

SYRIAN ARAB REPUBLIC

CEDAW

RESERVATIONS AND DECLARATIONS

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

Reservation:

...subject to reservations to article 2; article 9, paragraph 2, concerning the grant of a woman's nationality to her children; article 15, paragraph 4, concerning freedom of movement and of residence and domicile; article 16, paragraph 1 (c), (d), (f) and (g), concerning equal rights and responsibilities during marriage and at its dissolution with regard to guardianship, the right to choose a family name, maintenance and adoption; article 16, paragraph 2, concerning the legal effect of the betrothal and the marriage of a child, inasmuch as this provision is incompatible with the provisions of the Islamic Shariah; and article 29, paragraph 1, concerning arbitration between States in the event of a dispute.

The accession of the Syrian Arab Republic to this Convention shall in no way signify recognition of Israel or entail entry into any dealings with Israel in the context of the provisions of the Convention...

OBJECTIONS MADE TO STATE PARTY'S RESERVATIONS AND DECLARATIONS

Austria, 14 August 2003

With regard to the reservations made by the Syrian Arab Republic upon accession:

"The Government of Austria has examined the reservation made by the Government of the Syrian Arab Republic upon accession to the Convention on the Elimination of All Forms of Discrimination against Women regarding article 2, article 9, paragraph 2, article 15, paragraph 4, article 16, paragraphs 1 (c), (d), (f) and (g) and article 16, paragraph 2.

The Government of Austria finds that the reservations to article 2, article 9, paragraph 2, article 15, paragraph 4, article 16, paragraphs 1 (c), (d), (f) and (g), 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 further considers that, in the absence of further clarification, the reservation to article 16, paragraph 2, which refers to the contents of Islamic Sharia, does not clearly specify the extent of the reservation and therefore raises doubts as to the degree of commitment assumed by the Syrian Arab Republic in becoming a party to 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 Syrian Arab Republic 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 Syrian Arab Republic and Austria."

Denmark, 27 May 2003

With regard to the reservation made by the Syrian Arab Republic upon accession:

"The Government of Denmark has examined the reservations made by the Government of the Syrian Arab Republic upon accession to the Convention on the Elimination of All Forms of Discrimination Against Women regarding article 2, article 9, paragraph 2, article 15, paragraph 4, article 16, paragraphs 1 (c), (d), (f) and (g) and article 16, paragraph 2 in its note of 7 April 2003, to the Secretary-General of the United Nations distributed under reference No. C.N.267.2003.TREATIES-6.

The Government of Denmark finds that the reservation to article 2 seeks to evade the obligation of non-discrimination, which is the aim of the Convention. The Government of Denmark is of the view that a general reservation to one of the core articles of the Convention raises doubts as to the commitment of the Government of the Syrian Arab Republic to fulfil its obligations under the Convention.

The Government of Denmark furthermore notes that the reservations to article 9, paragraph 2, article 15, paragraph 4, article 16, paragraphs 1 (c), (d), (f) and (g) and article 16, paragraph 2, 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 equal rights of men and women 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 Universal Declaration of Human Rights of 1948.

The Government of Denmark finds that these reservations made by the Government of the Syrian Arab Republic are not in conformity with the object and purpose of the Convention.

The Government of Denmark recalls 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.

The Government of Denmark therefore objects to the aforementioned reservations made by the Government of the Syrian Arab Republic 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 Syrian Arab Republic and Denmark.

The Government of Denmark recommends the Government of the Syrian Arab Republic to reconsider its reservations to the Convention on the Elimination of All Forms of Discrimination Against Women."

Estonia, 1 April 2004

With regard to the reservation made by the Syrian Arab Republic upon accession:

"The Government of Estonia has carefully examined the reservations made by the Government of the Syrian Arab Republic to Article 2, paragraph 2 of Article 9, paragraph 4 of Article 15 and to paragraphs 1 (c), (d), (f) and (g) of Article 16 of the Convention on the Elimination of all Forms of Discrimination Against Women.

Article 2 of the Convention is one of the core articles of the Convention. By making a reservation to this article, the Government of the Syrian Arab Republic is making a reservation of general scope that renders the provisions of the Convention completely ineffective. The Government of Estonia considers the reservation incompatible with the object and purpose of the Convention.

The reservations to article 9, paragraph 2, article 15, paragraph 4 and article 16, paragraphs 1 (c), (d), (f) and (g), 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 equal rights of men and women 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 Universal Declaration of Human Rights of 1948.

