

QATAR

CEDAW

RESERVATIONS AND DECLARATIONS

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

Reservations:

1. Article 2 (a) in connection with the rules of the hereditary transmission of authority, as it is inconsistent with the provisions of article 8 of the Constitution.
2. Article 9, paragraph 2, as it is inconsistent with Qatar's law on citizenship.
3. Article 15, paragraph 1, in connection with matters of inheritance and testimony, as it is inconsistent with the provisions of Islamic law.
4. Article 15, paragraph 4, as it is inconsistent with the provisions of family law and established practice.
5. Article 16, paragraph 1 (a) and (c), as they are inconsistent with the provisions of Islamic law.
6. Article 16, paragraph 1 (f), as it is inconsistent with the provisions of Islamic law and family law. The State of Qatar declares that all of its relevant national legislation is conducive to the interest of promoting social solidarity.

...

3. In accordance with article 29, paragraph 2, of the Convention, the State of Qatar declares, under the terms of that text, that it does not consider itself bound by paragraph 1 of that article.

Declaration:

1. The Government of the State of Qatar accepts the text of article 1 of the Convention provided that, in accordance with the provisions of Islamic law and Qatari legislation, the phrase "irrespective of their marital status" is not intended to encourage family relationships outside legitimate marriage. It reserves the right to implement the Convention in accordance with this understanding.
2. The State of Qatar declares that the question of the modification of "patterns" referred to in article 5 (a) must not be understood as encouraging women to abandon their role as mothers and their role in child-rearing, thereby undermining the structure of the family.

OBJECTIONS MADE TO STATE PARTY'S RESERVATIONS AND DECLARATIONS

(Unless otherwise indicated, the objections were made upon ratification, accession or succession)

Austria, 12 February 2010

With regard to the reservations made by Qatar upon accession:

The Government of Austria has examined the reservations made by the State of Qatar upon accession to the Convention on the Elimination of All Forms of Discrimination against Women.

The Government of Austria finds that the reservations to article 9 paragraph 2, article 15 paragraphs 2 and 4, article 16 paragraphs 1a, 1c and 1f would inevitably result in discrimination against women on the basis of sex. These reservations affect essential obligations arising from the Convention and their observance is necessary in order to achieve the purpose of the Convention.

The Government of Austria would like to recall 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 sub-paragraph c), a reservation incompatible with the object and purpose of a treaty 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 these reasons, the Government of Austria objects to the aforementioned reservations made by the State of Qatar to the Convention on the Elimination of All Forms of Discrimination against Women.

This position however does not preclude the entry into force in its entirety of the Convention between the State of Qatar and Austria.”

Belgium, 9 April 2010

With regard to the reservations made by Qatar upon accession:

Belgium has carefully examined the reservation formulated by Qatar when it acceded, on 29 April 2009, to the Convention on the Elimination of All Forms of Discrimination against Women.

The reservations make the implementation of the Convention's provisions contingent upon their compatibility with the Islamic sharia and legislation in force in Qatar. This creates uncertainty as to which of its obligations under the Convention Qatar intends to observe and raises doubts as to Qatar's respect for the object and purpose of the Convention.

It is in the common interest for all parties to respect the treaties to which they have acceded and for States to be willing to enact such legislative amendments as may be necessary in order to fulfill their treaty obligations.

Belgium notes, moreover, that the reservations formulated with respect to article 9, paragraph 2; article 15, paragraphs 1 and 4; and article 16, paragraphs 1 (a), 1 (c) and 1 (f) concern fundamental provisions of the Convention and are therefore incompatible with the object and purpose of that instrument.

Belgium recalls that under article 28, paragraph 2, of the Convention, reservations incompatible with the object and purpose of the Convention are not permitted. In addition, 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 ©).

In consequence, Belgium objects to the reservation formulated by Qatar with respect to article 9, paragraph 2; article 15, paragraphs 1 and 4; and article 16, paragraphs 1 (a), 1 (c) and 1 (f) of 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 Belgium and Qatar.

Czech Republic, 10 November 2009

With regard to the reservations made by Qatar upon accession:

The Czech Republic has examined the reservations and declarations made by the State of Qatar upon accession to the Convention on the Elimination of All Forms of Discrimination against Women.

