

## **UK Government reservations to CEDAW:**

Article 1. UK Government does not regard the Convention as imposing any requirement to repeal or modify any existing laws, regulations, customs or practices which provide for women to be treated more favourably than men, whether temporarily or in the longer term.

Article 2. Reservations concerning sexual discrimination (peerage titles etc. and service in the armed forces).

Article 9. Reservation (d) concerning immigration is not designed to automatically confer a right of domicile in the UK to non-UK nationals.

Article 11. Reservations concerning sexual discrimination and pension schemes and benefits (inconsistent with obligations under European Convention on Human Rights as no equivalent reservations to ECHR - inconsistent with the jurisprudence under ECHR, Art 14 and Protocol I).

Article 13. As article 11?

Article 15.(4) Declares that women shall be treated the same as men in relation to domicile and movement, not that they have a right to domicile (immigration) – see below

Article 16. As Article 11?

Reservations are:

- "(a) The UK understands the main purpose of the Convention, in the light of the definition contained in Article 1, to be the reduction, in accordance with its terms, of discrimination against women, and does not therefore regard the Convention as imposing any requirement to repeal or modify any existing laws, regulations, customs or practices which provide for women to be treated more favourably than men, whether temporarily or in the longer term; the UK's undertakings under Article 4, para.1, and other provisions of the Convention are to be construed accordingly."
- (c) relates to UK reserving the right that none of its obligations extend to the "succession to, or possession and enjoyment of , the Throne, the peerage, titles of honour, social precedence or armorial bearings, or as extending to the affairs of religious denominations or orders or to the admission into or service in the Armed Forces of the Crown"
- "(d) The United Kingdom reserves the right to continue to apply such immigration legislation governing entry into, stay in, and departure from, the UK as it may deem necessary from time to time, and, accordingly, its acceptance of Article 15(4)<sup>1</sup> and of the other provisions

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<sup>1</sup> CEDAW, Article 15(4): "States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile".

of the Convention is subject to the provisions of any such legislation as regards persons not at the time having the right under the law of the UK to enter and remain in the UK."

Further UK reservations to CEDAW concern unequal pension and social security rights and are as follows:

- "The UK reserves the right to apply all UK legislation and the rules of pension schemes affecting retirement pensions, survivor's benefits, and other benefits in relation to death or retirement (including retirement on grounds of redundancy), whether or not derived from a social security scheme.

This reservation will apply equally to any future legislation which may modify or replace such legislation, or the rules of pension schemes, on the understanding that the terms of such legislation will be compatible with the UK's obligations under the Convention."

- "The United Kingdom reserves the right to apply the following provisions of United Kingdom legislation concerning the benefits specified:
  - b) increases of benefits for adult dependants under sections 44 to 47, 49 and 66 of the Social Security Act 1975 and under sections 44 to 47, 49 and 66 of the Social Security (Northern Ireland) Act 1975;
- The United Kingdom reserves the right to apply any non-discriminatory requirement for a qualifying period of employment or insurance for the application of the provisions contained in Article 11(2).

The UK reservation on Article 15 in relation to immigration would mean that the Convention would not apply in immigration cases. It had been understood that this was still in place. However, that this reservation was in fact withdrawn in 2007.

The reservation was not withdrawn when the Government said it would be in 2004 (as stated in a Department for Constitutional Affairs press release) and indeed it was only withdrawn in July 2007, two months after the UK's report to CEDAW in May 2007 stated it had been withdrawn.

Meanwhile, in 2008 all CEDAW information was moved to the OHCHR website <http://www2.ohchr.org/english/bodies/cedaw/index.htm> The original CEDAW website <http://www.un.org/womenwatch/daw/cedaw/> wasn't updated after the end of December 2007 and still mentions the reservation.

Below is the statement about the withdrawal of the reservation, taken from the UN Treaties website:

On 24 July 2007, the Government of the United Kingdom notified the Secretary-General that it had decided to withdraw the following reservation made upon ratification to the Convention: "(d) The United Kingdom reserves the right to continue to apply such immigration legislation governing entry into,

stay in, and departure from, the United Kingdom as it may deem necessary from time to time and, accordingly, its acceptance of Article 15 (4) and of the other provisions of the Convention is subject to the provisions of any such legislation as regards persons not at the time having the right under the law of the United Kingdom to enter and remain in the United Kingdom.”

[http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en)

**28<sup>th</sup> Oct 2008 – PQ**

**Lynne Featherstone:** To ask the Secretary of State for Foreign and Commonwealth Affairs what reservations have been sought by the Government on the Convention on the Elimination of All Forms of Discrimination against Women; and if he will make a statement. [204963]

**Maria Eagle:** I have been asked to reply.

The United Kingdom signed the United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in 1981, and ratified with reservations in 1986. The UK reservations in 1986 were general reservations (a-d), and specific reservations on article 1, 2, 9, 10, 11, 15 and 16. Since that time the Government have not sought any new reservations on the Convention and have withdrawn a number of reservations, most notably in 1995 and 1996.

The UK's sixth periodic report to the CEDAW committee on progress towards the implementation of the Convention was submitted on 1 May 2007. The report notes that the UK has withdrawn the CEDAW reservation relating to immigration and has modified the reservation relating to the throne and the armed forces. The UK currently has reservations on: general reservations (a, c, and d), and specific reservations on article 9, 11, 15(3) and 16.

The current reservations will be reviewed in 2008-09 as part of the follow up plan from the UK's examination by the CEDAW Committee in July 2008.