

**11. c) Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography**

*New York, 25 May 2000*

**ENTRY INTO FORCE:** 18 January 2002, in accordance with article 14(1).  
**REGISTRATION:** 18 January 2002, No. 27531.  
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 Doc. A/RES/54/263; C.N.1032.2000.TREATIES-72 of 14 November 2000 [rectification of the the original of the Protocol (Arabic, Chinese, English, French, Russian and Spanish authentic texts)]; C.N.1008.2002.TREATIES-42 of 17 September 2002 (proposal of corrections to the original chinese text) and C.N.1312.2002.TREATIES-49 of 16 December 2002 [rectification of the original of the Protocol (Chinese authentic text)].

*Note:* The Optional Protocol was adopted by resolution A/RES/54/263 of 25 May 2000 at the fifty-fourth session of the General Assembly of the United Nations. In accordance with its article 13 (1), the Optional Protocol will be open for signature by any State that is a party to the Convention or has signed it.

<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>	<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>
Afghanistan.....		19 Sep 2002 a	Cameroon.....	5 Oct 2001	
Albania.....		5 Feb 2008 a	Canada .....	10 Nov 2001	14 Sep 2005
Algeria .....		27 Dec 2006 a	Cape Verde .....		10 May 2002 a
Andorra .....	7 Sep 2000	30 Apr 2001	Central African Republic .....	27 Sep 2010	
Angola.....		24 Mar 2005 a	Chad.....	3 May 2002	28 Aug 2002
Antigua and Barbuda ....	18 Dec 2001	30 Apr 2002	Chile.....	28 Jun 2000	6 Feb 2003
Argentina.....	1 Apr 2002	25 Sep 2003	China <sup>2</sup> .....	6 Sep 2000	3 Dec 2002
Armenia.....	24 Sep 2003	30 Jun 2005	Colombia.....	6 Sep 2000	11 Nov 2003
Australia.....	18 Dec 2001	8 Jan 2007	Comoros.....		23 Feb 2007 a
Austria.....	6 Sep 2000	6 May 2004	Congo.....		27 Oct 2009 a
Azerbaijan.....	8 Sep 2000	3 Jul 2002	Costa Rica.....	7 Sep 2000	9 Apr 2002
Bahrain.....		21 Sep 2004 a	Côte d'Ivoire.....		19 Sep 2011 a
Bangladesh.....	6 Sep 2000	6 Sep 2000	Croatia.....	8 May 2002	13 May 2002
Belarus .....		23 Jan 2002 a	Cuba.....	13 Oct 2000	25 Sep 2001
Belgium <sup>1</sup> .....	6 Sep 2000	17 Mar 2006	Cyprus.....	8 Feb 2001	6 Apr 2006
Belize .....	6 Sep 2000	1 Dec 2003	Czech Republic .....	26 Jan 2005	
Benin.....	22 Feb 2001	31 Jan 2005	Democratic Republic of the Congo .....		11 Nov 2001 a
Bhutan.....	15 Sep 2005	26 Oct 2009	Denmark <sup>3</sup> .....	7 Sep 2000	24 Jul 2003
Bolivia (Plurinational State of).....	10 Nov 2001	3 Jun 2003	Djibouti .....	14 Jun 2006	27 Apr 2011
Bosnia and Herzegovina .....	7 Sep 2000	4 Sep 2002	Dominica.....		20 Sep 2002 a
Botswana.....		24 Sep 2003 a	Dominican Republic .....		6 Dec 2006 a
Brazil.....	6 Sep 2000	27 Jan 2004	Ecuador .....	6 Sep 2000	30 Jan 2004
Brunei Darussalam.....		21 Nov 2006 a	Egypt.....		12 Jul 2002 a
Bulgaria.....	8 Jun 2001	12 Feb 2002	El Salvador.....	13 Sep 2002	17 May 2004
Burkina Faso .....	16 Nov 2001	31 Mar 2006	Equatorial Guinea .....		7 Feb 2003 a
Burundi .....		6 Nov 2007 a	Eritrea .....		16 Feb 2005 a
Cambodia.....	27 Jun 2000	30 May 2002	Estonia .....	24 Sep 2003	3 Aug 2004