The reservation to article 16, paragraph 2, makes a general reference to the Islamic Shariah. The Government of Estonia is of the view that in the absence of further clarification, this reservation which does not clearly specify the extent of the Syrian Arab Republic's derogation from the provision in question raises serious doubts as to the commitment of the Syrian Arab Republic to the object and purpose of the Convention.

The Government of Estonia recalls 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.

The Government of Estonia therefore objects to the afore-mentioned reservation made by the Government of the Syrian Arab Republic to the Convention.

This objection does not preclude the entry into force of the Convention between the Syrian Arab Republic and Estonia. The Convention will thus become operative between the two States without the Syrian Arab Republic benefiting from its reservations.

The Government of Estonia recommends the Government of the Syrian Arab Republic to reconsider its reservations to the Convention on the Elimination of All Forms of Discrimination Against Women."

Finland, 17 June 2003

With regard to the reservations made by the Syrian Arab Republic upon accession:

"The Government of Finland has carefully examined the contents of the reservations made by the Government of the Syrian Arab Republic to Article 2, paragraph 2 of Article 9, paragraph 4 of Article 15 and to paragraphs 1(c), (d), (f) and (g) of Article 16 of the Convention on the Elimination of all Forms of Discrimination 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 for other Parties to the Convention the extent to which the reserving State commits itself to the Convention and therefore creates serious doubts as to the commitment of the reserving State to fulfil its obligations under the Convention. Such reservations are 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 further notes that the reservations made by the Syrian Arab Republic, addressing some of the most essential provisions of the Convention, and aiming to exclude some of the fundamental obligations under it, are incompatible 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 afore-mentioned reservations made by the Government of the Syrian Arab Republic to the Convention.

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

Republic and Finland. The Convention will thus become operative between the two states without the Syrian Arab Republic benefiting from its reservations."

France, 21 July 2003

With regard to reservations made by the Syrian Arab Republic upon accession:

The Government of the French Republic has examined the reservations made by the Syrian Arab Republic upon its accession to the 1979 Convention on the Elimination of All Forms of Discrimination against Women.

The Government of the French Republic considers that, by making a reservation to article 2 of the Convention, the Government of the Syrian Arab Republic is making a reservation of general scope that renders the provisions of the Convention completely ineffective. For this reason, the French Government objects to the reservation, which it considers to be incompatible with the object and purpose of the Convention.

The French Government objects to the reservations made to article 9, paragraph 2, article 15, paragraph 4, and article 16, paragraphs 1 and 2, of the Convention. The French Government notes that these objections do not preclude the entry into force of the 1979 Convention on the Elimination of All Forms of Discrimination against Women between Syria and France.

Germany, 25 August 2003

With regard to the reservations made by the Syrian Arab Republic upon accession:

"The Government of the Federal Republic of Germany has examined the reservations made by the Government of the Syrian Arab Republic to the Convention on the Elimination of All Forms of Discrimination against Women in respect of Article 2; Article 9, paragraph 2; Article 15, paragraph 4; Article 16, paragraph 1 (c), (d), (f) and (g); and Article 16, paragraph 2.

The Government of the Federal Republic of Germany finds that the aforesaid reservations would allow to limit the responsibilities of the reserving State with regard to essential provisions of the Convention and therefore raise doubts as to the commitment assumed by this State in acceding to the Convention.

Consequently, the Government of the Federal Republic of Germany considers that these reservations are incompatible with the object and purpose of the Convention.

According to Article 28, paragraph 2 of the Convention reservations incompatible with the object

and purpose of the Convention shall not be permitted.

The Government of the Federal Republic of Germany therefore objects to the aforementioned reservations made by the Government of the Syrian Arab Republic to the Convention on the Elimination of All Forms of Discrimination against Women.

This objection does not preclude the entry into force of the Convention between the Federal Republic of Germany and the Syrian Arab Republic."

Greece, 4 March 2004

With regard to the reservations made by the Syrian Arab Republic upon accession:

"The Government of the Hellenic Republic has examined the reservations made by the Government of the Syrian Arab Republic upon accession to the Convention on the Elimination of All Forms of Discrimination against Women.

The Government of the Hellenic Republic is of the view that the reservation with respect to article 2, which is a core provision of the Convention, is of a general character and is, therefore, contrary to the object and purpose of the Convention.

