

## SLOVAKIA

### DISABILITY

#### **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 September 2010

With regard to the reservation made by El Salvador upon its signature and confirmed upon its ratification:

“The Slovak Republic has examined the reservation made by the Republic of El Salvador upon its signature and confirmed upon its ratification of the Convention on the Rights of Persons with Disabilities, according to which:

‘The Government of the Republic of El Salvador signs the present Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, adopted by the United Nations General Assembly on 13 December 2006, to the extent that its provisions do not prejudice or violate the provisions of any of the precepts, principles and norms enshrined in the Constitution of the Republic of El Salvador, particularly in its enumeration of principles.’

The Slovak Republic notes that the reservation makes unclear to what extent the Republic of El Salvador considers itself bound by the obligations of the Convention, as the Republic of El Salvador subjects the Convention by this reservation to ‘the provisions of any of the precepts, principles and norms enshrined in the Constitution of the Republic of El Salvador’.

The Slovak Republic considers that this reservation is incompatible with the object and purpose of the Convention and, according to Article 46 paragraph 1 of the Convention and according to customary international law as codified in the Vienna Convention on the Law of Treaties; such reservation shall not be permitted.

The Slovak Republic, therefore, objects to the aforesaid reservation made by the Republic of El Salvador to the Convention. This objection shall not preclude the entry into force of the Convention between the Slovak Republic and the Republic of El Salvador, without the Republic of El Salvador benefiting from its reservation.”

\*\*\*\*\*

18 July 2011

With regard to the reservation made by Malaysia upon ratification:

“The Slovak Republic has examined the reservation made by Malaysia as to its ratification of the Convention on the Rights of Persons with Disabilities of 13 December 2006, according to which:

‘The Government of Malaysia ratifies the said Convention subject to the reservation that it does not consider itself bound by articles 15 and 18 of the said Convention.’

The Slovak Republic considers the reservation to Articles 15 and 18 of the Convention as incompatible with the object and purpose of the Convention.

It is in the common interest of States that all parties respect treaties to which they have chosen to become party, as to their object and purpose, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Slovak Republic notes that this calls into question the Malaysia’s commitment to the object and purpose of the Convention regarded to the prohibition of torture and to the rights associated with liberty of movement and nationality.

According to Article 46, paragraph 1 of the Convention and according to the customary international law as codified by the Vienna Convention on the Law of Treaties, and in particular Article 19 (c), the reservation that is incompatible with the object and purpose of a treaty is not permitted.

The Slovak Republic, therefore, objects to the reservation made by Malaysia to Articles 15 and 18 of the Convention. This objection shall not preclude the entry into force of the Convention between the Slovak Republic and Malaysia, without Malaysia benefiting from its reservation.”

\*\*\*\*\*

#### Note

On 4 November 2010, the Secretary-General received the following communication from the Government of Slovakia regarding the declaration made by the Islamic Republic of Iran upon accession:

“The Slovak Republic has examined the interpretative declaration made by the Islamic Republic of Iran upon its accession to the Convention on the Rights of Persons with Disabilities on 23 October 2009 according to which:

‘...with regard to Article 46, the Islamic Republic of Iran declares that it does not consider itself

bound by any provisions of the Convention which may be incompatible with its applicable rules.'

The Slovak Republic believes that the declaration made by the Islamic Republic of Iran constitutes in fact a reservation to the Convention.

The Slovak Republic notes that this reservation makes it unclear to what extent the Islamic Republic of Iran is willing to fulfil its obligations under the Convention, since 'it does not consider itself bound by any provisions of the Constitution which may be incompatible with its applicable rules.'

According to Article 46 paragraph 1 of the Convention and according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation that is incompatible with the object and purpose of a treaty shall not be permitted.

The Slovak Republic, therefore, objects to the aforesaid reservation made by the Islamic Republic of Iran to the Convention. This objection shall not preclude the entry into force of the Convention between the Slovak Republic and the Islamic Republic of Iran, without the Islamic Republic of Iran benefiting from its reservation."

*(Note 6, Chapter IV.15, Multilateral Treaties Deposited with the Secretary-General)*