention. This reservation has the effect of subjecting the application of this provision of the Convention to its compatibility with Islamic Sharia law and the laws of the State of Libya. The Kingdom of Belgium considers that this reservation tends to limit the liability of the State of Libya under the Convention through a general reference to national laws and Islamic Sharia.

As a result, it is uncertain as to which extent the State of Libya commits to the object and purpose of this provision.
The Kingdom of Belgium recalls that, under the first paragraph of article 46 of the Convention on the Rights of Persons with Disabilities, no reservation incompatible with the object and purpose of the Convention concerned is permitted. Accordingly, the Kingdom of Belgium objects to the reservation made by the State of Libya in respect of article 25 (a) of the Convention on the Rights of Persons with Disabilities.

Belgium specifies that this objection does not preclude the entry into force of the said Convention between the Kingdom of Belgium and the State of Libya.

**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 is alone determining 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 object and purpose 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.”

“The Government of the Czech Republic has examined the declaration made by the State of Libya with regard to article 25 (a) of the Convention on the Rights of Persons with Disabilities.

The Government of the Czech Republic is of the view that the declaration made by the State of Libya is of general and vague nature and, therefore, its character and scope cannot be properly assessed. The declaration leaves open the question whether the State of Libya purports to...
exclude or modify the legal effect of article 25 (a) of the Convention in its application to the State of Libya, and, if so, to what extent the State of Libya commits itself to the obligations under this article and the Convention as a whole.

Therefore, the Government of the Czech Republic recalls that reservations may not be general or vague, since such reservations, without indicating in precise terms their scope, make it impossible to assess whether or not they are compatible with the object and purpose of the treaty.

EUROPEAN UNION

“The European Union has carefully examined the aforementioned declaration made by Libya.

The European Union is of the opinion that, by excluding the application of those provisions of article 25 (a) of the Convention which may be incompatible with national rules and beliefs and principles of Islam, Libya in fact has made a reservation which raises doubts as to the extent of Libya’s commitment to fulfil its obligations under the Convention.

The European Union 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 European Union and Libya.”

FINLAND

“The Government of Finland is pleased to learn that the State of Libya has become party to the Convention on the Rights of Persons with Disabilities. However, the Government of Finland has carefully examined the declaration made by the State of Libya upon ratification, and is of the view that it raises certain concerns. In fact, the declaration amounts to a reservation that purports to subject the application of one of the Convention’s provisions to Islamic sharia and national legislation.

Reservation of such an indeterminate and general scope as that made by Libya is incompatible with the object and purpose of the Convention and as such one that is not permitted. This reservation does not clearly define for the other States Parties the extent to which Libya has accepted the obligations of the Convention. Therefore Finland objects to it.

This objection shall not preclude the continued validity of the Convention between the Republic of Finland and the State of Libya. The Convention will thus continue to operate between the two states without Libya benefitting from the aforementioned 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 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 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.”

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

The Government of 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 Brunei Darussalam’s Constitution and beliefs and principles of Islam, Brunei Darussalam has in fact made a reservation that raises doubts as to the extent of its commitment to fulfil its 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 (1) of the Convention.

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

The European Union has carefully examined the reservation made by Libya upon its ratification of 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 article 25 (a) of the Convention which may be incompatible with national rules and beliefs and principles of Islam, Libya in fact has made a reservation which raises doubts as to the extent of the Libya’s commitment to fulfil its obligations under the Convention.

The Federal Republic of Germany objects 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 Libya.

**HUNGARY**


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 Hungary and Malaysia.”


The Government of Hungary considers that by referring to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam Brunei Darussalam has made a reservation of a general and indeterminate scope which leaves it unclear to what extent it feels bound by the obligations of the Convention.

Therefore, the Government of Hungary considers the reservation to be incompatible with the object and purpose of the Convention.

The Government of Hungary recalls that according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted.