It also considers that the reservation regarding article 16, paragraph 2 which contains a reference to the provisions of the Islamic Shariah is of unlimited scope and is, similarly, incompatible with the object and purpose of the Convention.

The Government of the Hellenic Republic recalls that according to article 28 paragraph 2 of the Convention, a reservation which is incompatible with the object and purpose of the Convention shall not be permitted.

Consequently, the Government of the Hellenic Republic objects to the aforementioned reservations made by the Government of the Syrian Arab Republic to the Convention on the Elimination of All Forms of Discrimination against Women. This shall not preclude the entry into force of the Convention between Syria and Greece."

Italy, 2 September 2003

With regard to the reservations made by the Syrian Arab Republic upon accession:

"The Government of Italy has examined the reservations made by the Government of the Syrian Arab Republic at the time of its accession to the Convention on the Elimination of All Forms of Discrimination against Women, regarding article 2, article 9, paragraph 2, article 15, paragraph 4, article 16, paragraph 1 (c), (d), (f) and (g), and article 16, paragraph 2.

The Government of Italy considers that the reservations to article 2, article 9, paragraph 2, article 15, paragraph 4, article 16, paragraph 1 (c), (d), (f) and (g) are incompatible with the object and purpose of the above-mentioned Convention, as they contrast with the commitment of all parties to an effective implementation of the basic principles established in the Convention.

Furthermore, the Government of Italy underlines that the reservation with respect to article 16, paragraph 2, of the Convention, concerning the Islamic Sharia of the Syrian Arab Republic, may limit the responsibilities and obligations of the reserving State under the Convention, and therefore raises serious doubts about the real extent of the commitment undertaken by the Syrian Arab Republic at the time of its accession to the Convention.

The Government of Italy recalls 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.

As a consequence, the Government of Italy objects to the above-mentioned reservations made by the Syrian Arab Republic the Convention on the Elimination of All Forms of Discrimination against Women.

This objection, however, shall not preclude the entry into force of the Convention between the Government of Italy and the Syrian Arab Republic."

Netherlands, 27 May 2003

With regard to the reservations made by the Syrian Arab Republic upon accession:

"The Government of the Kingdom of the Netherlands has examined the reservations made by the Government of the Syrian Arab Republic at the time of its accession to the Convention on the Elimination of All Forms of Discrimination against Women.

The Government of the Kingdom of the Netherlands considers that the reservations with respect to article 2, article 9, paragraph 2, article 15, paragraph 4, and article 16, paragraph 1 (c), (d), (f) and (g), of the Convention are reservations incompatible with the object and purpose of the Convention.

Furthermore, the Government of the Kingdom of the Netherlands considers that the reservation with respect to article 16, paragraph 2, of the Convention, concerning the Islamic Shariah of the Syrian Arab Republic, a reservation which seeks to limit the responsibilities of the reserving State under the Convention by invoking the Islamic Shariah, 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. The Government of the Kingdom of the Netherlands recalls that, according to paragraph 2 of article 28 of the Convention, a reservation 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 party 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 the Kingdom of the Netherlands therefore objects to the aforesaid reservations made by the Government of the Syrian Arab Republic 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 the Netherlands and the Syrian Arab Republic."

Norway, 5 April 2004

With regard to the reservations made by Syrian Arab Republic upon accession:

"The Government of Norway has examined the reservations made by the Government of the Syrian Arab Republic upon accession to the Convention on the Elimination of All Forms of Discrimination Against Women regarding Article 2, Article 9, paragraph 2, Article 15, paragraph 4, Article 16, paragraph 1 (c), (d), (f) and (g) and Article 16, paragraph 2.

The said reservations, as they relate to core provisions of the Convention, render the provisions of the Convention ineffective. Moreover, and due to the reference to Islamic Sharia, it is not clearly defined for other States Parties to what extent the reserving State has undertaken the obligations of the Convention. The Government of Norway therefore objects to the aforesaid reservations made by the Government of the Syrian Arab Republic.

This objection does not preclude the entry into force in its entirety of the Convention between the Kingdom of Norway and the Syrian Arab Republic. The Convention thus becomes operative between the Kingdom of Norway and the Syrian Arab Republic without the Syrian Arab Republic benefiting from the aforesaid reservations."

Romania, 3 December 2003

With regard to the reservations made by the Syrian Arab Republic upon accession:

"The Government of Romania has examined the reservations made by the Government of the Syrian Arab Republic at the time of its accession to the Convention on the Elimination of all Forms of Discrimination against Women, regarding article 2, article 9, paragraph 2, article 15, paragraph 4, article 16 paragraph 1 (c), (d), (f) and (g), and article 16 paragraph 2.

