

## 11. CONVENTION ON THE RIGHTS OF THE CHILD

*New York, 20 November 1989*

**ENTRY INTO FORCE**

**REGISTRATION:**

**STATUS:**

**TEXT:**

2 September 1990, in accordance with article 49(1).

2 September 1990, No. 27531.

Signatories: 140. Parties: 196.

United Nations, *Treaty Series*, vol. 1577, p. 3; depositary notifications C.N.147.1993.TREATIES-5 of 15 May 1993 [amendments to article 43 (2)]<sup>1</sup>; and C.N.322.1995.TREATIES-7 of 7 November 1995 [amendment to article 43 (2)].

*Note:* The Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, was adopted by /doc/source/docs/A\_RES\_44\_25-Eng.pdf<sup>2</sup> of 20 November 1989 at the Forty-fourth session of the General Assembly of the United Nations. The Convention is open for signature by all States at the Headquarters of the United Nations in New York.

<i>Participant</i>	<i>Signature</i>	<i>Ratification, Acceptance(A), Accession(a), Succession(d)</i>	<i>Participant</i>	<i>Signature</i>	<i>Ratification, Acceptance(A), Accession(a), Succession(d)</i>
Afghanistan.....	27 Sep 1990	28 Mar 1994	Cambodia.....		15 Oct 1992 a
Albania.....	26 Jan 1990	27 Feb 1992	Cameroon.....	25 Sep 1990	11 Jan 1993
Algeria.....	26 Jan 1990	16 Apr 1993	Canada.....	28 May 1990	13 Dec 1991
Andorra.....	2 Oct 1995	2 Jan 1996	Central African Republic.....	30 Jul 1990	23 Apr 1992
Angola.....	14 Feb 1990	5 Dec 1990	Chad.....	30 Sep 1990	2 Oct 1990
Antigua and Barbuda.....	12 Mar 1991	5 Oct 1993	Chile.....	26 Jan 1990	13 Aug 1990
Argentina.....	29 Jun 1990	4 Dec 1990	China <sup>5,6</sup> .....	29 Aug 1990	2 Mar 1992
Armenia.....		23 Jun 1993 a	Colombia.....	26 Jan 1990	28 Jan 1991
Australia.....	22 Aug 1990	17 Dec 1990	Comoros.....	30 Sep 1990	22 Jun 1993
Austria <sup>3</sup> .....	26 Jan 1990	6 Aug 1992	Congo.....		14 Oct 1993 a
Azerbaijan.....		13 Aug 1992 a	Cook Islands.....		6 Jun 1997 a
Bahamas.....	30 Oct 1990	20 Feb 1991	Costa Rica.....	26 Jan 1990	21 Aug 1990
Bahrain.....		13 Feb 1992 a	Côte d'Ivoire.....	26 Jan 1990	4 Feb 1991
Bangladesh.....	26 Jan 1990	3 Aug 1990	Croatia <sup>4</sup> .....		12 Oct 1992 d
Barbados.....	19 Apr 1990	9 Oct 1990	Cuba.....	26 Jan 1990	21 Aug 1991
Belarus.....	26 Jan 1990	1 Oct 1990	Cyprus.....	5 Oct 1990	7 Feb 1991
Belgium.....	26 Jan 1990	16 Dec 1991	Czech Republic <sup>7</sup> .....		22 Feb 1993 d
Belize.....	2 Mar 1990	2 May 1990	Democratic People's Republic of Korea.....	23 Aug 1990	21 Sep 1990
Benin.....	25 Apr 1990	3 Aug 1990	Democratic Republic of the Congo.....	20 Mar 1990	27 Sep 1990
Bhutan.....	4 Jun 1990	1 Aug 1990	Denmark <sup>8</sup> .....	26 Jan 1990	19 Jul 1991
Bolivia (Plurinational State of).....	8 Mar 1990	26 Jun 1990	Djibouti.....	30 Sep 1990	6 Dec 1990
Bosnia and Herzegovina <sup>4</sup> .....		1 Sep 1993 d	Dominica.....	26 Jan 1990	13 Mar 1991
Botswana.....		14 Mar 1995 a	Dominican Republic.....	8 Aug 1990	11 Jun 1991
Brazil.....	26 Jan 1990	24 Sep 1990	Ecuador.....	26 Jan 1990	23 Mar 1990
Brunei Darussalam.....		27 Dec 1995 a	Egypt <sup>9</sup> .....	5 Feb 1990	6 Jul 1990
Bulgaria.....	31 May 1990	3 Jun 1991	El Salvador.....	26 Jan 1990	10 Jul 1990
Burkina Faso.....	26 Jan 1990	31 Aug 1990	Equatorial Guinea.....		15 Jun 1992 a
Burundi.....	8 May 1990	19 Oct 1990	Eritrea.....	20 Dec 1993	3 Aug 1994
Cabo Verde.....		4 Jun 1992 a			

<i>Participant</i>	<i>Signature</i>	<i>Ratification, Acceptance(A), Accession(a), Succession(d)</i>	<i>Participant</i>	<i>Signature</i>	<i>Ratification, Acceptance(A), Accession(a), Succession(d)</i>
Estonia .....		21 Oct 1991 a	Libya .....		15 Apr 1993 a
Ethiopia .....		14 May 1991 a	Liechtenstein <sup>11</sup> .....	30 Sep 1990	22 Dec 1995
Fiji .....	2 Jul 1993	13 Aug 1993	Lithuania .....		31 Jan 1992 a
Finland .....	26 Jan 1990	20 Jun 1991	Luxembourg .....	21 Mar 1990	7 Mar 1994
France .....	26 Jan 1990	7 Aug 1990	Madagascar .....	19 Apr 1990	19 Mar 1991
Gabon .....	26 Jan 1990	9 Feb 1994	Malawi .....		2 Jan 1991 a
Gambia .....	5 Feb 1990	8 Aug 1990	Malaysia .....		17 Feb 1995 a
Georgia .....		2 Jun 1994 a	Maldives .....	21 Aug 1990	11 Feb 1991
Germany <sup>10</sup> .....	26 Jan 1990	6 Mar 1992	Mali .....	26 Jan 1990	20 Sep 1990
Ghana .....	29 Jan 1990	5 Feb 1990	Malta .....	26 Jan 1990	30 Sep 1990
Greece .....	26 Jan 1990	11 May 1993	Marshall Islands .....	14 Apr 1993	4 Oct 1993
Grenada .....	21 Feb 1990	5 Nov 1990	Mauritania .....	26 Jan 1990	16 May 1991
Guatemala .....	26 Jan 1990	6 Jun 1990	Mauritius .....		26 Jul 1990 a
Guinea .....		13 Jul 1990 a	Mexico .....	26 Jan 1990	21 Sep 1990
Guinea-Bissau .....	26 Jan 1990	20 Aug 1990	Micronesia (Federated States of) .....		5 May 1993 a
Guyana .....	30 Sep 1990	14 Jan 1991	Monaco .....		21 Jun 1993 a
Haiti .....	26 Jan 1990	8 Jun 1995	Mongolia .....	26 Jan 1990	5 Jul 1990
Holy See .....	20 Apr 1990	20 Apr 1990	Montenegro <sup>12</sup> .....		23 Oct 2006 d
Honduras .....	31 May 1990	10 Aug 1990	Morocco .....	26 Jan 1990	21 Jun 1993
Hungary .....	14 Mar 1990	7 Oct 1991	Mozambique .....	30 Sep 1990	26 Apr 1994
Iceland .....	26 Jan 1990	28 Oct 1992	Myanmar .....		15 Jul 1991 a
India .....		11 Dec 1992 a	Namibia .....	26 Sep 1990	30 Sep 1990
Indonesia .....	26 Jan 1990	5 Sep 1990	Nauru .....		27 Jul 1994 a
Iran (Islamic Republic of) .....	5 Sep 1991	13 Jul 1994	Nepal .....	26 Jan 1990	14 Sep 1990
Iraq .....		15 Jun 1994 a	Netherlands <sup>13</sup> .....	26 Jan 1990	6 Feb 1995 A
Ireland .....	30 Sep 1990	28 Sep 1992	New Zealand <sup>14</sup> .....	1 Oct 1990	6 Apr 1993
Israel .....	3 Jul 1990	3 Oct 1991	Nicaragua .....	6 Feb 1990	5 Oct 1990
Italy .....	26 Jan 1990	5 Sep 1991	Niger .....	26 Jan 1990	30 Sep 1990
Jamaica .....	26 Jan 1990	14 May 1991	Nigeria .....	26 Jan 1990	19 Apr 1991
Japan .....	21 Sep 1990	22 Apr 1994	Niue .....		20 Dec 1995 a
Jordan .....	29 Aug 1990	24 May 1991	Norway .....	26 Jan 1990	8 Jan 1991
Kazakhstan .....	16 Feb 1994	12 Aug 1994	Oman .....		9 Dec 1996 a
Kenya .....	26 Jan 1990	30 Jul 1990	Pakistan .....	20 Sep 1990	12 Nov 1990
Kiribati .....		11 Dec 1995 a	Palau .....		4 Aug 1995 a
Kuwait .....	7 Jun 1990	21 Oct 1991	Panama .....	26 Jan 1990	12 Dec 1990
Kyrgyzstan .....		7 Oct 1994 a	Papua New Guinea .....	30 Sep 1990	2 Mar 1993
Lao People's Democratic Republic .....		8 May 1991 a	Paraguay .....	4 Apr 1990	25 Sep 1990
Latvia .....		14 Apr 1992 a	Peru .....	26 Jan 1990	4 Sep 1990
Lebanon .....	26 Jan 1990	14 May 1991	Philippines .....	26 Jan 1990	21 Aug 1990
Lesotho .....	21 Aug 1990	10 Mar 1992	Poland .....	26 Jan 1990	7 Jun 1991
Liberia .....	26 Apr 1990	4 Jun 1993	Portugal <sup>5</sup> .....	26 Jan 1990	21 Sep 1990
			Qatar .....	8 Dec 1992	3 Apr 1995
			Republic of Korea <sup>15</sup> .....	25 Sep 1990	20 Nov 1991

<i>Participant</i>	<i>Signature</i>	<i>Ratification, Acceptance(A), Accession(a), Succession(d)</i>	<i>Participant</i>	<i>Signature</i>	<i>Ratification, Acceptance(A), Accession(a), Succession(d)</i>
Republic of Moldova.....		26 Jan 1993 a	Tajikistan .....		26 Oct 1993 a
Romania.....	26 Jan 1990	28 Sep 1990	Thailand .....		27 Mar 1992 a
Russian Federation .....	26 Jan 1990	16 Aug 1990	The former Yugoslav Republic of Macedonia <sup>4,16</sup> .....		2 Dec 1993 d
Rwanda .....	26 Jan 1990	24 Jan 1991	Timor-Leste .....		16 Apr 2003 a
Samoa .....	30 Sep 1990	29 Nov 1994	Togo.....	26 Jan 1990	1 Aug 1990
San Marino .....		25 Nov 1991 a	Tonga .....		6 Nov 1995 a
Sao Tome and Principe..		14 May 1991 a	Trinidad and Tobago .....	30 Sep 1990	5 Dec 1991
Saudi Arabia .....		26 Jan 1996 a	Tunisia .....	26 Feb 1990	30 Jan 1992
Senegal.....	26 Jan 1990	31 Jul 1990	Turkey.....	14 Sep 1990	4 Apr 1995
Serbia <sup>4</sup> .....		12 Mar 2001 d	Turkmenistan .....		20 Sep 1993 a
Seychelles .....		7 Sep 1990 a	Tuvalu .....		22 Sep 1995 a
Sierra Leone.....	13 Feb 1990	18 Jun 1990	Uganda.....	17 Aug 1990	17 Aug 1990
Singapore .....		5 Oct 1995 a	Ukraine .....	21 Feb 1990	28 Aug 1991
Slovakia <sup>7</sup> .....		28 May 1993 d	United Arab Emirates ....		3 Jan 1997 a
Slovenia <sup>4</sup> .....		6 Jul 1992 d	United Kingdom of Great Britain and Northern Ireland <sup>6,17,18</sup> .....	19 Apr 1990	16 Dec 1991
Solomon Islands .....		10 Apr 1995 a	United Republic of Tanzania.....	1 Jun 1990	10 Jun 1991
Somalia .....	9 May 2002	1 Oct 2015	United States of America.....	16 Feb 1995	
South Africa.....	29 Jan 1993	16 Jun 1995	Uruguay .....	26 Jan 1990	20 Nov 1990
South Sudan.....		23 Jan 2015 a	Uzbekistan .....		29 Jun 1994 a
Spain .....	26 Jan 1990	6 Dec 1990	Vanuatu.....	30 Sep 1990	7 Jul 1993
Sri Lanka.....	26 Jan 1990	12 Jul 1991	Venezuela (Bolivarian Republic of) .....	26 Jan 1990	13 Sep 1990
St. Kitts and Nevis .....	26 Jan 1990	24 Jul 1990	Viet Nam.....	26 Jan 1990	28 Feb 1990
St. Lucia.....	30 Sep 1990	16 Jun 1993	Yemen <sup>19</sup> .....	13 Feb 1990	1 May 1991
St. Vincent and the Grenadines .....	20 Sep 1993	26 Oct 1993	Zambia .....	30 Sep 1990	6 Dec 1991
State of Palestine .....		2 Apr 2014 a	Zimbabwe .....	8 Mar 1990	11 Sep 1990
Sudan .....	24 Jul 1990	3 Aug 1990			
Suriname .....	26 Jan 1990	1 Mar 1993			
Swaziland.....	22 Aug 1990	7 Sep 1995			
Sweden.....	26 Jan 1990	29 Jun 1990			
Switzerland .....	1 May 1991	24 Feb 1997			
Syrian Arab Republic ....	18 Sep 1990	15 Jul 1993			

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

**AFGHANISTAN**

*Declaration:*

"The Government of the Republic of Afghanistan reserves the right to express, upon ratifying the Convention, reservations on all provisions of the Convention that are incompatible with the laws of Islamic Shari'a and the local legislation in effect."