The Government of Hungary therefore objects to the aforesaid Reservation made by the Government of Brunei Darussalam to the Convention on the Rights of Persons with Disabilities. However, this objection shall not preclude the entry into force of the Convention between Hungary and Brunei Darussalam.”


Hungary is of the view that by declaring to interpret Article 25 (a) in a manner that does not contravene the Islamic sharia and national legislation, Libya has in fact made a declaration of a general and indeterminate scope that amounts to a reservation.

This reservation raises doubts as to the extent of Libya’s commitment to meet its obligations under the Convention and contravenes the very purpose of the Convention, that is 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.

Hungary considers the aforementioned reservation inadmissible as it is 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 Hungary and Libya. The Convention will thus continue to be operative between the two States without Libya benefitting from its reservation.”

**IRELAND**

“Ireland has examined the declaration made by the Islamic Republic of Iran to the Convention on the Rights of Persons with Disabilities at the time of its accession on 23 October 2009.

Ireland is of the view that the declaration of the Islamic Republic of Iran in substance constitutes a reservation limiting the scope of the Convention.

Ireland notes that the Islamic Republic of Iran subjects application of the Convention on the Rights of Persons with Disabilities to its applicable rules. Ireland is of the view that a reservation which consists of a general reference to the applicable domestic law of the reserving State and which does not clearly specify the provisions of the Convention to which it applies and the extent of the derogation therefrom, may cast doubts on the commitment of the reserving State to fulfil its obligations under the Convention. Ireland is furthermore of the view that such a general reservation may undermine the basis of international treaty law and is incompatible with the object and purpose of the Convention. Ireland 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.

Ireland therefore objects to the aforesaid 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 Ireland and Islamic Republic of Iran.”

“Ireland has examined the reservation made by Malaysia to the Convention on the Rights of Persons with Disabilities at the time of its ratification on 19 July 2010.

Ireland recalls that by ratifying the Convention, a State undertakes to ensure and promote the full realisation of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability.

Ireland notes that the reservation in respect of Articles 15 and 18 of the Convention aims to exclude two core provisions of the Convention. Ireland considers that the obligations contained in Articles 15 and 18 are so central to the aims of the Convention as to render the aforesaid reservation contrary to its object and purpose. Ireland recalls that, in accordance with Article 46, paragraph 1 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

Ireland has also examined the declaration made by Malaysia to the Convention at the time of its ratification.

Ireland is of the view that the declaration in substance constitutes a reservation limiting the scope of the Convention.

Ireland notes that Malaysia subjects application of the Convention on the Rights of Persons with Disabilities to the Federal Constitution of Malaysia. Ireland is of the
view that a reservation which consists of a general reference to the Constitution of the reserving State and which does not clearly specify the extent of the derogation from the Convention may cast doubts on the commitment of the reserving State to fulfil its obligations under the Convention. Ireland is furthermore of the view that such a general reservation may undermine the basis of international treaty law and is incompatible with the object and purpose of the Convention. Ireland recalls that, in accordance with Article 46, paragraph 1 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

Ireland therefore objects to the aforesaid 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 Ireland and Malaysia.”

“Ireland has examined the reservation made by Brunei Darussalam to the Convention on the Rights of Persons with Disabilities at the time of its ratification on 11 April 2016.

Ireland notes that Brunei Darussalam subjects application of the Convention on the Rights of Persons with Disabilities to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam. Ireland is of the view that a reservation which consists of a general reference to the Constitution of the reserving State and to religious law and which does not clearly specify the provisions of the Convention to which it applies and the extent of the derogation therefrom, may cast doubts on the commitment of the reserving State to fulfil its obligations under the Convention. Ireland is furthermore of the view that such a general reservation may undermine the basis of international treaty law and is incompatible with the object and purpose of the Convention. Ireland 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.

Ireland therefore objects to the aforesaid reservation made by Brunei Darussalam to the Convention on the Rights of Persons with Disabilities.