The Czech Republic believes that the reservations No. 2 - 6 of the State of Qatar made to Articles 9(2), 15(1), 15(4), 16(1)(a) and (c) and 16(1)(f) of the Convention, 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. Furthermore, the State of Qatar supports these reservations by references to its domestic law, which is, in the opinion of the Czech Republic, unacceptable under customary international law, as codified in Article 27 of the Vienna Convention on the Law of Treaties. Finally, the reservations No. 3 - 6, that refer to the notions such as "Islamic law" and "established practice" without specifying its contents, do 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.

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 Article 28 paragraph 2 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 reservations made by the State of Qatar to the Convention. This objection shall not preclude the entry into force of the Convention between the Czech Republic and the State of Qatar. The Convention enters into force in its entirety between the Czech Republic and the State of Qatar, without the State of Qatar benefiting from its reservation.”

Estonia, 29 April 2010

Objection to the reservations made by Qatar upon accession:

“The Government of Estonia has carefully examined the reservations made on 29 April 2009 by the Government of the State of Qatar to Articles 2 (a), 9 (2), 15 (1), 15 (4), 16 (1) (a), 16 (1) (c) and 16 (1) (f) of the Convention.

The Government of Estonia wishes to recall that by acceding to the Convention, a State commits itself to eliminate discrimination against women in all its forms and manifestations thereby taking all appropriate measures to modify or abolish existing laws, regulations and practices which constitute such discrimination.

A reservation which consists of a general reference to national law without specifying its content does not clearly indicate to what extent the State of Qatar commits itself when acceding to the Convention and thus is contrary to the object and purpose of the Convention.

According to Article 28, paragraph 2 of the Convention as well as 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 Estonia therefore objects to the aforesaid reservations made by the Government of the State of Qatar to the Convention.

Notwithstanding, this objection shall not preclude the entry into force in its entirety of the Convention as between the Republic of Estonia and the State of Qatar.”

Finland, 29 April 2010

“The Government of Finland has carefully examined the reservation made by Qatar upon accession to the Convention on the Elimination of All Forms of Discrimination against Women, done at New York on 18 December 1979.

The Government of Finland recalls that by acceding to the Convention on the Elimination of All Forms of Discrimination against Women, a State commits itself to adopt the measures required for the elimination of discrimination against women, in all its forms and manifestations. This includes taking appropriate measures, including legislation, to modify or abolish i.e. customs and practices which constitute discrimination against women.

The Government of Finland further recalls that under Article 28 of the Convention, reservations incompatible with the object and purpose of the Convention are not permitted, which is a general principle of treaty law codified in Article 19 (c) of the Vienna Convention on the Law of Treaties.

The Government of Finland notes that a reservation which consists of a general reference to religious or other national law, without specifying its contents, does not clearly define to other States Parties to the Convention the extent to which the reserving State commits itself to the Convention and creates serious doubts as to the commitment of the reserving State to fulfill its obligations under the Convention. Such reservations are, furthermore, subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of domestic law as justification for a failure to perform its treaty obligations.

The Government of Finland finds that the reservations made by Qatar to Articles 9 (2), 15(1), 15 (4), 16 (1) (a) and (c) as well as Article 16 (1) (f) of the Convention address some of the most essential provisions and aim at excluding the obligations to eliminate discrimination against women under those provisions. The Government considers that these reservations in practice lead to discrimination against women and finds them manifestly incompatible with the object and purpose of the Convention.

The Government of Finland therefore objects to the said reservations made by Qatar. This objection shall not preclude the entry into force of the Convention between Qatar and Finland.”

Hungary, 15 April 2010

With regard to the reservations made by Qatar upon accession:

“The Government of the Republic of Hungary has examined the reservations made by the State of Qatar on 29 April 2009 upon accession to the Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979. The reservations state that the State of Qatar does not consider itself bound by Article 2 (a), Article 9 (2), Article 15 (1), Article 15 (4) and Article 16, subparagraphs (a), (c) and (f) of the Convention.

The Government of the Republic of Hungary is of the opinion that the reservations to Article 2 (a), Article 9 (2), Article 15 (1), Article 15 (4) and Article 16, subparagraphs (a), (c) and (f) will unavoidably result in a legal situation that discriminates against women, which is incompatible with the object and purpose of the Convention.

