

ITALY

CEDAW

RESERVATIONS AND DECLARATIONS

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

Upon signature:

Reservation:

Italy reserves the right to exercise, when depositing the instrument of ratification, the option provided for in article 19 of the Vienna Convention on the Law of Treaties of 23 May 1969.

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 September 2003

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

"The Government of Italy has examined the reservations made by the Government of the Syrian Arab Republic at the time of its accession to the Convention on the Elimination of All Forms of Discrimination against Women, regarding article 2, article 9, paragraph 2, article 15, paragraph 4, article 16, paragraph 1 (c), (d), (f) and (g), and article 16, paragraph 2.

The Government of Italy considers that the reservations to article 2, article 9, paragraph 2, article 15, paragraph 4, article 16, paragraph 1(c), (d), (f) and (g) are incompatible with the object and purpose of the above-mentioned Convention, as they contrast with the commitment of all parties to an effective implementation of the basic principles established in the Convention.

Furthermore, the Government of Italy underlines that the reservation with respect to article 16, paragraph 2, of the Convention, concerning the Islamic Sharia of the Syrian Arab Republic, may limit the responsibilities and obligations of the reserving State under the Convention, and therefore raises serious doubts about the real extent of the commitment undertaken by the Syrian Arab Republic at the time of its accession to the Convention.

The Government of Italy 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. As a consequence, the Government of Italy objects to the above-mentioned reservations made by

the Syrian Arab Republic the Convention on the Elimination of All Forms of Discrimination against Women.

This objection, however, shall not preclude the entry into force of the Convention between the Government of Italy and the Syrian Arab Republic."

15 June 2007

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

"... the Government of Italy has carefully examined the reservations made by Brunei Darussalam on 24 May 2006 upon accession to the Convention on the Elimination of All Forms of Discrimination Against Women of 18 December 1979. The reservations state that Brunei Darussalam does not consider itself bound by provisions of the Convention that are contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, in particular Article 9 (2) of the Convention.

The Government of Italy is of the opinion that by giving precedence to the beliefs and principles of Islam and its own constitutional law over the application of the provisions of the Convention, Brunei Darussalam has made a reservation which leaves it unclear to what extent it feels bound by the obligations of the Convention and which is incompatible with the object and purpose of the Convention. Furthermore, the reservation to Article 9 (2) will unavoidably result in a legal situation that discriminates against women, which is incompatible with the object and purpose of the Convention. Pursuant to Article 28 (2) of the Convention, reservations that are incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Italy therefore objects to the above-mentioned reservations. This objection shall not preclude the entry into force of the Convention between Italy and Brunei Darussalam."

9 July 2007

With regard to the reservations made by Oman upon accession:

"...the Government of Italy has carefully examined the reservations made by the Sultanate of Oman on 7 February 2006 upon accession to the above mentioned Convention. The reservations state that the Sultanate of Oman does not consider itself bound by provisions of the Convention that are not in accordance with the provisions of the Islamic Sharia and legislation in force in the Sultanate of Oman, and also state that it is not bound by Article 9 (2), Article 15 (4) and Article 16, subparagraphs (a), (c) and (f) of the Convention.

The Government of Italy is of the opinion that by giving precedence to the principles of the

Sharia and its own national law over the application of the provisions of the Convention, the Sultanate of Oman has made a reservation which leaves it unclear to what extent it feels bound by the obligations of the Convention and which is incompatible with the object and purpose of the Convention. Pursuant to Article 28 (2) of the Convention, reservations that are incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Italy therefore objects to the above-mentioned reservations. This objection shall not preclude the entry into force of the Convention between Italy and the Sultanate of Oman."

15 April 2010

With regard to the reservations made by Qatar upon accession:

"The Government of Italy has carefully examined the reservations made by the State of Qatar upon accession to the above Convention.

The reservations state that Qatar does not consider itself bound by Article 9 paragraph 2, Article 15 paragraph 14 and Article 16. The Government of Italy finds that the aforementioned reservations would unavoidably result in a legal situation that discriminates against women, which would be incompatible with the object and purpose of the Convention.

The Government of Italy would like to recall that according to Article 28 paragraph 2 of the Convention as well as customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose shall not be permitted.

Moreover, Articles 2 and 16 are considered to be core provisions of the Convention, and their observance is necessary in order to achieve its purpose. Neither traditional, religious or cultural practice nor incompatible domestic laws and policies can justify violations of the Convention.

For these reasons, the Government of Italy objects to the aforementioned reservations made by the State of Qatar to the Convention on the Elimination of All Forms of Discrimination against Women.

This position however does not preclude the entry into force of the Convention between the State of Qatar and Italy."