

ALGERIA

CEDAW

RESERVATIONS AND DECLARATIONS

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

Reservations:

Article 2:

The Government of the People's Democratic Republic of Algeria declares that it is prepared to apply the provisions of this article on condition that they do not conflict with the provisions of the Algerian Family Code.

...

Article 15, paragraph 4:

The Government of the People's Democratic Republic of Algeria declares that the provisions of article 15, paragraph 4, concerning the right of women to choose their residence and domicile should not be interpreted in such a manner as to contradict the provisions of chapter 4 (art. 37) of the Algerian Family Code.

Article 16:

The Government of the People's Democratic Republic of Algeria declares that the provisions of article 16 concerning equal rights for men and women in all matters relating to marriage, both during marriage and at its dissolution, should not contradict the provisions of the Algerian Family Code.

Article 29:

The Government of the People's Democratic Republic of Algeria does not consider itself bound by article 29, paragraph 1, which states that any dispute between two or more Parties concerning the interpretation or application of the Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration or to the International Court of Justice.

The Government of the People's Democratic Republic of Algeria holds that no such dispute can be submitted to arbitration or to the Court of International Justice except with the consent of all the parties to the dispute.

Note

On 15 July 2009, the Government of Algeria notified the Secretary-General that it had decided to withdraw the reservation in respect to article 9 (2) made upon accession. The text of the reservation reads as follows:

The Government of the People's Democratic Republic of Algeria wishes to express its reservations concerning the provisions of article 9, paragraph 2, which are incompatible with the provisions of the Algerian Nationality code and the Algerian Family Code.

The Algerian Nationality code allows a child to take the nationality of the mother only when:

- the father is either unknown or stateless;
- the child is born in Algeria to an Algerian mother and a foreign father who was born in Algeria;
- moreover, a child born in Algeria to an Algerian mother and a foreign father who was not born on Algerian territory may, under article 26 of the Algerian Nationality Code, acquire the nationality of the mother providing the Ministry of Justice does not object.

Article 41 of the Algerian Family Code states that a child is affiliated to its father through legal marriage.

Article 43 of that Code states that the child is affiliated to its father if it is born in the 10 months following the date of separation or death.

(Note 2, 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)

Germany

The Federal Republic of Germany considers that the reservations made by Egypt regarding article 2, article 9, paragraph 2, and article 16, by Bangladesh regarding article 2, article 13 (a) and article 16, paragraph 1 (c), and (f), by Brazil regarding article 15, paragraph 4, and article 16, paragraph 1 (a), (c), (g) and (h), by Jamaica regarding article 9, paragraph 2, by the Republic of Korea regarding article 9 and article 16, paragraph 1 (c), (d), (f) and (g), and by Mauritius regarding article 11, paragraph 1 (b) and (d), and article 16, paragraph 1 (g), are incompatible with the object and purpose of the Convention (article 28, paragraph 2) and therefore objects to them. In relation to the Federal Republic of Germany, they may not be invoked in support of a legal practice which does not pay due regard to the legal status afforded to women and children in the Federal Republic of Germany in conformity with the above-mentioned articles of the Convention. This objection shall not preclude the entry into force of the Convention as between Egypt, Bangladesh, Brazil, Jamaica, the Republic of Korea, Mauritius and the Federal Republic

of Germany.

Objections of the same nature were also formulated by the Government of the Federal Republic of Germany in regard to reservations made by various states, as follows:

...
ix) 19 June 1997: In respect of the reservation made by Algeria.

Netherlands, 1 July 1997

With regard to the reservations made by Algeria upon accession:

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

[*Ed. note: objection made re Malaysia is as follows:*

With regard to the reservations made by Malaysia upon accession:

"The Government of the Kingdom of the Netherlands considers ... that such reservations, which seeks to limit the responsibilities of the reserving State under the Convention by invoking the general principles of national law and the Constitution, 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 further considers that the reservations made by Malaysia regarding article 2 (f), article 5 (a), article 9 and article 16 of the Convention are incompatible with the object and purpose of the Convention.

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 the Kingdom of the Netherlands and Malaysia."]

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

Norway, 3 July 1997

With regard to the reservations made by Algeria upon accession:

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

[*Ed. note: objection made re Malaysia is as follows:*

With regard to the reservations made by Malaysia upon accession

"In the view of the Government of Norway, a statement by which a State Party purports to limit its responsibilities under the Convention by invoking general principles of internal or religious law may create doubts about the commitment of the reserving State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law. 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. Furthermore, the Government of Norway considers that reservation made by the Government of Malaysia with respect to certain specific provisions of the Convention is so extensive as to be contrary to the object and purpose of the Convention, and thus not permitted under article 28, paragraph 2, of the Convention. For these reasons, the Government of Norway objects to the reservations made by the Government of Malaysia.

The Government of Norway does not consider this objection to preclude the entry into force of the Convention between the Kingdom of Norway and Malaysia."]
(Chapter IV.8, Multilateral Treaties Deposited with the Secretary-General)

Note

Several Governments notified the Secretary-General that they consider the reservations made by the Government of Algeria upon accession as incompatible with the object and purpose of the said Convention and, therefore, prohibited by virtue of its article 28 (2), on the dates indicated hereinafter:

<u>Participant:</u>	<u>Date of notification:</u>
Sweden	4 Aug 1997
Portugal	14 Aug 1997
Denmark	24 Mar 1998

(Note 65, Chapter IV.8, Multilateral Treaties Deposited with the Secretary-General)