Pursuant to Article 28 (2) of the Convention, reservations that are incompatible with the object and purpose of the Convention shall not be permitted.

The Government of the Republic of Hungary therefore objects to the above-mentioned reservations. This objection shall not preclude the entry into force of the Convention between the Republic of Hungary and the State of Qatar.”

Ireland, 28 April 2010

With regards to the reservations made by Qatar upon accession:

“The Government of Ireland has examined the reservations made by the State of Qatar upon accession to the Convention on the Elimination of All Forms of Discrimination against Women.

The Government of Ireland believes that the reservations to article 2 (a), article 9 paragraph 2, article 15 paragraph 1, article 15 paragraph 4, article 16 paragraph 1 (a) and (c), article 16 paragraph 1 (f) and declarations to article 1 and 5 (a), if put into practice, would inevitably result in discrimination against women on the basis of sex. Such reservations seek to exclude the State of Qatar from implementing key provisions of the Convention in their jurisdiction which are necessary to achieve its object and purpose.

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

The Government of Ireland is further of the view that a reservation which consists of a general reference to religious law without specifying the content thereof or the extent to which it requires the State to derogate from the cited provisions of the Convention, may cast doubts on the commitment of the reserving State to fulfill its obligations under the Convention. The Government of Ireland is furthermore of the view that such a general reservation may undermine the basis of international treaty law.

The Government of Ireland therefore objects to the aforesaid reservations made by the State of Qatar 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 Ireland and the State of Qatar.”

Italy, 15 April 2010

With regard to the reservations made by Qatar upon accession:

“The Government of Italy has carefully examined the reservations made by the State of Qatar upon accession to the above Convention.

The reservations state that Qatar does not consider itself bound by Article 9 paragraph 2, Article 15 paragraph 14 and Article 16. The Government of Italy finds that the aforementioned reservations would unavoidably result in a legal situation that discriminates against women, which would be incompatible with the object and purpose of the Convention.

The Government of Italy would like to recall 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, a reservation incompatible with the object and purpose shall not be permitted.

Moreover, Articles 2 and 16 are considered to be core provisions of the Convention, and their observance is necessary in order to achieve its purpose. Neither traditional, religious or cultural practice nor incompatible domestic laws and policies can justify violations of the Convention.

For these reasons, the Government of Italy objects to the aforementioned reservations made by the State of Qatar to the Convention on the Elimination of All Forms of Discrimination against Women.

This position however does not preclude the entry into force of the Convention between the State of Qatar and Italy.”

Latvia, 28 January 2010

“The Government of the Republic of Latvia has carefully examined the reservations made by the State of Qatar to the Convention on the elimination of All Forms of Discrimination against Women (hereinafter - the Convention) upon accession to the Convention regarding Article 2 paragraph (a), Article 9 paragraph 2, Article 15 paragraph 1 and 4, Article 16 paragraph 1 (a), 1 (c) and 1 (f).

The Government of the Republic of Latvia considers that Article 2 of the Convention sets out the object and purpose of the Convention - to grant the equality between men and women. Therefore, no reservations should be allowed to the said Article. Moreover, the reservation submitted by the State of Qatar is drafted in a very unclear manner. It does not make clear whether the State of Qatar has deemed not to grant the equality between genders only regarding the inheritance of the Rule of State as it is prescribed by Article 8 of the Constitution of the State of Qatar or Qatar has deemed not to grant the equality between genders in all laws of the State and other articles of the Constitution.

The Government of the Republic of Latvia is willing to stress that the object of the said Convention is to grant the equality between men and women and therefore the distinction between genders regarding the rights to determine the nationality of children is not in line with the object and purpose of the Convention.

The reservation submitted by the State of Qatar regarding the provisions of the Convention granting the equality before the law due to the reasons mentioned above could not be considered in line with the object and purpose of the Convention.

The Government of the Republic of Latvia is emphasizing that the rights to determine human's own domicile is a part of the free movement of person and therefore is very important part of human rights and, thus no limitations may be permitted to the said right.

Moreover, the Government of the Republic of Latvia believes that any person is entitled to fully enjoy the human rights and the marriage cannot restrict the human rights which the person is entitled to have.