<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>	<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>
Fiji.....	16 Sep 2005		Madagascar .....	7 Sep 2000	22 Sep 2004
Finland .....	7 Sep 2000		Malawi .....	7 Sep 2000	7 Oct 2009
France.....	6 Sep 2000	5 Feb 2003	Malaysia.....		12 Apr 2012 a
Gabon.....	8 Sep 2000	1 Oct 2007	Maldives .....	10 May 2002	10 May 2002
Gambia.....	21 Dec 2000	8 Apr 2010	Mali.....		16 May 2002 a
Georgia.....		28 Jun 2005 a	Malta.....	7 Sep 2000	28 Sep 2010
Germany.....	6 Sep 2000	15 Jul 2009	Mauritania.....		23 Apr 2007 a
Ghana .....	24 Sep 2003		Mauritius.....	11 Nov 2001	14 Jun 2011
Greece .....	7 Sep 2000	22 Feb 2008	Mexico .....	7 Sep 2000	15 Mar 2002
Grenada.....		6 Feb 2012 a	Micronesia (Federated States of) .....	8 May 2002	23 Apr 2012
Guatemala .....	7 Sep 2000	9 May 2002	Monaco .....	26 Jun 2000	24 Sep 2008
Guinea.....		16 Nov 2011 a	Mongolia.....	12 Nov 2001	27 Jun 2003
Guinea-Bissau .....	8 Sep 2000	1 Nov 2010	Montenegro <sup>4</sup> .....		23 Oct 2006 d
Guyana.....		30 Jul 2010 a	Morocco.....	8 Sep 2000	2 Oct 2001
Haiti .....	15 Aug 2002		Mozambique .....		6 Mar 2003 a
Holy See.....	10 Oct 2000	24 Oct 2001	Myanmar.....		16 Jan 2012 a
Honduras .....		8 May 2002 a	Namibia.....	8 Sep 2000	16 Apr 2002
Hungary.....	11 Mar 2002	24 Feb 2010	Nauru .....	8 Sep 2000	
Iceland.....	7 Sep 2000	9 Jul 2001	Nepal.....	8 Sep 2000	20 Jan 2006
India .....	15 Nov 2004	16 Aug 2005	Netherlands <sup>5</sup> .....	7 Sep 2000	23 Aug 2005
Indonesia.....	24 Sep 2001		New Zealand <sup>6</sup> .....	7 Sep 2000	20 Sep 2011
Iran (Islamic Republic of).....		26 Sep 2007 a	Nicaragua.....		2 Dec 2004 a
Iraq .....		24 Jun 2008 a	Niger .....	27 Mar 2002	26 Oct 2004
Ireland .....	7 Sep 2000		Nigeria .....	8 Sep 2000	27 Sep 2010
Israel.....	14 Nov 2001	23 Jul 2008	Norway .....	13 Jun 2000	2 Oct 2001
Italy .....	6 Sep 2000	9 May 2002	Oman.....		17 Sep 2004 a
Jamaica.....	8 Sep 2000	26 Aug 2011	Pakistan.....	26 Sep 2001	5 Jul 2011
Japan .....	10 May 2002	24 Jan 2005	Panama.....	31 Oct 2000	9 Feb 2001
Jordan.....	6 Sep 2000	4 Dec 2006	Paraguay .....	13 Sep 2000	18 Aug 2003
Kazakhstan .....	6 Sep 2000	24 Aug 2001	Peru .....	1 Nov 2000	8 May 2002
Kenya.....	8 Sep 2000		Philippines .....	8 Sep 2000	28 May 2002
Kuwait.....		26 Aug 2004 a	Poland .....	13 Feb 2002	4 Feb 2005
Kyrgyzstan .....		12 Feb 2003 a	Portugal.....	6 Sep 2000	16 May 2003
Lao People's Democratic Republic .....		20 Sep 2006 a	Qatar .....		14 Dec 2001 a
Latvia .....	1 Feb 2002	22 Feb 2006	Republic of Korea.....	6 Sep 2000	24 Sep 2004
Lebanon.....	10 Oct 2001	8 Nov 2004	Republic of Moldova ....	8 Feb 2002	12 Apr 2007
Lesotho.....	6 Sep 2000	24 Sep 2003	Romania.....	6 Sep 2000	18 Oct 2001
Liberia.....	22 Sep 2004		Rwanda .....		14 Mar 2002 a
Libya .....		18 Jun 2004 a	San Marino.....	5 Jun 2000	26 Sep 2011
Liechtenstein .....	8 Sep 2000		Saudi Arabia .....		18 Aug 2010 a
Lithuania .....		5 Aug 2004 a	Senegal.....	8 Sep 2000	5 Nov 2003
Luxembourg.....	8 Sep 2000	2 Sep 2011	Serbia .....	8 Oct 2001	10 Oct 2002
			Seychelles .....	23 Jan 2001	

