

THAILAND

DISABILITY

RESERVATIONS AND DECLARATIONS

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

Interpretative declaration:

The Kingdom of Thailand hereby declares that the application of Article 18 of the Convention shall be subject to the national laws, regulations and practices in Thailand.

OBJECTIONS MADE TO STATE PARTY'S RESERVATIONS AND DECLARATIONS

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

Czech Republic, 30 November 2009

With regard to the interpretative declaration made by Thailand upon ratification to the Convention:

“The Czech Republic has examined the interpretative declaration made by the Kingdom of Thailand upon its ratification of the Convention on the Rights of Persons with Disabilities on 29 July 2008.

The Czech Republic believes that the interpretative declaration made by the Kingdom of Thailand constitutes in fact a reservation to the Article 18 of the Convention.

The Czech Republic notes that the reservation left open to what extent the Kingdom of Thailand commits itself to the Article 18 of the Convention and this calls into question the Kingdom of Thailand's commitment to the object and purpose of the Convention as regards the rights associated with liberty of movement and nationality. It is in the common interest of States that treaties, to which they have chosen to become a 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 these treaties.

According to Article 46 paragraph 1 of the Convention and according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation that is incompatible with the object and purpose of a treaty shall not be permitted.

The Czech Republic, therefore, objects to the aforesaid reservation made by the Kingdom of Thailand to the Convention. This objection shall not preclude the entry into force of the

Convention between the Czech Republic and the Kingdom of Thailand, without the Kingdom of Thailand benefiting from its reservation.”

Portugal, 23 September 2009

With regard to the declaration made by Thailand upon ratification:

The Government of the Portuguese Republic has examined the interpretative declaration relating to Article 18 made by the Kingdom of Thailand upon its ratification of the Convention on the Rights of Persons with Disabilities, done at New York, on the 13th December 2006.

The Government of the Portuguese Republic believes that this interpretative declaration constitutes a reservation that makes the application of Article 18 of the Convention subject to conformity with the national laws, regulations and practices. The Kingdom of Thailand has formulated a reservation that makes it unclear to what extent it considers itself bound by the obligations of Article 18 of the Convention, and this calls into question the Kingdom of Thailand’s commitment to the object and purpose of the Convention as regards the rights associated with liberty of movement and nationality.

The Government of the Portuguese Republic recalls that, by virtue of article 46, paragraph 1, of the Convention, reservations incompatible with the object and purpose of the Convention shall not be permitted.

Consequently, the Government of the Portuguese Republic objects to the interpretative declaration by the Kingdom of Thailand relating to Article 18 of the Convention on the Rights of Persons with Disabilities.

This objection does not preclude the entry into force of the Convention between the Portuguese Republic and the Kingdom of Thailand.”

Spain, 27 July 2009

With regard to the interpretative declaration made by Thailand upon ratification

The Government of the Kingdom of Spain has examined the interpretative declaration made by Thailand upon its ratification of the Convention on the Rights of Persons with Disabilities, relating to article 18 of that international instrument.

The Government of the Kingdom of Spain believes that this interpretative declaration constitutes a reservation that makes the application of article 18 of the Convention subject to conformity with the national laws, regulations and practices. Thailand has formulated a

reservation that makes it unclear to what extent it considers itself bound by the obligations of article 18 of the Convention, and this calls into question Thailand's commitment to the object and purpose of the Convention as regards the rights associated with liberty of movement and nationality.

The Government of the Kingdom of Spain recalls that, by virtue of article 46, paragraph 1, of the Convention, reservations incompatible with the object and purpose of the Convention shall not be permitted. Consequently, the Government of the Kingdom of Spain objects to the interpretative declaration by Thailand relating to article 18 of the Convention on the Rights of Persons with Disabilities.

This objection does not preclude the entry into force of the Convention between Spain and Thailand.

Sweden, 28 July 2009

The Government of Sweden has examined the interpretative declaration made by the Government of the Kingdom of Thailand on 29 July 2008 to the Convention on the Rights of Persons With Disabilities.

The Government of Sweden recalls that the designation assigned to a statement whereby the legal effect of certain provisions of a treaty is excluded or modified does not determine its status as a reservation to the treaty. The Government of Sweden considers that the interpretative declaration made by the Government of Thailand in substance constitutes a reservation.

According to international customary law, as codified in the Vienna Convention on the Law of Treaties, reservations incompatible with the object and purpose of a treaty 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 notes that Thailand gives precedence to its national laws, regulations and practices over the application of article 18 of the Convention. The Government of Sweden is of the view that such a reservation, which does not clearly specify the extent of the derogation, raises serious doubt as to the commitment to the object and purpose of the Convention.

The Government of Sweden therefore objects to the aforesaid reservation made by the Government of the Kingdom of Thailand to the Convention on the Rights of Persons with Disabilities and considers the reservation null and void. This objection shall not preclude the entry into force of the Convention between Thailand and Sweden. The Convention enters into force in its entirety between Thailand and Sweden, without Thailand benefiting from its

reservation.”