

UNITED ARAB EMIRATES

CEDAW

RESERVATIONS AND DECLARATIONS

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

Reservations:

The United Arab Emirates makes reservations to articles 2 (f), 9, 15 (2), 16 and 29 (1) of the Convention, as follows:

Article 2 (f)

The United Arab Emirates, being of the opinion that this paragraph violates the rules of inheritance established in accordance with the precepts of the Shariah, makes a reservation thereto and does not consider itself bound by the provisions thereof.

Article 9

The United Arab Emirates, considering the acquisition of nationality an internal matter which is governed, and the conditions and controls of which are established, by national legislation makes a reservation to this article and does not consider itself bound by the provisions thereof.

Article 15 (2)

The United Arab Emirates, considering this paragraph in conflict with the precepts of the Shariah regarding legal capacity, testimony and the right to conclude contracts, makes a reservation to the said paragraph of the said article and does not consider itself bound by the provisions thereof.

Article 16

The United Arab Emirates will abide by the provisions of this article insofar as they are not in conflict with the principles of the Shariah. The United Arab Emirates considers that the payment of a dower and of support after divorce is an obligation of the husband, and the husband has the right to divorce, just as the wife has her independent financial security and her full rights to her property and is not required to pay her husband's or her own expenses out of her own property. The Shariah makes a woman's right to divorce conditional on a judicial decision, in a case in which she has been harmed.

Article 29 (1)

The United Arab Emirates appreciates and respects the functions of this article, which provides: "Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months...the parties are unable..." [any one of those parties] "may refer the dispute to the International Court of Justice..." This article, however, violates the general principle that matters are submitted to an arbitration panel by agreement between the parties. In addition, it might provide an opening for certain States to bring other States to trial in defence of their nationals; the case might then be referred to the committee charged with discussing the State reports required by the Convention and a decision might be handed down against the State in question for violating the provisions of the Convention. For these reasons the United Arab Emirates makes a reservation to this article and does not consider itself bound by the provisions thereof.

OBJECTIONS MADE TO STATE PARTY'S RESERVATIONS AND DECLARATIONS

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

Austria, 5 October 2005

With regard to the reservations made by the United Arab Emirates upon accession:

"The Government of Austria has examined the reservation made by the Government of the United Arab Emirates upon accession to the Convention on the Elimination of All Forms of Discrimination against Women regarding articles 2 (f), 9, 15 (2), 16 and 29 (1).

The Government of Austria finds that the reservations to article 2 (f), article 9, article 15 (2) and article 16, if put into practice, would inevitably result in discrimination against women on the basis of sex. This is contrary to the object and purpose of the Convention.

The Government of Austria would like to recall that, according to article 28 (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 of a treaty 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.

For these reasons, the Government of Austria objects to the aforementioned reservations made by the United Arab Emirates to the Convention on the Elimination of All Forms of Discrimination against Women.

This position, however, does not preclude the entry into force in its entirety of the Convention

between the United Arab Emirates and Austria."

Finland, 15 November 2005

With regard to the reservations made by the United Arab Emirates upon accession:

"The Government of Finland has carefully examined the contents of the reservations made by the Government of the United Arab Emirates to paragraph (f) of Article 2, Article 9, paragraph (2) of Article 15 and Article 16 of the Convention on the Elimination of all Forms of Discrimination Against Women,

The Government of Finland 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 Finland notes that a reservation which consists of a general reference to religious or other national law without specifying its contents does not clearly define to other Parties to the Convention the extent to which the reserving State commits itself to the Convention and creates serious doubts as to the commitment of the receiving State to fulfil its obligations under the Convention. Such reservations are, furthermore, subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its domestic law as justification for a failure to perform its treaty obligations.

The Government of Finland notes that the reservations made by the United Arab Emirates, addressing some of the most essential provisions of the Convention, and aiming to exclude the obligations under those provisions, are in contradiction with the object and purpose of the Convention.

The Government of Finland also recalls Part VI, Article 28 of the Convention according to which reservations incompatible with the object and purpose of the Convention are not permitted.

The Government of Finland therefore objects to the above-mentioned reservations made by the Government of the United Arab Emirates to the Convention. This objection does not preclude the entry into force of the Convention between the United Arab Emirates and Finland. The Convention will thus become operative between the two states without the United Arab Emirates benefiting from its reservations."

