

## ESTONIA

### 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)*

1 April 2004

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

"The Government of Estonia has carefully examined the reservations made by the Government of the Syrian Arab Republic to Article 2, paragraph 2 of Article 9, paragraph 4 of Article 15 and to paragraphs 1 (c), (d), (f) and (g) of Article 16 of the Convention on the Elimination of all Forms of Discrimination Against Women.

Article 2 of the Convention is one of the core articles of the Convention. By making a reservation to this article, the Government of the Syrian Arab Republic is making a reservation of general scope that renders the provisions of the Convention completely ineffective. The Government of Estonia considers the reservation incompatible with the object and purpose of the Convention.

The reservations to article 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 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 organization, as well as in the Universal Declaration of Human Rights of 1948.

The reservation to article 16, paragraph 2, makes a general reference to the Islamic Shariah. The Government of Estonia 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.

The Government of Estonia 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 Estonia therefore objects to the afore-mentioned reservation made by the Government of the Syrian Arab Republic to the Convention.

This objection does not preclude the entry into force of the Convention between the Syrian Arab

Republic and Estonia. The Convention will thus become operative between the two States without the Syrian Arab Republic benefiting from its reservations.

The Government of Estonia recommends the Government of the Syrian Arab Republic to reconsider its reservations to the Convention on the Elimination of All Forms of Discrimination Against Women."

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4 December 2006

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

"The Government of the Republic of Estonia has carefully examined the reservations made by the Government of Brunei Darussalam to Article 9, paragraph 2 of the Convention on the Elimination of all Forms of Discrimination Against Women.

The reservation to Article 9, paragraph 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.

Furthermore, the reservation made by Brunei Darussalam makes a general reference to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam. The Government of Estonia is of the view that in the absence of further clarification, the reservation makes it unclear to what extent the State of Brunei Darussalam considers itself bound by the obligations of the Convention and therefore raises concerns as to the commitment of the State of Brunei Darussalam to the object and purpose of the Convention.

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 Estonia therefore objects to the reservation to Article 9, paragraph 2, and to the general reservation regarding the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, made by the Government of Brunei Darussalam 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 as between the Republic of Estonia and the State of Brunei Darussalam."

With regard to the reservation made by Oman upon accession:

"The Government of the Republic of Estonia has carefully examined the reservations made by the Government of Sultanate of Oman to paragraph 2 of Article 9, paragraph 4 of Article 15, and

subparagraphs (a), (c) and (f) of Article 16 of the Convention on the Elimination of all Forms of Discrimination Against Women.

The reservations to paragraph 2 of Article 9, paragraph 4 of Article 15, and subparagraphs (a), (c) and (f) of Article 16, 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. In particular, Article 16 is one of the core provisions of the Convention to which reservations are incompatible with the Convention and therefore impermissible.

Furthermore, section one of the reservation makes a general reference to the provisions of the Islamic sharia and legislation in force in the Sultanate of Oman. The Government of Estonia is of the view that in the absence of further clarification, this reservation makes it unclear to what extent the Sultanate of Oman considers itself bound by the obligations of the Convention and therefore raises concerns as to the commitment of the Sultanate of Oman to the object and purpose of the Convention.

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 Estonia therefore objects to the general reservation made in section one, and reservations to paragraph 2 of Article 9, paragraph 4 of Article 15, and subparagraphs (a), (c) and (f) of Article 16, made by the Government of the Sultanate of Oman 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 as between the Republic of Estonia and the Sultanate of Oman".

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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.”