

## SWEDEN

### 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)*

17 March 1986

"The Government of Sweden considers that [the following reservations] are incompatible with the object and purpose of the Convention (article 28, paragraph 2) and therefore objects to them:

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

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 1948 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 regarding article 2, article 9, paragraph 2, and article 16,
- Mauritius regarding article 11, paragraph 1 (b) and (d), and article 16, paragraph 1 (g),
- Jamaica regarding article 9, paragraph 2
- Republic of Korea regarding article 9 and article 16, paragraph 1 (c), (d), (f) and (g)
- New Zealand 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."

Subsequently, the Secretary-General received, from the Government of Sweden, objections of the same nature as the one above with regard to reservations made by the following States on the dates indicated hereinafter:

- 12 March 1987 with regard to the reservation made by Iraq in respect of article 2, paragraph (f) and (g), article 9, paragraph 1, and article 16;
- 15 April 1988 with regard to the first reservations made by Malawi;
- 25 May 1990 with regard to the reservation made by the Libyan Arab Jamahiriya;
- 5 February 1993 with regard to the reservations made by Jordan in respect of article 9, paragraph 2, article 15, paragraph 4, the wording of article 16 (c), and article 16 (d) and (g);
- 26 October 1994 with regard to the reservations made by Maldives upon accession. The Government of Sweden also stated that: "The Government of Sweden therefore objects to these reservations and considers that they constitute an obstacle to the entry into force of the Convention between Sweden and the Republic of Maldives.";
- 17 January 1996 with regard to the reservations made by Kuwait upon accession;
- 27 January 1998 with regard to the reservations made by Lebanon upon accession.
- 27 April 2000 with regard to the reservations to articles 2, 5, 15 and 16 made by Niger upon accession.

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30 March 2001

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

"The Government of Sweden has examined the reservation made by the Government of the Kingdom of Saudi Arabia at the time of its ratification of the Convention on the Elimination of All Forms of Discrimination against Women, as to any interpretation of the provisions of the

Convention that is incompatible with the norms of Islamic law.

The Government of Sweden is of the view that this general reservation, which does not clearly specify the provisions of the convention to which it applies and the extent of the derogation therefrom, raises doubts as to the object and purpose of the Convention.

It is in the common interest of States that treaties to which they have been chosen to become parties are respected as to their object and purpose, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties. According to customary 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 general reservation made by the Government of the Kingdom of Saudi Arabia to the Convention on the Elimination of All Forms of Discrimination against Women.

This shall not preclude the entry into force of the Convention between the Kingdom of Saudi Arabia and the Kingdom of Sweden, without the Kingdom of Saudi Arabia benefitting from the said reservation".

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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 organisation, 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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21 January 2002

With regard to the reservation made by Mauritania upon accession:

"The Government of Sweden has examined the reservation made by Mauritania upon acceding to the Convention on the Elimination of All Forms of Discrimination Against Women.

The Government of Sweden notes that the Convention is being made subject to a general reservation of unlimited scope referring to the contents of Islamic Sharia and to existing legislation in Mauritania.

The Government of Sweden is of the view that this reservation which does not clearly specify the provisions of the Convention to which it applies, and the extent of the derogation therefrom, raises serious doubts as to the commitment of Mauritania to the object and purpose of the Convention. The Government of Sweden would like to recall that, 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 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.

The Government of Sweden therefore objects to the aforesaid reservation made by the Government of Mauritania to the Convention on the Elimination of All Forms of Discrimination Against Women.

The objection shall not preclude the entry into force of the Convention between Mauritania and Sweden. The Convention enters into force in its entirety between the two States, without Mauritania benefitting from its reservation."

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27 November 2002

With regard to the reservation made by Bahrain upon accession:

"The Government of Sweden has examined the reservation made by Bahrain upon acceding to the Convention on the Elimination of All Forms of Discrimination Against Women, regarding articles 2, 9(2), 15(4) and 16.

