

POLAND

CEDAW

RESERVATIONS AND DECLARATIONS

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

Note

On 16 October 1997, the Government of Poland notified the Secretary-General that it had decided to withdraw its reservation with regard to article 29, paragraph 1 of the Convention made upon ratification. For the text of the reservation see United Nations, Treaty Series, vol. 1249, p. 13.

[Ed. note: as follows:

The People's Republic of Poland does not consider itself bound by article 29, paragraph 1, of the Convention.]

(Note 50, Chapter IV.8, Multilateral Treaties Deposited with the Secretary-General)

OBJECTIONS MADE TO OTHER STATES PARTIES RESERVATIONS AND DECLARATIONS

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

(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 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."

1 March 2007

With regard to the reservations made Oman upon accession:

The Government of the Republic of Poland has examined the reservations made by the Sultanate of Oman upon accession to the Convention on the Elimination of All Forms of Discrimination against Women, adopted by General Assembly of the United Nations on December 18, 1979, regarding articles 9 paragraph 2, 15 paragraph 4, 16 (a), (c) and (f) and all provisions of the Convention not in accordance with the principles of the Islamic *Sharia*.

The Government of the Republic of Poland considers that the reservations made by the Sultanate of Oman 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 article 19 (c) of the Vienna Convention on the Law of Treaties, done at Vienna on 23 May 1969, as well as article 28 (2) of the Convention on the Elimination of All Form of Discrimination against Women, reservations incompatible with the object and purpose of a treaty shall not be permitted.

Moreover, the Government of the Republic of Poland considers that by making a general reference to the Islamic *Sharia* without indicating the provisions of the Convention to which the Islamic *Sharia* applies, the Sultanate of Oman does not specify the exact extent of the introduced limitations and thus does not define precisely enough the extent to which the Sultanate of Oman has accepted the obligations under the Convention.

The Government of the Republic of Poland therefore objects to the aforementioned reservations made by the Sultanate of Oman upon accession to the Convention on the Elimination of All Forms of Discrimination against Women, adopted by General Assembly of the United Nations on 18 December 1979, regarding articles 9 paragraph 2, 15 paragraph 4, 16 (a), (c) and (f) and all provisions of the Convention not in accordance with the principles of the Islamic *Sharia*.

This objection does not preclude the entry into force of the Convention between the Republic of

Poland and Sultanate of Oman.

7 June 2007

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

"The Government of the Republic of Poland has examined the reservations made by Brunei Darussalam upon accession to the Convention on the Elimination of All Forms of Discrimination against Women, adopted by General Assembly of the United Nations on December 18, 1979, regarding article 9 paragraph 2 and those provisions of the Convention that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam.

The Government of the Republic of Poland considers that the reservations made by the Brunei Darussalam 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 article 19 (c) of the Vienna Convention on the Law of Treaties, 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.

Moreover, the Government of the Republic of Poland considers that by making a general reference to the 'beliefs and principles of Islam' without indicating the provisions of the Convention to which they apply, Brunei Darussalam does not specify the exact extent of the introduced limitations and thus does not define precisely enough the extent to which Brunei Darussalam has accepted the obligations under the Convention.

The Government of the Republic of Poland therefore objects to the aforementioned reservations made by Brunei Darussalam upon accession to the Convention on the Elimination of All Forms of Discrimination against Women, adopted by General Assembly of the United Nations on 18 December 1979, regarding article 9 paragraph 2 and those provisions of the Convention that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam.

This objection does not preclude the entry into force of the Convention between the Republic of Poland and Brunei Darussalam."

6 May 2010

With regard to the reservations made by Qatar upon accession:

"The Government of the Republic of Poland has examined the reservations made by the State of

Qatar upon accession to the Convention on the Elimination of All Forms of Discrimination against Women, adopted by General Assembly of the United Nations on December 18, 1979, with regard to Articles 2(a), 9(2), 15(1), 15(4), 16(1)(a) and (c) and 16 (1)(f) and 29 (2) and the declarations made by this State with respect to Articles 1 and 5(a) of the Convention.

The Government of the Republic of Poland is of the view that, if put into practice, the reservations and declarations made by the State of Qatar, especially when taking into account the vast area of life which they affect, will considerably limit the ability of women to benefit from the rights guaranteed to them by the Convention which are related to essential sphere of life, e.g. equality of men and women before the law, nationality of children, family relations and freedom to choose their residence and domicile.

Thus, the Government of the Republic of Poland considers the reservations and declarations made by the State of Qatar (except for the reservations regarding Article 2(a) and Article 29(2) of the Convention) as incompatible with the object and purpose of the Convention which is the elimination of the discrimination against women in all spheres. Therefore, according to Article 28(2) of the Convention and Article 19(c) of the Vienna Convention on the Law of Treaties, the reservations and declarations shall not be permitted.

In order to justify its will to exclude the legal consequences of certain provisions of the Convention, the State of Qatar raised in its reservations the inconsistency of these provisions with its domestic legislation. The Government of the Republic of Poland recalls that, according to Article 27 of the Vienna Convention on the Law of Treaties, the State Party to an international agreement may not invoke the provisions of its internal law as justification for its failure to perform a treaty. On the contrary, it should be deemed a rule that a State Party adjusts its internal law to the treaty which it decides to be bound by.

Furthermore, the State of Qatar refers in its reservations to the Islamic law and 'established practice' which may be applied in course of the implementation of the Convention. However, it does not specify their exact content. As a consequence these reservations do 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.

Therefore, the Government of the Republic of Poland objects to the reservations made by the State of Qatar upon accession to the Convention on the elimination of All Forms of Discrimination against Women, adopted by General Assembly of the United Nations on 18 December 1979, with regard to Articles 9(2), 15(1), 15(4), 16(1)(a) and (c) and 16(1)(f) of the Convention.

This objection does not preclude the entry into force of the Convention between the Republic of Poland and the State of Qatar.”