<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>	<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>
Sierra Leone .....	8 Sep 2000	17 Sep 2001	Tunisia .....	22 Apr 2002	13 Sep 2002
Slovakia.....	30 Nov 2001	25 Jun 2004	Turkey.....	8 Sep 2000	19 Aug 2002
Slovenia.....	8 Sep 2000	23 Sep 2004	Turkmenistan .....		28 Mar 2005 a
Solomon Islands.....	24 Sep 2009		Uganda.....		30 Nov 2001 a
South Africa .....		30 Jun 2003 a	Ukraine .....	7 Sep 2000	3 Jul 2003
Spain .....	6 Sep 2000	18 Dec 2001	United Kingdom of Great Britain and Northern Ireland.....	7 Sep 2000	20 Feb 2009
Sri Lanka.....	8 May 2002	22 Sep 2006	United Republic of Tanzania .....		24 Apr 2003 a
St. Lucia.....	22 Sep 2011		United States of America.....	5 Jul 2000	23 Dec 2002
St. Vincent and the Grenadines.....		15 Sep 2005 a	Uruguay .....	7 Sep 2000	3 Jul 2003
Sudan .....		2 Nov 2004 a	Uzbekistan .....		23 Dec 2008 a
Suriname .....	10 May 2002		Vanuatu.....	16 Sep 2005	17 May 2007
Sweden.....	8 Sep 2000	19 Jan 2007	Venezuela (Bolivarian Republic of).....	7 Sep 2000	8 May 2002
Switzerland .....	7 Sep 2000	19 Sep 2006	Viet Nam.....	8 Sep 2000	20 Dec 2001
Syrian Arab Republic....		15 May 2003 a	Yemen.....		15 Dec 2004 a
Tajikistan.....		5 Aug 2002 a	Zambia .....	29 Sep 2008	
Thailand .....		11 Jan 2006 a	Zimbabwe .....		14 Feb 2012 a
The former Yugoslav Republic of Macedonia.....	17 Jul 2001	17 Oct 2003			
Timor-Leste.....		16 Apr 2003 a			
Togo .....	15 Nov 2001	2 Jul 2004			

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

**ARGENTINA**

***Declaration:***

With reference to article 2, the Argentine Republic would prefer a broader definition of sale of children, as set out in the Inter-American Convention on International Traffic in Minors which Argentina has ratified and which, in its article 2, expressly defines traffic as the abduction, removal or retention, or attempted abduction, removal or retention, of a minor for unlawful purposes or by unlawful means. Therefore, under article 41 of the Convention on the Rights of the Child, this meaning shall continue to apply. For the same reasons, the Argentine Republic believes that the sale of children should be criminalized in all cases and not only in those enumerated in article 3, paragraph 1 (a).

Concerning article 3, the Argentine Republic further states that it has not signed international instruments on the international adoption of minors, has entered a reservation in respect of subparagraphs (b), (c), (d) and (e) of article 21 of the Convention on the Rights of the Child dealing with international adoption, and does not permit international adoption of children domiciled or resident in its jurisdiction.

Concerning article 7, the Argentine Republic construes the term 'confiscation' (confiscación) to mean the seizure of goods and proceeds as part of a sentence or penalty (decomisar).\*

*\*Translator's note: The meaning of the Spanish term "decomisar" is not as broad as the English "seizure". "Decomisar" means "seizure" during the sentencing or penalty phase only. (Seizure as a preventive measure is rendered with "incautación".)*

**BELARUS**

***Declaration:***

The Republic of Belarus, pursuant to article 3 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, declares that voluntary recruitment of citizens into the armed forces of the Republic of Belarus shall occur upon the attainment by them of 18 years of age.

Admission to a military academy, to which citizens aged 17 years or over, including those who attain 17 years of age during the year in which they are admitted to such an academy, are entitled, in accordance with article 43 of the Act of the Republic of Belarus of 5 November 1992 on Military Obligations and Military Service, shall constitute an exception to the above. Such admission shall not be forced or coerced.

The legislation of the Republic of Belarus guarantees that entry into military service as a cadet at a military academy:

Shall be voluntary;

Shall occur with the informed consent of the person's parents or legal guardians;

Shall occur on condition that such persons are fully informed of the duties involved in military service;

Shall be permitted on condition that such persons provide reliable proof of age prior to acceptance into military service.

#### **BELGIUM<sup>1</sup>**

*Upon signature:*

*Declaration:*

This signature is equally binding on the French community, the Flemish community and the German-speaking community.