Therefore, the Government of the Republic of Latvia has the opinion that the reservations made by the State of Qatar contradict to the object and purpose of the Convention and in particular to the obligations of all States Parties to pursue by all appropriate means and without delay a policy of eliminating the discrimination against women.

Moreover, the Government of the Republic of Latvia recalls Part VI, Article 28 of the Convention setting out that the reservations incompatible with the object and purpose of the Convention are not permitted.

Therefore, the Government of the Republic of Latvia objects to all reservations made by the State of Qatar to the Convention on the Elimination of All Forms of Discrimination against Women.

However, this objection shall not preclude the entry into force of the Convention between the Republic of Latvia and the State of Qatar. Thus, the Convention will become operative without the State of Qatar benefiting from its reservation."

5 May 2010

With regard to the reservations made by Qatar upon accession:

“It is the understanding of the Government of the Kingdom of the Netherlands that the declarations of the State of Qatar concerning articles 1 and 5 (a) of the Convention do not exclude or modify the legal effect of the provisions of the Convention in their application to the State of Qatar and that these declarations do not affect the principle of equality of men and women which is fundamental to the Convention.

The Government of the Kingdom of the Netherlands considers that with its reservations to articles 9 (2), 15 (1), 15 (4), 16 (1) (a) and (c) and 16 (1) (f) the State of Qatar has made the application of essential obligations under the Convention concerning central themes such as nationality, equality with men before the law, free movement and residence and marriage and family life subject to Islamic law and/or domestic law or practice in force in the State of Qatar. This makes it unclear to what extent the State of Qatar considers itself bound by the obligations of the treaty and raises concerns as to the commitment of the State of Qatar to the object and purpose of the Convention.

The Government of the Kingdom of the Netherlands considers that reservations of this kind must be regarded as incompatible with the object and purpose of the Convention and would recall that, according to article 28 (2) 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 aforesaid reservations made by the State of Qatar to the Convention.

This objection does not constitute an obstacle to the entry into force of the Convention between the Kingdom of the Netherlands and the State of Qatar.”

Norway, 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.”

Poland, 6 May 2010

With regard to the reservations made by Qatar upon accession:

“The Government of the Republic of Poland has examined the reservations made by the State of Qatar upon accession to the Convention on the Elimination of All Forms of Discrimination against Women, adopted by General Assembly of the United Nations on December 18, 1979, with regard to Articles 2(a), 9(2), 15(1), 15(4), 16(1)(a) and (c) and 16 (1)(f) and 29 (2) and the declarations made by this State with respect to Articles 1 and 5(a) of the Convention.

The Government of the Republic of Poland is of the view that, if put into practice, the reservations and declarations made by the State of Qatar, especially when taking into account the vast area of life which they affect, will considerably limit the ability of women to benefit from the rights guaranteed to them by the Convention which are related to essential sphere of life, e.g. equality of men and women before the law, nationality of children, family relations and freedom to choose their residence and domicile.

Thus, the Government of the Republic of Poland considers the reservations and declarations made by the State of Qatar (except for the reservations regarding Article 2(a) and Article 29(2) of the Convention) as incompatible with the object and purpose of the Convention which is the elimination of the discrimination against women in all spheres. Therefore, according to Article 28(2) of the Convention and Article 19(c) of the Vienna Convention on the Law of Treaties, the reservations and declarations shall not be permitted.

In order to justify its will to exclude the legal consequences of certain provisions of the Convention, the State of Qatar raised in its reservations the inconsistency of these provisions with its domestic legislation. The Government of the Republic of Poland recalls that, according to Article 27 of the Vienna Convention on the Law of Treaties, the State Party to an international agreement may not invoke the provisions of its internal law as justification for its failure to perform a treaty. On the contrary, it should be deemed a rule that a State Party adjusts its internal law to the treaty which it decides to be bound by.

Furthermore, the State of Qatar refers in its reservations to the Islamic law and 'established practice' which may be applied in course of the implementation of the Convention. However, it does not specify their exact content. As a consequence these reservations do 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.

