

15. CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

New York, 13 December 2006

ENTRY INTO FORCE: 3 May 2008, in accordance with article 45(1).
REGISTRATION: 3 May 2008, No. 44910.
STATUS: Signatories: 145. Parties: 87.
TEXT: Doc.A/61/611.

Note: The above Convention was adopted on 13 December 2006 during the sixty-first session of the General Assembly by resolution A/RES/61/106. In accordance with its article 42, the Convention shall be open for signature by all States and by regional integration organizations at United Nations Headquarters in New York as of 30 March 2007.

<i>Participant</i>	<i>Signature</i>	<i>Formal confirmation(c), Accession(a), Ratification</i>	<i>Participant</i>	<i>Signature</i>	<i>Formal confirmation(c), Accession(a), Ratification</i>
Albania.....	22 Dec 2009		Congo.....	30 Mar 2007	
Algeria	30 Mar 2007	4 Dec 2009	Cook Islands		8 May 2009 a
Andorra	27 Apr 2007		Costa Rica.....	30 Mar 2007	1 Oct 2008
Antigua and Barbuda	30 Mar 2007		Côte d'Ivoire.....	7 Jun 2007	
Argentina.....	30 Mar 2007	2 Sep 2008	Croatia.....	30 Mar 2007	15 Aug 2007
Armenia.....	30 Mar 2007		Cuba.....	26 Apr 2007	6 Sep 2007
Australia.....	30 Mar 2007	17 Jul 2008	Cyprus.....	30 Mar 2007	
Austria.....	30 Mar 2007	26 Sep 2008	Czech Republic	30 Mar 2007	28 Sep 2009
Azerbaijan.....	9 Jan 2008	28 Jan 2009	Denmark	30 Mar 2007	24 Jul 2009
Bahrain.....	25 Jun 2007		Dominica.....	30 Mar 2007	
Bangladesh.....	9 May 2007	30 Nov 2007	Dominican Republic	30 Mar 2007	18 Aug 2009
Barbados	19 Jul 2007		Ecuador	30 Mar 2007	3 Apr 2008
Belgium.....	30 Mar 2007	2 Jul 2009	Egypt.....	4 Apr 2007	14 Apr 2008
Benin.....	8 Feb 2008		El Salvador.....	30 Mar 2007	14 Dec 2007
Bolivia (Plurinational State of) ¹	13 Aug 2007	16 Nov 2009	Estonia	25 Sep 2007	
Bosnia and Herzegovina	29 Jul 2009	12 Mar 2010	Ethiopia.....	30 Mar 2007	
Brazil.....	30 Mar 2007	1 Aug 2008	European Union	30 Mar 2007	
Brunei Darussalam.....	18 Dec 2007		Fiji.....	2 Jun 2010	
Bulgaria.....	27 Sep 2007		Finland	30 Mar 2007	
Burkina Faso	23 May 2007	23 Jul 2009	France	30 Mar 2007	18 Feb 2010
Burundi	26 Apr 2007		Gabon.....	30 Mar 2007	1 Oct 2007
Cambodia.....	1 Oct 2007		Georgia	10 Jul 2009	
Cameroon.....	1 Oct 2008		Germany	30 Mar 2007	24 Feb 2009
Canada	30 Mar 2007	11 Mar 2010	Ghana.....	30 Mar 2007	
Cape Verde.....	30 Mar 2007		Greece	30 Mar 2007	
Central African Republic	9 May 2007		Guatemala ³	30 Mar 2007	7 Apr 2009
Chile.....	30 Mar 2007	29 Jul 2008	Guinea.....	16 May 2007	8 Feb 2008
China ²	30 Mar 2007	1 Aug 2008	Guyana.....	11 Apr 2007	
Colombia.....	30 Mar 2007		Haiti		23 Jul 2009 a
Comoros.....	26 Sep 2007		Honduras.....	30 Mar 2007	14 Apr 2008
			Hungary	30 Mar 2007	20 Jul 2007
			Iceland.....	30 Mar 2007	
			India.....	30 Mar 2007	1 Oct 2007

