

IRELAND

CEDAW

RESERVATIONS AND DECLARATIONS

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

Reservations:

...

Articles 16, 1 (d) and (f)

Ireland is of the view that the attainment in Ireland of the objectives of the Convention does not necessitate the extension to men of rights identical to those accorded by law to women in respect of the guardianship, adoption and custody of children born out of wedlock and reserves the right to implement the Convention subject to that understanding.

Articles 11 (1) and 13 (a)

Ireland reserves the right to regard the Anti-Discrimination (Pay) Act, 1974 and the Employment Equality Act 1977 and other measures taken in implementation of the European Economic Community standards concerning employment opportunities and pay as sufficient implementation of articles 11,1 (b), (c) and (d).

Ireland reserves the right for the time being to maintain provisions of Irish legislation in the area of social security which are more favourable to women than men.

Note

Upon accession, the Government of Ireland also made the following reservations:

"Article 9 (1)

Pending the proposed amendment to the law relating to citizenship, which is at an advance stage, Ireland reserves the right to retain the provisions in its existing law concerning the acquisition of citizenship on marriage.

Articles 13 (b) and (c)

The question of supplementing the guarantee of equality contained in the Irish Constitution which special legislation governing access to financial credit and other services and recreational activities, where these are provided by private persons, organisations or enterprises is under consideration. For the time being Ireland reserves the right to regard its existing law and

measures in this area as appropriate for the attainment in Ireland of the objectives of the Convention.

Article 15

With regard to paragraph 3 of this article, Ireland reserves the right not to supplement the existing provisions in Irish law which accord women a legal capacity identical to that of men with further legislation governing the validity of any contract or other private instrument freely entered into by a woman.

With regard to paragraph 4 of this article, Ireland observes the equal rights of women relating to the movement of persons and the freedom to choose their residence; pending the proposed amendment of the law of domicile, which is at an advance stage, it reserves the right to retain its existing law.

Articles 11 (1) and 13 (a)

Ireland reserves the right to regard the Anti-Discrimination (Pay) Act, 1974 and the Employment Equality Act 1977 and other measures taken in implementation of the European Economic Community standards concerning employment opportunities and pay as sufficient implementation of articles 11,1 (b), (c) and (d).

Ireland reserves the right for the time being to maintain provisions of Irish legislation in the area of social security which are more favourable to women than men and, pending the coming into force of the Social Welfare (Amendment) (No. 2) Act, 1985, to apply special conditions to the entitlement of married women to certain social security schemes."

On 19 December 1986, the Government of Ireland notified the Secretary-General that "following the enactment of the Irish Nationality and Citizenship Act 1986, and the Domicile and Recognition of Foreign Divorces Act 1986, it has been decided to withdraw certain reservations which had been made upon accession and relating to articles 9 (1) and 15 (4) of the Convention. Following the coming into force of the Social Welfare (Amendment) (No. 2) Act 1985, it has also been decided to withdraw the reservation contained in the concluding words in the text of Ireland's reservation to Article (11) (1) and 13 (a), that is: 'and pending the coming into force of the Social Welfare (No.2) Act 1985, to apply special conditions to the entitlement of married women to certain social security schemes' ".

Further, on 24 March 2000, the Government of Ireland notified the Secretary-General that it had decided to withdraw its reservation made to article 15 (3) made upon accession.

Subsequently, on 11 June 2004, the Government of Ireland notified the Secretary-General that it had decided to withdraw its reservation to articles 13(b) and (c) made upon accession which reads as follows:

"The question of supplementing the guarantee of equality contained in the Irish Constitution which special legislation governing access to financial credit and other services and recreational activities, where these are provided by private persons, organisations or enterprises is under consideration. For the time being Ireland reserves the right to regard its existing law and measures in this area as appropriate for the attainment in Ireland of the objectives of the Convention."

The complete text of the reservations is published in United Nations, Treaty Series, vol. 1413, p. 415.

(Note 28, Chapter IV.8, Multilateral Treaties Deposited with the Secretary-General)

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)

2 October 2001

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

"The Government of Ireland has examined the reservation made, on 7 September 2000, by the Government of the Kingdom of Saudi Arabia to the Convention on the Elimination of All Forms of Discrimination Against Women, in respect of any divergence between the terms of the Convention and the norms of Islamic law. It has also examined the reservation made on the same date by the Government of the Kingdom of Saudi Arabia to Article 9, paragraph 2 of the Convention concerning the granting to women of equal rights with men with respect to the nationality of their children.

As to the former of the aforesaid reservations, the Government of Ireland is of the view that a reservation which consists of a general reference to religious law without specifying the content thereof and which does not clearly specify the provisions of the Convention to which it applies and the extent of the derogation therefrom, may cast doubts on the commitment of the reserving State to fulfil its obligations under the Convention. The Government of Ireland is furthermore of the view that such a general reservation may undermine the basis of international treaty law.

As to the reservation to Article 9, paragraph 2 of the Convention, the Government of Ireland considers that such a reservation aims to exclude one obligation of non-discrimination which is so important in the context of the Convention on the Elimination of All Forms of Discrimination Against Women as to render this reservation contrary to the essence of the Convention. The Government of Ireland notes in this connection that Article 28, paragraph 2 of the Convention provides that a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Ireland moreover recalls that by ratifying the Convention, a State commits

itself to adopt the measures required for the elimination of discrimination, in all its forms and manifestations, against women.

The Government of Ireland therefore objects to the aforesaid reservations made by the Government of the Kingdom of Saudi Arabia 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 Ireland and the Kingdom of Saudi Arabia."

19 December 2006

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

"The Government of Ireland has examined the reservation made on 24 May 2006 by Brunei Darussalam to the Convention on the Elimination of All Forms of Discrimination Against Women at the time of its accession thereto.