**ALGERIA**

*1. Article 14, paragraphs 1 and 2*

The provisions of paragraphs 1 and 2 of article 14 shall be interpreted by the Algerian Government in compliance with the basic foundations of the Algerian legal system, in particular:

- With the Constitution, which stipulates in its article 2 that Islam is the State religion and in its article 35 that "there shall be no infringement of the inviolability of the

freedom of conviction and the inviolability of the freedom of opinion";

- With Law No. 84-11 of 9 June 1984, comprising the Family Code, which stipulates that a child's education is to take place in accordance with the religion of its father.

2. *Articles 13, 16 and 17*

Articles 13, 16 and 17 shall be applied while taking account of the interest of the child and the need to safeguard its physical and mental integrity. In this framework, the Algerian Government shall interpret the provisions of these articles while taking account of:

- The provisions of the Penal Code, in particular those sections relating to breaches of public order, to public decency and to the incitement of minors to immorality and debauchery;

- The provisions of Law No. 90-07 of 3 April 1990, comprising the Information Code, and particularly its article 24 stipulating that "the director of a publication destined for children must be assisted by an educational advisory body";

- Article 26 of the same Code, which provides that "national and foreign periodicals and specialized publications, whatever their nature or purpose, must not contain any illustration, narrative, information or insertion contrary to Islamic morality, national values or human rights or advocate racism, fanaticism and treason. Further, such publications must contain no publicity or advertising that may promote violence and delinquency."

**ANDORRA<sup>20</sup>**

A. The Principality of Andorra deplors the fact that the [said Convention] does not prohibit the use of children in armed conflicts. It also disagrees with the provisions of article 38, paragraphs 2 and 3, concerning the participation and recruitment of children from the age of 15.

...

**ARGENTINA**

*Reservation:*

The Argentine Republic enters a reservation to subparagraphs (b), (c), (d) and (e) of article 21 of the Convention on the Rights of the Child and declares that those subparagraphs shall not apply in areas within its jurisdiction because, in its view, before they can be applied a strict mechanism must exist for the legal protection of children in matters of inter-country adoption, in order to prevent trafficking in and the sale of children.

*Declarations:*

Concerning article 1 of the Convention, the Argentine Republic declares that the article must be interpreted to the effect that a child means every human being from the moment of conception up to the age of eighteen.

Concerning article 38 of the Convention, the Argentine Republic declares that it would have liked the Convention categorically to prohibit the use of children in armed conflicts. Such a prohibition exists in its domestic law which, by virtue of article 41 of the Convention, it shall continue to apply in this regard.

*Declaration:*

Concerning subparagraph (f) of article 24 of the Convention, the Argentine Republic considers that questions relating to family planning are the exclusive concern of parents in accordance with ethical and moral principles and understands it to be a State obligation, under this article, to adopt measures providing guidance for parents and education for responsible parenthood.

**AUSTRALIA**

"Australia accepts the general principles of article 37. In relation to the second sentence of paragraph (c), the obligation to separate children from adults in prison is accepted only to the extent that such imprisonment is considered by the responsible authorities to be feasible

and consistent with the obligation that children be able to maintain contact with their families, having regard to the geography and demography of Australia. Australia, therefore, ratifies the Convention to the extent that it is unable to comply with the obligation imposed by article 37 (c)."

**AUSTRIA**

**BAHAMAS**

"The Government of the Commonwealth of The Bahamas upon signing the Convention reserves the right not to apply the provisions of article 2 of the said Convention insofar as those provisions relate to the conferment of citizenship upon a child having regard to the Provisions of the Constitution of the Commonwealth of The Bahamas".

**BANGLADESH<sup>21</sup>**

"[The Government of Bangladesh] ratifies the Convention with a reservation to article 14, paragraph 1.

"Also article 21 would apply subject to the existing laws and practices in Bangladesh."

**BELGIUM**

1. With regard to article 2, paragraph 1, according to the interpretation of the Belgian Government non-discrimination on grounds of national origin does not necessarily imply the obligation for States automatically to guarantee foreigners the same rights as their nationals. This concept should be understood as designed to rule out all arbitrary conduct but not differences in treatment based on objective and reasonable considerations, in accordance with the principles prevailing in democratic societies.

2. Articles 13 and 15 shall be applied by the Belgian Government within the context of the provisions and limitations set forth or authorized by said Convention in articles 10 and 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950.

3. The Belgian Government declares that it interprets article 14, paragraph 1, as meaning that, in accordance with the relevant provisions of article 18 of the International Covenant on Civil and Political Rights of 19 December 1966 and article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, the right of the child to freedom of thought, conscience and religion implies also the freedom to choose his or her religion or belief.

4. With regard to article 40, paragraph 2 (b) (v), the Belgian Government considers that the expression "according to law" at the end of that provision means that:

(a) This provision shall not apply to minors who, under Belgian law, are declared guilty and are sentenced in a higher court following an appeal against their acquittal in a court of the first instance;

(b) This provision shall not apply to minors who, under Belgian law, are referred directly to a higher court such as the Court of Assize.

**BOSNIA AND HERZEGOVINA<sup>22</sup>**

"....."

**BOTSWANA<sup>23</sup>**

"The Government of the Republic of Botswana enters a reservation with regard to the provisions of article 1 of the Convention and does not consider itself bound by the same in so far as such may conflict with the Laws and Statutes of Botswana."

## BRUNEI DARUSSALAM<sup>24,25,26,27</sup>

"The Government of Brunei Darussalam expresses its reservations on the provisions of the said Convention which may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, the State religion, and without prejudice to the generality of the said reservations, in particular expresses its reservations on Article 14, Article 20 paragraph 3, and Article 21 subparagraphs b, c, d and e of the Convention."

### CANADA

#### *"(i) Article 21*

With a view to ensuring full respect for the purposes and intent of article 20 (3) and article 30 of the Convention, the Government of Canada reserves the right not to apply the provisions of article 21 to the extent that they may be inconsistent with customary forms of care among aboriginal peoples in Canada.

#### *"(ii) Article 37 (c)*

The Government of Canada accepts the general principles of article 37 (c) of the Convention, but reserves the right not to detain children separately from adults where this is not appropriate or feasible.

#### *"Article 30*

It is the understanding of the Government of Canada that, in matters relating to aboriginal peoples of Canada, the fulfilment of its responsibilities under article 4 of the Convention must take into account the provisions of article 30. In particular, in assessing what measures are appropriate to implement the rights recognized in the Convention for aboriginal children, due regard must be paid to not denying their right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion and to use their own language."

### CHINA

[T]he People's Republic of China shall fulfil its obligations provided by article 6 of the Convention under the prerequisite that the Convention accords with the provisions of article 25 concerning family planning of the Constitution of the People's Republic of China and in conformity with the provisions of article 2 of the Law of Minor Children of the People's Republic of China.

### COLOMBIA

#### *Reservation:*

The Colombian Government considers that, while the minimum age of 15 years for taking part in armed conflicts, set forth in article 38 of the Convention, is the outcome of serious negotiations which reflect various legal, political and cultural systems in the world, it would have been preferable to fix that age at 18 years in accordance with the principles and norms prevailing in various regions and countries, Colombia among them, for which reason the Colombian Government, for the purpose of article 38 of the Convention, shall construe the age in question to be 18 years.

#### *Reservation:*

The Government of Colombia, pursuant to article 2, paragraph 1 (d) of the Convention, declares that for the purposes of article 38, paragraphs 2 and 3, of the Convention, the age referred to in said paragraphs shall be understood to be 18 years, given the fact that, under Colombian law, the minimum age for recruitment into the armed forces of personnel called for military service is 18 years.

### COOK ISLANDS<sup>28</sup>

"The Government of the Cook Islands reserves the right not to apply the provisions of article 2 in so far as those provisions may relate to the conferment of Cook Islands nationality, citizenship or permanent residency upon a child having regard to the Constitution and other

legislation as may from time to time be in force in the Cook Islands.

With respect to article 10, the Government of the Cook Islands reserves the right to apply such legislation, in so far as it relates to the entry into, stay in and departure from the Cook Islands of those who do not have the right under the law of the Cook Islands to enter and remain in the Cook Islands, and to the acquisition and possession of citizenship, as it may deem necessary from time to time.

Domestically, the Convention does not apply directly. It establishes State obligations under international law that the Cook Islands fulfils in accordance with its national law.

Article 2 paragraph (1) does not necessarily imply the obligation of States automatically to guarantee foreigners the same rights as their nationals. The concept of non-discrimination on the basis of national origin should be understood as designed to rule out all arbitrary conduct but not differences in treatment based on objective and reasonable considerations, in accordance with the principles prevailing in democratic societies.

The Government of the Cook Islands will take the opportunity afforded by its accession to the Convention to initiate reforms in its domestic legislation relating to adoption that are in keeping with the spirit of the Convention and that it considers appropriate, in line with article 3 (2) of the Convention to ensure the well-being of the child. While all adoptions now permitted under Cook Islands law are based on the principle of the best interest of the child being of paramount consideration and authorised by the High Court in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, the principal aim of the planned measures will be to remove vestigial discrimination provisions governing adoptions found in legislation enacted with respect to the Cook Islands prior to the acquisition of sovereignty by the Cook Islands in order to ensure non-discriminatory adoption arrangements for all Cook Islands nationals."

### CROATIA<sup>29</sup>

"The Republic of Croatia reserves the right not to apply paragraph 1 of article 9 of the Convention since the internal legislation of the Republic of Croatia provides for the right of competent authorities (Centres for Social Work) to determine on separation of a child from his/her parents without a previous judicial review."

### CUBA

With reference to article 1 of the Convention, the Government of the Republic of Cuba declares that in Cuba, under the domestic legislation in force, majority is not attained at 18 years of age for purposes of the full exercise of civic rights.

### CZECH REPUBLIC<sup>7</sup>

#### DENMARK<sup>8</sup>

"Article 40, paragraph 2 (b) (v) shall not be binding on Denmark.

"It is a fundamental principle of the Danish Administration of Justice Act that everybody shall be entitled to have any penal measures imposed on him or her by a court of first instance reviewed by a higher court. There are, however, some provisions limiting this right in certain cases, for instance verdicts returned by a jury on the question of guilt, which have not been reversed by the legally trained judges of the court."

**DJIBOUTI**<sup>21,23,30,31</sup>

**ECUADOR**<sup>32</sup>

*Declaration:*

"In signing the Convention on the Rights of the Child, Ecuador reaffirms . . . [that it is] especially pleased with the ninth preambular paragraph of the draft Convention, which pointed to the need to protect the unborn child, and believed that that paragraph should be borne in mind in interpreting all the articles of the Convention, particularly article 24. While the minimum age set in article 38 was, in its view, too low, [the Government of Ecuador] did not wish to endanger the chances for the Convention's adoption by consensus and therefore would not propose any amendment to the text."

**EGYPT**<sup>9</sup>

**FRANCE**

(1) The Government of the French Republic declares that this Convention, particularly article 6, cannot be interpreted as constituting any obstacle to the implementation of the provisions of French legislation relating to the voluntary interruption of pregnancy.

(2) The Government of the Republic declares that, in the light of article 2 of the Constitution of the French Republic, article 30 is not applicable so far as the Republic is concerned.

(3) The Government of the Republic construes article 40, paragraph 2 (b) (v), as establishing a general principle to which limited exceptions may be made under law. This is particularly the case for certain non-appealable offences tried by the Police Court and for offences of a criminal nature. None the less, the decisions handed down by the final court of jurisdiction may be appealed before the Court of Cassation, which shall rule on the legality of the decision taken.

**GERMANY**<sup>10,33,34,35,36</sup>

**GUATEMALA**

*Declaration:*

"The State of Guatemala is signing this Convention out of a humanitarian desire to strengthen the ideals on which the Convention is based, and because it is an instrument which seeks to institutionalize, at the global level, specific norms for the protection of children, who, not being legally of age, must be under the guardianship of the family, society and the State.

"With reference to article 1 of the Convention, and with the aim of giving legal definition to its signing of the Convention, the Government of Guatemala declares that article 3 of its Political Constitution establishes that: "The State guarantees and protects human life from the time of its conception, as well as the integrity and security of the individual."

**HOLY SEE**

"a) [The Holy See] interprets the phrase 'Family planning education and services' in article 24.2, to mean only those methods of family planning which it considers morally acceptable, that is, the natural methods of family planning.

"b) [The Holy See] interprets the articles of the Convention in a way which safeguards the primary and inalienable rights of parents, in particular insofar as these rights concern education (articles 13 and 28), religion (article 14), association with others (article 15) and privacy (article 16).

"c) [The Holy See declares] that the application of the Convention be compatible in practice with the particular nature of the Vatican City State and of the sources of its objective law (art. 1, Law of 7 June 1929, n. 11) and, in consideration of its limited extent, with its

legislation in the matters of citizenship, access and residence."

"The Holy See regards the present Convention as a proper and laudable instrument aimed at protecting the rights and interests of children, who are 'that precious treasure given to each generation as a challenge to its wisdom and humanity' (Pope John Paul II, 26 April 1984).

"The Holy See recognizes that the Convention represents an enactment of principles previously adopted by the United Nations, and once effective as a ratified instrument, will safeguard the rights of the child before as well as after birth, as expressly affirmed in the 'Declaration of the Rights of the Child' [Res. 136 (XIV)] and restated in the ninth preambular paragraph of the Convention. The Holy See remains confident that the ninth preambular paragraph will serve as the perspective through which the rest of the Convention will be interpreted, in conformity with article 31 of the Vienna Convention on the Law of Treaties of 23 May 1969.

