

No. 20378. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN. ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 18 DECEMBER 1979¹

OBJECTION to reservations made by Egypt² and Brazil³ upon signature and confirmed upon ratification; by Jamaica,⁴ New Zealand,⁵ the Republic of Korea⁶ and Tunisia⁷ upon ratification; and by Bangladesh,⁸ Mauritius⁹ and Thailand¹⁰ upon accession

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“The Government of Sweden considers that the reservations made

- by Thailand regarding article 9, paragraph 2, article 15, paragraph 3, and article 16,
- by Tunisia regarding article 9, paragraph 2, article 15, paragraph 4, and article 16, paragraph 1(c), (d), (f), (g) and (h),
- by Bangladesh regarding article 2, article 13(a) and article 16, paragraph 1(c) and (f),
- by Brazil regarding article 15, paragraph 4, and article 16, paragraph 1(a), (c), (g) and (h),

are incompatible with the object and purpose of the Convention (article 28, paragraph 2) and therefore objects to them.

Indeed the reservations in question, if put into practice, would inevitably result in discrimination against women on the basis of sex, which is contrary to everything the Convention stands for. It should also be borne in mind that the principles of the equal rights of men and women and of non-discrimination on the basis of sex are set forth in the Charter of the United Nations as one of its purposes, in the Universal Declaration of Human Rights of 1948¹¹ and in various multilateral instruments, to which Thailand, Tunisia and Bangladesh are parties.

The Government of Sweden furthermore notes that, as a matter of principle, the same objection could be made to the reservations made

- by Egypt on 18 September 1981 regarding article 2, article 9, paragraph 2, and article 16,
- by Mauritius on 9 July 1984 regarding article 11, paragraph 1(b) and (d), and article 16, paragraph 1(g),
- by Jamaica on 19 October 1984 regarding article 9, paragraph 2,
- by the Republic of Korea on 27 December 1984 regarding article 9 and article 16, paragraph 1(c), (d), (f) and (g), and

¹ United Nations, *Treaty Series*, vol. 1249, p. 13, and annex A in volumes 1252, 1253, 1254, 1256, 1257, 1259, 1261, 1262, 1265, 1272, 1284, 1286, 1287, 1288, 1291, 1299, 1302, 1312, 1314, 1316, 1325, 1332, 1343, 1346, 1348, 1350, 1351, 1357, 1361, 1363, 1368, 1374, 1379, 1387, 1389, 1390, 1394, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1408, 1413, 1416 and 1417.

² *Ibid.*, vol. 1249, p. 124.

³ *Ibid.*, p. 121.

⁴ *Ibid.*, vol. 1374, p. 439.

⁵ *Ibid.*, vol. 1389, No. A-20378.

⁶ *Ibid.*, vol. 1387, p. 549.

⁷ *Ibid.*, vol. 1408, No. A-20378.

⁸ *Ibid.*, vol. 1379, p. 336.

⁹ *Ibid.*, vol. 1361, p. 356.

¹⁰ *Ibid.*, vol. 1404, p. 419.

¹¹ United Nations, *Official Records of the General Assembly, Third Session*, part I, p. 71.

— by New Zealand on 10 January 1985, in respect of the Cook Islands regarding article 2, paragraph (f), and article 5, paragraph (a).

In this context the Government of Sweden wishes to take this opportunity to make the observation that the reason why reservations incompatible with the object and purpose of a treaty are not acceptable is precisely that otherwise they would render a basic international obligation of a contractual nature meaningless. Incompatible reservations, made in respect of the Convention on the elimination of all forms of discrimination against women, do not only cast doubts on the commitments of the reserving states to the objects and purpose of this Convention, but moreover, contribute to undermine the basis of international contractual 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 other parties.”

Registered ex officio on 17 March 1986.