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


Ireland has examined the declaration made by Libya to the Convention on the Rights of Persons with Disabilities at the time of its ratification.

Ireland is of the view that the declaration of Libya, purporting to interpret Article 25 (a) of the Convention in a manner that does not contravene the Islamic Sharia and its national legislation, in substance constitutes a reservation limiting the scope of the Convention.

Ireland considers that this reservation which purports to subject the reserving State’s obligations under the Convention to religious law and to national law without specifying the content thereof and which does not clearly specify the extent of the derogation from the provision of the Convention may cast doubt on the commitment of the reserving State to fulfil its obligations under the Convention. Ireland is furthermore of the view that such a reservation may undermine the basis of international treaty law and is incompatible with the object and purpose of the Convention. Ireland recalls that, in accordance with Article 46, paragraph 1 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

Ireland therefore objects to the aforesaid reservation made by Libya to Article 25 (a) of the Convention on the Rights of Persons with Disabilities.

This objection shall not preclude the entry into force of the Convention between Ireland and Libya.”

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 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.”

“The Government of the Republic of Latvia has carefully examined the declaration made by Libya upon ratification of the Convention on the Rights of Persons with Disabilities.

In the view of the Government of the Republic of Latvia, declaration made by Libya according to which Article 25 (a) of the Convention will be interpreted in a manner that does not contravene the Islamic sharia and national legislation, amounts to a reservation.

Moreover, a reservation which subordinates any provision of the Convention in general to the Islamic sharia and national legislation constitutes a reservation of general scope, which is likely to cast doubt on the full commitment of Libya to the object and purpose of the Convention.

The reservation made by Libya seeks to limit the scope of the Convention on a unilateral basis thus the reservation is incompatible with the object and purpose of the Convention and therefore inadmissible under Article 19(c) of the Vienna Convention on the Law of Treaties. Therefore, the Government of the Republic of Latvia objects to this reservation.

However, this objection shall not preclude the entry into force of the Convention between the Republic of Latvia and Libya. The Convention will thus become operative between the two States without Libya benefitting from its declaration.”

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 the object and purpose 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.

Having analysed the declarations made by the Republic of Suriname upon ratification of the Convention on the Rights of Persons with Disabilities, the Government of the United Mexican States has concluded that such declarations in fact constitute reservations.

Consequently, the declarations, the object of which is to exclude the legal effects of article 20, paragraph (a); article 24, paragraph 2 (b); and article 26, are contrary to the object and purpose of the Convention, specifically:

- Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;
- Promoting access to an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live; and
- Promoting, developing and implementing effective and relevant measures to provide comprehensive habilitation and rehabilitation services and programmes for persons with disabilities.

The above-mentioned reservations are therefore contrary to article 46, paragraph 1, of the Convention, as well as to article 19 of the Vienna Convention on the Law of Treaties.

The present objection shall not preclude the entry into force of the Convention between the Republic of Suriname and the United Mexican States. Accordingly, the Convention shall enter into force between the two States without the Republic of Suriname benefiting from the above-mentioned reservation.

The Government of the Kingdom of the Netherlands has carefully examined the declaration made by the State of Libya upon ratification of the Convention on the Rights of Persons with Disabilities regarding article 25 (a), the Government of the United States of Mexico has concluded that the said declaration constitutes, in fact, a reservation.

This reservation subjects the application of the above article to Islamic law and to national legislation, which is contrary to the object and purpose of the Convention and violates article 46 (1) of the said international instrument as well as article 19 of the Vienna Convention on the Law of Treaties.

This objection shall not preclude the entry into force of the Convention between the State of Libya and the United States of Mexico. Consequently, the Convention shall enter into force between the two States without the State of Libya benefiting from the said reservation.

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 2006[5].

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 ‘... would recall that, according 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 declarations 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 ‘*
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.”

“The Government of the Kingdom of the Netherlands has carefully examined the reservation made by Brunei Darussalam upon ratification of the Convention on the Rights of Persons with Disabilities.