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Indonesia.....	30 Mar 2007		Pakistan.....	25 Sep 2008	
Iran (Islamic Republic of).....		23 Oct 2009 a	Panama.....	30 Mar 2007	7 Aug 2007
Ireland.....	30 Mar 2007		Paraguay.....	30 Mar 2007	3 Sep 2008
Israel.....	30 Mar 2007		Peru.....	30 Mar 2007	30 Jan 2008
Italy.....	30 Mar 2007	15 May 2009	Philippines.....	25 Sep 2007	15 Apr 2008
Jamaica.....	30 Mar 2007	30 Mar 2007	Poland.....	30 Mar 2007	
Japan.....	28 Sep 2007		Portugal.....	30 Mar 2007	23 Sep 2009
Jordan.....	30 Mar 2007	31 Mar 2008	Qatar.....	9 Jul 2007	13 May 2008
Kazakhstan.....	11 Dec 2008		Republic of Korea.....	30 Mar 2007	11 Dec 2008
Kenya.....	30 Mar 2007	19 May 2008	Republic of Moldova....	30 Mar 2007	
Lao People's Democratic Republic.....	15 Jan 2008	25 Sep 2009	Romania.....	26 Sep 2007	
Latvia.....	18 Jul 2008	1 Mar 2010	Russian Federation.....	24 Sep 2008	15 Dec 2008 a
Lebanon.....	14 Jun 2007		Rwanda.....		15 Dec 2008 a
Lesotho.....		2 Dec 2008 a	San Marino.....	30 Mar 2007	22 Feb 2008
Liberia.....	30 Mar 2007		Saudi Arabia.....		24 Jun 2008 a
Libyan Arab Jamahiriya.....	1 May 2008		Senegal.....	25 Apr 2007	
Lithuania.....	30 Mar 2007		Serbia.....	17 Dec 2007	31 Jul 2009
Luxembourg.....	30 Mar 2007		Seychelles.....	30 Mar 2007	2 Oct 2009
Madagascar.....	25 Sep 2007		Sierra Leone.....	30 Mar 2007	
Malawi.....	27 Sep 2007	27 Aug 2009	Slovakia.....	26 Sep 2007	26 May 2010
Malaysia.....	8 Apr 2008		Slovenia.....	30 Mar 2007	24 Apr 2008
Maldives.....	2 Oct 2007	5 Apr 2010	Solomon Islands.....	23 Sep 2008	
Mali.....	15 May 2007	7 Apr 2008	South Africa.....	30 Mar 2007	30 Nov 2007
Malta.....	30 Mar 2007		Spain.....	30 Mar 2007	3 Dec 2007
Mauritius.....	25 Sep 2007	8 Jan 2010	Sri Lanka.....	30 Mar 2007	
Mexico.....	30 Mar 2007	17 Dec 2007	Sudan.....	30 Mar 2007	24 Apr 2009
Monaco.....	23 Sep 2009		Suriname.....	30 Mar 2007	
Mongolia.....		13 May 2009 a	Swaziland.....	25 Sep 2007	
Montenegro.....	27 Sep 2007	2 Nov 2009	Sweden.....	30 Mar 2007	15 Dec 2008
Morocco.....	30 Mar 2007	8 Apr 2009	Syrian Arab Republic....	30 Mar 2007	10 Jul 2009
Mozambique.....	30 Mar 2007		Thailand.....	30 Mar 2007	29 Jul 2008
Namibia.....	25 Apr 2007	4 Dec 2007	The former Yugoslav Republic of Macedonia.....	30 Mar 2007	
Nepal.....	3 Jan 2008	7 May 2010	Togo.....	23 Sep 2008	
Netherlands.....	30 Mar 2007		Tonga.....	15 Nov 2007	
New Zealand ⁴	30 Mar 2007	25 Sep 2008	Trinidad and Tobago....	27 Sep 2007	
Nicaragua.....	30 Mar 2007	7 Dec 2007	Tunisia.....	30 Mar 2007	2 Apr 2008
Niger.....	30 Mar 2007	24 Jun 2008	Turkey.....	30 Mar 2007	28 Sep 2009
Nigeria.....	30 Mar 2007		Turkmenistan.....		4 Sep 2008 a
Norway.....	30 Mar 2007		Uganda.....	30 Mar 2007	25 Sep 2008
Oman.....	17 Mar 2008	6 Jan 2009	Ukraine.....	24 Sep 2008	4 Feb 2010
			United Arab Emirates ...	8 Feb 2008	19 Mar 2010
			United Kingdom of	30 Mar 2007	8 Jun 2009