*Upon ratification:*

*Declaration:*

The expression 'child pornography' is understood to mean the visual representation of a child participating in real or simulated sexual activities or the visual representation of the sexual parts of a child, when the dominant characteristic is a description for sexual purposes.

#### **COLOMBIA**

*Declaration:*

Concerning article 7 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Colombia declares that, in accordance with its domestic legal system, it construes the penalty of "confiscation" (confiscación) only as seizure or forfeiture during the penalty phase.

#### **DENMARK**

*Declaration:*

"In connection with the deposit of Denmark's instrument of ratification of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography Denmark declares that she interprets the words "any representation" in article 2 (c), of the Protocol to mean "any visual representation". Denmark further declares that the possession of pornographic visual representation of a person, who has completed his or her fifteenth year and who has consented to the said possession, shall not be considered covered by the binding provisions of the Protocol."

#### **EL SALVADOR**

*Declaration:*

The Government of the Republic of El Salvador recognizes the extradition of nationals on the basis of the second and third clauses of article 28 of the Constitution, which stipulate that "Extradition will be regulated under international treaties; in cases involving Salvadorans, extradition will proceed only if the treaty in question expressly allows it and the treaty has been approved by the respective legislatures of the signatory countries. In any case, the terms of the treaty must include the principle of reciprocity and give Salvadorans all the guarantees with respect to trials and penalties that this Constitution provides. The accused will be extradited if the offence was committed in the territory of the requesting country, unless the offence is international in scope, and in no case for political offences, even though common criminal offences may have occurred as a result."

#### **KUWAIT**

*Reservation:*

.....with a reservation in respect of paragraph 5 of article 3 of the second protocol.

#### **LAO PEOPLE'S DEMOCRATIC REPUBLIC**

*Reservation:*

"The Lao People's Democratic Republic [...] does not consider itself bound by Article 5 (2) of the said Optional Protocol."

#### **MALAYSIA**

"1. The Government of Malaysia declares that the words 'any representation' in article 2 paragraph (c), shall be interpreted to mean 'any visual representation'.

2. The Government of Malaysia understands that article 3 paragraph (1)(a)(ii) of the said Optional Protocol is applicable only to States Parties to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at the Hague on 29 May 1993."

#### **OMAN**

*Reservation:*

..... subject to the Sultanate's reservations to the Convention on the Rights of the Child.

#### **QATAR<sup>7,8</sup>**

#### **REPUBLIC OF KOREA**

*Declaration:*

The Government of the Republic of Korea understands that Article 3(1)(a)(ii) of the aforementioned Protocol is applicable only to States Parties to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on 29 May 1993.

#### **REPUBLIC OF MOLDOVA**

*Declaration:*

"Until the full re-establishment of the territorial integrity of the Republic of Moldova, the provisions of the convention shall be applied only on the territory controlled effectively by the authorities of the Republic of Moldova."

#### **SWEDEN**

*Upon signature:*

*Declaration:*

"Reference is made to earlier statements submitted by the EU in connection with the Working group's *ad-referendum* adoption of the Optional Protocol on 4 February 2000 and the national statement submitted by Sweden at the same occasion as well as the Swedish statement submitted in connection with the adoption of the Protocol by the General Assembly on 25 May 2000. Furthermore Sweden interprets the words 'any representation' in article 2 c) as 'visual representation'."

*Upon ratification:*

*Declaration:*

".....Sweden interprets the word "any representation" in article 2 c) of the Protocol as "visual representation".

#### **SYRIAN ARAB REPUBLIC**

*Reservation:*

"A reservation is entered to the provisions set forth in article 3, paragraph 5, and article 3, paragraph 1 (a) (ii) of the Optional Protocol on the sale of children, child

prostitution and child pornography, which relate to adoption.

*Declaration:*

Ratification of the two Optional Protocols by the Syrian Arab Republic shall not in any event imply recognition of Israel and shall not lead to entry into any dealings with Israel in the matters governed by the provisions of the Protocols."

**TURKEY**

*Declaration:*

"The Republic of Turkey declares that it will implement the provisions of the existing Optional Protocol only to the States Parties which it recognizes and with which it has diplomatic relations".

**UNITED STATES OF AMERICA**

*Reservation:*

" To the extent that the domestic law of the United States does not provide for jurisdiction over an offense described in Article 3 (1) of the Protocol if the offense is committed on board a ship or aircraft registered in the United States, the obligation with respect to jurisdiction over that offense shall not apply to the United States until such time as the United States may notify the Secretary-General of the United Nations that United States domestic law is in full conformity with the requirements of Article 4 (1) of the Protocol.