"By acceding to the Convention on the Rights of the Child, the Holy See intends to give renewed expression to its constant concern for the well-being of children and families. In consideration of its singular nature and position, the Holy See, in acceding to this Convention, does not intend to prescind in any way from its specific mission which is of a religious and moral character."

**ICELAND**<sup>37</sup>

**INDIA**

"While fully subscribing to the objectives and purposes of the Convention, realising that certain of the rights of child, namely those pertaining to the economic, social and cultural rights can only be progressively implemented in the developing countries, subject to the extent of available resources and within the framework of international co-operation; recognising that the child has to be protected from exploitation of all forms including economic exploitation; noting that for several reasons children of different ages do work in India; having prescribed minimum ages for employment in hazardous occupations and in certain other areas; having made regulatory provisions regarding hours and conditions of employment; and being aware that it is not practical immediately to prescribe minimum ages for admission to each and every area of employment in India - the Government of India undertakes to take measures to progressively implement the provisions of article 32, particularly paragraph 2 (a), in accordance with its national legislation and relevant international instruments to which it is a State Party."

**INDONESIA**<sup>26,30</sup>

**IRAN (ISLAMIC REPUBLIC OF)**<sup>23,38</sup>

*Reservation:*

"The Islamic Republic of Iran is making reservation to the articles and provisions which may be contrary to the Islamic Shariah, and preserves the right to make such particular declaration, upon its ratification".

*Reservation:*

"The Government of the Islamic Republic of Iran reserves the right not to apply any provisions or articles of the Convention that are incompatible with Islamic Laws and the international legislation in effect."

**IRAQ**

The Government of Iraq has seen fit to accept [the Convention] ... subject to a reservation in respect to article 14, paragraph 1, concerning the child's freedom of religion, as allowing a child to change his or her religion runs counter to the provisions of the *Islamic Shariah* .

## IRELAND

### *Declaration:*

"Ireland reserves the right to make, when ratifying the Convention, such declarations or reservations as it may consider necessary."

## JAPAN

"In applying paragraph (c) of article 37 of the Convention on the Rights of the Child, Japan reserves the right not to be bound by the provision in its second sentence, that is, 'every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so', considering the fact that in Japan as regards persons deprived of liberty, those who are below twenty years of age are to be generally separated from those who are of twenty years of age and over under its national law."

1. The Government of Japan declares that paragraph 1 of article 9 of the Convention on the Rights of the Child be interpreted not to apply to a case where a child is separated from his or her parents as a result of deportation in accordance with its immigration law.

2. The Government of Japan declares further that the obligation to deal with applications to enter or leave a State Party for the purpose of family re-unification 'in a positive, humane and expeditious manner' provided for in paragraph 1 of article 10 of the Convention on the Rights of the Child be interpreted not to affect the outcome of such applications."

## JORDAN<sup>39</sup>

The Hashemite Kingdom of Jordan expresses its reservation and does not consider itself bound by articles 14, 20 and 21 of the Convention, which grant the child the right to freedom of choice of religion and concern the question of adoption, since they are at variance with the precepts of the tolerant Islamic Shariah.

## KIRIBATI<sup>26,40</sup>

The Republic of Kiribati considers that a child's rights as defined in the Convention, in particular the rights defined in articles 12-16 shall be exercised with respect for parental authority, in accordance with the Kiribati customs and traditions regarding the place of the child within and outside the family."

## KUWAIT

### *Reservation:*

"[Kuwait expresses] reservations on all provisions of the Convention that are incompatible with the laws of Islamic Shari'a and the local statutes in effect."

### *Declarations:*

#### Article 7

The State of Kuwait understands the concepts of this article to signify the right of the child who was born in Kuwait and whose parents are unknown (parentless) to be granted the Kuwaiti nationality as stipulated by the Kuwaiti Nationality Laws.

#### Article 21

The State of Kuwait, as it adheres to the provisions of the Islamic shariah as the main source of legislation, strictly bans abandoning the Islamic religion and does not therefore approve adoption.

## LIECHTENSTEIN<sup>41</sup>

"The Principality of Liechtenstein reserves the right to apply the Liechtenstein legislation according to which family re-unification for certain categories of foreigners is not guaranteed."

## LUXEMBOURG

1) The Government of Luxembourg believes that it is in the interest of families and children to maintain the provision of article 334-6 of the Civil Code, which reads as follows:

*Article 334-6.* If at the time of conception, the father or mother was bound in marriage to another person, the natural child may be raised in the conjugal home only with the consent of the spouse of his parent.

2) The Government of Luxembourg declares that the present Convention does not require modification of the legal status of children born to parents between whom marriage is absolutely prohibited, such status being warranted by the interest of the child, as provided under article 3 of the Convention.

3) The Government of Luxembourg declares that article 6 of the present Convention presents no obstacle to implementation of the provisions of Luxembourg legislation concerning sex information, the prevention of back-street abortion and the regulation of pregnancy termination.

4) The Government of Luxembourg believes that article 7 of the Convention presents no obstacle to the legal process in respect of anonymous births, which is deemed to be in the interest of the child, as provided under article 3 of the Convention.

5) The Government of Luxembourg declares that article 15 of the present Convention does not impede the provisions of Luxembourg legislation concerning the capacity to exercise rights.

## MALAYSIA<sup>42,43</sup>

"The Government of Malaysia accepts the provisions of the Convention on the Rights of the Child but expresses reservations with respect to articles 2, 7, 14, 28 paragraph 1 (a) and 37, of the Convention and declares that the said provisions shall be applicable only if they are in conformity with the Constitution, national laws and national policies of the Government of Malaysia."

"With respect to article 28 paragraph 1 (a) of the Convention, the Government of Malaysia wishes to declare that with the amendment to the Education Act 1996 in the year 2002, primary education in Malaysia is made compulsory. In addition, the Government of Malaysia provides monetary aids and other forms of assistance to those who are eligible."

## MALDIVES

### *Reservations:*

"1) Since the Islamic Shariah is one of the fundamental sources of Maldivian Law and since Islamic Shariah does not include the system of adoption among the ways and means for the protection and care of children contained in Shariah, the Government of the Republic of Maldives expresses its reservation with respect to all the clauses and provisions relating to adoption in the said Convention on the Rights of the Child.

2) The Government of the Republic of Maldives expresses its reservation to paragraph 1 of article 14 of the said Convention on the Rights of the Child, since the Constitution and the Laws of the Republic of Maldives stipulate that all Maldivians should be Muslims."

Reservations to articles 14 and 21.

## MALI

The Government of the Republic of Mali declares that, in view of the provisions of the Mali Family Code, there is no reason to apply article 16 of the Convention.

## MALTA<sup>44</sup>

## MAURITANIA

### *Reservation:*

In signing this important Convention, the Islamic Republic of Mauritania is making reservations to articles or provisions which may be contrary to the beliefs and values of Islam, the religion of the Mauritania People and State.

#### **MAURITIUS<sup>45</sup>**

#### **MONACO**

The Principality of Monaco declares that this Convention, especially article 7, shall not affect the rules laid down in Monegasque legislation regarding nationality.

The Principality of Monaco interprets article 40, paragraph 2 (b)(v) as stating a general principle which has a number of statutory exceptions. Such, for example, is the case with respect to certain criminal offences. In any event, in all matters the Judicial Review Court rules definitively on appeals against all decisions of last resort.

#### **MOROCCO<sup>46</sup>**

The Government of the Kingdom of Morocco interprets the provisions of article 14, paragraph 1, of the Convention on the Rights of the Child in the light of the Constitution of 7 October 1996 and the other relevant provisions of its domestic law, as follows:

Article 6 of the Constitution, which provides that Islam, the State religion, shall guarantee freedom of worship for all.

Article 54, paragraph 6, of Act 70-03 (the Family Code), which stipulates that parents owe their children the right to religious guidance and education based on good conduct.

By this declaration, the Kingdom of Morocco reaffirms its attachment to universally recognized human rights and its commitment to the purposes of the aforementioned Convention.

#### **MYANMAR<sup>21,47</sup>**

#### **NETHERLANDS<sup>13</sup>**

##### *"Article 26:*

The Kingdom of the Netherlands accepts the provisions of article 26 of the Convention with the reservation that these provisions shall not imply an independent entitlement of children to social security, including social insurance.

##### *"Article 37:*

The Kingdom of the Netherlands accepts the provisions of article 37 (c) of the Convention with the reservation that these provisions shall not prevent the application of adult penal law to children of sixteen years and older, provided that certain criteria laid down by law have been met.

##### *"Article 40:*

The Kingdom of the Netherlands accepts the provisions of article 40 of the Convention with the reservation that cases involving minor offences may be tried without the presence of legal assistance and that with respect to such offences the position remains that no provision is made in all cases for a review of the facts or of any measures imposed as a consequence."

##### *"Article 14:*

It is the understanding of the Government of the Kingdom of the Netherlands that article 14 of the Convention is in accordance with the provisions of article 18 of the International Covenant on Civil and Political Rights of 19 December 1966 and that this article shall include the freedom of a child to have or adopt a religion or belief of his or her choice as soon as the child is capable of making such choice in view of his or her age or maturity.

##### *"Article 22:*

With regard to article 22 of the Convention, the Government of the Kingdom of the Netherlands declares:

a) that it understands the term "refugee" in paragraph 1 of this article as having the same meaning as in article 1 of the Convention relating to the Status of Refugees of 28 July 1951; and

b) that it is of the opinion that the obligation imposed under the terms of this article does not prevent

- the submission of a request for admission from being made subject to certain conditions, failure to meet such conditions resulting in inadmissibility;

- the referral of a request for admission to a third State, in the event that such a State is considered to be primarily responsible for dealing with the request for asylum.

##### *"Article 38*

With regard to article 38 of the Convention, the Government of the Kingdom of the Netherlands declares that it is of the opinion that States would not be allowed to involve children directly or indirectly in hostilities and that the minimum age for the recruitment or incorporation of children in the armed forces should be above fifteen years.

In times of armed conflict, provisions shall prevail that are most conducive to guaranteeing the protection of children under international law, as referred to in article 41 of the Convention."

#### **NEW ZEALAND**

Nothing in this Convention shall affect the right of the Government of New Zealand to continue to distinguish as it considers appropriate in its law and practice between persons according to the nature of their authority to be in New Zealand including but not limited to their entitlement to benefits and other protections described in the Convention, and the Government of New Zealand reserves the right to interpret and apply the Convention accordingly.

The Government of New Zealand considers that the rights of the child provided for in article 32 (1) are adequately protected by its existing law. It therefore reserves the right not to legislate further or to take additional measures as may be envisaged in article 32 (2).

The Government of New Zealand reserves the right not to apply article 37 (c) in circumstances where the shortage of suitable facilities makes the mixing of juveniles and adults unavoidable; and further reserves the right not to apply article 37 (c) where the interests of other juveniles in an establishment require the removal of a particular juvenile offender or where mixing is considered to be of benefit to the persons concerned.

#### **NORWAY<sup>48</sup>**

#### **OMAN<sup>49</sup>**

The provisions of the Convention should be applied within the limits imposed by the material resources available.

The Sultanate of Oman is not committed to the contents of Article (14) of the Convention, which gives the child the right to freedom of religion until he reaches the age of maturity.

#### **PAKISTAN<sup>23,30</sup>**

#### **POLAND<sup>50</sup>**

- The Republic of Poland considers that a child's rights as defined in the Convention, in particular the rights defined in articles 12 to 16, shall be exercised with respect for parental authority, in accordance with Polish customs and traditions regarding the place of the child within and outside the family;

- With respect to article 24, paragraph 2 (f), of the Convention, the Republic of Poland considers that family



planning and education services for parents should be in keeping with the principles of morality.

#### **QATAR**<sup>21,23,51,52,53</sup>

Whereas the Government of the State of Qatar ratified the 1989 Convention on the Rights of the Child on 3 April 1995, and entered a general reservation concerning any of its provisions that are inconsistent with the Islamic sharia;

Whereas the Council of Ministers decided at its fourth ordinary meeting of 2009, held on 28 January 2009, to approve the partial withdrawal by the State of Qatar of its general reservation, which shall continue to apply in respect of the provisions of articles 2 and 14 of the Convention;

Now therefore We declare, by means of the present instrument, the partial withdrawal by the State of Qatar of its general reservation, which shall continue to apply in respect of the provisions of articles 2 and 14 of the Convention.

#### **REPUBLIC OF KOREA**<sup>54</sup>

##### *Reservations:*

The Republic of Korea considers itself not bound by the provisions of paragraph (a) of article 21 and subparagraph (b) (v) of paragraph 2 of article 40.

#### **SAMOA**

"The Government of Western Samoa whilst recognising the importance of providing free primary education as specified under article 28 (1)(a) of the Convention on the rights of the child

*And* being mindful of the fact that the greater portion of schools within Western Samoa that provide primary education are controlled by bodies outside the control of the government

*Pursuant* then to article 51, the Government of Western Samoa thus reserves the right to allocate resources to the primary level sector of education in Western Samoa in contrast to the requirement of article 28 (1)(a) to provide free primary education."

#### **SAUDI ARABIA**<sup>25</sup>

[The Government of Saudi Arabia enters] reservations with respect to all such articles as are in conflict with the provisions of Islamic law.

#### **SERBIA**<sup>55</sup>

#### **SINGAPORE**<sup>26,56</sup>

"(1) The Republic of Singapore considers that a child's rights as defined in the Convention, in particular the rights defined in article 12 to 17, shall in accordance with articles 3 and 5 be exercised with respect for the authority of parents, schools and other persons who are entrusted with the care of the child and in the best interests of the child and in accordance with the customs, values and religions of Singapore's multi-racial and multi-religious society regarding the place of the child within and outside the family.

