

SINGAPORE

CEDAW

RESERVATIONS AND DECLARATIONS

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

Reservations:

(1) In the context of Singapore's multi-racial and multi-religious society and the need to respect the freedom of minorities to practise their religious and personal laws, the Republic of Singapore reserves the right not to apply the provisions of articles 2, paragraphs (a) to (f), and article 16, paragraphs 1(a), 1(c), 1(h), and article 16, paragraph 2, where compliance with these provisions would be contrary to their religious or personal laws.

(2) ...

(3) Singapore interprets article 11, paragraph 1 in the light of the provisions of article 4, paragraph 2 as not precluding prohibitions, restrictions or conditions on the employment of women in certain areas, or on work done by them where this is considered necessary or desirable to protect the health and safety of women or the human foetus, including such prohibitions, restrictions or conditions imposed in consequence of other international obligations of Singapore and considers that legislation in respect of article 11 is unnecessary for the minority of women who do not fall within the ambit of Singapore's employment legislation.

(4) The Republic of Singapore declares, in pursuance of article 29, paragraph 2 of the Convention that it will not be bound by the provisions of article 29, paragraph 1.

Note

On 24 July 2007, the Government of Singapore notified the Secretary-General that it had decided to withdraw the following reservation made upon accession to the Convention: "(2) Singapore is geographically one of the smallest independent countries in the world and one of the most densely populated. The Republic of Singapore accordingly reserves the right to apply such laws and conditions governing the entry into, stay in, employment of and departure from its territory of those who do not have the right under the laws of Singapore to enter and remain indefinitely in Singapore and to the conferment, acquisitions and loss of citizenship of women who have acquired such citizenship by marriage and of children born outside Singapore."

(Note 55, Chapter IV.8, Multilateral Treaties Deposited with the Secretary-General)

Note

On 30 June 2011, the Government of Singapore informed the Secretary-General that the [...] modification [below] limits the legal effect of the reservations made by Singapore upon accession, so as to achieve a more complete application of the Convention in the relations between Singapore and other States parties to the Convention and, therefore, constitutes a partial withdrawal of the reservations to articles 2 and 16 of the Convention made by Singapore upon accession.

The communication from the Government of Singapore reads as follows:

“Upon accession to the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of Singapore made a reservation reserving the right not to apply the provisions of articles 2 and 16 where compliance with these provisions would be contrary to religious or personal laws of the minorities in the republic of Singapore, the text of which reads as follows:

‘(1) In the context of Singapore’s multiracial and multi-religious society and the need to respect the freedom of minorities to practice their religious and personal laws, the Republic of Singapore reserves the right not to apply the provisions of articles 2 and 16 where compliance with these provisions would be contrary to their religious or personal laws.’

The Government of the Republic of Singapore, having reviewed the said reservation hereby modifies the same as follows:

‘(1) In the context of Singapore’s multiracial and multi-religious society and the need to respect the freedom of minorities to practice their religious and personal laws, the Republic of Singapore reserves the right not to apply the provisions of article 2, paragraphs (a) to (f), and article 16, paragraphs 1(a), 1(c), 1(h), and article 16, paragraph 2, where compliance with these provisions would be contrary to their religious or personal laws.’ ”

(Note 74, Chapter IV.8, Multilateral Treaties Deposited with the Secretary-General)

OBJECTIONS MADE TO STATE PARTY’S RESERVATIONS AND DECLARATIONS

(Unless otherwise indicated, the objections were made upon ratification, accession or succession)

Finland, 21 November 1996

With regard to the reservations made by Singapore upon accession:

[Same objection, mutatis mutandis, as the one made for Malaysia.]

[*Ed. note: as follows:*

With regard to the reservations made by Malaysia upon accession:

"The reservations made by Malaysia, consisting of a general reference to religious and national law without specifying the contents thereof and without stating unequivocally the provisions the legal effect of which may be excluded or modified, do not clearly define to the other Parties of the Convention the extent to which the reserving State commits itself to the Convention and therefore creates serious doubts about the commitment of the reserving State to fulfill its obligations under the Convention. Reservations of such unspecified nature may contribute to undermining the basis of international human rights treaties.

The Government of Finland also recalls that the reservations of Malaysia are subject to the general principles of observance of treaties according to which a party may not invoke the provisions of its internal law as justification for failure to perform its treaty obligations. It is in the common interest of States that Parties to international treaties are prepared to take the necessary legislative changes in order to fulfil the object and purpose of the treaty.

