

## DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

### CEDAW

#### **RESERVATIONS AND DECLARATIONS**

*(Unless otherwise indicated, the reservations and declarations were made upon ratification, accession or succession)*

Reservation and declaration:

"The Government of the Democratic People's Republic of Korea does not consider itself bound by the provisions of paragraph (f) of article 2, paragraph 2 of article 9 and paragraph 1 of article 29 of [the Convention]."

#### **OBJECTIONS MADE TO STATE PARTY'S RESERVATIONS AND DECLARATIONS**

**Austria**, 21 August 2001

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With regard to reservations made by the Democratic Republic of Korea upon accession:

"Austria has examined the reservations to the Convention on the Elimination of All Forms of Discrimination against Women made by the Government of the Democratic People's Republic of Korea in its note to the Secretary General of 27 February 2001.

Taking into consideration that according to Paragraph 2 of Article 28 of the Convention, reservations which are incompatible with the objective and purpose of the Convention are not acceptable, Austria objects to the reservations in respect of Paragraph f of Article 2 and Paragraph 2 of Article 9.

Both Paragraphs refer to basic aspects of the Convention, that are legislation to abolish existing discrimination against women and a specific form of discrimination, such as the nationality of children.

This position, however, does not preclude the entry into force in its entirety of the Convention between the Democratic People's Republic of Korea and Austria."

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**Denmark**, 12 February 2002

With regard to the reservations made by the Democratic People's Republic of Korea upon accession:

"The Government of Denmark has examined the reservations made by the Democratic People's

Republic of Korea upon accession to the Convention on [the] Elimination of All Forms of Discrimination Against Women in respect of paragraph (f) of article 2 and paragraph 2 of article 9.

The Government of Denmark finds that the reservation to paragraph (f) of article 2 aims at excluding the Democratic People's Republic of Korea from the obligation to adopt necessary measures, including those of a legislative character, to eliminate any form of discrimination against women. This provision touches upon a key element for effective elimination of discrimination against women.

The Government of Denmark furthermore notes that the reservation to paragraph 2 of article 9 of the Convention aims to exclude an obligation of non-discrimination, which is the aim of the Convention.

The Government of Denmark finds that the reservations made by the Democratic People's Republic of Korea are not in conformity with the object and purpose of the Convention.

The Government of Denmark therefore objects to the said reservation made by the Democratic People's Republic of Korea.

The Government of Denmark recommends the Government of [the] Democratic People's Republic of Korea to reconsider its reservations to the Convention.

The Convention on [the] Elimination of All Forms of Discrimination Against Women remains in force in its entirety between the Democratic People's Republic of Korea and Denmark."

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**Finland**, 5 March 2002

With regard to the reservations made by the Democratic People's Republic of Korea upon accession:

"The Government of Finland has carefully examined the contents of the reservations made by the Government of the Democratic People's Republic of Korea to the Convention on the Elimination of all Forms of Discrimination Against Women.

The Government of Finland recalls that by acceding to the Convention, a State commit itself to adopt the measures required for the elimination of discrimination, in all its forms and manifestations, against women.

The Government of Finland notes that the reservation to paragraph (f) of Article 2 aims at excluding the Democratic People's Republic of Korea from the obligations to adopt necessary measures, including those of a legislative character, to eliminate any form of discrimination against women. This provision touches upon a key element for effective elimination of discrimination against women.

The Government of Finland further notes that the reservation to paragraph 2 of Article 9 of the Convention aims to exclude an obligation of non-discrimination, which is the aim of the Convention.

The Government of Finland also recalls Part VI, Article 28 of the Convention according to which reservations incompatible with the object and purpose of the Convention are not permitted.

The Government of Finland finds that the reservations made by the Democratic People's Republic of Korea are not in conformity with the object and purpose of the Convention and therefore objects to the said reservations.

This objection does not preclude the entry into force of the Convention between the People's Democratic Republic of Korea and Finland. The Convention will thus become operative between the two States with the People's Democratic Republic of Korea benefiting from the reservations."

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**France**, 4 March 2002

With regard to reservations made by the Democratic People's Republic of Korea upon accession:

Having considered the reservations and declarations made on 27 February 2001 by the Democratic People's Republic of Korea to the Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979, the Government of the French Republic objects to the said reservations and declarations relating to article 2, paragraph (f) and article 9, paragraph 2.

