

BELGIUM

DISABILITY

RESERVATIONS AND DECLARATIONS

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

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.

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)

28 June 2010

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

Belgium has examined the declaration made by the Islamic Republic of Iran when it acceded to the Convention on the Rights of Persons with Disabilities. The vagueness and general nature of the reservation made by the Islamic Republic of Iran, which does not feel itself bound by any of the provisions of the Convention that are deemed potentially incompatible with Iranian laws, leaves open the extent of the commitment of the Islamic Republic of Iran to the Convention and therefore raises serious doubts about its commitment to fulfil its obligations under the Convention. Reservations of such unspecified nature may contribute to undermining the bases of international human rights treaties. This reservation should therefore be considered as being incompatible with the object and purpose of the Convention. Belgium recalls that under article 19 (c) of the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty is not permitted. This objection shall not preclude the entry into force of the Convention between the Islamic Republic of Iran and Belgium.

28 June 2011

With regard to the reservation made by Malaysia upon ratification:

Belgium has carefully examined the reservation made by Malaysia upon accession to the

Convention on the Rights of Persons with Disabilities on 19 July 2010.

The vagueness and general nature of the reservation made by Malaysia -which does not consider itself bound by Articles 15 and 18 of the Convention- may contribute to undermining the bases of international human rights treaties.

Belgium further notes that the reservation made in respect of Article 15 -concerning the prohibition against torture, which is an absolute protection- and Article 18 concerns fundamental provisions of the Convention and is incompatible with the object and purpose of that instrument.

Belgium notes that under Article 46 (1) of the Convention, reservations incompatible with the object and purpose of the Convention are not permitted. Furthermore, 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 (c)).

Consequently, Belgium objects to the reservation formulated by Malaysia with respect to Articles 15 and 18 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 Belgium and Malaysia.