The Senate's advice and consent is subject to the following understandings:

(1) **NO ASSUMPTION OF OBLIGATIONS UNDER THE CONVENTION ON THE RIGHTS OF THE CHILD.**-The United States understands that the United States assumes no obligations under the Convention on the Rights of the Child by becoming a party to the Protocol.

(2) **THE TERM "CHILD PORNOGRAPHY"**. -The United States understands that the term "sale of children" as defined in Article 2(a) of the Protocol, is intended to cover any transaction in which remuneration or other consideration is given and received under circumstances in which a person who does not have a lawful right to custody of the child thereby obtains de facto control over the child.

(3) **THE TERM "CHILD PORNOGRAPHY"**. -The United States understands the term "child pornography", as defined in Article 2(c) of the Protocol, to mean the visual representation of a child engaged in real or simulated sexual activities or of the genitalia of a child

where the dominant characteristic is depiction for a sexual purpose.

(4) **THE TERM "TRANSFER OF ORGANS FOR PROFIT"**. -The United States understands that-

(A) the term "transfer of organs for profit", as used in Article 3(1)(a)(i) of the Protocol, does not cover any situation in which a child donates an organ pursuant to lawful consent; and

(B) the term "profit", as used in Article 3(1)(a)(i) of the Protocol, does not include the lawful paymeasonable amount associated with the transfer of organs, including any payment for the expense of travel, housing, lost wages, or medical costs.

(5) **THE TERMS "APPLICABLE INTERNATIONAL LEGAL INSTRUMENTS" AND "IMPROPERLY INDUCING CONSENT"**.-

(A) **UNDERSTANDING OF "APPLICABLE INTERNATIONAL LEGAL INSTRUMENTS"**. -The United States understands that the term "applicable international legal instruments" in Articles 3 (1) (a) (ii) and 3 (5) of the Protocol refers to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption done at The Hague on May 29, 1993 (in this paragraph referred to as "The Hague Convention").

(B) **NO OBLIGATION TO TAKE CERTAIN ACTION.**-The United States is not a party to The Hague Convention, but expects to become a party. Accordingly, until such time as the United States becomes a party to The Hague Convention, it understands that it is not obligated to criminalize conduct proscribed by Article 3(1)(a)(ii) of the Protocol or to take all appropriate legal and administrative measures required by Article 3(5) of the Protocol.

(C) **UNDERSTANDING OF "IMPROPERLY INDUCING CONSENT"**. -The United States understands that the term "Improperly inducing consent" in Article 3(1)(a)(ii) of the Protocol means knowingly and willfully inducing consent by offering or giving compensation for the relinquishment of parental rights.

(6) **IMPLEMENTATION OF THE PROTOCOL IN THE FEDERAL SYSTEM OF THE UNITED STATES.**-The United States understands that the Protocol shall be implemented by the Federal Government to the extent that it exercises jurisdiction over the matters covered therein, and otherwise by the State and local governments. To the extent that State and local governments exercise jurisdiction over such matters, the Federal Government shall as necessary, take appropriate measures to ensure the fulfillment of the Protocol.

**VIET NAM<sup>9</sup>**

**Objections**

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

**AUSTRIA**

4 Octobre 2002

*With regard to the reservation made by Qatar upon accession:*

"The Government of Austria has examined the reservation to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography made by the Government of Qatar at the time of its accession to the Optional Protocol.

The Government of Austria are of the view that since this reservation refers in a general manner to the Islamic law without precisising its content it leaves other state

parties in doubt as to the real extent of the state of Qatar's commitment to the Optional Protocol. 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 change necessary to comply with their obligations under the treaties.

For these reasons, the Government of Austria objects to this reservation made by the Government of Qatar.

This position, however, does not preclude the entry into force in its entirety of the Optional Protocol between Qatar and Austria."

## CYPRUS

12 August 2003\*

*With regard to the declaration made by Turkey upon ratification:*

"...The Government of the Republic of Cyprus has examined the declaration made by the Government of the Republic of Turkey upon ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 19 August 2002, in respect of the implementation of the provisions of the Convention only to the States Parties which it recognizes and with which it has diplomatic relations.

In the view of the Government of the Republic of Cyprus, this declaration amounts to a reservation. This reservation creates uncertainty as to the States Parties in respect of which Turkey is undertaking the obligations in the Convention and raises doubt as to the commitment of Turkey to the object and purpose of the said Optional Protocol. The Government of the Republic of Cyprus therefore objects to the reservation made by the Government of the Republic of Turkey to the Optional Protocol to the Convention of the Rights of the Child on the sale of children, child prostitution and child pornography.