(2) The Republic of Singapore considers that articles 19 and 37 of the Convention do not prohibit -

(a) the application of any prevailing measures prescribed by law for maintaining law and order in the Republic of Singapore;

(b) measures and restrictions which are prescribed by law and which are necessary in the interests of national security, public safety, public order, the protection of public health or the protection of the rights and freedoms of others; or

(c) the judicious application of corporal punishment in the best interest of the child.

(3) The Constitution and the laws of the Republic of Singapore provide adequate protection and fundamental rights and liberties in the best interests of the child. The accession to the Convention by the Republic of Singapore does not imply the acceptance of obligations going beyond the limits prescribed by the Constitution of the Republic of Singapore nor the acceptance of any obligation to introduce any right beyond those prescribed under the Constitution.

(4) Singapore is geographically one of the smallest independent countries in the world and one of the most densely populated. The Republic of Singapore accordingly reserves the right to apply such legislation and conditions concerning the entry into, stay in and departure from the Republic of Singapore of those who do not or who no longer have the right under the laws of the Republic of Singapore, to enter and remain in the Republic of Singapore, and to the acquisition and possession of citizenship, as it may deem necessary from time to time and in accordance with the laws of the Republic of Singapore.

(5) The employment legislation of the Republic of Singapore prohibits the employment of children below 12 years old and gives special protection to working children between the ages of 12 years and below the age of 16 years. The Republic of Singapore reserves the right to apply article 32 subject to such employment legislation.

(6) With respect to article 28.1(a), the Republic of Singapore-

(a) does not consider itself bound by the requirement to make primary education compulsory because such a measure is unnecessary in our social context where in practice virtually all children attend primary school; and

(b) reserves the right to provide primary education free only to children who are citizens of Singapore."

#### **SLOVAKIA**<sup>7</sup>

#### **SLOVENIA**<sup>57</sup>

#### **SOMALIA**

"The Federal Republic of Somalia does not consider itself bound by Articles 14, 20, 21 of the above stated Convention and any other provisions of the Convention contrary to the General Principles of Islamic Sharia."

#### **SPAIN**

1. Spain understands that article 21, paragraph (d), of the Convention may never be construed to permit financial benefits other than those needed to cover strictly necessary expenditure which may have arisen from the adoption of children residing in another country.

2. Spain, wishing to make common cause with those States and humanitarian organizations which have manifested their disagreement with the contents of article 38, paragraphs 2 and 3, of the Convention, also wishes to express its disagreement with the age limit fixed therein and to declare that the said limit appears insufficient, by permitting the recruitment and participation in armed conflict of children having attained the age of fifteen years.

#### **SWAZILAND**

"The Convention on the Rights of the Child being a point of departure to guarantee child rights; taking into consideration the progressive character of the implementation of certain social, economic and cultural rights; as recognized in article 4 of the Convention, the Government of the Kingdom of Swaziland would undertake the implementation of the right to free primary education to the maximum extent of available resources

and expects to obtain the co-operation of the international Community for its full satisfaction as soon as possible."

#### SWITZERLAND<sup>58</sup>

Switzerland refers expressly to the obligations of all States to apply the rules of international humanitarian law and national law to the extent that they ensure better protection and care of children who are affected by an armed conflict.

.....  
Swiss legislation, which does not guarantee family reunification to certain categories of aliens, is unaffected.

The separation of children deprived of liberty from adults is not unconditionally guaranteed.

The Swiss penal procedure applicable to children, which does not guarantee either the unconditional right to assistance or separation, where personnel or organization is concerned, between the examining authority and the sentencing authority, is unaffected.

....

#### SYRIAN ARAB REPUBLIC<sup>23,30,59,60</sup>

The Syrian Arab Republic has reservations on the Convention's provisions which are not in conformity with the Syrian Arab legislations and with the Islamic Shariah's principles, in particular the content of article 14 related to the Right of the Child to the freedom of religion [...]

#### THAILAND<sup>21</sup>

"The application of articles 22 of the Convention on the Rights of the Child shall be subject to the national laws, regulations and prevailing practices in Thailand."

#### TUNISIA<sup>61</sup>

...

3. The Government of the Republic of Tunisia declares that the Preamble to and the provisions of the Convention, in particular article 6, shall not be interpreted in such a way as to impede the application of Tunisian legislation concerning voluntary termination of pregnancy.

#### TURKEY

The Republic of Turkey reserves the right to interpret and apply the provisions of articles 17, 29 and 30 of the United Nations Convention on the Rights of the Child according to the letter and the spirit of the Constitution of the Republic of Turkey and those of the Treaty of Lausanne of 24 July 1923.

#### UNITED ARAB EMIRATES<sup>62</sup>

##### Article 7:

The United Arab Emirates is of the view that the acquisition of nationality is an internal matter and one that is regulated and whose terms and conditions are established by national legislation.

##### Article 14:

The United Arab Emirates shall be bound by the tenor of this article to the extent that it does not conflict with the principles and provisions of Islamic law.

##### Article 17:

While the United Arab Emirates appreciates and respects the functions assigned to the mass media by the article, it shall be bound by its provisions in the light of the requirements of domestic statutes and laws and, in accordance with the recognition accorded them in the preamble to the Convention, such a manner that the country's traditions and cultural values are not violated.

##### Article 21:

Since, given its commitment to the principles of Islamic law, the United Arab Emirates does not permit the system of adoption, it has reservations with respect to this

article and does not deem it necessary to be bound by its provisions.

#### UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND<sup>17,63</sup>

"The United Kingdom reserves the right to formulate, upon ratifying the Convention, any reservations or interpretative declarations which it might consider necessary."

##### Declarations:

"(a) The United Kingdom interprets the Convention as applicable only following a live birth.

"(b) The United Kingdom interprets the references in the Convention to 'parents' to mean only those persons who, as a matter of national law, are treated as parents. This includes cases where the law regards a child as having only one parent, for example where a child has been adopted by one person only and in certain cases where a child is conceived other than as a result of sexual intercourse by the woman who gives birth to it and she is treated as the only parent.

##### Reservations:

"[.....]"

##### Declaration:

"The United Kingdom reserves the right to extend the Convention at a later date to any territory for whose international relations the Government of the United Kingdom is responsible."

"The United Kingdom refers to the reservation and declarations (a), (b) and (c) which accompanied its instrument of ratification and makes a similar reservation and declarations in respect to each of its dependent territories.

The United Kingdom, in respect of each of its dependent territories except Hong Kong and Pitcairn, reserves the right to apply article 32 subject to the laws of those territories which treat certain persons under 18 not as children but as 'young people'. In respect of Hong Kong, the United Kingdom reserves the right not to apply article 32 (b) in so far as it might require regulation of the hours of employment of young persons who have attained the age of fifteen years in respect of work in non-industrial establishments.

Where at any time there is a lack of suitable detention facilities or where the mixing of adults and children is deemed to be mutually beneficial, the United Kingdom, in respect of each of its dependent territories, reserves the right not to apply article 37 (c) in so far as those provisions require children who are detained to be accommodated separately from adults.

The United Kingdom, in respect of Hong Kong and the Cayman Islands, will seek to apply the Convention to the fullest extent to children seeking asylum in those territories except in so far as conditions and resources make full implementation impracticable. In particular, in relation to article 22, the United Kingdom reserves the right to continue to apply any legislation in those territories governing the detention of children seeking refugee status, the determination of their status and their entry into, stay in and departure from those territories.

The Government of the United Kingdom reserves the right to extend the Convention at a later date to any other territories for whose international relations the Government of the United Kingdom is responsible."

#### URUGUAY

##### Declaration:

On signing this Convention, Uruguay reaffirms the right to make reservations upon ratification, if it considers it appropriate.

##### Reservation:

The Government of the Eastern Republic of Uruguay affirms, in regard to the provisions of article 38, paragraphs 2 and 3, that in accordance with Uruguayan law it would have been desirable for the lower age limit

for taking a direct part in hostilities in the event of an armed conflict to be set at 18 years instead of 15 years as provided in the Convention.

Furthermore, the Government of Uruguay declares that, in the exercise of its sovereign will, it will not authorize any persons under its jurisdiction who have not attained the age of 18 years to take a direct part in hostilities and will not under any circumstances recruit persons who have not attained the age of 18 years.

#### VENEZUELA (BOLIVARIAN REPUBLIC OF)

##### 1. Article 21 (b):

The Government of Venezuela understands this provision as referring to international adoption and in no circumstances to placement in a foster home outside the country. It is also its view that the provision cannot be

interpreted to the detriment of the State's obligation to ensure due protection of the child.

##### 2. Article 21 (d):

The Government of Venezuela takes the position that neither the adoption nor the placement of children should in any circumstances result in financial gain for those in any way involved in it.

##### 3. Article 30:

The Government of Venezuela takes the position that this article must be interpreted as a case in which article 2 of the Convention applies.

#### YUGOSLAVIA (FORMER)<sup>4</sup>

### Objections

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

#### AUSTRIA

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

"Under article 19 of the Vienna Convention on the Law of Treaties which is reflected in article 51 of the [Convention] a reservation, in order to be admissible under international law, has to be compatible with the object and purpose of the treaty concerned. A reservation is incompatible with object and purpose of a treaty if it intends to derogate from provisions the implementation of which is essential to fulfilling its object and purpose.

The Government of Austria has examined the reservation made by Malaysia to the [Convention]. Given the general character of these reservations a final assessment as to its admissibility under international law cannot be made without further clarification.

Until the scope of the legal effects of this reservation is sufficiently specified by Malaysia, the Republic of Austria considers these reservations as not affecting any provision the implementation of which is essential to fulfilling the object and purpose of the [Convention].

Austria, however, objects to the admissibility of the reservations in question if the application of this reservation negatively affects the compliance of Malaysia ... with its obligations under the [Convention] essential for the fulfilment of its object and purpose.

Austria could not consider the reservation made by Malaysia ... as admissible under the regime of article 51 of the [Convention] and article 19 of the Vienna Convention on the Law of Treaties unless Malaysia ... , by providing additional information or through subsequent practice to ensure [s] that the reservations are compatible with the provisions essential for the implementation of the object and purpose of the [Convention]".

*With regard to the reservations made by Brunei Darussalam, Kiribati and Saudi Arabia upon accession:*

*[Same objection, mutatis mutandis, as the one made with regard to Malaysia.]*

"The Government of Austria has examined the reservation made by the Federal Republic of Somalia upon ratification of the United Nations Convention on the Rights of the Child.

Austria considers that by referring to the General Principles of Islamic Sharia Somalia has made a reservation of a general and indeterminate scope. This reservation does not clearly define for the other States Parties to the Convention the extent to which the reserving State has accepted the obligations of the Convention.

Austria therefore considers the reservation to be incompatible with the object and purpose of the Convention and objects to it.

This objection shall not preclude the entry into force of the Convention between the Republic of Austria and the Federal Republic of Somalia."

#### BELGIUM

*With regard to the reservations made by Singapore upon ratification:*

The Government considers that paragraph 2 of the declarations, concerning articles 19 and 37 of the Convention and paragraph 3 of the reservations, concerning the constitutional limits upon the acceptance of the obligations contained in the Convention, are contrary to the purposes of the Convention and are consequently without effect under international law.

The Kingdom of Belgium has carefully examined the reservations made by the Federal Republic of Somalia upon ratification on 1 October 2015 of the Convention on the Rights of the Child.

The Kingdom of Belgium considers that the reservations concerning in particular articles 14, 20 and 21 of the Convention on the Rights of the Child are incompatible with the object and purpose of that Convention.

These reservations effectively subordinate the application of all the provisions of the Convention to their compatibility with Islamic Sharia. The Kingdom of Belgium considers that such reservations seek to limit the responsibilities of the Federal Republic of Somalia under the Convention through a general reference to Islamic Sharia.

The result is some uncertainty about the extent of the commitment of the Federal Republic of Somalia to the object and purpose of the Convention.

The Kingdom of Belgium notes that, under article 51, paragraph 2, of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted. Consequently, the Kingdom of Belgium registers an objection to the reservations made by the Federal Republic of Somalia concerning articles 14, 20 and 21 of the Convention on the Rights of the Child and concerning any other provision of the Convention contrary to the general principles of Islamic Sharia.

Belgium specifies that this objection does not constitute an impediment to the entry into force of the Convention between the Kingdom of Belgium and the Federal Republic of Somalia.

#### BULGARIA

"The Republic of Bulgaria welcomes the ratification by the Federal Republic of Somalia of the Convention on the Rights of the Child on 1 October 2015.

The Republic of Bulgaria has carefully examined the reservation made by the Federal Republic of Somalia upon ratification of the Convention, which states that it "does not consider itself bound by Articles 14, 20, 21 of the [...] Convention and any other provisions of the Convention contrary to the General Principles of Islamic Sharia".

The Republic of Bulgaria considers the reservation to articles 14, 20 and 21 incompatible with the object and purpose of the Convention, as it affects an essential element of the treaty. Furthermore, the Republic of Bulgaria notes that the aforementioned reservation subordinates the application of all the provisions of the Convention to the General Principles of Islamic Sharia, thus failing to define the extent to which the Federal Republic of Somalia considers itself bound by the provisions of the Convention.

The Republic of Bulgaria notes that according to article 51, paragraph 2 of the Convention a reservation which is incompatible with the object and purpose of the Convention shall not be permitted.

Therefore, the Republic of Bulgaria objects to the reservation made by the Federal Republic of Somalia concerning articles 14, 20 and 21 of the Convention on the Rights of the Child and concerning any other provision of the Convention contrary to the General Principles of Islamic Sharia.