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**Germany**, 2 October 2001

With regard to the reservations made by the Democratic People's Republic of Korea upon accession:

"The Government of the Federal Republic of Germany has examined the reservations to the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) made by the Government of the Democratic People's Republic of Korea upon its accession to the Convention. The Government of the Federal Republic of Germany is of the view that the reservations to article 2 paragraph (f) and article 9 paragraph 2 of CEDAW are incompatible with the object and purpose of the Convention, for they aim at excluding the Democratic People's Republic of Korea's obligations in respect of two basic aspects of the Convention.

The Government of the Federal Republic of Germany therefore objects to the aforesaid reservations made by the Government of the Democratic People's Republic of Korea to the Convention on all Forms of Discrimination against Women.

This objection does not preclude the entry into force of the Convention between the Federal

Republic of Germany and the Democratic People's Republic of Korea."

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**Netherlands**, 18 September 2001

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With regard to the reservations made by the Democratic People's Republic of Korea upon accession:

"The Government of the Kingdom of the Netherlands has examined the reservations made by the Government of the Democratic People's Republic of Korea regarding article 2, paragraph (f), and article 9, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women made at the time of its accession to the said Convention.

The Government of the Kingdom of the Netherlands considers that the reservations made by the Democratic People's Republic of Korea regarding article 2, paragraph (f), and article 9, paragraph 2, of the Convention are reservations incompatible with the object and purpose of the Convention. The Government of the Kingdom of the Netherlands recalls that, according to paragraph 2 of Article 28 of the Convention, a reservation 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 party are respected, as to their object and purpose, by all parties and that States are prepared to take all appropriate measures, including legislation to comply with their obligations.

The Kingdom of the Netherlands therefore objects to the afore-said reservations made by the Government of the Democratic People's Republic of Korea to the Convention on the Elimination of All Forms of Discrimination against Women.

This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and the Democratic People's Republic of Korea."

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**Norway**, 20 February 2002

With regard to the reservations made by the Democratic People's Republic of Korea upon accession:

"The Government of Norway has examined the contents of the reservation made by the Government of the Democratic People's Republic of Korea upon accession to the Convention on the Elimination of all forms of Discrimination against Women.

Article 2 is the Convention's core provision outlining the measures that the State Party is required to take in order to ensure the effective implementation of the Convention. Without adopting measures to modify or abolish existing discriminatory laws, regulations, customs and practices as

prescribed by paragraph (f) of Article 2, none of the Convention's substantive provisions can be successfully implemented. The reservation to paragraph (f) of Article 2 is thus incompatible with the object and purpose of the Convention.

Further, as Article 9, paragraph 2 aims at eliminating discrimination against women, the reservation to this provision is incompatible with the object and purpose of the Convention.

The Government of Norway therefore objects to the parts of the reservation that concern paragraph (f) of Article 2 and paragraph 2 of Article 9, as they are impermissible according to Article 28, paragraph 2 of the Convention.

This objection does not preclude the entry into force in its entirety of the Convention between the Kingdom of Norway and the Democratic People's Republic of Korea. The Convention thus becomes operative between the Kingdom of Norway and the Democratic People's Republic of Korea without the Democratic People's Republic of Korea benefiting from the said parts of the reservation."

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**Portugal**, 4 March 2002

With regard to the reservations made by the Democratic People's Republic of Korea upon accession:

"The Government of the Portuguese Republic has examined the reservation made by the Government of the Democratic People's Republic of Korea to the Convention on the Elimination of All Forms of Discrimination against Women (New York, 18 December 1979) on 27 February 2001 in respect of articles 2 (f) and 9.2 of the Convention.

Recalling that, according to paragraph 2 of Article 28 of the Convention a reservation incompatible with the object and purpose of the Convention shall not be permitted, the Government of the Portuguese Republic objects to the said reservations.

In fact, the reservation relating to article 2 (f) refers to a basic aspect of the Convention, namely the compromise to enact legislation to abolish all existing legal practices discriminating against women.

Regarding the reservation to article 9.2, the Government of the Portuguese Republic is of the view that the said reservation intends to exclude one of the specific obligations of non-discrimination, which is the essence of the Convention.

It is in the common interests of States that Treaties to which they have chosen to become party are respected by all parties and that the States are prepared to take all appropriate measures, including legislation to comply with their obligations.

Therefore, the Government of the Portuguese Republic objects to the afore mentioned reservations made by the Government of the Democratic People's Republic of Korea to the Convention on the

Elimination of All Forms of Discrimination against Women.

This objection shall not preclude the entry into force of the Convention between the Portuguese Republic and the Democratic People's Republic of Korea."

