

TURKEY

CEDAW

RESERVATIONS AND DECLARATIONS

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

Reservations:

"Reservations of the Government of the Republic of Turkey with regard to the articles of the Convention dealing with family relations which are not completely compatible with the provisions of the Turkish Civil Code, in particular, article 15, paragraphs 2 and 4, and article 16, paragraphs 1 (c), (d), (f) and (g), as well as with respect to article 29, paragraph 1. In pursuance of article 29, paragraph 2 of the Convention, the Government of the Republic of Turkey declares that it does not consider itself bound by paragraph 1 of this article."

Declaration:

"Article 9, paragraph 1 of the Convention is not in conflict with the provisions of article 5, paragraph 1, and article 15 and 17 of the Turkish Law on Nationality, relating to the acquisition of citizenship, since the intent of those provisions regulating acquisition of citizenship through marriage is to prevent statelessness."

20 September 1999

"[...] the Government of the Republic of Turkey has decided to withdraw its reservations made upon signature and confirmed upon ratification of the Convention on the Elimination of All Forms of Discrimination Against Women with regard to article 15, paragraphs 2 and 4, and article 16, paragraphs 1 (c), (d), (f) and (g).

[...] the reservation and declaration made upon signature and confirmed upon ratification by the Government of Turkey with respect to article 29, paragraph 1, and article 9, paragraph 1 of the Convention, respectively, continue to apply."

[Depository notification C.N.61.2008-TREATIES-3:

29 January 2008

"[...] the Government of the Republic of Turkey has decided to withdraw its declaration made upon signature and confirmed upon ratification of the Convention on the Elimination of All Forms of

Discrimination Against Women with regard to article 9, paragraph 1.

[...] the reservations made upon signature and confirmed upon ratification by the Government of Turkey with respect to article 29, paragraph 1 continue to apply.”]

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:

...

iii) 3 March 1987: In respect of reservations made by the Government of Turkey to article 15, paragraphs 2 and 4, and article 16, paragraph 1 (c), (d), (f) and (g); in respect of reservations made by the Government of Iraq with regard to article 2, paragraphs (f) and (g), article 9 and article 16.

...

Mexico

11 January 1985

The Government of the United Mexican States has studied the content of the reservations made by Mauritius to article 11, paragraph 1 (b) and (d), and article 16, paragraph 1 (g), of the Convention and has concluded that they should be considered invalid in the light of article 28, paragraph 2, of the Convention, because they are incompatible with its object and purpose.

Indeed, these reservations, if implemented, would inevitably result in discrimination against women

on the basis of sex, which is contrary to all the articles of the Convention. The principles of equal rights of men and women and non-discrimination on the basis of sex, which are embodied in the second preambular paragraph and Article 1, paragraph 3, of the Charter of the United Nations, to which Mauritius is a signatory, and in articles 2 and 16 of the Universal Declaration of Human Rights of 1948, were previously accepted by the Government of Mauritius when it acceded, on 12 December 1973, to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The above principles were stated in article 2, paragraph 1, and article 3 of the former Covenant and in article 2, paragraph 2, and article 3 of the latter. Consequently, it is inconsistent with these contractual obligations previously assumed by Mauritius for its Government now to claim that it has reservations, on the same subject, about the 1979 Convention.

The objection of the Government of the United Mexican States to the reservations in question should not be interpreted as an impediment to the entry into force of the 1979 Convention between the United Mexican States and Mauritius.

Objections, identical in essence, *mutatis mutandis*, were also formulated by the Government of Mexico in regard to reservations made by various States, as follows [for the States which were not Parties to the Covenants (marked below with an asterisk *), the participation in the Covenants was not invoked by Mexico in its objection with regard to reservations]:

...

vi) 7 May 1986: In respect of the reservations made by Turkey* to paragraphs 2 and 4 of article 15 and paragraphs 1 (c), 1 (d), 1 (f) and 1 (g) of article 16.

...

Netherlands

"The Government of the Kingdom of the Netherlands considers that the reservations made by Bangladesh regarding article 2, article 13 (a) and article 16, paragraph 1 (c) and (f), by Egypt regarding article 2, article 9 and article 16, by Brazil regarding article 15, paragraph 4, and article 16, paragraph 1 (a), (c), (g), and (h), by Iraq regarding article 2, sub-paragraphs (f) and (g), article 9 and article 16, by Mauritius regarding article 11, paragraph 1 (b) and (d), and article 16, paragraph 1 (g), 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), by Thailand regarding article 9, paragraph 2, article 15, paragraph 3, and article 16, by Tunisia regarding article 9, paragraph 2, article 15, paragraph 4, and article 16, paragraph 1 (c), (d), (f), (g) and (h), by Turkey regarding article 15, paragraphs 2 and 4, and article 16, paragraph 1 (c), (d), (f) and (g), by the Libyan Arab Jamahiriya upon accession, and the first paragraph of the reservations made by Malawi upon accession, are incompatible with the object and purpose of the Convention (article 28, paragraph 2)."

"These objections shall not preclude the entry into force of the Convention as between Bangladesh, Egypt, Brazil, Iraq, Mauritius, Jamaica, the Republic of Korea, Thailand, Tunisia, Turkey, Libyan

Arab Jamahiriya, Malawi and the Kingdom of the Netherlands."