

## SWEDEN

### DISABILITY

#### **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)*

23 January 2009

With regard to the reservation made by El Salvador upon signature and confirmed upon ratification

“...the Government of Sweden has examined the reservation made by the Government of the Republic of El Salvador upon ratifying the Convention on the Rights of Persons with Disabilities.

According to international customary law, as codified in the Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of a treaty 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 notes that El Salvador in its reservation gives precedence to its Constitution over the Convention. The Government of Sweden is of the view that such a reservation, which does not clearly specify the extent of the derogation, raises serious doubt as to the commitment of El Salvador to the object and purpose of the Convention.

The Government of Sweden therefore objects to the aforesaid reservation made by the Government of the Republic of El Salvador to the Convention on the Rights of Persons with Disabilities and considers the reservation null and void. This objection shall not preclude the entry into force of the Convention between El Salvador and Sweden. The Convention enters into force in its entirety between El Salvador and Sweden, without El Salvador benefiting from its reservation.”

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28 July 2009

The Government of Sweden has examined the interpretative declaration made by the Government of the Kingdom of Thailand on 29 July 2008 to the Convention on the Rights of Persons With Disabilities.

The Government of Sweden recalls that the designation assigned to a statement whereby the legal effect of certain provisions of a treaty is excluded or modified does not determine its status as a reservation to the treaty. The Government of Sweden considers that the interpretative declaration made by the Government of Thailand in substance constitutes a reservation.

According to international customary law, as codified in the Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of a treaty 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 notes that Thailand gives precedence to its national laws, regulations and practices over the application of article 18 of the Convention. The Government of Sweden is of the view that such a reservation, which does not clearly specify the extent of the derogation, raises serious doubt as to the commitment to the object and purpose of the Convention.

The Government of Sweden therefore objects to the aforesaid reservation made by the Government of the Kingdom of Thailand to the Convention on the Rights of Persons with Disabilities and considers the reservation null and void. This objection shall not preclude the entry into force of the Convention between Thailand and Sweden. The Convention enters into force in its entirety between Thailand and Sweden, without Thailand benefiting from its reservation.”

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6 July 2011

With regard to the reservations made by Malaysia upon ratification:

“The Government of Sweden has examined the interpretative declaration and reservations made by the Government of Malaysia at the time of its ratification of the Convention on the Rights of Persons with Disabilities.

The Government of Sweden recalls that the designation assigned to a statement whereby the legal effect of certain provisions of a treaty is excluded or modified does not determine its status as a reservation to the treaty. The Government of Sweden considers that the interpretative declaration made by the Government of Malaysia in substance constitutes a reservation, which raises serious doubt as to the commitment to the object and purpose of the Convention.

The Government of Sweden furthermore considers that the reservations to articles 15 and 18 raise serious doubt as to the commitment to the object and purpose of the Convention.

According to international customary law, as codified in the Vienna Convention on the Law of

Treaties, reservations incompatible with the object and purpose of a treaty 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 Government of Malaysia to the Convention on the Rights of Persons with Disabilities and considers the reservations null and void. This objection shall not preclude the entry into force of the Convention between Malaysia and Sweden. The Convention enters into force in its entirety between Malaysia and Sweden, without Malaysia benefiting from its reservations.”