France, 18 November 2005

With regard to the reservations made by the United Arab Emirates upon accession:

The Government of the French Republic has examined the reservations formulated by the United Arab Emirates upon accession to the Convention on the Elimination of All Forms of Discrimination against Women, of 18 December 1979, according to which the United Arab Emirates, on the one hand, does not consider itself bound by the provisions of article 2 (f) and article 15, paragraph 2, because they are contrary to the sharia and, on the other, states that it will abide by the provisions of article 16 insofar as they are not in conflict with the principles of the sharia. The Government of the French Republic considers that, by precluding the application of these provisions, or by making it subject to the principles of the sharia, the United Arab Emirates is formulating reservations with a general scope depriving the provisions of the Convention of any effect. The Government of the French Republic considers that these reservations are contrary to the object and purpose of the Convention and enters an objection thereto. The Government of the French Republic also objects to the reservation formulated to article 9. These objections shall not preclude the entry into force of the Convention between France and the United Arab Emirates.

Germany, 9 November 2005

With regard to the reservations made by the United Arab Emirates upon accession:

The Government of the Federal Republic of Germany has carefully examined the reservations made by the Government of the United Arab Emirates upon accession to the International Convention on the Elimination of All Forms of Discrimination Against Women. It is of the opinion that from the reservations to Article 2 (f), Article 15 (2) and Article 16, which give a specific legal system, the Islamic Sharia, precedence as a rule over the provisions of the Convention, it is unclear to what extent the UAE feels bound by the obligations of the Convention.

Moreover, the reservations to Article 9 (2) and Article 15 (2) would in practice result in a legal situation that discriminated against women, which would not be compatible 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 present Convention shall not be permitted.

The Government of the Federal Republic of Germany therefore objects to the above-mentioned reservations made by the Government of the United Arab Emirates 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 the Federal Republic of Germany and the United Arab Emirates.

Greece, 4 October 2005

With regard to the reservations made by the United Arab Emirates upon accession:

"The Government of the Hellenic Republic have examined the reservations made by the Government of the United Arab Emirates upon accession to the Convention on the Elimination of All Forms of Discrimination against Women (New York, 18 December 1979).

The Government of the Hellenic Republic consider that the reservations in respect of Articles 2 (f), which is a core provision of the above Convention, 15 paragraph 2 and 16, all containing a reference to the provisions of the Islamic Shariah, are of unlimited scope and, therefore, incompatible with the object and purpose of the Convention.

The Government of the Hellenic Republic 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.

Consequently, the Government of the Hellenic Republic object to the aforementioned reservations made by the Government of the United Arab Emirates. This objection shall not preclude the entry into force of the Convention between Greece and the United Arab Emirates."

Latvia, 4 October 2005

With regard to the reservations made by the United Arab Emirates upon accession:

"The Government of the Republic of Latvia has carefully examined the reservations made by the United Arab Emirates to the Convention on the Elimination of All Forms of Discrimination against Women upon accession to the Convention regarding Article 2 (f), Article 15 (2), and Article 16 thereof.

The Government of the Republic of Latvia considers that the reservations made by the United Arab Emirates contain general reference to national law without making specific reference to the extent of the obligations the United Arab Emirates are accepting.

Moreover, the Government of the Republic of Latvia is of the opinion that these reservations contradict to the object and purpose of the Convention and in particular to obligation all States Parties to pursue by all appropriate means and without delay a policy of eliminating

discrimination against women.

The Government of the Republic of Latvia recalls Part VI, Article 28 of the Convention setting out that reservations incompatible with the object and purpose of the Convention are not permitted.

The Government of the Republic of Latvia therefore objects to the aforesaid reservations made by the United Arab Emirates to the Convention on the Elimination of All Forms of Discrimination against Women.

However, this objection shall not preclude the entry into force of the Convention between the Republic of Latvia and the United Arab Emirates."

The Netherlands, 31 May 2005

With regard to the reservations made by the United Arab Emirates upon accession:

"The Government of the Netherlands has examined the reservation made by the United Arab Emirates to the Convention on the Elimination of All Forms of Discrimination against Women.

The application of the Articles 2 (f), 15 (2) and 16 of the Convention on the Elimination of All Forms of Discrimination against Women has been made subject to religious considerations. This makes it unclear to what extent the United Arab Emirates considers itself bound by the obligations of the treaty and therefore raises concerns as to the commitment of the United Arab Emirates to the object and purpose of the Covenant.