This reservation or the objection to it shall not preclude the entry into force of the Convention between the Republic of Cyprus and the Republic of Turkey."

\* *With regard to this objection, the Government of Cyprus, upon ratification of the Optional Protocol, on 6 April 2006, stated the following:*

"The Government of the Republic of Cyprus wishes to reiterate its objection of 12th August 2003, with regard to the declaration made by Turkey upon ratification."

## FRANCE

18 June 2002

*With regard to the reservation made by Qatar upon accession:*

The Government of the French Republic has examined the reservation entered by the Government of Qatar upon acceding to the Optional Protocol of 25 May 2000 to the Convention on the Rights of the Child, concerning the sale of children, child prostitution and child pornography. While indicating that it was acceding to the Protocol and voicing, in a general manner, reservations with respect to provisions of the Protocol that it regards as violating Islamic Shariah rules, the Government of Qatar has entered a reservation of a general, indeterminate nature that leaves other States parties unable to establish which provisions of the Convention the reservation currently concerns and which provisions are likely to be concerned in the future. The Government of the French Republic believes that the reservation could deprive the provisions of the Convention of any effect and is entering an objection thereto.

18 November 2005

*With regard to the reservations made by Oman upon accession:*

"The Government of the French Republic has examined the reservation entered by the Government of the Sultanate of Oman upon acceding, on 17 September 2004, to the Optional Protocol to the Convention on the Rights of the Child, concerning the sale of children, child prostitution and child pornography by which the Sultanate extends to the Protocol the reservations it entered with respect to the Convention. While indicating that it was acceding to the Protocol and voicing, in a general manner, reservations with respect to provisions of the Protocol that it regards as violating Islamic sharia rules, the Sultanate of Oman has entered a reservation of a general,

indeterminate nature that leaves other States parties unable to establish which provisions of the Convention the reservation currently concerns and which provisions are likely to be concerned in the future. The Government of the French Republic believes that the reservation could deprive the provisions of the Convention of any effect and is entering an objection thereto. This objection shall not prevent the entry into force of the Convention between France and the Sultanate of Oman."

## GERMANY

21 March 2002

*With regard to the reservation made by Qatar upon accession:*

"The Government of the Federal Republic of Germany has examined the reservation to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography made by the Government of Qatar at the time of its accession to the Optional Protocol. The Government of the Federal Republic of Germany is of the view that the reservation with regard to the compatibility of the rules of the Optional Protocol with the precepts of Islamic Shariah raises doubts as to the commitment of Qatar to fulfil its obligations under the Optional Protocol. The Government of the Federal Republic of Germany considers this reservation to be incompatible with the object and purpose of the Optional Protocol. Therefore the Government of the Federal Republic of Germany objects to the aforesaid reservation made by the Government of Qatar to the Optional Protocol.

## HUNGARY

*With regard to the reservation made by Oman upon accession:*

"The Government of the Republic of Hungary has examined the reservations made by the Sultanate of Oman on 17 September 2004 to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. The Government of the Republic of Hungary notes that the Sultanate of Oman does not consider itself bound by the provisions of the Optional Protocol that do not accord with the Islamic law or the legislation in force in the Sultanate, and also notes that the Sultanate of Oman intends to apply the Optional Protocol within the limits imposed by the material resources available.

The Government of the Republic of Hungary is of the view that the Sultanate of Oman has made reservations of a general nature which do not define clearly to what extent it considers itself bound by the provisions of the Optional Protocol. The Government of the Republic of Hungary notes that according to Article 19 of the Vienna Convention on the Law of Treaties reservations that are incompatible with the object and purpose of the treaty shall not be permitted.

The Government of the Republic of Hungary therefore objects to the above-mentioned reservations. The objection shall not preclude the entry into force of the Optional Protocol between the Republic of Hungary and the Sultanate of Oman. The Optional Protocol enters into force in its entirety between the Republic of Hungary and the Sultanate of Oman, without the Sultanate of Oman benefiting from its reservations."

## ISRAEL

30 September 2003

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

"The Government of the State of Israel has noted that the instrument of accession of the Syrian Arab Republic

to the above mentioned Protocol contains a declaration with respect to the State of Israel.

The Government of the State of Israel is of the view that the declaration which is political in its nature, is incompatible with the purposes and objectives of this Protocol.

The Government of the State of Israel therefore objects to the aforesaid declaration made by the Syrian Arab Republic to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography."