Furthermore, the reservations made by Malaysia, in particular to articles 2 (f) and 5 (a), are two fundamental provisions of the Convention the implementation of which is essential to fulfilling its object and purpose.

The Government of Finland considers that in their present formulation the reservations made by Malaysia are clearly incompatible with the object and purpose of the said Convention and therefore inadmissible under article 28, paragraph 2, of the said Convention. In view of the above, the Government of Finland objects to these reservations and notes that they are devoid of legal effect."]

Netherlands, 20 November 1996

With regard to the reservations made by Singapore upon accession:

"The Government of the Kingdom of the Netherlands ... considers:

- that the reservation under (1) is incompatible with the purpose of the Convention;
- that the reservation under (2) suggests a distinction between migrating men and migrating women, and by that is an implicit reservation regarding article 9 of the Convention, which is incompatible with the object and purpose of the Convention;
- that the reservation under (3), particularly the last part "...and considers that legislation in respect of article 11 is unnecessary for the minority of women who do not fall within the ambit of Singapore's employment legislation" is a reservation, which seeks to limit the responsibilities of the reserving State under the Convention by invoking the general principles of its national law, and in this particular case to exclude the application of the said article for a specific category of women, and therefore may raise doubts as to the commitment of this State to the object and purpose of the

Convention and, moreover, contribute to undermining the basis of international treaty law. It is in the common interest of States that treaties to which they have chosen to become parties should be respected, as to object and purpose, by all parties;

The Government of the Kingdom of the Netherlands therefore objects to the above-mentioned reservations.

This objection shall not preclude the entry into force of the Convention between Singapore and the Kingdom of the Netherlands."

Norway, 21 November 1996

With regard to the reservations made by Singapore upon accession:

[Same objection, mutatis mutandis, as the one made for Maldives.]

[Ed. note: as follows:

With regard to the reservations made by Maldives upon accession:

"In the view of the Government of Norway, a reservation by which a State party limits its responsibilities under the Convention by invoking general principles of internal law may create doubts about the commitments of the reserving State to the object and purpose of the Convention and, moreover, contribute to undermine the basis of international treaty law. It is in the common interest of States that treaties to which they have chosen to become parties also are respected, as to their object and purpose, by all parties. Furthermore, under well established international treaty law, a State is not permitted to invoke internal law as justification for its failure to perform its treaty obligations. For these reasons, the Government of Norway objects to Maldives reservations.

The Government of Norway does not consider this objection to constitute an obstacle to the entry into force of the above-stated Convention between the Kingdom of Norway and the Republic of Maldives."]

Note

...[O]n 12 February 1997, the Secretary-General received from the Government of Denmark the following communication with regard to reservations made by Kuwait upon ratification:

"The Government of Denmark finds that the said reservations are covering central provisions of the Convention. Furthermore it is a general principle of international law that internal law may not be

invoked as justification for failure to perform treaty obligations. The Government of Denmark finds that the reservations are incompatible with the object and purpose of the Convention and accordingly inadmissible and without effect under international law. Consequently, the Government of Denmark objects to these reservations.

It is the opinion of the Government of Denmark that no time limit applies to objections against reservations, which are inadmissible under international law.

The Convention remains in force in its entirety between Kuwait and Denmark.

The Government of Denmark recommends the Government of Kuwait to reconsider its reservations to the [said] Convention."

On that same date, the Secretary-General also received from the Government of Denmark, communications, identical in essence, mutatis mutandis, as the one made for Kuwait, with regard to reservations made by Lesotho upon ratification... and Malaysia..., Maldives and Singapore upon accession.

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(Note 31, Chapter IV.8, Multilateral Treaties Deposited with the Secretary-General)

Note

On 13 August 1997, the Secretary-General received from the Government of Sweden the following communication with regard to the reservation made by Singapore:

"The Government of Sweden is of the view that these general reservations raise doubts as to the commitment of Singapore to the object and purpose of the Convention and would recall 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.

It is in the common interest of 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 is further of the view that general reservations of the kind made by the Government of Singapore, which do not clearly specify the provisions of the Convention to which they apply and the extent of the derogation therefrom, contribute to undermining the basis of international treaty law.

The Government of Sweden therefore objects to the aforesaid general reservations made by the Government of Singapore to the [said Convention].

This objection does not preclude the entry into force of the Convention between Singapore and Sweden. The Convention will thus become operative between the two states without Singapore benefitting from these reservations.

It is the opinion of the Government of Sweden, that no time limit applies to objections against reservations, which are inadmissible under international law."

...

(Note 57, Chapter IV.8, Multilateral Treaties Deposited with the Secretary-General)