<i>Participant</i>	<i>Signature</i>	<i>Formal confirmation(c), Accession(a), Ratification</i>	<i>Participant</i>	<i>Signature</i>	<i>Formal confirmation(c), Accession(a), Ratification</i>
Great Britain and Northern Ireland			Vanuatu.....	17 May 2007	23 Oct 2008
United Republic of Tanzania	30 Mar 2007	10 Nov 2009	Viet Nam.....	22 Oct 2007	
United States of America	30 Jul 2009		Yemen.....	30 Mar 2007	26 Mar 2009
Uruguay.....	3 Apr 2007	11 Feb 2009	Zambia	9 May 2008	1 Feb 2010
Uzbekistan.....	27 Feb 2009				

Declarations and Reservations
(Unless otherwise indicated, the declarations and reservations were made upon ratification, formal confirmation or accession.)

AUSTRALIA

Declaration:

“Australia recognizes that persons with disability enjoy legal capacity on an equal basis with others in all aspects of life. Australia declares its understanding that the Convention allows for fully supported or substituted decision-making arrangements, which provide for decisions to be made on behalf of a person, only where such arrangements are necessary, as a last resort and subject to safeguards;

Australia recognizes that every person with disability has a right to respect for his or her physical and mental integrity on an equal basis with others. Australia further declares its understanding that the Convention allows for compulsory assistance or treatment of persons, including measures taken for the treatment of mental disability, where such treatment is necessary, as a last resort and subject to safeguards;

Australia recognizes the rights of persons with disability to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others. Australia further declares its understanding that the Convention does not create a right for a person to enter or remain in a country of which he or she is not a national, nor impact on Australia’s health requirements for non-nationals seeking to enter or remain in Australia, where these requirements are based on legitimate, objective and reasonable criteria.”

AZERBAIJAN

Declaration:

“The Republic of Azerbaijan declares that it is unable to guarantee the application of the provisions of the Convention in the territories occupied by the Republic of Armenia until these territories are liberated from occupation.”

BELGIUM

Declaration made upon signature:

This signature is equally binding on the French community, the Flemish community, the German-speaking community, the Wallone region, the Flemish region and the region of the capital-Brussels.

CANADA

Declaration and reservation:

“Canada recognises that persons with disabilities are presumed to have legal capacity on an equal basis with others in all aspects of their lives. Canada declares its understanding that Article 12 permits supported and substitute decision-making arrangements in appropriate circumstances and in accordance with the law.

To the extent Article 12 may be interpreted as requiring the elimination of all substitute decision-making arrangements, Canada reserves the right to continue their use in appropriate circumstances and subject to appropriate and effective safeguards. With respect to Article 12 (4), Canada reserves the right not to subject all such measures to regular review by an independent authority, where such measures are already subject to review or appeal.

Canada interprets Article 33 (2) as accommodating the situation of federal states where the implementation of the Convention will occur at more than one level of government and through a variety of mechanisms, including existing ones.”

EGYPT

Interpretative declaration made upon signature:

The Arab Republic of Egypt declares that its interpretation of article 12 of the International Convention on the Protection and Promotion of the Rights of Persons with Disabilities, which deals with the recognition of persons with disabilities on an equal basis with others before the law, with regard to the concept of legal capacity dealt with in paragraph 2 of the said article, is that persons with disabilities enjoy the capacity to acquire rights and assume legal responsibility ('ahliyyat al-wujub') but not the capacity to perform ('ahliyyat al-'ada'), under Egyptian law.

EL SALVADOR⁵

Reservation made upon signature and confirmed upon ratification:

The Government of the Republic of El Salvador signs the present Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, adopted by the United Nations General Assembly on 13 December 2006, to the extent that its provisions do not prejudice or violate the provisions of any of the precepts, principles and norms enshrined in the Constitution of the Republic of El Salvador, particularly in its enumeration of principles.

