

## NORWAY

### CEDAW

#### **OBJECTIONS MADE TO OTHER STATES PARTIES RESERVATIONS AND DECLARATIONS**

*(Ed. note: for the text targeted by the following objections, see the Reservations and Declarations of the State which is the subject of the objection)*

16 July 1990

"The Government of Norway has examined the contents of the reservation made by the Libyan Arab Jamahiriya, by which the accession 'is subject to the general reservation that such accession cannot conflict with the laws on personal status derived from the Islamic Shariah'. The Norwegian Government has come to the conclusion that this reservation is incompatible with the object and purpose of the Convention (article 28, paragraph 2). The Government of Norway objects to the reservation.

The Norwegian Government will stress 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. A reservation by which a State Party limits its responsibilities under the Convention by invoking religious law (Shariah), which is subject to interpretation, modification, and selective application in different states adhering to Islamic principles, may create doubts about the commitments of the reserving state to the object and purpose of the Convention. It may also undermine the basis of international treaty law. All states have common interest in securing that all parties respect treaties to which they have chosen to become parties."

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25 October 1994

With regard to the reservations made by Maldives upon accession:

"In the view of the Government of Norway, a reservation by which a State party limits its responsibilities under the Convention by invoking general principles of internal law may create doubts about the commitments of the reserving State to the object and purpose of the Convention and, moreover, contribute to undermine 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 their object and purpose, by all parties. Furthermore, under well established international treaty law, a State is not permitted to invoke internal law as justification for its failure to perform its treaty obligations. For these reasons, the Government of Norway objects to Maldives reservations.

The Government of Norway does not consider this objection to constitute an obstacle to the

entry into force of the above-stated Convention between the Kingdom of Norway and the Republic of Maldives."

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2 May 1995

With regard to the reservations made by Kuwait upon accession:

[Same objection, mutatis mutandis, as the one made for Maldives.] *[Ed. note: see above]*

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16 October 1996

With regard to the reservations made by Malaysia upon accession:

"In the view of the Government of Norway, a statement by which a State Party purports to limit its responsibilities under the Convention by invoking general principles of internal or religious law may create doubts about the commitment of the reserving State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law. Under well-established international treaty law, a State is not permitted to invoke internal law as justification for its failure to perform its treaty obligations. Furthermore, the Government of Norway considers that reservation made by the Government of Malaysia with respect to certain specific provisions of the Convention is so extensive as to be contrary to the object and purpose of the Convention, and thus not permitted under article 28, paragraph 2, of the Convention. For these reasons, the Government of Norway objects to the reservations made by the Government of Malaysia.

The Government of Norway does not consider this objection to preclude the entry into force of the Convention between the Kingdom of Norway and Malaysia."

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30 October 1996

With regard to the reservations made by Lesotho upon ratification:

[Same objection, mutatis mutandis, as the one made for Maldives.] *[Ed. note: see above]*

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21 November 1996

With regard to the reservations made by Singapore upon accession:

[Same objection, mutatis mutandis, as the one made for Maldives.][*Ed. note: see above*]

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6 June 1997

With regard to the declarations made by Pakistan upon accession:

[Same objection, mutatis mutandis, as the one made for Maldives.][*Ed. note: see above*]

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3 July 1997

With regard to the reservations made by Algeria upon accession:

[Same objection, mutatis mutandis, as the one made for Malaysia.][*Ed. note: see above*]

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1 November 2000

With regard to the reservations made by Niger upon accession:

"The reservation concerns fundamental provisions of the Convention. Article 2 is the core provision as it outlines the measures which the State Party is required to take in order to implement the Convention. The Convention can only be successfully implemented when all measures prescribed by Article 2 are taken. Most importantly, it is unclear how the Convention's substantive provisions will be implemented without adopting measures to modify or abolish existing discriminatory laws, regulations, customs and practices.

The Government of Norway considers the other elements of the reservation, with exception of the reservation made to article 29, as incompatible with the object and purpose of the Convention. The relevant provisions cover fundamental rights of women or they outline key elements in order to abolish discrimination against women. Women will not have the opportunity to live on equal footing with men if these provisions are not implemented.

Further, it is the Norwegian Government's position that Article 5, paragraph (b) covers both public and private family education.

The Government of Norway therefore objects to the reservations made by the Government of Niger to the following provisions:

Article 2, paragraphs (d) and (f)

Article 5, paragraph (a)

Article 15, paragraph 4

Article 16, paragraph 1 (c), (e) and (g)

This objection does not preclude the entry into force in its entirety of the Convention between the Kingdom of Norway and Niger. The Convention thus becomes operative between Norway and Niger without Niger benefitting from these reservations."

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9 October 2001

With regard to the reservation made by Saudi Arabia upon ratification:

"The Government of Norway has examined the contents of the reservation made by the Government of the Kingdom of Saudi Arabia upon ratification of the Convention on the Elimination of all forms of Discrimination Against Women.

According to paragraph 1 of the reservation, the norms of Islamic Law shall prevail in the event of conflict with the provisions of the Convention. It is the position of the Government of Norway that, due to its unlimited scope and undefined character, this part of the reservation is contrary to object and purpose of the Convention.