The Government of the Kingdom of the Netherlands notes that Brunei expressed ‘its reservation regarding those provisions of the 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’.

The Government of the Kingdom of the Netherlands considers that such a reservation, which seeks to limit the responsibilities of the reserving State under the Convention by invoking provisions of its domestic law and/or religious beliefs and principles, is likely to deprive the provisions of the Convention of their effect and therefore must be regarded as incompatible with the object and purpose of the Convention.

The Government of the Kingdom of the Netherlands recalls that according to customary international 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.

The Government of the Kingdom of the Netherlands therefore objects to the reservation of Brunei Darussalam to the Convention.

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

With regard to the reservation made by Libya upon ratification:

“The Government of the Kingdom of the Netherlands has carefully examined the declaration made by the State of Libya upon ratification of the Convention on the Rights of Persons with Disabilities on February 13, 2018.

The Government of the Kingdom of the Netherlands considers that the declaration made by the State of Libya in substance constitutes a reservation limiting the scope of article 25 paragraph a of the Convention by interpreting that provision ‘in a manner that does not contravene the Islamic sharia and national legislation’.

The Government of the Kingdom of the Netherlands considers that such a reservation, which seeks to limit the responsibilities of the reserving State under the Convention by invoking provisions of its domestic law and/or religious beliefs and principles, is likely to deprive the provision of the Convention of its effect. Therefore, the reservation must be regarded as incompatible with the object and purpose of the Convention.

The Government of the Kingdom of the Netherlands recalls that in accordance with article 46 of the Convention, reservations 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 of the State of Libya to the Convention.

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

**NORWAY**

“The Government of Norway has examined the contents of the reservation made by Brunei Darussalam on 18 April 2016 in relation to the Convention on the Rights of Persons with Disabilities of 13 December 2006 in which “[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’.

By declaring itself not bound by an essential provision of the Convention and invoking general reference to the national Constitution and religious law without further description of its content, Brunei Darussalam exempts the other States Parties to the Convention from the possibility of assessing the full effects of the reservation. The Government of Norway therefore objects to the reservation.

The reservation casts doubts as to the full commitment of the Government of Brunei Darussalam to the object and purpose of the Convention. Furthermore, such a reservation may 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 are respected, as to their object and purpose, by all Parties. The Government of Norway therefore objects to the aforesaid reservation.

This objection shall not preclude the entry into force of the Convention between the Kingdom of Norway and Brunei Darussalam. The Convention thus becomes operative between the Kingdom of Norway [and Brunei Darussalam], without Brunei Darussalam benefitting from its aforementioned reservation.

The Government of the Kingdom of Norway has carefully examined the declaration made by the Government of the State of Libya upon ratification of the Convention on the Rights of Persons with Disabilities.

The Government of the Kingdom of Norway is of the opinion that by declaring that Article 25 (a) of the Convention on the Rights of Persons with Disabilities will be interpreted in a manner that does not contravene with Islamic sharia and its national legislation, the Government of the State of Libya has made a declaration which amounts to a reservation that raises doubts as to the full commitment of the Government of the State of Libya to the object and purpose of the Convention.

It is in the common interest of States that treaties to which they have chosen to become Parties are respected, as to their object and purpose, by all Parties. The Government of Norway therefore objects to the aforesaid reservation. This objection shall not preclude the entry into force of the Convention between the Kingdom of Norway and the State of Libya. The Convention thus becomes operative between the two States, without the State of Libya benefitting from its aforementioned reservation.”

**PERU**
The Government of the Republic of Peru has carefully examined the declaration made by the Republic of El Salvador to the Convention on the Rights of Persons with Disabilities, done at New York, on 13 December 2006.