It is of the common interest of States that all parties respect treaties to which they have chosen to become parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties. According to customary international law, as codified in the Vienna Convention on the Law of Treaties, a reservation which is incompatible with the object and purpose of a treaty shall not be permitted (Art. 19 c).

The Government of the Netherlands therefore objects to the reservation made by the United Arab Emirates to the Convention on the Elimination of All Forms of Discrimination against Women.

This objection shall not preclude the entry into force of the Covenant between the United Arab Emirates and the Kingdom of the Netherlands, without the United Arab Emirates benefiting from its reservation."

Norway, 1 December 2005

With regard to the reservations made by the United Arab Emirates upon accession:

"The Government of the Kingdom of Norway has examined the reservations made by the Government of the United Arab Emirates on 6 October 2004 on accession to the Convention on the Elimination of All Forms of Discrimination against Women (New York, 18 December 1979) in respect of articles 2 (f); 9; 15 (c) and 16.

The Government of the Kingdom of Norway is of the view that the reservation in respect of article 2 (f), which is a core provision of the above Convention, taken together with the reservations in respect of articles 9, 15 (c) and 16, raise doubts as to the full commitment of the United Arab Emirates to the object and purpose of the Convention on the Elimination of All Forms of Discrimination against Women and would like to recall that, according to article 28 (2) of the Convention, a reservation incompatible with the object and purpose of the present Convention shall not be permitted.

The Government of the Kingdom of Norway therefore objects to the aforesaid reservations made by the Government of the United Arab Emirates to the Convention on the Elimination of All Forms of Discrimination against Women. This objection does not preclude the entry into force, in its entirety, of the Convention between the Kingdom of Norway and the United Arab Emirates, without the United Arab Emirates benefiting from these reservations."

Poland, 28 November 2005

With regard to the reservations made by the United Arab Emirates upon accession:

"The Government of the Republic of Poland has examined the reservations made by the United Arab Emirates upon accession to the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly of the United Nations on December 18, 1979, hereinafter called the Convention, regarding articles 2 (f), 9, 15 (2) and 16.

The Government of the Republic of Poland considers that the reservations made by the United Arab Emirates are incompatible with the object and purpose of the Convention which guarantees equal rights of women and men to exercise their economic, social, cultural, civil and political rights. The Government of the Republic of Poland therefore considers that, according to the customary international law as codified in the Vienna Convention on the Law of Treaties (article 19 (c)), done at Vienna on 23 May 1969, as well as article 28 (2) of the Convention on the Elimination of All Forms of Discrimination against Women, reservations incompatible with the object and purpose of a treaty shall not be permitted.

The Government of the Republic of Poland therefore objects to the aforementioned reservations

made by the United Arab Emirates upon accession to the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly of the United Nations on 18 December 1979, regarding articles 2 (f), 9, 15 (2) and 16.

This objection does not preclude the entry into force of the Convention between the Republic of Poland and the United Arab Emirates."

Portugal, 28 November 2005

With regard to the reservations made by the United Arab Emirates upon accession:

"The Portuguese Government has carefully examined the reservations made by the United Arab Emirates upon its accession to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Most of these reservations concern fundamental provisions of the Convention, such as articles 2 (f), 9, 15 (2) and 16, since they outline the measures which a State Party is required to take in order to implement the Convention, cover the fundamental rights of women and deal with the key elements for the elimination of discrimination against women.

Portugal considers that such reservations, consisting of references to the precepts of the Shariah and to national legislation, create serious doubts as to the commitment of the reserving State to the object and purpose of the Convention and to the extent it has accepted the obligations imposed by it and, moreover, contribute to undermining the basis of international law.

It is in the common interest of all 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 these treaties.

The Government of the Portuguese Republic, therefore, objects to the above reservations made by the United Arab Emirates to the CEDAW.

This objection shall not preclude the entry into force of the Convention between Portugal and the United Arab Emirates."

Spain, 6 October 2005

With regard to the reservations made by the United Arab Emirates upon accession:

The Government of the Kingdom of Spain has examined the reservations entered by the Government of the United Arab Emirates to article 2, subparagraph (f); article 9; article 15,

paragraph 2; and article 16 of the Convention on the Elimination of All Forms of Discrimination against Women upon its accession to that instrument on 6 October 2004.