The Government of Ireland notes that Brunei Darussalam subjects application of the Convention on the Elimination of All Forms of Discrimination against Women to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam. The Government of Ireland is of the view that a reservation which consists of a general reference to religious law and to the Constitution of the reserving State and which does not clearly specify the provisions of the Convention to which it applies and the extent of the derogation therefrom, may cast doubts on the commitment of the reserving State to fulfil its obligations under the Convention. The Government of Ireland is furthermore of the view that such a general reservation may undermine the basis of international treaty law and is incompatible with the object and purpose of the Convention. The Government of Ireland 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 Ireland further considers that the reservation made with respect to Article 9, paragraph 2 is incompatible with the object and purpose of the Convention.

The Government of Ireland therefore objects to the aforesaid reservations made by the 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 between Ireland and Brunei Darussalam."

With regard to the reservations made by Oman upon accession:

"The Government of Ireland has examined the reservation made on 7 February 2006 by the Sultanate of Oman to the Convention on the Elimination of All Forms of Discrimination against Women at the time of its accession thereto.

The Government of Ireland notes that the Sultanate of Oman subjects application of the Convention on the Elimination of All Forms of Discrimination against Women to the provisions of Islamic sharia and legislation in force in the Sultanate. The Government of Ireland is of the view that a reservation which consists of a general reference to religious law and to the Constitution of the reserving State and which does not clearly specify the provisions of the Convention to which it applies and the extent of the derogation therefrom, may cast doubts on the commitment of the reserving state to fulfil its obligations under the Convention. The Government of Ireland is furthermore of the view that such a general reservation may undermine the basis of international treaty law and is incompatible with the object and purpose of the Convention. The Government of Ireland 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 Ireland further considers that the reservations made with respect to Article 9, paragraph 2, Article 15, paragraph 4 and Article 16 of the Convention are incompatible with the object and purpose of the Convention.

The Government of Ireland 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.

This objection shall not preclude the entry into force of the Convention between Ireland and the Sultanate of Oman."

28 April 2010

With regards to the reservations made by Qatar upon accession:

"The Government of Ireland has examined the reservations made by the State of Qatar upon accession to the Convention on the Elimination of All Forms of Discrimination against Women.

The Government of Ireland believes that the reservations to article 2 (a), article 9 paragraph 2, article 15 paragraph 1, article 15 paragraph 4, article 16 paragraph 1 (a) and (c), article 16 paragraph 1 (f) and declarations to article 1 and 5 (a), if put into practice, would inevitably result in discrimination against women on the basis of sex. Such reservations seek to exclude the State of Qatar from implementing key provisions of the Convention in their jurisdiction which are necessary to achieve its object and purpose.

The Government of Ireland 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 Ireland is further of the view that a reservation which consists of a general reference to religious law without specifying the content thereof or the extent to which it requires the State to derogate from the cited provisions of the Convention, may cast doubts on the commitment of the reserving State to fulfill its obligations under the Convention. The Government of Ireland is furthermore of the view that such a general reservation may undermine the basis of international treaty law.

The Government of Ireland therefore objects to the aforesaid reservations made by the State of Qatar 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 Ireland and the State of Qatar.”

Note

With regard to the reservations made by the Democratic People's Republic of Korea upon accession, the Secretary-General received the following communication from the State indicated hereinafter:

Ireland (2 April 2002):

"The Government of Ireland has examined the reservations made by the Government of the Democratic People's Republic of Korea to paragraph (f) of article 2 of article 9 of the Convention on the Elimination of All Forms of Discrimination against Women, at the time of its accession thereto.

The Government of Ireland recalls that by acceding to the Convention, a State commits itself to adopt the measures required for the elimination of discrimination, in all its forms and manifestations, against women.

The Government of Ireland notes that the reservation to paragraph (f) of article 2 aims at excluding the Democratic People's Republic of Korea from the obligation to adopt necessary measures, including those of a legislative character, to eliminate any form of discrimination against women. This provision touches upon a key element for the effective elimination of discrimination against women.

The Government of Ireland further notes that the reservation to paragraph 2 of article 9 of the Convention aims to exclude an obligation of non-discrimination, which is the object of the Convention.

The Government of Ireland considers that the obligations contained in paragraph (f) of article 2

and paragraph 2 of article 9 are so central to the aims of the Convention as to render the aforesaid reservations contrary to its object and purpose.

The Government of Ireland recalls that. In accordance with paragraph 2 of article 28 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Ireland therefore objects to the aforesaid reservations 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.

This objection does not preclude the entry into force of the Convention between Ireland and the Democratic People's Republic of Korea."

(Note 88, Chapter IV.8, Multilateral Treaties Deposited with the Secretary-General)

Note

With regard to the reservation made by Mauritania upon accession, the Secretary-General received communications from the following States on the dates indicated hereinafter:

Ireland (13 June 2002):

"The Government of Ireland [has] examined the reservation made by Mauritania upon its accession to the Convention on the Elimination of All Forms of Racial Discrimination against Women.

The Government of Ireland [is] of the view that a reservation which consists of a general reference to religious law and to the Constitution of the reserving State and which does not clearly specify the provisions of the Convention to which it applies and the extent of the derogation therefrom, may cast doubts on the commitment of the reserving State to fulfil its obligations under the Convention. The Government of Ireland [is] furthermore of the view that such a general reservation may undermine the basis of international treaty law.

The Government of Ireland [recalls] that article 28, paragraph 2 of the Convention provides that a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Ireland therefore [objects] to the reservation made by Mauritania 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 Ireland and Mauritania."

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(Note 39, Chapter IV.8, Multilateral Treaties Deposited with the Secretary-General)