In this regard, the Government of the Republic of Peru considers that the reservation made by the Republic of El Salvador to the Convention on the Rights of Persons with Disabilities, done at New York, on 13 December 2006, makes it unclear to what extent the reservation subjects the Convention’s application 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 Republic of Peru 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 Republic of Peru and the Kingdom of Thailand.'


The Government of the Republic of Peru considers that the reservation subjects the Convention’s application to conformity with the national laws, regulations and practices. The Republic of Peru 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 Republic of Peru 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 Republic of Peru 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 Republic of Peru and the Kingdom of Thailand.


The Government of the Republic of Peru 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.


This objection does not constitute an obstacle to the entry into force of the Convention between the Republic of Peru and the Republic of Malaysia.

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

The Government of the Republic of Peru recognizes that such a reservation may be incompatible with the object and purpose of a treaty shall not be permitted.


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

"The Government of the Portuguese Republic has examined the contents of the reservation made by Brunei Darussalam upon ratification of the Convention on the Rights of Persons with Disabilities.

The Government of the Portuguese Republic considers that this reservation is incompatible with the object and purpose of the Convention and, in addition, has a general and indeterminate scope and therefore does not allow States to assess to what extent Brunei Darussalam has accepted the existing commitments to the Convention. Furthermore, such general reservation contributes to undermining the basis of International Treaty Law.

Moreover, the Government of the Portuguese Republic considers that reservations by which a State limits its responsibilities under the Convention on the Rights of Persons with Disabilities by invoking the domestic law or/and religious beliefs and principles raise doubts as to the commitment of the reserving State to the object and purpose of the Convention, as such reservations are likely to deprive the provisions of the Convention of their effect and are contrary to the object and purpose thereof.

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 thus objects to this reservation.

This objection shall not preclude the entry into force of the Convention between the Portuguese Republic and Libya.

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.”

“The Government of Romania has examined the reservation made by the Government of Brunei Darussalam to the Convention on the Rights of Persons with Disabilities (New York, 2006) declaring that it ‘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’.

The Government of Romania considers that the reservation is of unlimited scope and undefined character. The general nature of the reservation does not allow to analyze its compatibility with the scope and purpose of the Convention as required by article 46 (1) of the Convention and limits the understanding as to the extent of the obligations imposed by the Convention throughout this Convention. Moreover, in accordance with article 27 of [the] Vienna Convention on the Law of
Treaties, it is the duty of States Parties to a treaty to ensure that their internal law allows the application and observance of the treaty.

From that perspective, the Government of Romania remarks that the reservation is contrary to the terms of article 4, paragraph 1, letters a) and b) of the Convention, according to which States Parties undertake ‘to adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention’ and ‘to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities’.

Therefore, the Government of Romania objects to the reservation formulated by Brunei Darussalam to the Convention on the Rights of Persons with Disabilities. This objection shall not affect the entry into force of the Convention between Romania and Brunei Darussalam.”

“Romania has examined the declaration made upon ratification by the Government of State of Libya to the Convention on the Rights of Persons with Disabilities (New York, 2006).

Romania considers that the declaration aiming to interpret the article 25 (a) of the Convention in the light of the Islamic sharia and national legislation qualifies it as a reservation of undefined character, inadmissible under the Vienna Convention on the Law of the Treaties. In accordance with article 27 of Vienna Convention on the Law of Treaties, it is the duty of States Parties to a treaty to ensure that their internal law allows the application and observance of the treaty.

From that perspective, Romania remarks that the reservation is contrary to the terms of article 4, paragraph 1, letters a) and b) of the Convention, according to which States Parties undertake “to adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention” and “to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities”.

Moreover, the general nature of the reservations does not allow to analyze its compatibility with the scope and purpose of the Convention as required by article 46 (1) of the Convention and limits the understanding as to the extent of the obligations assumed by State of Libya.”

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 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.”

“Romania 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.”

“Romania has carefully examined the content of the declaration made by Libya upon its ratification of the Convention on the Rights of Persons with Disabilities.

