

No. 44910. Multilateral

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES. NEW YORK, 13 DECEMBER 2006 [*United Nations, Treaty Series, vol. 2515, I-44910.*]

OBJECTION TO THE DECLARATION MADE BY LIBYA UPON RATIFICATION*

Sweden

Notification deposited with the Secretary-General of the United Nations: 14 February 2019

Registration with the Secretariat of the United Nations: ex officio, 14 February 2019

*No UNTS volume number has yet been determined for this record.

N° 44910. Multilatéral

CONVENTION RELATIVE AUX DROITS DES PERSONNES HANDICAPÉES. NEW YORK, 13 DÉCEMBRE 2006 [*Nations Unies, Recueil des Traités, vol. 2515, I-44910.*]

OBJECTION À LA DÉCLARATION FORMULÉE PAR LA LIBYE LORS DE LA RATIFICATION*

Suède

Dépôt de la notification auprès du Secrétaire général de l'Organisation des Nations Unies : 14 février 2019

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : d'office, 14 février 2019

*Le numéro de volume RTNU n'a pas encore été établi pour ce dossier.

[ENGLISH TEXT – TEXTE ANGLAIS]

“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.”

[TRANSLATION – TRADUCTION]