

Convention on the Rights of Persons with Disabilities

New York, 13 December 2006

Entry into force : 3 May 2008, in accordance with article 45(1).

Status : Signatories : 160. Parties : 159

Article 23 - Respect for home and the family

1. States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that:

a. The right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized;

.....

Israel

Reservation:

“The State of Israel expresses its reservation with regard to the provisions concerning marriage in Article 23 (1) (a) of the Convention, to the extent that the laws on personal status, which are binding on the various religious communities in Israel, do not conform with these provisions.”

Article 46 - Reservations

1. Reservations incompatible with the object and purpose of the present Convention shall not be permitted.
2. Reservations may be withdrawn at any time.

Iran (Islamic Republic of)

Declaration:

“... with regard to Article 46, the Islamic Republic of Iran declares that it does not consider itself bound by any provisions of the Convention, which may be incompatible with its applicable rules.”

Germany

1 November 2010

With regard to the declaration made by the Islamic Republic of Iran upon accession:

“The Federal Republic of Germany has carefully examined the declaration made by the Government of the Islamic Republic of Iran upon its accession to the Convention on the Rights of Persons with Disabilities of 13 December 2006.

The Federal Republic of Germany is of the opinion that by excluding the application of those provisions of the Convention which may be incompatible with applicable national rules the Islamic Republic of Iran in fact has made a reservation which leaves it unclear to what extent the Islamic Republic of Iran accepts being bound by the obligations under the Convention.

The Federal Republic of Germany objects to this reservation as being incompatible with the object and purpose of the Convention and thus impermissible according to Article 46, paragraph 1 of the Convention.

This objection shall not preclude the entry into force of the Convention between the Federal Republic of Germany and the Islamic Republic of Iran.”

Latvia

22 October 2010

With regard to the declaration made by the Islamic Republic of Iran upon accession:

“The Government of the Republic of Latvia has carefully examined the declaration made by the Islamic Republic of Iran to the Convention.

The Government of the Republic of Latvia considers that the declaration contains general reference to national law, making any provision of the Convention subject to the national law of the Islamic Republic of Iran.

Therefore, the Government of the Republic of Latvia is of the opinion that the declaration is in fact a unilateral act deemed to limit the scope of application of the Convention and therefore, it shall be regarded as a reservation.

Moreover, the Government of the Republic of Latvia considers that the reservation named as a declaration does not make it clear to what extent the Islamic Republic of Iran considers itself bound by the provisions of the Convention and whether the manner of application of the rights prescribed by the Convention are in line with the object and purpose of the Convention.

Therefore, the Government of the Republic of Latvia recalls that the provisions of Article 46 of the Convention set out that the reservations that are incompatible with object and purpose of the Convention are not permitted.

Consequently, the Government of the Republic of Latvia therefore objects to the aforesaid reservations made by the Islamic Republic of Iran to the Convention.

However, this objection shall not preclude the entry into force of the Convention between the Republic of Latvia and the Islamic Republic of Iran. Thus, the International Covenant will become operative without the Islamic Republic of Iran benefiting from its reservation.”

Article 15 - Freedom from torture or cruel, inhuman or degrading treatment or punishment

1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation.
2. States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.

Article 18 - Liberty of movement and nationality

1. States Parties shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, including by ensuring that persons with disabilities:

1. Have the right to acquire and change a nationality and are not deprived of their nationality arbitrarily or on the basis of disability;
2. Are not deprived, on the basis of disability, of their ability to obtain, possess and utilize documentation of their nationality or other documentation of identification, or to utilize relevant processes such as immigration proceedings, that may be needed to facilitate exercise of the right to liberty of movement;
3. Are free to leave any country, including their own;
4. Are not deprived, arbitrarily or on the basis of disability, of the right to enter their own country.
5. 2. Children with disabilities shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents.

Malaysia

Reservation:

“The Government of Malaysia ratifies the said Convention subject to the reservation that it does not consider itself bound by articles 15 and 18 of the said Convention.”

Germany

3 August 2011

With regard to the reservation made by Malaysia upon ratification:

“The Government of the Federal Republic of Germany has carefully examined the reservation made by the Government of Malaysia upon ratification of the Convention on the Rights of Persons with Disabilities of 13 December 2006.

The Government of the Federal Republic of Germany considers that the provisions of Articles 15 and 18 are core provisions of the Convention and that the exclusion of their application is incompatible with the object and purpose of the Convention.

The Government of the Federal Republic of Germany therefore objects to this reservation as being inadmissible according to Article 46, paragraph 1 of the Convention.

This objection shall not preclude the entry into force of the Convention between the Federal Republic of Germany and Malaysia.”

Hungary

1 August 2011

With regard to the reservation made by Malaysia upon ratification:

“The Government of the Republic of Hungary has examined the reservations made by Malaysia on 19 July 2010 upon ratification of the Convention on the Rights of Persons with Disabilities, adopted by the General Assembly of the United Nations on 13 December 2006, with regard to Articles 15 and 18 of the Convention.

The Government of the Republic of Hungary is of the view that Articles 15 and 18 of the Convention address core human rights values that are not only reflected in several multilateral treaties, such as the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Covenant on Civil and Political Rights but also form part of the international customary law.

In consequence, according to Article 19 (c) of the Vienna Convention on the Law of Treaties, which is a treaty and customary norm, these reservations shall not be permitted as they are incompatible with the object and purpose of the Convention.

Therefore, the Government of the Republic of Hungary objects to the reservations made by Malaysia to the Convention on the Rights of Persons with Disabilities, adopted by General Assembly of the United Nations on 13 December 2006, with regard to Articles 15 and 18.

This objection does not preclude the entry into force of the Convention between the Republic of Hungary and Malaysia.”