



General Assembly

Distr.
GENERAL

A/41/608/Add.1*
23 October 1986

ORIGINAL: ENGLISH

Forty-first session
Agenda item 92 (b)

ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Status of the Convention on the Elimination of All Forms of Discrimination against Women

Report of the Secretary-General

Addendum

VIEWS OF STATES PARTIES ON RESERVATIONS TO THE CONVENTION

CZECHOSLOVAKIA

[Original: English]

[23 September 1986]

1. The issue of reservations to the Convention on the Elimination of All Forms of Discrimination against Women is governed by its article 28, paragraph 2, which stipulates that "a reservation incompatible with the object and purpose of the present Convention shall not be permitted". This provision of the Convention only confirms the general rule of the law of treaties concerning reservations that is stated in article 19 of the 1969 Vienna Convention on the Law of Treaties.

2. However, the Vienna Convention on the Law of Treaties does not stipulate the way of handling the issue of incompatibility. Our view is that it is always necessary to define the object and purpose of each treaty and, on the basis of this, to consider whether the reservation made is compatible with them or, on the contrary, at variance with the object of the treaty, preventing it from achieving its purpose.

* Reissued for technical reasons.

3. The aim of the Convention on the Elimination of All Forms of Discrimination against Women is to achieve equality of rights for women and the elimination of discrimination based on sex. That is why reservations that would necessarily result in discrimination against women based on sex and that do not respect the principle of equality of men and women, confirmed in the Charter of the United Nations and other important international documents, are directed against the aim pursued in concluding the Convention and thus are incompatible with its object and purpose and - according to article 28, paragraph 2, of the Convention - inadmissible.

4. In accordance with the foregoing, the Czechoslovak Socialist Republic considers well-founded, for example, reservations to article 29, paragraph 1, which authorizes the International Court of Justice to settle disputes concerning the interpretation of, implementation of or failure to implement the Convention. This provision is at variance with the principle of non-interference in internal matters of other countries, which represents one of the basic principles of international co-operation and international law. On the other hand, Czechoslovakia considers unfounded some reservations that aim at a certain limitation to, for example, the social rights of women, which is at variance with the aims set by the Convention.