On 23 July 2008, upon its ratification to the Protocol, the Government of the State of Israel reiterated his objection to the declaration made by the Syrian Arab Republic upon accession. The text of the objection made by the State of Israel upon ratification reads as follows:

"The Government of the State of Israel has noted that the instrument of accession of the Syrian Arab Republic of the above-mentioned Protocol which appears in the Depository Notification Ref: C.N.679.2003.TREATIES-15 of 2 July 2003, contains a declaration with respect to the State of Israel.

The Government of the State of Israel considers that such declaration, which is explicitly of a political nature, is incompatible with the purposes and objectives of the Protocol.

The Government of the State of Israel therefore objects to the aforesaid declaration made by the Syrian Arab Republic."

#### NORWAY

30 December 2002

*With regard to the reservation made by Qatar upon accession:*

"The Government of Norway has examined the content of the reservation made by the Government of Qatar upon accession to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

The reservation purports to give Islamic Shariah preference over the provisions of the Optional Protocol and does not clearly define to what extent Qatar has accepted the obligations of the latter. The Government of Norway therefore objects to the reservation, as it is contrary to the object and purpose of the Optional Protocol and thus impermissible according to well-established principles of international law.

This objection does not preclude the entry into force in its entirety of the Optional Protocol between the Kingdom of Norway and Qatar. The Optional Protocol thus becomes operative between Norway and Qatar without Qatar benefiting from the reservation."

19 January 2006

*With regard to the reservation made by Oman upon accession:*

"The Permanent Mission of Norway to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to convey that Norway has examined the second and third reservations made by the Government of the Sultanate of Oman on 17 September 2004 on accession to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (New York, 25 May 2000) which concern Islamic and domestic law and limits imposed by the material resources available.

The Government of Norway is of the view that these general reservations raise doubts as to the full commitment of the Sultanate of Oman to the object and purpose of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and would like to recall that according to customary international law as codified in the Vienna Convention on the Law of Treaties,

a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Norway therefore objects to the aforesaid reservations made by the Government of the Sultanate of Oman to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. This objection does not preclude the entry into force in its entirety, of the Convention between the Kingdom of Norway and the Sultanate of Oman, without the latter benefiting from these reservations."

#### SPAIN

10 September 2002

*With regard to the reservation made by Qatar upon accession:*

The Government of the Kingdom of Spain has examined the reservation made by the Government of the State of Qatar on 14 December 2001 to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, concerning any provisions in the protocol that are in conflict with the Islamic Shariah.

The Government of the Kingdom of Spain considers that this reservation, which refers in a general way to Islamic law without specifying its content, creates doubts among the other States parties about the extent to which the State of Qatar commits itself to comply with the Optional Protocol.

The Government of the Kingdom of Spain is of the view that the reservation by the Government of the State of Qatar is incompatible with the object and purpose of the said Optional Protocol, since it refers to the Protocol as a whole and could seriously restrict or even exclude its application on a basis as ill-defined as the general reference to the Islamic Shariah.

Therefore, the Government of the Kingdom of Spain objects to the above-mentioned reservation by the Government of the State of Qatar to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

This objection shall not preclude the entry into force of the said Optional Protocol between the Kingdom of Spain and the State of Qatar.

#### SWEDEN

27 November 2002

*With regard to the reservation made by Qatar upon accession:*

"The Government of Sweden has examined the reservation made by Qatar upon acceding to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

The Government of Sweden notes that the Protocol is being made subject to a general reservation of unlimited scope referring to the contents of Islamic sharia.

The Government of Sweden is of the view that this reservation which does not clearly specify the provisions of the Convention to which it applies, and the extent of the derogation therefrom, raises serious doubts as to the commitment of Qatar to the object and purpose of the Protocol. The Government of Sweden would like to recall that, according to 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.

The Government of Sweden therefore objects to the aforesaid reservation made by the Government of Qatar to the Optional Protocol to the Convention on the Rights of the Child on the sale of Children, Child Prostitution and Child Pornography.

This objection shall not preclude the entry into force of the Convention between Qatar and Sweden. The Convention enters into force in its entirety between the two States, without Qatar benefiting from its reservation."

11 July 2003

*With regard to the declaration made by Turkey upon ratification:*

"The Government of Sweden has examined the declaration made by Turkey upon ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

The declaration states that Turkey will implement the provisions of the Optional Protocol only to the States Parties which it recognises and with which it has diplomatic relations. This statement in fact amounts, in the view of the Government of Sweden, to a reservation. The reservation makes it unclear to what extent Turkey

considers itself bound by the obligations of the Optional Protocol. In absence of further clarification, therefore, the reservation raises doubt as to the commitment of Turkey to the object and purpose of the Optional Protocol.