FRANCE

Declarations:

The French Republic declares that it will interpret the term "consent" in article 15 of the Convention in conformity with international instruments, in particular those that relate to human rights and biomedicine, and with national legislation, which is in line with these instruments. This means that, as far as biomedical research is concerned, the term "consent" applies to two different situations:

1. Consent given by a person who is able to consent, and
2. In the case of persons who are not able to give their consent, permission given by their representative or an authority or body provided for by law.

The French Republic considers it important that persons who are unable to give their free and informed consent receive specific protection, without prejudice to all medical research of benefit to them. In addition to the permission referred to under paragraph 2 above, other protective measures, such as those included in the above-mentioned international instruments, are considered to be part of this protection.

With regard to article 29 of the Convention, the exercise of the right to vote is a component of legal capacity that may not be restricted except in the conditions and in accordance with the modalities provided for in article 12 of the Convention.

IRAN (ISLAMIC REPUBLIC OF)

Declaration:

"... with regard to Article 46, the Islamic Republic of Iran declares that it does not consider itself bound by any provisions of the Convention, which may be incompatible with its applicable rules."

MALTA

Interpretative statement and reservation made upon signature:

"(a) Pursuant to Article 25 of the Convention, Malta makes the following Interpretative Statement - Malta understands that the phrase "sexual and reproductive health" in Art 25 (a) of the Convention does not constitute recognition of any new international law obligation, does not create any abortion rights, and cannot be interpreted to constitute support, endorsement, or promotion of abortion. Malta further understands that the use of this phrase is intended exclusively to underline the point that where health services are provided, they are provided without discrimination on the basis of disability.

Malta's national legislation, considers the termination of pregnancy through induced abortion as illegal.

(b) Pursuant to Article 29 a) (i) and (iii) of the Convention, while the Government of Malta is fully committed to ensure the effective and full participation of persons with disabilities in political and public life, including the exercise of their right to vote by secret ballot in elections and referenda, and to stand for elections, Malta makes the following reservations:

With regard to (a) (i):

At this stage, Malta reserves the right to continue to apply its current electoral legislation in so far as voting procedures, facilities and materials are concerned.

With regard to (a) (iii):

Malta reserves the right to continue to apply its current electoral legislation in so far as assistance in voting procedures is concerned."

MAURITIUS

Reservations:

"The Republic of Mauritius declares that it shall not for the time being take any of the measures provided for

in Articles 9.2 (d) and (e) in view of their heavy financial implication.

With regard to Article 24.2 (b), the Republic of Mauritius has a policy of inclusive education which is being implemented incrementally alongside special education."

Reservation made upon signature:

"The Government of the Republic of Mauritius makes the following reservations in relation to Article 11 of the United Nations Convention on the Rights of Persons with Disabilities which pertains to situations of risk and humanitarian emergencies.

The Government of Mauritius signs the present Convention subject to the reservation that it does not consider itself bound to take measures specified in article 11 unless permitted by domestic legislation expressly providing for the taking of such measures."

MEXICO

Interpretative declaration:

"The Political Constitution of the United Mexican States, in its article 1, establishes that: "(...) any discrimination on the grounds of ethnic or national origin, gender, age, disability, social status, health, religion, opinion, preference, civil status or any other form of discrimination that is an affront to human dignity and is intended to deny or undermine the rights and freedoms of persons is prohibited".

In ratifying this Convention, the United Mexican States reaffirms its commitment to promoting and protecting the rights of Mexicans who suffer any disability, whether they are within the national territory or abroad.

The Mexican State reiterates its firm commitment to creating conditions that allow all individuals to develop in a holistic manner and to exercise their rights and freedoms fully and without discrimination.

Accordingly, affirming its absolute determination to protect the rights and dignity of persons with disabilities, the United Mexican States interprets paragraph 2 of article 12 of the Convention to mean that in the case of conflict between that paragraph and national legislation, the provision that confers the greatest legal protection while safeguarding the dignity and ensuring the physical, psychological and emotional integrity of persons and protecting the integrity of their property shall apply, in strict accordance with the principle pro homine."

MONACO

Interpretative declaration:

The Government of His Serene Highness the Prince of Monaco declares that implementation of the Convention must take into account the unique features of the Principality of Monaco, particularly the small size of its territory and the needs of its people.