Further, the reservation to Article 9, paragraph 2, concerns one of the core provisions of the Convention, and which aims at eliminating discrimination against women. The reservation is thus incompatible with the object and purpose of the Convention.

For these reasons, the Government of Norway objects to paragraph 1 and the first part of paragraph 2 of the reservation made by Saudi Arabia, 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 Kingdom of Saudi Arabia. The Convention thus becomes operative between Norway and Saudi Arabia without Saudi Arabia benefitting from the said parts of the reservation."

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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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31 May 2002

With regard to the reservation made by Mauritania upon accession:

"The Government of Norway has examined the contents of the reservation made by the Government of Mauritania upon accession to the Convention on the Elimination of all Forms of Discrimination against Women.

The reservation consists of a general reference to national law and does not clearly define to what extent Mauritania has accepted the obligations under the Convention. The Government of Norway therefore objects to the reservation, as it is contrary to the object and purpose of the

Convention and thus impermissible according to Article 28 of the Convention.

This objection does not preclude the entry into force in its entirety of the Convention between the Kingdom of Norway and Mauritania. The Convention thus becomes operative between Norway and Mauritania without Mauritania benefiting from the reservation."

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5 April 2004

With regard to the reservations made by Syrian Arab Republic upon accession:

"The Government of Norway has examined the reservations made by the Government of the Syrian Arab Republic upon accession to the Convention on the Elimination of All Forms of Discrimination Against Women regarding Article 2, Article 9, paragraph 2, Article 15, paragraph 4, Article 16, paragraph 1 (c), (d), (f) and (g) and Article 16, paragraph 2.

The said reservations, as they relate to core provisions of the Convention, render the provisions of the Convention ineffective. Moreover, and due to the reference to Islamic Sharia, it is not clearly defined for other States Parties to what extent the reserving State has undertaken the obligations of the Convention. The Government of Norway therefore objects to the aforesaid reservations made by the Government of the Syrian Arab Republic.

This objection does not preclude the entry into force in its entirety of the Convention between the Kingdom of Norway and the Syrian Arab Republic. The Convention thus becomes operative between the Kingdom of Norway and the Syrian Arab Republic without the Syrian Arab Republic benefiting from the aforesaid reservations."

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1 December 2005

With regard to the reservations made by the United Arab Emirates upon accession:

"The Government of the Kingdom of Norway has examined the reservations made by the Government of the United Arab Emirates on 6 October 2004 on accession to the Convention on the Elimination of All Forms of Discrimination against Women (New York, 18 December 1979) in respect of articles 2 (f); 9; 15 (c) and 16.

The Government of the Kingdom of Norway is of the view that the reservation in respect of article 2 (f), which is a core provision of the above Convention, taken together with the reservations in respect of articles 9, 15 (c) and 16, raise doubts as to the full commitment of the United Arab Emirates to the object and purpose of the Convention on the Elimination of All Forms of Discrimination against Women and would like to recall that, according to article 28 (2)

of the Convention, a reservation incompatible with the object and purpose of the present Convention shall not be permitted.

The Government of the Kingdom of Norway therefore objects to the aforesaid reservations made by the Government of the United Arab Emirates to the Convention on the Elimination of All Forms of Discrimination against Women. This objection does not preclude the entry into force, in its entirety, of the Convention between the Kingdom of Norway and the United Arab Emirates, without the United Arab Emirates benefiting from these reservations."

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21 March 2007

With regard to the reservation made by Brunei Darussalam upon accession:

"The Government of Norway has examined the reservations made by the Government of Brunei Darussalam upon accession to the Convention on the Elimination of All Forms of Discrimination Against Women (New York, 18 December 1979).

In the view of the Government of Norway, a statement by which a State Party purports to limit its responsibilities under the Convention by invoking general principles of internal or religious law may create doubts about the commitment of the reserving State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law. Under well-established international treaty law, a State is not permitted to invoke internal law as a justification for its failure to perform its treaty obligations. For these reasons, the Government of Norway objects to the reservation made by the Government of Brunei Darussalam.

This objection does not preclude the entry into force in its entirety of the Convention between the Kingdom of Norway and Brunei Darussalam. The Convention thus becomes operative between Norway and Brunei Darussalam without Brunei Darussalam benefiting from the said reservations."

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6 May 2010

With regard to the reservations made by Qatar upon accession:

"The Government of Norway finds that the reservations to article 2 (a), article 9, paragraph 2, article 15, paragraphs 1 and 4 and article 16, paragraph 1 (a), (c) and (f) affect essential obligations arising from the Convention, obligations whose observance is necessary in order to achieve the purpose of the Convention. The Government of Norway recalls that, according to article 28, paragraph 2 of the Convention, as well as customary international law as codified in the Vienna Convention on the Law of Treaties article 19, paragraph (c), a reservation

incompatible with the object and purpose of a treaty shall not be permitted. The Government of Norway considers that the reservations made by the State of Qatar are so extensive as to be contrary to the object and purpose of the Convention. For these reasons, the Government of Norway objects to reservations Nos. 1-6 made by the State of Qatar.

This objection does not preclude the entry into force in its entirety of the Convention between the Kingdom of Norway and the State of Qatar. The Convention thus becomes operative between the Kingdom of Norway and the State of Qatar without the State of Qatar benefiting from the aforesaid reservations.”