The Government of Sweden would like to recall that, according to customary international law as codified in the Vienna Convention of 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.

The Government of Sweden therefore objects to the aforesaid reservation made by Turkey to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

This objection does not preclude the entry into force of the Optional Protocol between Turkey and Sweden. The Optional Protocol enters into force in its entirety between the two States, without Turkey benefiting from its reservation."

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#### Notes:

<sup>1</sup> For the Kingdom of Belgium.

<sup>2</sup> In its instrument of ratification, the Government of China informed the Secretary-General of the following:

In accordance with the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and as suggested by the Government of the Hong Kong Special Administrative Region, the application of the Protocol to the Hong Kong Special Administrative Region of the People's Republic of China requires prior enactment of domestic legislation by the Hong Kong Special Administrative Region, and the Protocol shall not apply to the Hong Kong Special Administrative Region of the People's Republic of China until the Government of China notifies otherwise;

2. In accordance with the Basic Law of the Macao Special Administrative Region of the People's Republic of China and as suggested by the Government of the Macao Special Administrative Region, the Protocol shall apply to the Macao Special Administrative Region of the People's Republic of China.

<sup>3</sup> With a territorial exclusion in respect of the Faroe Islands and Greenland.

<sup>4</sup> See note 1 under "Montenegro" in the "Historical Information" section in the front matter of this volume.

<sup>5</sup> For the Kingdom in Europe. On 17 October 2006: extension to Aruba.

Following a modification of the internal constitutional relations within the Kingdom of the Netherlands (see note 2 under "Netherlands" in Historical Information), effective 10 October 2010, the Protocol applies to the Caribbean part of the Netherlands (Bonaire, Sint Eustatius and Saba).

<sup>6</sup> Upon its ratification to the Convention, the Government of New Zealand notified the Secretary-General of the following:

"... consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, this ratification shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the Depositary on the basis of appropriate consultation with that territory ..."

<sup>7</sup> With regard to the reservation made by Qatar upon accession, the Secretary-General received the following communication on the date indicated hereinafter:

*Ireland (6 January 2003):*

"The Government of Ireland have examined the reservation to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography made by the Government of Qatar at the time of its accession to the Optional Protocol.

The Government of Ireland are of the view that this reservation refers in a general manner to Islamic law without precisising its content and therefore leaves other states parties in doubt as to the real extent of the state of Qatar's commitment to the Optional Protocol. 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 Ireland object to this reservation made by the Government of Qatar.

This position, however, does not preclude the entry into force in its entirety of the Optional Protocol between Qatar and Ireland."

*Finland (10 March 2003):*

"The Government of Finland has carefully examined the contents of the reservation made by the Government of Qatar to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

The Government of Finland notes that the reservation made by Qatar which consists of a general reference to religious law without specifying its contents does not clearly define the extent to which Qatar commits itself to the Protocol and therefore creates serious doubts as to its commitment to fulfil its obligations under the Protocol. Such a reservation is 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 also notes that the reservation of Qatar, being of too general a nature, raises doubts as to the full commitment of Qatar to the object and purpose of the Protocol, and wishes to recall that, according to the customary international law as codified in the Vienna Convention on the Law of the Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Finland therefore objects to the reservation made by the Government of Qatar to the Protocol."

*Netherlands (7 April 2003):*

"The Government of the Kingdom of the Netherlands has examined the reservation made by the Government of Qatar at the time of its accession to the Optional Protocol to the Convention on the rights of the child on the sale of children, child prostitution and child pornography. The Government of the Kingdom of the Netherlands considers that the reservation

concerning the national law of Qatar, which seeks to limit the responsibilities of the reserving State under the Protocol by invoking national law, 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 reservation made by the Government of Qatar to the Optional Protocol to the Convention on the rights of the child on the sale of children, child prostitution and child pornography.

This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and Qatar."

<sup>8</sup> On 18 June 2008, the State of Qatar informed the Secretary-General that it had decided to withdraw the following reservation made upon accession:

... subject to a general reservation regarding any provisions in the protocol that are in conflict with the Islamic Shariah.

<sup>9</sup> On 26 March 2009, the Government of Vietnam informed the Secretary-General that it had decided to withdraw the following reservation made upon ratification of the Protocol:

"... the Socialist Republic of Vietnam makes its reservation to article 5 (1), (2), (3), and (4) of the said Protocol."