The Government of Romania considers that the reservations to article 2, article 9, paragraph 2, article 15, paragraph 4, article 16 paragraph 1 (c), (d), (f) and (g), article 16 paragraph 2, of the Convention on the Elimination of all Forms of Discrimination against Women are incompatible with the object and purpose of the above-mentioned Convention, taking into account the provisions of article 19 (c) of the Vienna Convention on the Law of Treaties (1969).

As a consequence, the Government of Romania objects to the above-mentioned reservations made by the Syrian Arab Republic to the Convention on the Elimination of all Forms of Discrimination against Women.

This objection, however, shall not preclude the entry into force of the Convention between the Government of Romania and the Syrian Arab Republic."

Spain, 31 July 2003

With regard to the reservations made by the Syrian Arab Republic upon accession:

The Government of the Kingdom of Spain has examined the reservations made by the Government of the Syrian Arab Republic to article 2; article 9, paragraph 2; article 15, paragraph 4; and article 16, paragraph 1 (c), (d), (f) and (g) and paragraph 2 of the Convention on the Elimination of All Forms of Discrimination against Women, upon acceding to the Convention.

The Government of the Kingdom of Spain deems the above-mentioned reservations to be contrary to the object and purpose of the Convention, since they affect fundamental obligations of States parties thereunder. Moreover, the reservation to article 16, paragraph 2, of the Convention refers to the Islamic Shariah, without specifying its content, which raises doubts as to the degree of commitment of the Syrian Arab Republic in acceding to the Convention.

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.

Accordingly, the Government of the Kingdom of Spain objects to the reservations made by the Government of the Syrian Arab Republic to the Convention on the Elimination of All Forms of Discrimination against Women.

This objection does not prevent the entry into force of the Convention between the Kingdom of

Spain and the Syrian Arab Republic.

Sweden, 11 July 2003

With regard to the reservations made by the Syrian Arab Republic upon accession:

"The Government of Sweden has examined the reservations made by the Syrian Arab Republic upon acceding to the Convention on the Elimination of All Forms of Discrimination Against Women regarding article 2, article 9, paragraph 2, article 15, paragraph 4 and article 16, paragraphs 1 (c), (d), (f) (g) and 2 of the Convention.

Article 2 of the Convention is one of the core articles of the Convention. A general reservation to this article seriously raises doubts as to the commitment of the Syrian Arab Republic to the object and purpose of the Convention.

The reservations to articles 9, paragraph 2, article 15, paragraph 4 and article 16, paragraphs 1 (c), (d), (f) and (g), 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 men and women 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 organisation, as well as in the Universal Declaration of Human Rights of 1948.

The reservation to article 16, paragraph 2, makes a general reference to islamic sharia. The Government of Sweden is of the view that in the absence of further clarification, this reservation which does not clearly specify the extent of the Syrian Arab Republic's derogation from the provision in question raises serious doubts as to the commitment of the Syrian Arab Republic to the object and purpose of the Convention.

According to article 28, paragraph 2, of the Convention, reservations incompatible with the object and purpose of the Convention shall not be permitted. 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 the treaties.

The Government of Sweden therefore objects to the aforesaid reservations made by the Syrian Arab Republic 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 Syrian Arab Republic and Sweden. The Convention enters into force in its entirety between the two States, without the Syrian Arab Republic benefiting from its reservations."

United Kingdom of Great Britain and Northern Ireland, 26 June 2003

With regard to the reservations made by the Syrian Arab Republic upon accession:

"The Government of the United Kingdom have examined the reservations made by the Government of the Syrian Arab Republic to the Convention on the Elimination of All Forms of Discrimination Against Women (New York, 18 December 1979) on 28 March 2003 in respect of Article 2; and Article 16, paragraphs 1 (c), (d), (f) and (g), concerning equal rights and responsibilities during marriage and at its dissolution with regard to guardianship, the right to choose a family name, maintenance and adoption; and article 16, paragraph 2, concerning the legal effect of the betrothal and the marriage of a child, inasmuch as this provision is incompatible with the provisions of the Islamic Shariah.

The Government of the United Kingdom note that the Syrian reservation specifies particular provisions of the Convention Articles to which the reservation is addressed. Nevertheless this reservation 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 Syrian Arab Republic.

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