The Government of His Serene Highness the Prince of Monaco considers that articles 23 and 25 of the Convention must not be interpreted as recognizing an individual right to abortion except where expressly provided for under national law.

The Government of His Serene Highness the Prince of Monaco considers that the purpose of the Convention is to eliminate all discrimination on the basis of disability and to ensure that persons with disabilities have full enjoyment of all human rights and fundamental freedoms on an equal basis with others, but that the Convention does not imply that persons with disabilities should be afforded rights superior to those afforded to persons without disabilities, especially in terms of employment, accommodation and nationality.

NETHERLANDS

Declarations made upon signature:

"The Kingdom of the Netherlands hereby expresses its intention to ratify the Convention on the Rights of Persons with Disabilities, subject to the following declarations and such further declarations and reservations as it may deem necessary upon ratification of the Convention.

Article 10

The Kingdom of the Netherlands acknowledges that unborn human life is worthy of protection. The Kingdom interprets the scope of Article 10 to the effect that such protection - and thereby the term 'human being' - is a matter for national legislation.

Article 15

The Netherlands declares that it will interpret the term 'consent' in Article 15 in conformity with international instruments, such as the Council of Europe Convention on Human Rights and Biomedicine and the Additional Protocol concerning Biomedical Research, and with national legislation which is in line with these instruments. This means that, as far as biomedical research is concerned, the term 'consent' applies to two different situations:

1. consent given by a person who is able to consent, and
2. in the case of persons who are not able to give their consent, permission given by their representative or an authority or body provided for by law.

The Netherlands considers it important that persons who are unable to give their free and informed consent receive specific protection. In addition to the permission referred to under 2. above, other protective measures as included in the above-mentioned international instruments are considered to be part of this protection.

Article 23

With regard to Article 23 paragraph 1 (b), the Netherlands declares that the best interests of the child shall be paramount.

Article 25

The individual autonomy of the person is an important principle laid down in Article 3 (a) of the Convention. The Netherlands understands Article 25 (f) in the light of this autonomy. This provision is interpreted to mean that good care involves respecting a person's wishes with regard to medical treatment, food and fluids."

POLAND

Reservation made upon signature:

"The Republic of Poland understands that Articles 23.1 (b) and 25 (a) shall not be interpreted in a way conferring an individual right to abortion or mandating state party to provide access thereto."

REPUBLIC OF KOREA

Reservation:

"..... with a reservation on the provision regarding life insurance in the paragraph (e) of the Article 25."

SYRIAN ARAB REPUBLIC

Upon signature

Understanding:

Our signature of this Convention does not in any way, imply recognition of Israel or entry into relations with Israel, in any shape or form, in connection with the Convention.

We signed today on the basis of the understanding contained in the letter dated 5 December 2006 from the Permanent Representative of Iraq to the United Nations addressed, in his capacity as Chairman of the Group of Arab States for that month, to the Chairman of the Committee, which contains the interpretation of the Arab Group concerning article 12 relating to the interpretation of the concept of "legal capacity".

THAILAND

Interpretative declaration:

"The Kingdom of Thailand hereby declares that the application of Article 18 of the Convention shall be subject to the national laws, regulations and practices in Thailand."

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Reservations:

"Work and Employment – Convention Article 27 mainly

The United Kingdom accepts the provisions of the Convention, subject to the understanding that none of its obligations relating to equal treatment in employment and occupation, shall apply to the admission into or service in any of the naval, military or air forces of the Crown.

Education – Convention Article 24 Clause 2 (a) and 2 (b)

The United Kingdom reserves the right for disabled children to be educated outside their local community where more appropriate education provision is available elsewhere. Nevertheless, parents of disabled children have the same opportunity as other parents to state a preference for the school at which they wish their child to be educated.

Liberty of Movement

The United Kingdom reserves the right to apply such legislation, insofar as it relates to the entry into, stay in and departure from the United Kingdom of those who do not have the right under the law of the United Kingdom to enter and remain in the United Kingdom, as it may deem necessary from time to time.