However, the Republic of Bulgaria specifies that this objection shall not preclude the entry into force of the Convention between the Republic of Bulgaria and the Federal Republic of Somalia."

#### CZECH REPUBLIC<sup>7</sup>

"The Government of the Czech Republic has examined the reservation made by the Government of the Federal Republic of Somalia on October 1, 2015 upon ratification of the United Nations Convention on the Rights of the Child, according to which [t]he Federal Republic of Somalia does not consider itself bound by Articles 14, 20, 21 and any other provisions of the Convention contrary to the General Principles of Islamic Sharia.

The Government of the Czech Republic considers the reservation to Articles 14, 20 and 21 to be incompatible with the object and purpose of the Convention, since, in the opinion of the Government of the Czech Republic, these Articles form an essential element of the Convention and the general derogation from them impairs the *raison d'être* of the Convention.

Moreover, the Government of the Czech Republic is of the view, that the reservation to any other provisions of the Convention contrary to the General Principles of Islamic Sharia has a general and indeterminate scope, since it does not sufficiently specify to what extent the Federal Republic of Somalia considers itself bound by the provisions of the Convention. Thus, this general reservation referring to religious laws also raises concern to which extent the Federal Republic of Somalia is committed to the object and purpose of the Convention.

The Government of the Czech Republic wishes to recall that, according to article 51 paragraph 2 of the Convention, as well as 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 and

that such a reservation is null and void, and therefore devoid of any legal effect.

Therefore, the Government of the Czech Republic objects to the aforementioned reservation made by the Federal Republic of Somalia. This objection shall not preclude the entry into force of the Convention between the Czech Republic and the Federal Republic of Somalia. The Convention enters into force in its entirety between the Czech Republic and the Federal Republic of Somalia, without the Federal Republic of Somalia benefiting from its reservation."

#### DENMARK

"The Government of Denmark finds that the general reservation with reference to the Constitution of Brunei Darussalam and to the beliefs and principles of Islamic law is of unlimited scope and undefined character. Consequently, the Government of Denmark considers the said reservation as being incompatible with the object and purposes of the Convention and accordingly inadmissible and without effect under international law. Furthermore, it is a general principle of international law that national law may not be invoked as justification for failure to perform treaty obligations.

The Convention remains in force in its entirety between Brunei Darussalam and Denmark.

It is the opinion of the Government of Denmark, that no time limit applies to objections against reservations, which are inadmissible under international law.

The Government of Denmark recommends the Government of Brunei Darussalam to reconsider its reservation to the Convention on the Rights of the Child."

*[Same objection, mutatis mutandis, as the one made with regard to Brunei Darussalam.]*

#### FINLAND

"In the view of the Government of Finland this reservation is subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its internal law as justification for failure to perform a treaty. For the above reason the Government of Finland objects to the said reservation. However, the Government of Finland does not consider that this objection constitutes an obstacle to the entry into force of the said Convention between Finland and the Republic of Indonesia."

- 25 July 1991: with regard to the reservation made by Pakistan upon signature and confirmed upon ratification;

- 9 June 1993: with regard to the reservation made by Qatar upon signature;

- 24 June 1994: with regard to the reservations made by the Syrian Arab Republic upon ratification;

- 5 September 1995: with regard to the reservation made by Iran (Islamic Republic of) upon ratification.

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

"The reservation made by Malaysia covers several central provisions of the [said Convention]. The broad nature of the said reservation leaves open to what extent Malaysia commits itself to the Convention and to the fulfilment of its obligations under the Convention. In the view of the Government of Finland reservations of such comprehensive nature may contribute to undermining the basis of international human rights treaties.

The Government of Finland also recalls that the said reservation is subject to the general principle of the observance of the treaties according to which a party may not invoke its internal law, much less its national policies, as justification for its failure to perform its treaty obligations. It is in the common interest of the States that contracting parties to international treaties are prepared to undertake the necessary legislative changes in order to

fulfil the object and purpose of the treaty. Moreover, the internal legislation as well as the national policies are also subject to changes which might further expand the unknown effects of the reservation.

In its present formulation the reservation is clearly incompatible with the object and purpose of the Convention and therefore inadmissible under article 51, paragraph 2, of the [said Convention]. Therefore the Government of Finland objects to such reservation. The Government of Finland further notes that the reservation made by the Government of Malaysia is devoid of legal effect.

The Government of Finland recommends the Government of Malaysia to reconsider its reservation to the [said Convention]."

*With regard to the reservations made by Qatar upon ratification:*

*[Same objection, mutatis mutandis, as the one made with regard to Malaysia.]*

"The reservations made in paragraphs 2 and 3 by the Republic of Singapore, consisting of a general reference to national law without stating unequivocally the provisions the legal effect of which may be excluded or modified, do not clearly define to the other Parties of the Convention the extent to which the reserving State commits itself to the Convention and therefore create doubts about the commitment of the reserving State to fulfil its obligations under the said Convention. Reservations of such unspecified nature may contribute to undermining the basis of international human rights treaties.

The Government of Finland also recalls that these reservations of the Republic of Singapore are subject to the general principle of observance of treaties according to which a party may not invoke the provisions of its internal law as justification for failure to perform its treaty obligations. It is in the common interest of States that Parties to international treaties are prepared to take the necessary legislative changes in order to fulfil the object and purpose of the treaty.

The Government of Finland considers that in their present formulation these reservations made by the Republic of Singapore are incompatible with the object and purpose of the said Convention and therefore, inadmissible under article 51, paragraph 2, of the said Convention. In view of the above, the Government of Finland objects to these reservations and notes that they are devoid of legal effect"

*[Same objection, mutatis mutandis, as the one made with regard to Singapore.]*

"The Government of Finland has carefully examined the contents of the reservations made by the Federal Republic of Somalia concerning the Convention on the Rights of the Child.

The Government of Finland notes that a general reference to the General Principles of Islamic Sharia raises doubts as to the commitment of the Federal Republic of Somalia to fulfill its obligations under the Convention. Such reservations are also 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.

In [the] view of the Government of Finland, the reservations made by the Federal Republic of Somalia are incompatible with the object and purpose of the Convention. According to Article 19 of the Vienna Convention on the Law of the Treaties, such reservations shall not be permitted.

Therefore, the Government of Finland objects to the aforesaid reservations made by the Federal Republic of Somalia. This objection does not preclude the entry into force of the Convention between Finland and the Federal Republic of Somalia. The Convention will thus become

operative between the two States without the Federal Republic of Somalia benefitting from its reservations."

#### FRANCE

The Government of the French Republic has examined the reservation made on 1 October 2015 by the Federal Republic of Somalia on the occasion of the deposit of its instrument of ratification to the United Nations Convention on the Rights of the Child, according to which the Federal Republic of Somalia does not consider itself bound by articles 14, 20 and 21 of the above-stated Convention and any other provisions of the Convention contrary to the General Principles of Islamic Sharia.

The French Republic considers that the reservation made by the Federal Republic of Somalia concerning articles 14, 20 and 21 of the Convention on the Rights of the Child is incompatible with the object and purpose of the Convention.

Consequently, the Government of the French Republic objects to the reservation made by the Government of the Federal Republic of Somalia to the Convention on the Rights of the Child.

This objection shall not preclude the entry into force of the Convention between the French Republic and the Federal Republic of Somalia.

#### GERMANY<sup>59</sup>

The Federal Republic of Germany considers that the reservations made by the Union of Myanmar regarding articles 15 and 37 of the Convention on the Rights of the Child are incompatible with the object and purpose of the Convention (article 51, paragraph 2) and therefore objects to them.

This objection shall not preclude the entry into force of the Convention as between the Union of Myanmar and the Federal Republic of Germany.

The Federal Republic of Germany considers the first of the declarations deposited by the Republic of Tunisia to be a reservation. It restricts the application of the first sentence of article 4 to the effect that any national legislative or statutory decisions adopted to implement the Convention may not conflict with the Tunisian Constitution. Owing to the very general wording of this passage the Government of the Federal Republic of Germany is unable to perceive which provisions of the Convention are covered, or may be covered at some time in the future, by the reservation and in what manner. There is a similar lack of clarity with regard to the reservation relating to article 2.

The Government of the Federal Republic of Germany therefore objects to both these reservations. This objection does not prevent the Convention from entering into force as between the Federal Republic of Germany and the Republic of Tunisia.

This reservation, owing to its indefinite nature, does not meet the requirements of international law. The Government of the Federal Republic of Germany therefore objects to the reservation made by the Syrian Arab Republic.

This objection shall not preclude the entry into force of the Convention as between the Syrian Arab Republic and the Federal Republic of Germany.

*With regard to the reservation made by Iran (Islamic Republic) upon ratification:*

*[Same objection, mutatis mutandis, as the one made with regard to the Syrian Arab Republic.]*

*With regard to the reservations made by Malaysia upon accession and Qatar upon ratification:*

The Government of the Federal Republic of Germany considers that such a reservation, which seeks to limit the responsibilities of [Malaysia and Qatar, respectively] under the Convention by invoking general principles of national law, may raise doubts as to the commitment of

[Malaysia and Qatar, respectively] to the object and purpose of the Convention and, moreover, contributes to undermining the basis of international treaty law. It is the common interest of states that treaties to which they have chosen to become parties should be respected, as to object and purpose, by all parties. The Government of the Federal Republic of Germany therefore objects to the said reservation.

This objection does not constitute an obstacle to the entry into force of the Convention between the Federal Republic of Germany and [Malaysia and Qatar, respectively].

- 13 June 1996: with regard to the reservation made by Botswana upon ratification;

- 4 September 1996: with regard to the reservations made by Singapore upon accession;

- 12 February 1997: with regard to the reservations made by Brunei Darussalam and Saudi Arabia upon accession.

- 28 January 1998: with regard to the reservations made by Oman upon accession.

“The Government of the Federal Republic of Germany has carefully examined the reservations made by the Federal Republic of Somalia on October 1, 2015 to the United Nations Convention on the Rights of the Child.

The Federal Republic of Germany considers that the reservations made by the Federal Republic of Somalia regarding articles 14, 20 and 21 of the Convention on the Rights of the Child are incompatible with the object and purpose of the Convention and therefore objects to them.

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

#### HUNGARY

The Government of Hungary has examined the reservation to the Convention on the Rights of the Child made by the Federal Republic of Somalia at the time of its ratification of the Convention.

The reservation states that the Federal Republic of Somalia does not consider itself bound by the provisions of the Convention that are not in accordance with the General Principles of Islamic Sharia, and also states that it is not bound by Articles 14, 20 and 21 of the Convention.

The Government of Hungary is of the opinion that by giving precedence to the General Principles of Islamic Sharia over the application of the provisions of the Convention, the Federal Republic of Somalia has made a reservation which leaves it unclear to what extent it feels bound by the obligations of the Convention and which is incompatible with the object and purpose of the Convention. Articles 14, 20 and 21 address fundamental rights, and form an essential part of the Convention. Therefore, any reservation to these Articles is contrary to the object and purpose of the Convention.

The Government of Hungary recalls that according to Article 51 (2) of the Convention and 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.

The Government of Hungary therefore objects to the aforesaid Reservation made by the Federal Republic of Somalia to the Convention on the Rights of the Child. However, this objection shall not preclude the entry into force of the Convention between Hungary and the Federal Republic of Somalia.

#### IRELAND

“The Government of Ireland consider that such reservations, which seek to limit the responsibilities of the reserving State under the Convention, by invoking general principles of national law, may create doubts as to the commitment of those States to the object and purpose of the Convention.”

“This objection shall not constitute an obstacle to the entry into force of the Convention between Ireland and the aforementioned States.”

*With regard to the reservation made by Iran (Islamic Republic of) upon ratification:*

“The reservation poses difficulties for the States Parties to the Convention in identifying the provisions of the Convention which the Islamic Government of Iran does not intend to apply and consequently makes it difficult for States Parties to the Convention to determine the extent of their treaty relations with the reserving State.

The Government of Ireland hereby formally makes objection to the reservation by the Islamic Republic of Iran.”

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

“Ireland considers that this reservation is incompatible with the object and purpose of the Convention and is therefore prohibited by article 51 (2) of the Convention. The Government of Ireland also considers that it contributes to undermining the basis of international treaty law. The Government of Ireland therefore objects to the said reservation.

*With regard to the reservation made by Saudi Arabia upon accession:*

*[Same objection, mutatis mutandis, as the one made with regard to Malaysia.]*

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“The Government of Ireland welcomes the ratification by the Federal Republic of Somalia of the Convention on the Rights of the Child.

The Government of Ireland has examined the reservation made by the Federal Republic of Somalia, which states that it does not consider itself bound by Articles 14, 20 and 21 of the Convention and any other provisions of the Convention contrary to the General Principles of Islamic Sharia.

The Government of Ireland considers that the reservation, insofar as it relates to Article 14, 20 and 21, is contrary to the object and purpose of the Convention; furthermore, insofar as the reservation seeks to limit the responsibilities of the Federal Republic of Somalia under the Convention by general reference to religious laws, it raises doubts as to the commitment of that State to the object and purpose of the Convention; the Government of Ireland recalls that according to paragraph 2, Article 51 of the Convention a reservation incompatible with the object and purpose of the Convention shall not be permitted. The Government of Ireland also recalls that general reservations of the kind made by the Federal Republic of Somalia, which do not clearly specify the provisions of the Convention to which they apply and the extent of the derogation therefrom, contribute to undermining the basis of international law.

The Government of Ireland therefore objects to the aforesaid reservation made by the Federal Republic of Somalia to the Convention on the Rights of the Child.

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

#### ITALY

*With regard to the reservations made by the Syrian Arab Republic upon ratification:*

“... This reservation is too comprehensive and too general as to be compatible with the object and purpose of the Convention. The Government of Italy therefore objects to the reservation made by the Syrian Arab Republic.

