

## BELGIUM

### CEDAW

#### **RESERVATIONS AND DECLARATIONS**

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

#### Note

In communications received on 14 September 1998 and 8 July 2002, the Government of Belgium informed the Secretary-General that it had decided to withdraw its reservations made upon ratification with respect to articles 7 and 15, paragraphs 2 and 3, respectively. For the text of the reservation, see United Nations, Treaty Series, vol. 1402, p. 376.

*[Ed. note: as follows:*

#### *Article 7*

*The application of article 7 shall not affect the validity of the provisions of the Constitution as laid down in article 60, which reserves for men the exercise of royal powers, and in article 58, which reserves for the sons of the King or, where there are none, for Belgian princes of the branch of the royal family in line to the throne, the function of ex officio senators as from the age of 18 years, with entitlement to vote as from the age of 25 years.*

#### *Article 15, paragraphs 2 and 3*

*The application of article 15, paragraphs 2 and 3, shall not affect the validity of the interim provisions enacted for couples married before the entry into force of the Act of 14 July 1976 concerning the reciprocal rights and duties of husbands and wives and their marriage contracts, in cases where, in accordance with the option available to them under the Act, they have declared that they are maintaining in toto their prior marriage contracts.]*

*(Note 6, Chapter IV.8, Multilateral Treaties Deposited with the Secretary-General)*

#### **OBJECTIONS MADE TO OTHER STATES PARTIES RESERVATIONS AND DECLARATIONS**

*Ed. Note: for the text targeted by the following objection, see the Reservations and Declarations of the State which is the subject of the objection)*

30 April 2007

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

Belgium has carefully examined the reservation formulated by Brunei Darussalam when it acceded, on 24 May 2006, to the Convention on the Elimination of All Forms of Discrimination against Women, adopted in New York on 18 December 1979. Belgium notes that the reservation formulated with respect to article 9, paragraph 2, concerns a fundamental provision of the Convention and is therefore incompatible with the object and purpose of that instrument.

In addition, the reservation makes the implementation of the Convention's provisions contingent upon their compatibility with the Constitution of Brunei Darussalam and the beliefs and principles of Islam, the official religion of Brunei Darussalam. This creates uncertainty as to which of its obligations under the Convention Brunei Darussalam intends to observe and raises doubts as to Brunei Darussalam's respect for the object and purpose of the Convention.

Belgium recalls that, under article 28, paragraph 2, of the Convention, reservations incompatible with the object and purpose of the Convention are not permitted. It is in the common interest for all parties to respect the treaties to which they have acceded and for States to be willing to enact such legislative amendments as may be necessary in order to fulfil their treaty obligations. Under 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 is not permitted (article 19 (c)).

In consequence, Belgium objects to the reservation formulated by Brunei Darussalam with respect 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 Kingdom of Belgium and Brunei Darussalam. The Convention shall enter into force in its entirety, without Brunei Darussalam benefiting from its reservation.

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30 April 2007

With regard to the reservations made by Oman upon accession:

Belgium has carefully examined the reservation formulated by the Sultanate of Oman when it acceded, on 7 February 2006, to the Convention on the Elimination of All Forms of Discrimination against Women, adopted in New York on 18 December 1979. Belgium notes that the reservation formulated with respect to article 9, paragraph 2; article 15, paragraph 4; and article 16 concerns fundamental provisions of the Convention and is therefore incompatible with the object and purpose of that instrument.

In addition, the first paragraph of the reservation makes the implementation of the Convention's provisions contingent upon their compatibility with the Islamic sharia and legislation in force in the Sultanate of Oman. This creates uncertainty as to which of its obligations under the Convention the Sultanate of Oman intends to observe and raises doubts as to Oman's respect for the object and purpose of the Convention.

Belgium recalls that, under article 28, paragraph 2, of the Convention, reservations incompatible with the object and purpose of the Convention are not permitted. It is in the common interest for all parties to respect the treaties to which they have acceded and for States to be willing to enact such legislative amendments as may be necessary in order to fulfil their treaty obligations. Under 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 is not permitted (article 19 (c)).

In consequence, Belgium objects to the reservation formulated by the Sultanate of Oman with respect 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 Kingdom of Belgium and the Sultanate of Oman. The Convention shall enter into force in its entirety, without Oman benefiting from its reservation.

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9 April 2010

With regard to the reservations made by Qatar upon accession:

Belgium has carefully examined the reservation formulated by Qatar when it acceded, on 29 April 2009, to the Convention on the Elimination of All Forms of Discrimination against Women.

The reservations make the implementation of the Convention's provisions contingent upon their compatibility with the Islamic sharia and legislation in force in Qatar. This creates uncertainty as to which of its obligations under the Convention Qatar intends to observe and raises doubts as to Qatar's respect for the object and purpose of the Convention.

It is in the common interest for all parties to respect the treaties to which they have acceded and for States to be willing to enact such legislative amendments as may be necessary in order to fulfill their treaty obligations.

Belgium notes, moreover, that the reservations formulated with respect to article 9, paragraph 2; article 15, paragraphs 1 and 4; and article 16, paragraphs 1 (a), 1 (c) and 1 (f) concern fundamental provisions of the Convention and are therefore incompatible with the object and purpose of that instrument.

Belgium recalls that under article 28, paragraph 2, of the Convention, reservations incompatible with the object and purpose of the Convention are not permitted. In addition, under 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 is not permitted (article 19 ©).

In consequence, Belgium objects to the reservation formulated by Qatar with respect to article 9, paragraph 2; article 15, paragraphs 1 and 4; and article 16, paragraphs 1 (a), 1 (c) and 1 (f) 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 Belgium and Qatar.

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Note

Several Governments notified the Secretary-General that they consider the reservations made by the Government of Kuwait concerning article 7 (a) and article 16 (f) as "incompatible with the object and purpose of the said Convention and, therefore, as prohibited by virtue of its article 28 paragraph 2" on the dates indicated hereinafter:

<u>Participant:</u>	<u>Date of notification:</u>
Belgium	19 Jan 1996
Austria	22 Feb 1996
Portugal	15 May 1996

*(Note 68, Chapter IV.8, Multilateral Treaties Deposited with the Secretary-General)*