Equal Recognition Before the Law – Convention Article 12.4

The United Kingdom's arrangements, whereby the Secretary of State may appoint a person to exercise rights in relation to social security claims and payments on behalf of an individual who is for the time being unable to act, are not at present subject to the safeguard of regular review, as required by Article 12.4 of the Convention and the UK reserves the right to apply those arrangements. The UK is therefore working towards a proportionate system of review."

Declaration:

"Education – Convention Article 24 Clause 2 (a) and (b)

The United Kingdom Government is committed to continuing to develop an inclusive system where parents of disabled children have increasing access to mainstream schools and staff, which have the capacity to meet the needs of disabled children.

The General Education System in the United Kingdom includes mainstream, and special schools, which the UK Government understands is allowed under the Convention."

Objections

(Unless otherwise indicated, the objections were made upon ratification, acceptance, approval or accession.)

AUSTRIA

26 September 2008

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

“The Government of Austria has examined the reservation to the Convention on the Rights of Persons with Disabilities and Optional Protocol thereto made by the Government of El Salvador.

According to its reservation, El Salvador envisages becoming Party to the Convention only to the extent that its provisions do not prejudice or violate the provisions of any of the precepts, principles and norms enshrined in the Constitution of the Republic of El Salvador, particularly in its enumeration of principles. In the absence of further clarification, this reservation does not clearly specify the extent of El Salvador’s derogation from the provisions of the Convention. This general and vague wording of the reservation raises doubts as to the degree of commitment assumed by El Salvador in becoming a party to the Convention and is therefore incompatible with international law.

The Government of Austria objects to the reservation made by the Government of the Republic of El Salvador to the Convention on the Rights of Persons with Disabilities and Optional Protocol thereto.

This objection, however, does not preclude the entry into force, in its entirety, of the Convention between Austria and El Salvador.”

CZECH REPUBLIC

30 November 2009

With regard to the reservation made by El Salvador upon ratification to the Convention:

“The Czech Republic has examined the reservation made by the Republic of El Salvador upon its signature and confirmed upon its ratification of the Convention on the Rights of Persons with Disabilities.

The Czech Republic notes that the reservation makes unclear to what extent the Republic of El Salvador considers itself bound by the obligations of the Convention, as the Republic of El Salvador subjects the Convention by this reservation to “the provisions of any of the precepts, principles and norms enshrined in the Constitution of the Republic of El Salvador”.

The Czech Republic considers that this reservation is incompatible with the object and purpose of the Convention and, according to Article 46 paragraph 1 of the Convention and according to customary international law as codified in the Vienna Convention on the Law of Treaties, such reservation shall not be permitted.

The Czech Republic, therefore, objects to the aforesaid reservation made by the Republic of El Salvador to the Convention. This objection shall not preclude the entry into force of the Convention between the Czech Republic and the Republic of El Salvador, without the Republic of El Salvador benefiting from its reservation.”

30 November 2009

With regard to the interpretative declaration made by Thailand upon ratification to the Convention:

“The Czech Republic has examined the interpretative declaration made by the Kingdom of Thailand upon its ratification of the Convention on the Rights of Persons with Disabilities on 29 July 2008.

The Czech Republic believes that the interpretative declaration made by the Kingdom of Thailand constitutes in fact a reservation to the Article 18 of the Convention.

The Czech Republic notes that the reservation left open to what extent the Kingdom of Thailand commits itself to the Article 18 of the Convention and this calls into question the Kingdom of Thailand’s commitment to the object and purpose of the Convention as regards the rights associated with liberty of movement and

nationality. It is in the common interest of States that treaties, to which they have chosen to become a party, 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 these treaties.

According to Article 46 paragraph 1 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 reservation made by the Kingdom of Thailand to the Convention. This objection shall not preclude the entry into force of the Convention between the Czech Republic and the Kingdom of Thailand, without the Kingdom of Thailand benefiting from its reservation.”