Therefore, the Government of the Republic of Poland objects to the reservations made by the State of Qatar upon accession to the Convention on the elimination of All Forms of Discrimination against Women, adopted by General Assembly of the United Nations on 18 December 1979, with regard to Articles 9(2), 15(1), 15(4), 16(1)(a) and (c) and 16(1)(f) of the Convention.

This objection does not preclude the entry into force of the Convention between the Republic of Poland and the State of Qatar.”

Romania, 14 April 2010

With regard to the reservations made by Qatar upon accession:

“The Government of Romania has carefully considered the reservations made by Qatar upon accession to the Convention on the Elimination of all Forms of Discrimination against Women (New York, 18 December 1979) and regards the reservations made to Article 9 paragraph 2, Article 15 paragraph 1 and paragraph 4 and Article 16, [paragraph 1] (a), (c) and (f) as incompatible with the object and purpose of the Convention, since they maintain a certain form of discrimination against women and, implicitly, perpetuate the inequality of rights between men and women.

These reservations are contrary to Article 28, paragraph 2 of the Convention, which prohibits reservations incompatible with the object and purpose of the Convention.

Consequently, the Government of Romania objects to the aforementioned reservations made by Qatar 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, in its entirety, between Romania and Qatar.”

Slovakia, 28 July 2009

With regard to the reservations made by Qatar upon accession

“The Government of the Slovak Republic has carefully examined the reservations and

declarations formulated by the State of Qatar upon its accession to the Convention on the Elimination of All Forms of Discrimination against Women, adopted on 18 December 1979 in New York, according to which:

I. Reservations:

For the reasons explained below, the State of Qatar does not consider itself bound by the following provisions of the Convention:

1. Article 2 (a) in connection with the rules of the hereditary transmission of authority, as it is inconsistent with the provisions of article 8 of the Constitution.
2. Article 9, paragraph 2, as it is inconsistent with Qatar's law on citizenship.
3. Article 15, paragraph 1, in connection with matters of inheritance and testimony, as it is inconsistent with the provisions of Islamic law.
4. Article 15, paragraph 4, as it is inconsistent with the provisions of family law and established practice.
5. Article 16, paragraph 1 (a) and (c), as they are inconsistent with the provisions of Islamic law.
6. Article 16, paragraph 1 (f), as it is inconsistent with the provisions of Islamic law and family law.

The State of Qatar declares that all of its relevant national legislation is conducive to the interest of promoting social solidarity.

II. Declarations:

1. The Government of the State of Qatar accepts the text of article 1 of the Convention provided that, in accordance with the provisions of Islamic law and Qatari legislation, the phrase "irrespective of their marital status" is not intended to encourage family relationships outside legitimate marriage. It reserves the right to implement the Convention in accordance with this understanding.
2. The State of Qatar declares that the question of the modifications of "patterns" referred to in article 5 (a) must not be understood as encouraging women to abandon their role as mothers and their role in child-rearing, thereby undermining the structure of the family.

Therefore, having studied and approved the Convention, we confirm by this instrument that we accept the Convention, accede to it and undertake to abide [these] provisions, while affirming and bearing in the mind the reservations and declarations mentioned above.

The Government of the Slovak Republic finds the reservations to article 2 (a), article 9,

paragraph 2, article 15, paragraph 4, article 16, paragraph 1 (a) and (c), article 16, paragraph 1 (f) and declarations to article 1 and article 5 (a), if put into practice, would inevitably result in discrimination against women on the basis of sex, which is incompatible with the object and purpose of the Convention and is therefore inadmissible under article 19 (c) of the Vienna Convention on the Law of Treaties. Therefore it shall not be permitted, in accordance with article 28, paragraph 2 of the Convention on the Elimination of All Forms of Discrimination Against Women.

For these reasons, the Government of the Slovak Republic objects to the above mentioned reservations and declarations made by the State of Qatar upon accession 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 on the Elimination of All Forms of Discrimination Against Women between the Slovak Republic and the State of Qatar. The Convention on the Elimination of All Forms of Discrimination Against Women enters into force in its entirety between the Slovak Republic and the State of Qatar, without the State of Qatar benefiting from its reservations and declarations.”