This objection shall not preclude the entry into force of the Convention as between the Syrian Arab Republic and Italy.”

*With regard to the reservations made by Qatar upon ratification:*

"The Government of the Italian Republic considers that such a reservation, which seeks to limit the responsibilities of Qatar under the Convention by invoking general principles of national law, may raise doubts as to the commitment of Qatar to the object and purpose of the Convention and, moreover, contributes to undermining the basis of international treaty law. It is common interest of States that treaties to which they have chosen to become Parties should be respected, as to the objects and the purpose, by all Parties. The Government of the Italian Republic therefore objects to this reservation. This objection does not constitute an obstacle to the entry into force of the Convention between the Government of the Italian Republic and the State of Qatar."

- 14 June 1996: with regard to the reservation made by Botswana upon ratification;
- 4 October 1996: with regard to the reservation made by Singapore upon accession;
- 23 December 1996: with regard to the reservation made by Brunei Darussalam upon accession;
- 2 April 1998: with regard to the reservation to articles 14, 17 and 21 made by the United Arab Emirates upon accession.

"The Government of the Italian Republic has carefully examined the reservations made by the Federal Republic of Somalia on October 1, 2015 to the United Nations Convention on the Rights of the Child.

The Italian Republic considers that the reservations made by the Federal Republic of Somalia regarding articles 14, 20 and 21 of the Convention on the Rights of the Child are incompatible with the object and purpose of the Convention and therefore objects to them.

This objection shall not preclude the entry into force of the Convention between the Federal Republic of Somalia and the Italian Republic."

#### LATVIA

"... The Government of the Republic of Latvia has carefully examined the reservations made by the Federal Republic of Somalia upon ratification of the Convention on the Rights of the Child.

The Republic of Latvia considers that Article 14 of the Convention forms the very basis of the Convention and thereof International Human Rights Law, thus no derogations from those obligations can be made. Moreover, the Republic of Latvia emphasises that para 3 of Article 14 contains the particular provisions related to the possible limitations of the right to manifest child's religious beliefs.

Therefore, the Republic of Latvia considers that general reservation to Article 14 of the Convention cannot be considered in line with object and purpose of the Convention.

Regarding the reservation to Articles 20 and 21 of the Convention that address the issues of the removal of child from family environment and matters of adoption, the Government of Latvia draws attention that Articles provide only general principles, leaving the issues of practical implementation up to the State Parties. Consequently, the reservation stipulating that the State Party to the Convention is not bound by Articles establishing the principle that the child can be removed from family environment and that the adoption shall be performed in the best interests of child, cannot be considered in line with aim and purpose of the Convention.

Moreover, the reservation subjecting any of provision of the Convention to the General Principles of Islamic Sharia does not allow evaluate to what extent the Federal Republic of Somalia considers itself bound by the provisions of the Convention.

Therefore, the Government of the Republic of Latvia referring to para 2 of Article 51 of the Convention setting out that reservation incompatible with the object and

purpose of the Convention shall not be permitted, objects to the aforesaid reservations made by the Federal Republic of Somalia to the Convention on the Rights of the Child.

However, this objection shall not preclude the entry into force of the Convention between the Republic of Latvia and the Federal Republic of Somalia. Thus, the Convention will become operative without the Federal Republic of Somalia benefiting from its reservation..."

#### NETHERLANDS

"The Government of the Kingdom of the Netherlands considers that such reservations, which seek to limit the responsibilities of the reserving State under the Convention by invoking general principles of national law, may raise doubts as to the commitment of these States to the object and purpose of the Convention and moreover, contribute to undermining the basis of international treaty law. It is in the common interest of States that treaties to which they have chosen to become parties should be respected, as to object and purpose, by all parties. the Government of the Kingdom of the Netherlands therefore objects to these reservations.

This objection does not constitute an obstacle to the entry into force of the Convention between the Kingdom of the Netherlands and the aforementioned States."

- 11 June 1996: with regard to the reservation made by Qatar upon ratification;
- 14 June 1996: with regard to the reservation made by Botswana upon accession and Turkey upon ratification;
- 25 June 1996: with regard to the reservation made by Malaysia upon accession;
- 6 November 1996: with regard to the reservations made by Singapore upon accession;
- 3 March 1997: with regard to the reservations made by Liechtenstein upon ratification and Brunei Darussalam, Kiribati and Saudi Arabia upon accession;
- 6 March 1997: with regard to the declaration made by Andorra upon ratification;
- 10 February 1998: with regard to the reservations made by Oman upon accession.
- 6 April 1998: with regard to the reservation made to article 14 by the United Arab Emirates upon accession. *Moreover, the Government of the Netherlands made the following declaration with regard to the reservation made by the Government of the United Arab Emirates with respect to article 7* : "The Government of the Kingdom of the Netherlands assumes that the United Arab Emirates shall ensure the implementation of the rights mentioned in article 7, first paragraph, of [the Convention] not only in accordance with its national law but also with its obligations under the relevant international instrument in this field."

"The Government of the Kingdom of the Netherlands has carefully examined the reservations made by the Government of the Federal Republic of Somalia with respect to the Convention on the Rights of the Child.

The Government of the Kingdom of the Netherlands considers that the reservations regarding articles 14, 20 and 21 of the Convention on the Rights of the Child are incompatible with the object and purpose of the Convention.

Furthermore, the Government of the Kingdom of the Netherlands notes that the Federal Republic of Somalia subjects application of the Convention to the beliefs and principles of Islam.

The Government of the Kingdom of the Netherlands considers that such reservations, which seek to limit the responsibilities of the reserving State under the Convention by general reference to religious laws, raises doubts as to the commitment of that State to the object and purpose of the Convention.

The Government of the Kingdom of the Netherlands recalls that according to Article 51, paragraph 2 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted. The Government of the Kingdom of the Netherlands therefore objects to these reservations.

This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and the Federal Republic of Somalia.”

#### NORWAY

“A reservation by which a State party limits its responsibilities under the Convention by invoking general principles of national law may create doubts about the commitments of the reserving state to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law. It is in the common interest of states that treaties to which they have chosen to become parties also are respected, as to object and purpose, by all parties. The Government of Norway, therefore, objects to this reservation.

“This objection shall not constitute an obstacle to the entry into force of the Convention between Norway and the Republic of Djibouti.”

- 30 December 1991: with regard to the reservation made by Indonesia upon ratification concerning articles 1, 14, 16, 17, 21, 22 and 29 and with regard to the reservation made by Pakistan upon signature and confirmed upon ratification;

- 25 October 1994: with regard to the reservation made by the Syrian Arab Republic upon ratification;

- 5 September 1995: with regard to the reservation made by Iran (Islamic Republic of) upon ratification.

“The Government of Norway considers that the reservation made by the State of Qatar, due to its unlimited scope and undefined character, is inadmissible under international law. For that reason, the Government of Norway objects to the reservation made by the State of Qatar.

The Government of Norway does not consider this objection to preclude the entry into force of the Convention between the Kingdom of Norway and the State of Qatar.”

“The Government of Norway considers that the reservation made by the Government of Malaysia, due to its very broad scope and undefined character, is incompatible with the object and purpose of the Convention, and thus not permitted under article 51, paragraph 2, of the Convention. Moreover, the Government of Norway considers that the monitoring system established under the Convention is not optional and that, accordingly, reservations with respect to articles 44 and 45 of the Convention are not permissible. For these reasons, the Government of Norway objects to the reservation made by the Government of Malaysia.

The Government of Norway does not consider this objection to preclude the entry into force of the Convention between the Kingdom of Norway and Malaysia.”

“The Government of Norway considers that reservation (3) made by the Republic of Singapore, due to its unlimited scope and undefined character, is contrary to the object and purpose of the Convention, and thus impermissible under article 51, paragraph 2, of the Convention.

Furthermore, the Government of Norway considers that declaration (2) made by the Republic of Singapore, in so far as it purports to exclude or to modify the legal effect of articles 19 and 37 of the Convention, also constitutes a reservation impermissible under the Convention, due to the fundamental nature of the rights concerned and the unspecified reference to domestic law.

For these reasons, the Government of Norway objects to the said reservations made by the Government of Singapore.

The Government of Norway does not consider this objection to preclude the entry into force of the Convention between the Kingdom of Norway and the Republic of Singapore.”

*With regard to the reservation made by Brunei Darussalam upon accession:*

*[Same objection, mutatis mutandis, as the one made with regard to Qatar.]*

*With regard to the reservation made by Saudi Arabia upon accession:*

*[Same objection, mutatis mutandis, as the one made with regard to Malaysia.]*

*[Same objection, mutatis mutandis, as the one made with regard to Singapore.]*

“The Government of Norway welcomes the ratification by the Federal Republic of Somalia of the Convention on the Rights of the Child.

The Government of Norway has examined the reservation made by the Government of the Federal Republic of Somalia upon ratification of the Convention, according to which the Federal Republic of Somalia ‘does not consider itself bound by Articles 14, 20, 21 of the above stated Convention and any other provisions of the Convention contrary to the General Principles of Islamic Sharia’.

The Government of Norway notes that the Government of the Federal Republic of Somalia has made a general reservation in respect of the provisions of the Convention which may be contrary to the General Principles of Islamic Sharia. The reservation is limiting the scope of the Convention, without identifying all the provisions in question, nor the extent of the derogation therefrom. The Government of Norway accordingly considers that the reservation raises serious doubts as to the full commitment of the Government of the Federal Republic of Somalia to the object and purpose of the Convention, and undermines the basis of international treaty law. Moreover, insofar as the reservation relates to Articles 14, 20 and 21 of the Convention, the Government of Norway considers that, in addition to being too vague, it affects essential elements of the treaty.

The Government of Norway therefore considers the reservation made by the Federal Republic of Somalia to be incompatible with the object and the purpose of the Convention.

The Government of Norway recalls that according to Article 51 paragraph 2 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted. The Government of Norway therefore objects to the aforesaid reservation.

This objection does not preclude the entry into force of the Convention between the Kingdom of Norway and the Federal Republic of Somalia. The Convention thus becomes operative between the Kingdom of Norway and the Federal Republic of Somalia without the Federal Republic of Somalia benefiting from the aforesaid reservation.”

#### POLAND

“The Government of the Republic of Poland has carefully examined the reservations made by the Federal Republic of Somalia to the Convention on the Rights of the Child adopted by General Assembly of the United Nations on 20th of November 1989, [...] upon its ratification on October 1, 2015.



The Government of the Republic of Poland considers that the reservations made by the Federal Republic of Somalia regarding articles 14, 20 and 21 of the Convention on the Rights of the Child and any other provisions of the Convention contrary to the General Principles of Islamic Sharia Law are incompatible with the object and purpose of the Convention and therefore objects to them.

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

#### PORTUGAL

"The Government of Portugal considers that reservations by which a State limits its responsibilities under the Convention by invoking general principles of National Law may create doubts on the commitments of the reserving State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of International Law. It is in the common interest of States that treaties to which they have chosen to become parties also are respected, as to object and purpose, by all parties. The Government of Portugal therefore objects to the reservations.

This objection shall not constitute an obstacle to the entry into force of the Convention between Portugal and Myanmar.

The Government of Portugal furthermore notes that, as a matter of principle, the same objection could be made to the reservations presented by Bangladesh, Djibouti, Indonesia, Kuwait, Pakistan and Turkey."

- 13 December 1994: with regard to the reservation made by Islamic Republic of Iran upon ratification;

- 4 December 1995: with regard to the reservation made by Malaysia upon accession;

- 11 January 1996: with regard to the reservation made by Qatar upon ratification;

- 30 January 1997: with regard to reservations made by Brunei Darussalam, Kiribati and Saudi Arabia upon accession.

"The Government of the Portuguese Republic has examined the contents of the reservation made by the Federal Republic of Somalia upon ratification of the Convention on the Rights of the Child.

The Government of the Portuguese Republic considers that the reservations made upon ratification regarding Articles 14, 20, and 21, are incompatible with the object and purpose of the Convention.

In addition, the reservation related to the Principles of the Islamic Sharia has a general and indeterminate scope and therefore does not allow States to assess to what extent Somalia has accepted the existing commitments to the Convention. Furthermore, such general reservation contributes to undermining the basis of International Treaty Law.

Moreover, the Government of the Portuguese Republic considers that reservations by which a State limits its responsibilities under the Convention on the Rights of the Child by invoking the domestic law or/and the Sharia Law raise doubts as to the commitment of the reserving State to the object and purpose of the Convention, as the reservations are likely to deprive the provisions of the Convention of their effect and are contrary to the object and purpose thereof.

The Government of the Portuguese Republic recalls that according to Article 51, paragraph 2 of the Convention, as well as 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 the Portuguese Republic thus objects to this reservation.

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

#### REPUBLIC OF MOLDOVA

“The Republic of Moldova has carefully examined the reservations made by the Federal Government of Somalia on October 1, 2015 upon ratification of the Convention on the Rights of the Child.

The Republic of Moldova considers that the reservations regarding articles 14, 20 and 21 of the mentioned Convention are incompatible with the object and purpose of the Convention since these articles form an essential element of the Convention.

The Republic of Moldova recalls, that according to article 51, paragraph 2 of the Convention, as well as article 19, paragraph (c) of the Vienna Convention on the law of treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

Therefore, the Republic of Moldova objects to the aforementioned reservation made by the Federal Republic of Somalia.

The objection shall not preclude the entry into force of the Convention between the Republic of Moldova and the Federal Republic of Somalia. The Convention enters into force in its entirety between the Republic of Moldova and the Federal Republic of Somalia, without the Federal Republic of Somalia benefiting from its reservation.”