The Government of the Kingdom of Spain considers that these reservations are incompatible with the object and purpose of the Convention, since they are intended to exempt the United Arab Emirates from obligations relating to essential aspects of the Convention: one of a general nature, namely the adoption of measures, including legislation, to eliminate all forms of discrimination against women (article 2, subparagraph (f)), and others concerning specific forms of discrimination in relation to nationality (article 9), legal capacity in civil matters (article 15, paragraph 2) and marriage and family relations (article 16).

The Government of the Kingdom of Spain recalls that, under article 28, paragraph 2, of the Convention, reservations incompatible with the object and purpose of the Convention are not permitted.

Moreover, the reservation to article 16 of the Convention makes a general reference to the principles of Islamic law without specifying their content, with the result that the other States parties cannot precisely determine the extent to which the Government of the United Arab Emirates accepts the obligations set out in article 16 of the Convention.

Accordingly, the Government of the Kingdom of Spain objects to the reservations entered by the Government of the United Arab Emirates to article 2, subparagraph (f); article 9; article 15, paragraph 2; and article 16 of 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 the Kingdom of Spain and the United Arab Emirates.

Sweden, 5 October 2005

With regard to the reservations made by the United Arab Emirates upon accession:

"The Government of Sweden has examined the reservations made by United Arab Emirates upon acceding to the Convention on the Elimination of All Forms of Discrimination Against Women, regarding Article 2 (f), 9, 15 (2) and 16.

The Government of Sweden notes that the said articles are being made subject to reservations referring to national legislation and Sharia principles.

The Government of Sweden is of the view that these reservations which do not clearly specify the extent of the United Arab Emirates' derogation from the provisions in question raises serious doubts as to the commitment of the United Arab Emirates to the object and purpose of the Convention. The reservations in question, 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 the equal rights of women and men 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 declaration of Human Rights of 1948.

According to article 28 (2) of the Convention, and to international customary law as codified in the Vienna convention on the Law of the Treaties, reservations 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 therefore objects to the aforesaid reservations made by the Government of the United Arab Emirates to the Convention on the Elimination of All Forms of Discrimination Against Women and considers them null and void.

This objection shall not preclude the entry into force of the Convention between the United Arab Emirates and Sweden. The convention enters into force in its entirety between the two States, without the United Arab Emirates benefiting from its reservations."

United Kingdom of Great Britain and Northern Ireland, 17 August 2005

With regard to the reservations made by the United Arab Emirates upon accession:

"The Government of the United Kingdom have examined the reservations made by the Government of the United Arab Emirates to [the] Convention on the Elimination of all Forms of Discrimination against Women (New York, 18 December 1979) on 6 October 2004 in respect of Articles 2 (f), 15 (2), and 16 on the applicability of Sharia law.

The Government of the United Kingdom note that a reservation which consists of a general reference to a system of law without specifying its contents does not clearly define for the other States Parties to the Convention the extent to which the reserving State has accepted the obligations of the Convention. The Government of the United Kingdom therefore object to the aforesaid reservations made by the Government of the United Arab Emirates.

This objection shall not preclude the entry into force of the Convention between the United Kingdom of Great Britain and Northern Ireland and the United Arab Emirates."

Note

With regard to the reservations made by the United Arab Emirates upon accession, the Secretary-General received a communication from the following State on the date indicated hereinafter:

Denmark (14 December 2005):

"The Government of Denmark has examined the reservations made by the Government of the United Arab Emirates upon accession to the Convention on the Elimination of All Forms of Discrimination against Women regarding article 2 (f), 15 (2) and 16 pertaining to Shariah principles.

The Government of Denmark considers that the reservations made by the United Arab Emirates to article 2 (f), 15 (2) and 16 referring to the contents of the Shariah Law do not clearly specify the extent to which the United Arab Emirates feel committed to the object and purpose of the Convention. Consequently, the Government of Denmark considers the said reservations as being incompatible with the object and purpose of the Convention. Consequently, the Government of Denmark considers the said reservations as being incompatible with the object and purpose of the Convention and accordingly inadmissible and without effect under international law.

The Government of Denmark wishes to recall that, according to article 28 (2) of the Convention reservations incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Denmark therefore objects to the aforementioned reservations made by the Government of the United Arab Emirates to the Convention on the Elimination of All Forms of Discrimination against Women. This shall not preclude the entry into force of the Convention in its entirety between the United Arab Emirates and Denmark.

The Government of Denmark recommends the Government of the United Arab Emirates to reconsider its reservations to the Convention on the Elimination of All Forms of Discrimination against Women."

(Note 60, Chapter IV.8, Multilateral Treaties Deposited with the Secretary-General)