FRANCE

30 March 2010

With regard to the declaration made by the Islamic Republic of Iran upon accession:

The Government of the French Republic has examined the declaration made by the Government of the Islamic Republic of Iran upon its adherence to the Convention on the Rights of Persons with Disabilities of 13 December 2006. The Government of the French Republic considers that, in aiming to exclude the application of those provisions of the Convention that are deemed incompatible with Iranian laws, the Islamic Republic of Iran has in effect made a reservation of general and indeterminate scope. This reservation is vague, failing to specify the relevant provisions of the Convention or the domestic laws to which the Islamic Republic of Iran wishes to give preference. Consequently, it does not allow other States parties to know the extent of the commitment of the Islamic Republic of Iran and could render the Convention ineffective. The Government of the French Republic considers that this reservation runs counter to the purpose and goals of the Convention and raises an objection to it. This objection does not prevent the entry into force of the Convention between the Islamic Republic of Iran and France.

NETHERLANDS

22 January 2009

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

“The Government of Kingdom of the Netherlands has carefully examined the reservation made by the Government of the Republic of El Salvador upon signature and confirmed upon ratification to the Convention on the Rights of Persons with Disabilities, done at New York on 13 December 2006[6].

The Government of the Kingdom of the Netherlands considers that with this reservation the application of the Convention is made subject to the constitutional law in force in the Republic of El Salvador. This makes it unclear to what extent the Republic of El Salvador considers itself bound by the obligations of the Convention.

The Government of the Kingdom of the Netherlands considers that such a reservation must be regarded as incompatible with the object and purpose of the said instrument and would recall that, according to Article 46, paragraph 1 of the Convention, a reservation 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 reservation made by the Government of the Republic of El Salvador to the Convention on the Rights of Persons with Disabilities.

It is the understanding of the Government of the Kingdom of the Netherlands that the reservation of the

Government of the Republic of El Salvador does not exclude or modify the legal effect of the provisions of the Convention in their application to the Republic of El Salvador.

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

PORTUGAL

23 September 2009

With regard to the declaration made by Thailand upon ratification:

“The Government of the Portuguese Republic has examined the interpretative declaration relating to Article 18 made by the Kingdom of Thailand upon its ratification of the Convention on the Rights of Persons with Disabilities, done at New York, on the 13th December 2006.

The Government of the Portuguese Republic believes that this interpretative declaration constitutes a reservation that makes the application of Article 18 of the Convention subject to conformity with the national laws, regulations and practices. The Kingdom of Thailand has formulated a reservation that makes it unclear to what extent it considers itself bound by the obligations of Article 18 of the Convention, and this calls into question the Kingdom of Thailand’s commitment to the object and purpose of the Convention as regards the rights associated with liberty of movement and nationality.

The Government of the Portuguese Republic recalls that, by virtue of article 46, paragraph 1, of the Convention, reservations incompatible with the object and purpose of the Convention shall not be permitted.

Consequently, the Government of the Portuguese Republic objects to the interpretative declaration by the Kingdom of Thailand relating to Article 18 of the Convention on the Rights of Persons with Disabilities.

This objection does not preclude the entry into force of the Convention between the Portuguese Republic and the Kingdom of Thailand.”

With regard to the declaration made by El Salvador upon ratification:

“The Government of the Portuguese Republic has carefully examined the reservation made by the Government of the Republic of El Salvador upon signature and confirmed upon ratification of the Convention on the Rights of Persons with Disabilities, done at New York, on the 13th December 2006.

The Government of the Portuguese Republic considers that with this reservation the application of the Convention is made subject to the constitutional law in force in the Republic of El Salvador. This makes it unclear to what extent the Republic of El Salvador considers itself bound by the obligations of the Convention.

The Government of the Portuguese Republic considers that such a reservation must be regarded as incompatible with the object and purpose of the said instrument and would recall that, according to Article 46, paragraph 1 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of the Portuguese Republic therefore objects to the reservation made by the Government of the Republic of El Salvador to the Convention on the Rights of Persons with Disabilities.

This objection does not constitute an obstacle to the entry into force of the Convention between the Portuguese Republic and the Republic of El Salvador.”

SPAIN

27 July 2009

With regard to the interpretative declaration made by Thailand upon ratification:

The Government of the Kingdom of Spain has examined the interpretative declaration made by Thailand upon its ratification of the Convention on the Rights of Persons with Disabilities, relating to article 18 of that international instrument.

The Government of the Kingdom of Spain believes that this interpretative declaration constitutes a reservation that makes the application of article 18 of the Convention subject to conformity with the national laws, regulations and practices. Thailand has formulated a reservation that makes it unclear to what extent it considers itself bound by the obligations of article 18 of the Convention, and this calls into question Thailand’s commitment to the object and purpose of the Convention as regards the rights associated with liberty of movement and nationality.