#### ROMANIA

“The Government of Romania has carefully examined the reservations made by the Federal Republic of Somalia to the Convention on the Rights of the Child and considers that they are incompatible with the object and purpose of the Convention. Moreover, having an undefined character and invoking general principles of its internal law, these reservations are contrary to the rules of the international law.

Therefore, the Government of Romania objects to the reservations made by the Federal Republic of Somalia to the United Nations Convention on the Rights of the Child.

This objection shall not preclude the entry into force of the Convention in its entirety between the Romania and the Federal Republic of Somalia”

#### SLOVAKIA<sup>7</sup>

"The Slovak Republic regards the general reservation made by the State of Qatar upon signature of the Convention as incompatible with the object and purpose of the said Convention as well as in contradiction with the well established principle of the Law of Treaties according to which a State cannot invoke the provisions of its internal law as justification for its failure to perform a treaty. Therefore, the Slovak Republic objects to the said general reservation."

#### SWEDEN

"A reservation by which a State party limits its responsibilities under the Convention by invoking general principles of national law may cast doubts on the commitments of the reserving state to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law. It is in the common interest of states that treaties to which they have chosen to become parties also are respected, as to object and purpose, by all parties. The Government of Sweden therefore objects to the reservations.

"This objection does not constitute an obstacle to the entry into force of the Convention between Sweden and the Republic of Indonesia."

Subsequently, the Secretary-General received, from the Government of Sweden, objections of the same nature as the one above with regard to reservations made by the following States on the dates indicated hereinafter:

- 20 September 1991: with regard to the first reservation made by Pakistan upon ratification;
- 26 August 1992: with regard to the reservations made by Jordan upon ratification concerning articles 14, 20 and 21;
- 29 March 1994: with regard to the reservations made by the Syrian Arab Republic upon ratification;
- 1 September 1995: with regard to the reservation made by Iran (Islamic Republic of) upon ratification;
- 26 June 1996: with regard to the reservations made by Malaysia upon accession;
- 18 March 1997: with regard to the reservation made by Saudi Arabia upon accession;
- 9 February 1998: with regard to the reservation made by Oman upon accession.

“The Government of Sweden has examined the contents of the reservation made by the Federal Republic of Somalia, by which the Federal Republic of Somalia expresses that ‘The Federal Republic of Somalia does not consider itself bound by Articles 14, 20, 21 of the above stated Convention and any other provisions of the Convention contrary to the General Principles of Islamic Sharia.’

As regards to the reservations to Articles 14, 20 and any other provisions of the Convention contrary to the General Principles of Islamic Sharia, Sweden would like to state the following. Reservations by which a State Party limits its responsibilities under the Convention by not considering itself bound by certain articles and by invoking general references to national or religious law may cast doubts on the commitments of the reserving state to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law.

It is in the common interest of states that treaties to which they have chosen to become parties also are respected, as to object and purpose, by all parties. The Government of Sweden therefore objects to the aforementioned reservations.

This objection shall not preclude the entry into force of the Convention between Sweden and the Federal Republic of Somalia, without the Federal Republic of

Somalia benefitting from its aforementioned reservations.”

#### SWITZERLAND

The Swiss Federal Council has examined the reservation made by the Government of the Federal Republic of Somalia in ratifying the Convention on the Rights of the Child.

The reservation subordinating all provisions of the Convention to the general principles of Islamic sharia makes it impossible to determine the extent to which the Federal Republic of Somalia accepts the obligations deriving from the Convention. The Federal Council therefore considers the reservation to be incompatible with the object and purpose of the Convention.

It also considers the reservation to articles 14 and 20, whereby the Federal Republic of Somalia generally seeks to avoid being bound by the important obligations contained therein, to be incompatible with the object and purpose of the Convention.

The Federal Council recalls that, pursuant to article 51, paragraph 2, of the Convention, as well as article 19, paragraph (c), of the Vienna Convention on the law of treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

Accordingly, the Swiss Federal Council objects to the reservation made by the Federal Republic of Somalia. This objection does not preclude the entry into force of the Convention, in its entirety, between the Federal Republic of Somalia and Switzerland.

#### UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

“Somalia has made the following reservation: ‘The Federal Republic of Somalia does not consider itself bound by Articles 14, 20, 21 of the above stated Convention and any other provisions of the Convention contrary to the General Principles of Islamic Sharia.’

The UK Government notes that a reservation which consists of a general reference to a system of law without specifying its contents does not clearly define for the other States Parties to the Convention the extent to which the reserving State has accepted the obligations of the Convention.

The UK Government therefore objects to the aforesaid reservation.”

### *Territorial Application*

<i>Participant</i>	<i>Date of receipt of the notification</i>	<i>Territories</i>
China	10 Apr 2003	Hong Kong Special Administrative Region
Netherlands	17 Dec 1997	Netherlands (Netherlands Antilles)
	18 Dec 2000	Aruba
Portugal	27 Apr 1999	Macau
United Kingdom of Great Britain and Northern Ireland	7 Sep 1994	Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands (Malvinas), Hong Kong, Isle of Man, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, St. Helena and Dependencies, South Georgia and South Sandwich Islands and Turks and Caicos Islands

#### *Notes:*

<sup>1</sup> In the four months following the communication of the proposal of amendment, less than one third of the States Parties

indicated that they favoured a conference of States Parties for the purpose of considering and voting upon the proposals in

accordance with article 50 (1) of the Convention. Consequently the conference referred to in article 50 (1) of the Convention was not convened.

<sup>2</sup> *Official Records of the General Assembly, Forty-fourth Session, Supplement No. 49 (A/44/49)*, p. 166.

<sup>3</sup> On 28 September 2015, the Government of the Republic of Austria notified the Secretary-General of its withdrawal of the reservations to Articles 13, 15 and 17, as well as its declarations to Art. 38 (2) and (3) of the Convention on the Rights of the Child, in accordance with Article 51 (3) of the Convention.

The text of the withdrawn reservations read as follows:

"1. Article 13 and article 15 of the Convention will be applied provided that they will not affect legal restrictions in accordance with article 10 and article 11 of the European Convention on the Protection of Human Rights and Fundamental Freedoms of 4 November 1950.

"2. Article 17 will be applied to the extent that it is compatible with the basic rights of others, in particular with the basic rights of freedom of information and freedom of press."

The text of the withdrawn declarations read as follows:

"1. Austria will not make any use of the possibility provided for in article 38, paragraph 2, to determine an age limit of 15 years for taking part in hostilities as this rule is incompatible with article 3, paragraph 1, which determines that the best interests of the child shall be a primary consideration.

"2. Austria declares, in accordance with its constitutional law, to apply article 38, paragraph 3, provided that only male Austrian citizens are subject to compulsory military service."

<sup>4</sup> The former Yugoslavia had signed and ratified the Convention on 26 January 1990 and 3 January 1991, respectively, with the following reservation:

*Reservation:*

"The competent authorities (ward authorities) of the Socialist Federal Republic of Yugoslavia may, under article 9, paragraph 1 of the Convention, make decisions to deprive parents of their right to raise their children and give them an upbringing without prior judicial determination in accordance with the internal legislation of the SFR of Yugoslavia."

See also note 1 under "Bosnia and Herzegovina", "Croatia", "former Yugoslavia", "Slovenia", "The Former Yugoslav Republic of Macedonia" and "Yugoslavia" in the "Historical Information" section in the front matter of this volume.

<sup>5</sup> On 27 April 1999, the Government of Portugal informed the Secretary-General that the Convention would apply to Macao.

Subsequently, the Secretary-General received communications concerning the status of Macao from China and Portugal (see note 3 under "China" and note 1 under "Portugal" regarding Macao in the "Historical Information" section in the front matter of this volume). Upon resuming the exercise of sovereignty over Macao, China notified the Secretary-General that the Convention

with the reservation made by China will also apply to the Macao Special Administrative Region.

<sup>6</sup> On 10 June 1997, the Secretary-General received communications concerning the status of Hong Kong from the Governments of China and the United Kingdom (see also note 2 under "China" and note 2 under "United Kingdom of Great Britain and Northern Ireland" regarding Hong Kong in the "Historical Information" section in the front matter of this volume). Upon resuming the exercise of sovereignty over Hong Kong, China notified the Secretary-General that the Convention with the reservation made by China will also apply to the Hong Kong special Administrative Region.

In addition, the notification made by the Government of China contained the following declaration:

1. The Government of the People's Republic of China, on behalf of the Hong Kong Special Administrative Region, interprets the Convention as applicable only following a live birth.

2. The Government of the People's Republic of China reserves, for the Hong Kong Special Administrative Region, the right to apply such legislation, in so far as it relates to the entry into, stay in and departure from the Hong Kong Special Administrative Region of those who do not have the right under the laws of the Hong Kong Special Administrative Region to enter and remain in the Hong Kong Special Administrative Region, and to the acquisition and possession of residentship as it may deem necessary from time to time.

3. The Government of the People's Republic of China interprets, on behalf of the Hong Kong Special Administrative Region, the references in the Convention to "parents" to mean only those persons who, under the laws of the Hong Kong Special Administrative Region, are treated as parents. This includes cases where the laws regard a child as having only one parent, for example where a child has been adopted by one person only and in certain cases where a child is conceived other than as a result of sexual intercourse by the woman who gives birth to it and she is treated as the only parent.

4. The Government of the People's Republic of China reserves, for the Hong Kong Special Administrative Region, the right not to apply article 32 (2) (b) of the Convention in so far as it might require regulation of the hours of employment of young persons who have attained the age of fifteen years in respect of work in non-industrial establishments.

5. ...

6. Where at any time there is a lack of suitable detention facilities, or where the mixing of adults and children is deemed to be mutually beneficial, the Government of the People's Republic of China reserves, for the Hong Kong Special Administrative Region, the right not to apply article 37 (c) of the Convention in so far as those provisions require children who are detained to be accommodated separately from adults.

In regard to the above-mentioned declaration, by a notification received on 10 April 2003, the Government of the People's Republic of China informed the Secretary-General that it had decided to withdraw its declaration relating to article 22 of the Convention. The declaration reads as follows:

The Government of the People's Republic of China, on behalf of the Hong Kong Special Administrative Region, seeks to apply the Convention to the fullest extent to children seeking asylum in the Hong Kong Special Administrative Region except in so far as conditions and resources make full implementation impracticable. In particular, in relation to article 22 of the Convention the Government of the People's Republic of China reserves the right to continue to apply legislation in the Hong Kong Special Administrative Region governing the detention of children seeking refugee status, the determination of their status and their entry into, stay in and departure from the Hong Kong Special Administrative Region.

<sup>7</sup> Czechoslovakia had signed and ratified the Convention on 30 September 1990 and 7 January 1991, respectively, with the following declaration in respect of article 7 (1):

"In cases of irrevocable adoptions, which are based on the principle of anonymity of such adoptions, and of artificial fertilization, where the physician charged with the operation is required to ensure that the husband and wife on one hand and the donor on the other hand remain unknown to each other, the non-communication of a natural parent's name or natural parents' names to the child is not in contradiction with this provision."

By a communication received on 7 June 1991, the Government of Czechoslovakia had made the following objections with regard to the reservation made by Kuwait upon signature:

"These reservations are incompatible with the object and purpose of the Convention. In the opinion of the Czechoslovak Government the said reservations are in contradiction to the generally recognized principle of international law according to which a state cannot invoke the provisions of its own internal law as justification for its failure to perform a treaty. Therefore the Czech and Slovak Federal Republic does not recognize these reservations as valid."

See also note 1 under "Czech Republic" and note 1 under "Slovakia" in the "Historical Information" section in the front matter of this volume.

<sup>8</sup> On 11 May 1993, the Government of Denmark notified the Secretary-General that it had decided to withdraw its declaration with regard to the application of the Convention to Greenland and the Faroe Islands which reads as follows:

"Until further notice the Convention shall not apply to Greenland and the Faroe Islands."

<sup>9</sup> On 31 July 2003, the Government of Egypt informed the Secretary-General that it had decided to withdraw its reservation made upon signature and confirmed upon ratification in respect of articles 20 and 21 of the Convention. The reservation read as follows:

Since The Islamic Shariah is one of the fundamental sources of legislation in Egyptian positive law and because the Shariah, in enjoining the provision of every means of protection and care for children by numerous ways and means, does not include among those ways and means the system of adoption existing in certain other bodies of positive law,

The Government of the Arab Republic of Egypt expresses its reservation with respect to all the clauses and provisions relating to adoption in the said Convention, and in particular with respect to the provisions governing adoption in articles 20 and 21 of the Convention.

<sup>10</sup> The German Democratic Republic had signed and ratified the Convention on 7 March 1990 and 2 October 1990, respectively. See also note 2 under "Germany" in the "Historical Information" section in the front matter of this volume.

<sup>11</sup> On 1 October 2009, the Government of Liechtenstein informed the Secretary-General that it had decided to withdraw the declaration concerning article 1 and the reservation concerning article 7 made upon ratification to the Convention. The text of the declaration withdrawn reads as follows:

"According to the legislation of the Principality of Liechtenstein children come of age with 20 years. However, the Liechtenstein law provides for the possibility to prolong or to shorten the duration of minority."

The text of the reservation withdrawn reads as follows:

"The Principality of Liechtenstein reserves the right to apply the Liechtenstein legislation according to which Liechtenstein nationality is granted under certain conditions."

<sup>12</sup> See note 1 under "Montenegro" in the "Historical Information" section in the front matter of this volume.

<sup>13</sup> For the Kingdom in Europe.

Subsequently, on 17 December 1997, the Government of the Netherlands informed the Secretary-General that it had decided to accept the Convention on behalf of the Netherlands Antilles subject to the following reservations and declarations:

*Reservations:*

" *Article 26:*

The Kingdom of the Netherlands accepts the provisions of article 26 of the Convention with the reservation that these provisions shall not imply an independent entitlement of children to social security, including insurance.