The reservation to articles 9(2) and 15(4), 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 organisation, as well as in the Universal Declaration of Human Rights of 1948.

The reservation to articles 2 and 16 make general references to Islamic sharia. The Government of Sweden is of the view that, in absence of further clarification, this reservation which does not clearly specify the extent of Bahrain's derogation from the provisions in question raises serious doubts as to the commitment of Bahrain to the object and purpose of the Convention.

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.

The Government of Sweden objects to the aforesaid reservations made by the Government of Bahrain to the Convention on the Elimination of All Forms of Discrimination Against Women and considers the reservation null and void.

This objection shall not preclude the entry into force of the Convention between Bahrain and Sweden. The Convention enters into force in its entirety between the two States, without Bahrain benefiting from its reservation."

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11 July 2003

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

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

Article 2 of the Convention is one of the core articles of the Convention. A general reservation to this article seriously raises doubts as to the commitment of the Syrian Arab Republic to the

object and purpose of the Convention.

The reservations to articles 9, paragraph 2, article 15, paragraph 4 and article 16, paragraphs 1 (c), (d), (f) and (g), 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 organisation, as well as in the Universal Declaration of Human Rights of 1948.

The reservation to article 16, paragraph 2, makes a general reference to islamic sharia. The Government of Sweden is of the view that in the absence of further clarification, this reservation which does not clearly specify the extent of the Syrian Arab Republic's derogation from the provision in question raises serious doubts as to the commitment of the Syrian Arab Republic to the object and purpose of the Convention.

According to article 28, paragraph 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 all 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.

The Government of Sweden therefore objects to the aforesaid reservations made by the Syrian Arab Republic 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 Syrian Arab Republic and Sweden. The Convention enters into force in its entirety between the two States, without the Syrian Arab Republic benefiting from its reservations."

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25 August 2005

With regard to the reservations made by Micronesia (Federated States of) upon accession:

"The Government of Sweden is of the view that this reservation raises serious doubts as to the commitment of the Government of Micronesia to the object and purpose of the Convention. The reservation would, if put into practice, result in discrimination against women on the basis of sex. It should be borne in mind that the principles of the equal right 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 organisation, as well as in the Universal Declaration of Human Rights of 1948.

According to article 28 (2) of the Convention, and to customary 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.

The Government of Sweden therefore objects to the aforesaid reservation made by the Government of the Federated States of Micronesia to the Convention to 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 Federated States of Micronesia benefiting from its reservations."

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5 October 2005

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

"The Government of Sweden has examined the reservations made by United Arab Emirates upon acceding to the Convention on the Elimination of All Forms of Discrimination Against Women, regarding Article 2 (f), 9, 15 (2) and 16.

The Government of Sweden notes that the said articles are being made subject to reservations referring to national legislation and Sharia principles.

The Government of Sweden is of the view that these reservations which do not clearly specify the extent of the United Arab Emirates' derogation from the provisions in question raises serious doubts as to the commitment of the United Arab Emirates to the object and purpose of the Convention. The reservations 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 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, as well as in the declaration of Human Rights of 1948.

According to article 28 (2) of the Convention, and to international customary law as codified in the Vienna convention on the Law of the 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.

The Government of Sweden 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 and considers them null and void.

This objection shall not preclude the entry into force of the Convention between the United Arab Emirates and Sweden. The convention enters into force in its entirety between the two States, without the United Arab Emirates benefiting from its reservations."

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6 February 2007

With regard to the reservations made Oman upon accession:

"The Government of Sweden has examined the reservations made by the Sultanate of Oman on 7 February 2006 to the Convention on the Elimination of All Forms of Discrimination against Women.

The Government of Sweden notes that the Sultanate of Oman gives precedence to the provisions of Islamic Sharia and national legislation over the application of the provisions of the Convention. The Government of Sweden is of the view that this reservation which does not clearly specify the extent of the Sultanate of Oman's derogation from the provisions in question raises serious doubt as to the commitment of the Sultanate of Oman to the object and purpose of the Convention.