The Government of the Kingdom of Spain recalls that, by virtue of article 46, paragraph 1, of the Convention, reservations incompatible with the object and purpose of the Convention shall not be permitted. Consequently, the Government of the Kingdom of Spain objects to the interpretative declaration by Thailand relating to article 18 of the Convention on the Rights of Persons with Disabilities.

This objection does not preclude the entry into force of the Convention between Spain and Thailand.

3 December 2009

With regard to the reservation made by the Republic of Korea upon ratification:

The Government of the Kingdom of Spain has examined the reservation formulated by the Republic of Korea when it ratified the Convention on the Rights of Persons with Disabilities with regard to article 25 (e) of this international treaty.

The Government of the Kingdom of Spain considers that the Republic of Korea has formulated a reservation which does not permit clear determination as to the extent to which the Republic of Korea has accepted the obligations under article 25(e) of the Convention, which raises doubts as to the commitment of the Republic of Korea to the object and purpose of the Convention in relation to the

non-discriminatory, fair and reasonable provision of life insurance.

The Government of the Kingdom of Spain recalls that, under article 46.1 of the Convention, reservations incompatible with the object and purpose of the Convention are not acceptable.

Consequently, Spain objects to the reservation formulated by the Republic of Korea in relation to article 25(e) of the Convention on the Rights of Persons with Disabilities.

This objection shall not preclude the entry into force of the Convention between the Kingdom of Spain and the Republic of Korea.

SWEDEN

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.”

28 July 2009

With regard to the interpretative declaration made by Thailand upon ratification:

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.”

Notes:

¹ See Note 1 under "Bolivia (Plurinational State of)" in the "Historical Information" section.

² On 1 August 2008, the Secretary-General received from the Government of China the following declarations in respect of Hong Kong Special Administrative Region and Macao Special Administrative Region:

In accordance with the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and the Basic Law of the Macao Special Administrative Region of the People's Republic of China, the Government of the People's Republic of China decides that the Convention shall apply to the Hong Kong Special Administrative Region and the Macao Special Administrative Region of the People's Republic of China.

The application of the provisions regarding Liberty of movement and nationality of the Convention on the Rights of Persons with Disabilities to the Hong Kong Special Administrative Region of the People's Republic of China, shall not change the validity of relevant laws on immigration control and nationality application of the Hong Kong Special Administrative Region of the People's Republic of China.

³ On 7 April 2009, upon its ratification to the Convention, the Government of Guatemala notified the Secretary-General, in accordance with article 33 of the Convention, that he has designated the National Council for the Care of Persons with Disabilities (CONADI) as the government agency responsible for addressing issues relating to compliance with and implementation of the Convention on the Rights of Persons with Disabilities and for producing the reports required under the Convention.

⁴ On 25 September 2008, the Secretary-General received from the Government of New Zealand the following declaration:

".....consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, this ratification shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the Depositary on the basis of appropriate consultation with that territory....."

⁵ On 28 January 2010, the Secretary-General received from the Government of Germany the following communication relating to the declaration made by the Republic of El Salvador upon signature and confirmed upon ratification:

"The Federal Republic of Germany has carefully examined the aforementioned reservation.

The Federal Republic of Germany is of the opinion that reservations which consist in a general reference to a system of norms (like the constitution or the legal order of the reserving State) without specifying the contents thereof leave it uncertain to which extent that State accepts to be bound by the obligations under the treaty. Moreover, those norms may be subject to changes.

The reservation made by the Republic of El Salvador is therefore not sufficiently precise to make it possible to determine the restrictions that are introduced into the agreement.

The Federal Republic of Germany is therefore of the opinion that the reservation is incompatible with object and purpose of

the Convention and the Protocol and would like to recall that, according to Article 46, paragraph 1 of the Convention, and Article 14, paragraph 1 of the Protocol, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Federal Republic of Germany therefore objects to the above-mentioned reservation. This objection shall not preclude the entry into force of the Convention and the Protocol between the Federal Republic of Germany and the Republic of El Salvador.”