Considering the exact wording of the declaration that does not clearly define the extent to which Libya has accepted obligations under the Convention, Slovakia is of the opinion that Libya has in fact made a reservation. This reservation is too general and raises serious doubts as to the commitment of Libya to the object and the purpose of the Convention.

For these reasons, the Government of Slovakia objects to the above mentioned reservation made by Libya upon its ratification of the Convention.

This objection shall not preclude the entry into force of the Convention between Slovakia and Libya. The Convention enters into force in its entirety between Slovakia and Libya without Libya 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, 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 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 therefore objects to the aforesaid reservation 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.
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 declarations made by Libya at the time of its ratification 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.

The Government of Sweden has examined the declaration made by Libya at the time of its ratification of the Convention on the rights of persons with disabilities. Libya declared that it interprets article 25 (a) thereof, concerning the provision of health-care services without discrimination on the basis of disability, in a manner that does not contravene the Islamic sharia and national legislation.

In this context the Government of Sweden would like to recall, that under well-established international treaty law, the name 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. Thus, the Government of Sweden considers that the declaration made by the Government of Libya, in the absence of further clarification, in substance constitutes a reservation to the Convention.

The Government of Sweden notes that the reservation would give precedence to Islamic sharia and national legislation. The Government of Sweden is of the view that such a reservation, which does not clearly specify the extent of the derogation, raises doubt as to the commitment of Libya to the object and purpose of the Convention.

According to the paragraph 1 of article 46 of the Convention and to customary international law, as codified in the Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of the Convention shall not be permitted. It is in the common interest of states that treaties to which they have chosen to become parties are respected, as to their object and purpose, by all parties and that states are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

For this reason, the Government of Sweden objects to the aforementioned reservation made by the Government of Libya. The Convention shall enter into force in its entirety between the two States, without Libya benefitting from its reservation."

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 fulfill 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 objects 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 made by the Government of Brunei Darussalam upon ratification of the Convention of 13 December 2006 on the Rights of Persons with Disabilities.

The reservation, subordinating in general all provisions of the Convention to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, constitutes a reservation of general scope that may raise doubts about the full commitment of Brunei Darussalam to the object and purpose of the Convention. The Swiss Federal Council notes that, according to article 46, paragraph 1 of the Convention and to article 19 (c) of the Vienna Convention of 23 May 1969 on the Law of Treaties, no reservation incompatible with the object and purpose of the Convention is permissible.

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.

Consequently, the Swiss Federal Council objects to the reservation made by Brunei Darussalam.

The reservation which consists of a general reference to a system of law without specifying its contents does not constitute a reservation of general scope that may raise doubts about the full commitment of Brunei Darussalam to the object and purpose of the Convention.

The Swiss Federal Council has examined the declaration made by the State of Libya upon the ratification of the Convention on the Rights of Persons with Disabilities of 13 December 2006.

The declaration, which subjects the provisions of article 25 (a) of the Convention in general to the Islamic sharia and national legislation amounts to a reservation of general scope which may cast doubts on the full commitment of the State of Libya as to the object and purpose of the Convention. The Swiss Federal Council recalls that, according to article 46, paragraph 1 of the Convention and to article 19 (c) of the Vienna Convention on the Law of Treaties, no reservation incompatible with the object and purpose of the Convention is permissible.

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.

Consequently, the Swiss Federal Council objects to the reservation made by Brunei Darussalam.

The Swiss Federal Council has examined the declaration made by the State of Libya upon the ratification of the Convention on the Rights of Persons with Disabilities of 13 December 2006.

The declaration, which subjects the provisions of article 25 (a) of the Convention in general to the Islamic sharia and national legislation amounts to a reservation of general scope which may cast doubts on the full commitment of the State of Libya as to the object and purpose of the Convention. The Swiss Federal Council notes that, according to article 46, paragraph 1 of the Convention and to article 19 (c) of the Vienna Convention on the Law of Treaties, no reservation incompatible with the object and purpose of the Convention is permissible.