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**Spain**, 5 July 2001

With regard to the reservations made by the Democratic People's Republic of Korea upon accession:

The Government of the Kingdom of Spain has examined the reservations made by the Government of the Democratic People's Republic of Korea to articles 2 (f) and 9 (2) of the Convention on the Elimination of All Forms of Discrimination against Women, on 27 February 2001 in acceding to the Convention.

The Government of the Kingdom of Spain considers those reservations to be incompatible with the object and purpose of the Convention, since their intent is to exempt the Democratic People's Republic of Korea from committing itself to two essential elements of the Convention, one being the general requirement to take measures, including legislation, to eliminate all forms of discrimination against women (article 2 (f)) and the other being the requirement to address a specific form of discrimination with respect to the nationality of children (article 9 (2)).

The Government of the Kingdom of Spain recalls that, under article 28 (2) of the Convention, reservations incompatible with the object and purpose of the Convention are not permitted.

Accordingly, the Government of the Kingdom of Spain objects to the above-mentioned reservations made by the Democratic People's Republic of Korea to the Convention on the Elimination of All Forms of Discrimination against Women.

This objection does not prevent the Convention's entry into force between the Kingdom of Spain and the Democratic People's Republic of Korea.

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**Sweden**, 25 July 2001

With regard to the reservations made by the Democratic People's Republic of Korea upon accession:

"The Government of Sweden has examined the reservation made by the Democratic People's Republic of Korea at the time of its accession to the Convention on the Elimination of All Forms of Discrimination against Women, regarding articles 2 (f) and 9 (2) of the Convention.

The reservation in question, if put into practice, would inevitably result in discrimination against

women on the basis of sex, which is contrary to the object and purpose of the Convention. It should 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 the purposes of the organization, as well as in the Universal Declaration of Human Rights of 1948.

According to Article 28 (2) of the Convention, 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. 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 the Convention shall not be permitted.

The Government of Sweden therefore objects to the aforesaid reservation made by the Government of the Democratic People's Republic of Korea to the Convention on the Elimination of All Forms of Discrimination against Women and considers the reservation null and void. The Convention enters into force in its entirety between the two States, without the Democratic People's Republic of Korea benefitting from its reservation".

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**United Kingdom of Great Britain and Northern Ireland, 5 March 2002**

With regard to the reservations made by the Democratic People's Republic of Korea upon accession:

"The Government of the United Kingdom has examined the reservation made by the Government of the Democratic People's Republic of Korea on 27 February in respect of the Convention, which reads as follows:

'The Government of the Democratic People's Republic of Korea does not consider itself bound by the provisions of paragraph (f) of Article 2...of the Convention on the Elimination of All Forms of Discrimination Against Women.'

Paragraph (f) of Article 2 requires States Parties to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women. The Government of the United Kingdom notes that a reservation which excludes obligations of such a general nature 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 reservation made by the Government of the Democratic People's Republic of Korea.

This objection shall not preclude the entry into force of the Convention between the United Kingdom of Great Britain and Northern Ireland and the Democratic People's Republic of Korea."

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Note

With regard to the reservations made by the Democratic People's Republic of Korea upon accession, the Secretary-General received the following communication from the State indicated hereinafter:

**Ireland** (2 April 2002):

"The Government of Ireland has examined the reservations made by the Government of the Democratic People's Republic of Korea to paragraph (f) of article 2 of article 9 of the Convention on the Elimination of All Forms of Discrimination against Women, at the time of its accession thereto.

The Government of Ireland recalls that by acceding to the Convention, a State commits itself to adopt the measures required for the elimination of discrimination, in all its forms and manifestations, against women.

The Government of Ireland notes that the reservation to paragraph (f) of article 2 aims at excluding the Democratic People's Republic of Korea from the obligation to adopt necessary measures, including those of a legislative character, to eliminate any form of discrimination against women. This provision touches upon a key element for the effective elimination of discrimination against women.

The Government of Ireland further notes that the reservation to paragraph 2 of article 9 of the Convention aims to exclude an obligation of non-discrimination, which is the object of the Convention.

The Government of Ireland considers that the obligations contained in paragraph (f) of article 2 and paragraph 2 of article 9 are so central to the aims of the Convention as to render the aforesaid reservations contrary to its object and purpose.

The Government of Ireland recalls that. In accordance with paragraph 2 of article 28 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Ireland therefore objects to the aforesaid reservations made by the Government of the Democratic People's Republic of Korea to the Convention on the Elimination of All Forms of Discrimination against Women.

This objection does not preclude the entry into force of the Convention between Ireland and the Democratic People's Republic of Korea."

*(Note 18, Chapter IV.8, Multilateral Treaties Deposited with the Secretary-General)*