Spain, 13 November 2009

With regard to the reservations made by Qatar upon accession:

The Government of the Kingdom of Spain has examined the reservations made by Qatar upon its accession to the Convention on the Elimination of All Forms of Discrimination against Women with respect to article 9, paragraph 2, article 15, paragraphs 1 and 4, and article 16, paragraph 1 (a), (c) and (f) of the Convention, as well as the declarations made with respect to articles 1 and 5 (a) of the Convention.

The Government of the Kingdom of Spain believes that the aforementioned declarations relating to articles 1 and 5 (a) have no legal force and in no way exclude or modify the obligations assumed by Qatar under the Convention.

The Government of the Kingdom of Spain believes that the reservations made with respect to article 9, paragraph 2, article 15, paragraphs 1 and 4, and article 16, paragraph 1 (a), (c) and (f) are incompatible with the object and purpose of the Convention, since their intent is to exempt Qatar from committing itself to the elimination of specific forms of discrimination against women in such areas as nationality, equality with men before the law, free movement and residence, the right to enter into marriage, the matrimonial regime and filiation rights. These reservations affect essential obligations arising from the Convention and their observance is necessary in order to achieve the purpose of the Convention.

The Government of the Kingdom of Spain recalls that, according to article 28, paragraph 2, of

the Convention, reservations that are incompatible with the object and purpose of the Convention shall not be permitted.

The Government of the Kingdom of Spain also believes that the reservations made by Qatar, which are based on inconsistency with Islamic law and incompatibility with existing domestic legislation, to which a general reference is made without specifying their contents, in no way excludes the legal effects of the obligations arising from the relevant provisions of the Convention.

Accordingly, the Government of the Kingdom of Spain objects to the reservations made by Qatar with respect to article 9, paragraph 2, article 15, paragraphs 1 and 4, and article 16, paragraph 1 (a), (c) and (f) of 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 Spain and Qatar.

Sweden, 7 May 2010

With regard to the reservations made by Qatar upon accession:

“The Government of Sweden considers that the reservations made with respect to articles 9 (2), 15 (1), 15 (4) and 16 (1 a, c, f) would, if put into practice, 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 women and men 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, and are enshrined in the Universal Declaration of Human Rights of 1948.

The Government of Sweden notes that the reservations made by the State of Qatar would give precedence to the provisions of the national Constitution and legislation as well as to the provisions of Islamic law and established practice. The Government of Sweden is of the belief that these reservations, which do not clearly specify the extent of the derogation by the State of Qatar from the provisions in question, raises serious doubt as to the commitment of the State of Qatar to the object and purpose of the Convention.

According to Article 28 (2) of the Convention and to international customary law, as codified in the Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of a 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 obligation under the treaties.

This objection does not preclude the entry into force of the Convention between the State of Qatar and Sweden. The Convention shall enter into force in its entirety between the two States without Qatar benefiting from its reservations.

It is the understanding of the Government of the Sweden that the declarations of the State of Qatar concerning articles 1 and 5 (a) of the Convention do not exclude or modify the legal effect of the provisions of the Convention in their application to Qatar and that these declarations do not affect the principle of equality of men and women which is fundamental to the Convention.”

Note

The Secretary-General received communications with regard to the reservations made by Qatar upon accession from the following States:

Mexico (10 May 2010)

The United Mexican States has examined the reservations made by Qatar to articles 2, 9, 15 and 16, and has concluded that they should be considered invalid in the light of article 28, paragraph 2, of the Convention because they are incompatible with its object and purpose. The said reservations, if implemented, would inevitably result in discrimination against women on the basis of sex, which is contrary to all the articles of the Convention.

The objection of the Government of the United Mexican States to the reservations in question shall not preclude the entry into force of the Convention between the United Mexican States and Qatar.

Portugal (10 May 2010)

The Government of the Portuguese Republic considers that the reservations are incompatible with the object and purpose of the Convention, insofar as they disregard fundamental principles that shape the core of the Convention.

According to international law, a reservation which is incompatible with the object and purpose of a treaty shall not be permitted.

The Government of the Portuguese Republic therefore objects to the aforesaid reservations made by the Government of the State of Qatar on 29 April 2009 upon its accession 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 on the Elimination of all Forms of Discrimination against Women between the Portuguese Republic and the State of

Qatar.

(Note 73, Chapter IV.8, Multilateral Treaties Deposited with the Secretary-General)