Furthermore, the Government of Sweden considers that, regarding the reservations made with respect to articles 9 (2), 15 (4), 16 (a, c, f), 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 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, as well as the declaration of Human Rights of 1948.

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 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.

The Government of Sweden therefore objects to the aforesaid reservations made by the Sultanate of Oman to the Convention on the Elimination of All Forms of Discrimination against Women and considers them null and void.

This objection shall not preclude the entry into force of the Convention between the Sultanate of

Oman and Sweden. The Convention enters into force in its entirety between the two States, without the Sultanate of Oman benefiting from its reservations."

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12 February 2007

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

"The Government of Sweden has examined the reservations made by Brunei Darussalam on 24 May 2006 to the Convention on the Elimination of All Forms of Discrimination against Women.

The Government of Sweden notes that Brunei Darussalam gives precedence to the beliefs and principles of Islam and national legislation over the application of the provisions of the Convention. The Government of Sweden is of the view that this reservation which does not clearly specify the extent of Brunei Darussalam's derogation from the provisions in questions raises serious doubt as to the commitment of Brunei Darussalam to the object and purpose of the Convention.

Furthermore, the Government of Sweden considers that, regarding the reservation made with respect to article 9 (2), 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 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, as well as the Universal Declaration of Human Rights of 1948.

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 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.

The Government of Sweden therefore objects to the aforesaid reservations made by Brunei Darussalam to the Convention on the Elimination of All Forms of Discrimination against Women and considers them null and void.

This objection shall not preclude the entry into force of the Convention between Brunei Darussalam and Sweden. The convention enters into force in its entirety between the two States without Brunei Darussalam benefiting from its reservations."

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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.”

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#### Note

On 25 October 1996, the Secretary-General received from the Government of Sweden, the following communication regarding reservations made by Malaysia upon accession:

[Same text, mutatis mutandis, as the one made under "Objections".]

[*Ed. note: as follows*

17 March 1986

"The Government of Sweden considers that [the following reservations] 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 1948 and in various multilateral instruments, to which Thailand, Tunisia and Bangladesh are parties.

...

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."]

*(Note 56, Chapter IV.8, Multilateral Treaties Deposited with the Secretary-General)*

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#### Note

On 13 August 1997, the Secretary-General received from the Government of Sweden the following communication with regard to the reservation made by Singapore:

"The Government of Sweden is of the view that these general reservations raise doubts as to the commitment of Singapore to the object and purpose of the Convention and would recall 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.

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.

The Government of Sweden is further of the view that general reservations of the kind made by the Government of Singapore, which do not clearly specify the provisions of the Convention to which they apply and the extent of the derogation therefrom, contribute to undermining the basis of international treaty law.

The Government of Sweden therefore objects to the aforesaid general reservations made by the Government of Singapore to the [said Convention].

This objection does not preclude the entry into force of the Convention between Singapore and Sweden. The Convention will thus become operative between the two states without Singapore benefiting from these reservations.

It is the opinion of the Government of Sweden, that no time limit applies to objections against reservations, which are inadmissible under international law."

On that same date, the Secretary-General received from the Government of Sweden, a communication with regard to the declaration made by Pakistan, identical in essence, mutatis mutandis, as the one made for Singapore.

*(Note 57, Chapter IV.8, Multilateral Treaties Deposited with the Secretary-General)*

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#### Note

Several Governments notified the Secretary-General that they consider the reservations made by the Government of Algeria upon accession as incompatible with the object and purpose of the said Convention and, therefore, prohibited by virtue of its article 28 (2), on the dates indicated hereinafter:

<u>Participant:</u>	<u>Date of notification:</u>
Sweden	4 Aug 1997
Portugal	14 Aug 1997
Denmark	24 Mar 1998

*(Note 65, Chapter IV.8, Multilateral Treaties Deposited with the Secretary-General)*