The Government of the United Kingdom objects to the reservation made by Libya.

The Government of the United Kingdom notes that a reservation which consists of a general reference to a system of law without specifying its contents does not constitute a reservation of general scope that may raise doubts about the full commitment of Brunei Darussalam to the object and purpose of the Convention.

In the view of the Government of the United Kingdom of Great Britain and Northern Ireland, the declaration made by Libya, according to which Article 25 (a) of the Convention will be interpreted in a manner that does not contravene the Islamic sharia and national legislation, amounts to a reservation.

The Government of the United Kingdom notes that a reservation which consists of a general reference to a system of law without specifying its contents does not clearly define for the other States Parties to the Convention the extent to which the reserving State has accepted the obligations of the Convention.

The Government of the United Kingdom therefore objects to the aforesaid reservation.

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.

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.
4 For the European Part of the Netherlands.

5 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…..”

6 On 24 April 2017, the Secretary-General received the following communication from the Government of the Italian Republic relating to the reservation made by Brunei Darussalam upon ratification:


The Government of the Italian Republic has carefully examined the reservation made by Brunei Darussalam on April 11, 2016 to the Convention on the Rights of Persons with Disabilities.

The Italian Republic considers that the reservation made by Brunei Darussalam regarding those provisions of the Convention that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam is incompatible with the object and purpose of the Convention and therefore objects to it.

This objection shall not preclude the entry into force of the Convention between Brunei Darussalam and the Italian Republic.”

7 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.”

8 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:


9 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 benefiting from its reservation.”

On 27 February 2019, the Secretary-General received the following communication from the Government of Denmark relating to the declaration made by Libya upon ratification:

“The Government of Denmark welcomes the State of Libya as a party to the Convention on the Rights of Persons with Disabilities. From a Danish point of view, the declaration made by the State of Libya upon ratification, does however raise certain concerns. In fact, the declaration amounts to a reservation that purports to subject the application of one of the Convention’s provisions to Islamic sharia and national legislation.

A reservation of such an indeterminate and general scope as that made by Libya is incompatible with the object and purpose of the Convention and as such one not permitted according to article 46.1. This reservation does not clearly define for the other States Parties the extent to which Libya has accepted the obligations of the Convention. Thus, Denmark objects to it.

This objection shall not preclude the continued validity of the Convention between Denmark and the State of Libya. The Convention will thus continue to operate between the two states without Libya benefitting from the aforementioned reservation.”

On 5 March 2019, the Secretary-General received the following communication from the Government of the Hellenic Republic relating to the declaration made by Libya upon ratification:


In the above declaration, the State of Libya, inter alia, emphasizes that it interprets Article 25 (a) of the said Convention, concerning the provision of health-care services without discrimination on the basis of disability, ‘in a manner that does not contravene the Islamic sharia and national legislation’.

The Government of the Hellenic Republic considers that the above declaration is of a general and indeterminate scope, as it purports to subject the application of the aforementioned provision to the Islamic sharia and national legislation, without, however, specifying the content thereof. Such a declaration in fact amounts to a reservation which is contrary to the object and purpose of the Convention, since it does not clearly define for the other States Parties the extent to which Libya has accepted the obligations of the Convention.

The Government of the Hellenic Republic recalls that, according to Article 46 paragraph 1 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.

In the light of the above, the Government of the Hellenic Republic considers the aforesaid reservation of Libya impermissible as contrary to the object and purpose of the Convention.

The Government of the Hellenic Republic, therefore, objects to the abovementioned reservation made by the State of Libya upon ratification of the Convention on the Rights of Persons with Disabilities.

The objection shall not preclude the entry into force of the Convention between the Hellenic Republic and the State of Libya.”

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.

12 Refer to CN.474.2007.TREATIES-85 of 18 April 2007 for the declaration upon signature by the Netherlands.

13 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.”

14 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.”