*Article 37:*

The Kingdom of the Netherlands accepts the provisions of article 37(c) of the Convention with the reservation that these provisions shall not prevent :

- the application of adult penal law to children of sixteen years and older, provided that certain criteria laid down by law have been met;

- that a child which has been detained will not always be accommodated separately from adults; if the number of children that has to be detained at a certain time is unexpectedly large, (temporary) accommodations together with adults may be unavoidable.

*Article 40:*

The Kingdom of the Netherlands accepts the provisions of article 40 of the Convention with the reservation that cases involving minor offences may be tried without the presence of legal assistance and that with respect to such offences the position remains that no provision is made in all cases for a review of the facts or of any measures imposed as a consequence.

*Declarations:*

*Article 14 :*

It is the understanding of the Government of the Kingdom of the Netherlands that article 14 of the Convention is in accordance with the provisions of article 18 of the International Covenant on Civil and Political Rights of 19 December 1966 and that this article shall include the freedom of a child to have or adopt a religion or belief of his or her choice as soon as the child is capable of making such choice in view of his or her age or maturity.

*Article 22 :*

The Government of the Kingdom of the Netherlands declares that whereas the Netherlands Antilles are not bound by the 1951 Convention relating to the Status of Refugees, article 22 of the present Convention shall be interpreted as containing a reference only to such other international human rights or humanitarian instruments as are binding on the Kingdom of the Netherlands with respect to the Netherlands Antilles.

*Article 38 :*

With regard to article 38 of the Convention, the Government of the Kingdom of the Netherlands declares that it is of the opinion that States should not be allowed to involve children directly or indirectly in hostilities and that the minimum age for the recruitment or incorporation of children in the armed forces should be above fifteen years.

In times of armed conflict, provisions shall prevail that are most conducive to guaranteeing the protection of children under international law, as referred to in article 41 of the Convention."

Further, on 18 December 2000, the Government of the Netherlands informed the Secretary-General that it had decided to accept the Convention on behalf of Aruba subject to the following reservations and declarations:

*Reservations :*

"Article 26

The Kingdom of the Netherlands accepts the provisions of article 26 of the Convention with the reservation that these provisions shall not imply an independent entitlement of children to social security, including social insurance.

Article 37

The Kingdom of the Netherlands accepts the provisions of article 37 (c) of the Convention with the reservation that these provisions shall not prevent:

- the application of adult penal law to children of sixteen years and older, provided that certain criteria laid down by law have been met;

- that a child which has been detained will not always be accommodated separately from adults; if the number of children that has to be detained at a certain time is unexpectedly large, (temporary) accommodation together with adults may be unavoidable.

Article 40

The Kingdom of the Netherlands accepts the provisions of article 40 of the Convention with the reservation that cases involving minor offences may be tried without the presence of legal assistance and that with respect to such offences the position remains that no provision is made in all cases for a review of the facts or of any measures imposed as a consequence."

*Declarations:*

"Article 14

It is the understanding of the Government of the Kingdom of the Netherlands that Article 14 of the Convention is in accordance with the provisions of Article 18 of the International Covenant on Civil and Political Rights of 19 December 1966 and that this Article shall include the freedom of a child to have or adopt a religion or belief of his or her choice as soon as the child is capable of making such choice in view of his or her age or maturity.

Article 22

Government of the Kingdom of the Netherlands declares that whereas Aruba is not bound by the 1951 Convention relating to the Status of Refugees, Article 22 of the present Convention shall be interpreted as containing a reference only to such other international human rights or humanitarian instruments as are binding on the Kingdom of the Netherlands with respect to Aruba.

Article 38

With regard to Article 38 of the Convention, the Government of the Kingdom of the Netherlands declares that it is of the opinion that States should not be allowed to involve children directly or indirectly in hostilities and that the minimum age for the recruitment or incorporation of children in the armed forces should be above fifteen years. In times of armed conflict, provisions shall prevail that are most conducive to guaranteeing the protection of children under international law, as referred to in Article 41 of the Convention."

See also note 2 under "Netherlands" regarding Netherlands Antilles in the "Historical Information" section in the front matter of this volume.

<sup>14</sup> The instrument of ratification also specifies that "such ratification shall extend to Tokelau only upon notification to the Secretary-General of the United Nations of such extension".

<sup>15</sup> On 11 August 2017, the Government of the Republic of Korea informed the Secretary-General that it had decided to

withdraw the reservation in respect of article 21, paragraph (a), made upon ratification.

<sup>16</sup> On 12 April 1994, the Secretary-General received from the Government of Greece the following communication:

"Succession of the former Yugoslav Republic of Macedonia to the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on 20 November 1989, does not imply its recognition on behalf of the Hellenic Republic."

<sup>17</sup> In a communication received on 7 September 1994, the Government of the United Kingdom of Great Britain and Northern Ireland indicated that the Convention will apply to the Isle of Man, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands (Malvinas), Hong Kong, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, St. Helena, St. Helena Dependencies, South Georgia and the South Sandwich Islands, Turks and Caicos Islands.

In this regard, the Secretary-General received, on 3 April 1995, from the Government of Argentina the following objection:

The Government of Argentina rejects the extension of the application of the [said Convention] to the Malvinas Islands, South Georgia and the South Sandwich Islands, effected by the United Kingdom of Great Britain and Northern Ireland on 7 September 1994, and reaffirms its sovereignty over those islands, which are an integral part of its national territory.

Subsequently, on 17 January 1996, the Secretary-General received from the Government of the United Kingdom of Great Britain and Northern Ireland the following communication:

"... The Government of the United Kingdom has no doubt about the sovereignty of the United Kingdom over the Falkland Islands and over South Georgia and the South Sandwich Islands and its consequential right to extend the said Convention to these Territories. The United Kingdom Government rejects as unfounded the claims by the Government of Argentina and is unable to regard the Argentine objection as having any legal effect."

Subsequently, on 5 October 2000, the Secretary-General received from the Government of Argentina the following communication:

[The Argentine Republic] wishes to refer to the report submitted by the United Kingdom of Great Britain and Northern Ireland to the Committee on the Rights of the Child, which contains an addendum entitled "Overseas Dependent Territories and Crown Dependencies of the United Kingdom of Great Britain and Northern Ireland"(CRC/C/41/Add.9).

In that connection, the Argentine Republic wishes to recall that by its note of 3 April 1995 it rejected the extension of the application of the Convention on the Rights of the Child to the Malvinas Islands, South Georgia and the South Sandwich Islands effected by the United Kingdom of Great Britain and Northern Ireland on 7 September 1994.

The Government of Argentina rejects the designation of the Malvinas Islands as Overseas Dependent Territories of the United Kingdom or any other similar designation.

Consequently, the Argentine Republic does not recognize the section concerning the Malvinas Islands contained in the report which the United Kingdom has submitted to the Committee on the Rights of the Child (CRC/C/41/Add.9) or any other document or instrument having a similar tenor that may derive from this alleged territorial extension.

The United Nations General Assembly has adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, in which it recognizes that a dispute exists concerning sovereignty over the Malvinas Islands and urges the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to continue negotiations with a view to resolving the dispute peacefully and definitively as soon as possible, assisted by the good offices of the Secretary-General of the United Nations, who is to report to the General Assembly on the progress made.

The Argentine Republic reaffirms its rights of sovereignty over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime spaces, which are an integral part of its national territory.

Further, on 20 December 2000, the Secretary-General received from the Government of the United Kingdom of Great Britain and Northern Ireland, the following communication:

"The Government of the United Kingdom of Great Britain and Northern Ireland rejects as unfounded the claims made by the Argentine Republic in its communication to the depositary of 5 October 2000. The Government of the United Kingdom recalls that in its declaration received by the depositary on 16 January 1996 it rejected the objection by the Argentine Republic to the extension by the United Kingdom of the Convention on the Rights of the Child to the Falkland Islands and to South Georgia and the South Sandwich Islands. The Government of the United Kingdom has no doubt about the sovereignty of the United Kingdom over the Falkland Islands and over South Georgia and the South Sandwich Islands and its consequential rights to apply the Convention with respect to those Territories."

<sup>18</sup> On 29 April 2014, the Secretary-General received from the Government of the United Kingdom of Great Britain and Northern Ireland the following notification:

"... the Government of the United Kingdom of Great Britain and Northern Ireland wishes the United Kingdom's Ratification of [the Convention] be extended to the territory of the Bailiwick of Jersey for whose international relations the United Kingdom is responsible.

The Government of the United Kingdom of Great Britain and Northern Ireland considers the extension of [the Convention] to the Bailiwick of Jersey to enter into force on the date of receipt of this notification by [the Secretary-General] for deposit ..."

<sup>19</sup> The signature was affixed on behalf of the Yemen Arab Republic. See also note 1 under "Yemen" in the "Historical Information" section in the front matter of this volume.

<sup>20</sup> Upon ratification, the Government of Andorra made the following declarations:

A. The Principality of Andorra deplors the fact that the [said Convention] does not prohibit the use of children in armed conflicts. It also disagrees with the provisions of article 38,

paragraphs 2 and 3, concerning the participation and recruitment of children from the age of 15.

B. The Principality of Andorra will apply the provisions of articles 7 and 8 of the Convention without prejudice to the provisions of part II, article 7 of the Constitution of the Principality of Andorra, concerning Andorran nationality.

Article 7 of the Constitution of Andorra provides that:

A *Llei qualificada* shall determine the rules pertaining to the acquisition and loss of nationality and the legal consequences thereof.

Acquisition or retention of a nationality other than Andorran nationality shall result in the loss of the latter in accordance with the conditions and limits established by law.

By a communication received on 1 March 2006, the Government of Andorra notified the Secretary-General that it had decided to withdraw the following declaration made upon ratification:

B. The Principality of Andorra will apply the provisions of articles 7 and 8 of the Convention without prejudice to the provisions of part II, article 7 of the Constitution of the Principality of Andorra, concerning Andorran nationality.

Article 7 of the Constitution of Andorra provides that:

A *Llei qualificada* shall determine the rules pertaining to the acquisition and loss of nationality and the legal consequences thereof.

Acquisition or retention of a nationality other than Andorran nationality shall result in the loss of the latter in accordance with the conditions and limits established by law.

<sup>21</sup> The Secretary-General received from the Government of Sweden the following communications: on 20 July 1993, with regard to the reservations made upon accession by Thailand concerning articles 7, 22 and 29, upon ratification by Myanmar concerning articles 15 and 37, upon ratification by Bangladesh concerning article 21, upon ratification by Djibouti concerning the whole Convention, and on 29 March 1994, with regard to the reservation made upon signature by Qatar.

Subsequently, on 11 April 1997, the Government of Thailand notified the Secretary-General that it had decided to withdraw its reservation with regard to article 29.

On 13 December 2010, the Government of Thailand notified the Secretary-General of its decision to withdraw the reservation to article 7 of the Convention.

<sup>22</sup> On 16 September 2008, the Government of Bosnia and Herzegovina informed the Secretary-General that it had decided to withdraw the reservation made in respect of article 9 (1) of the Convention. The reservation read as follows:

“The Republic of Bosnia and Herzegovina reserves the right not to apply paragraph 1 of article 9 of the Convention since the internal legislation of the Republic of Bosnia and Herzegovina provides for the right of competent authorities (guardianship authorities) to determine on separation of a child from his/her parents without a previous judicial review.”

<sup>23</sup> In this regard, on 16 November 1995, the Secretary-General received from the Government of Denmark, the following communication:

“Because of their unlimited scope and undefined character these reservations are incompatible with the object and purpose of the Convention and accordingly inadmissible and without effect under international law. Therefore, the Government of Denmark objects to these reservations. The Convention remains in force in its entirety between Djibouti, the Islamic Republic of Iran, Pakistan, the Syrian Arab Republic respectively and Denmark.

It is the opinion of the Government of Denmark that no time limit applies to objections against reservations, which are inadmissible under international law.

The Government of Denmark recommends the Governments of Djibouti, the Islamic Republic of Iran, Pakistan and the Syrian Arab Republic to reconsider their reservations to the Convention on the Rights of the Child.”

On 3 July 1996, the Secretary-General received from the Government of Denmark a communication regarding the reservations made by Botswana and Qatar, identical in essence, *mutatis mutandis*, as the one made on 16 November 1995.

<sup>24</sup> On 13 March 1997, the Secretary-General received from the Government of Ireland the following communication with regard to the reservations made by Brunei Darussalam:

*[Same objection, mutatis mutandis, as the one made with regard to Saudi Arabia under "Objections".]*

<sup>25</sup> On 20 March 1997, the Secretary-General received from the Government of Finland communications with regard to reservations made by Brunei Darussalam and Saudi Arabia upon accession:

*[Same text, mutatis mutandis, as the objection made with regard to Singapore under "Objections".]*

<sup>26</sup> On 13 August 1997, the Secretary-General received from the Government of Sweden the following communications with regard to reservations made by Brunei Darussalam, Kiribati and Singapore upon accession to the Convention:

*[Same text, mutatis mutandis, as the one made with regard to Indonesia under "Objections".]*

<sup>27</sup> On 10 August 2015, the Government of Brunei Darussalam informed the Secretary-General that it had decided to partially withdraw its reservations to articles 20 (1), 20 (2) and 21 (a) made upon accession which read as follow:

“[The Government of Brunei Darussalam] expresses its reservations on the provisions of the said Convention which may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, the State, religion, and without prejudice to the generality of the said reservations, in particular expresses its reservation on articles 14, 20 and 21 of the Convention.”

<sup>28</sup> On 25 March 2009, the Government of the Cook Islands informed the Secretary-General that it had decided to withdraw

the reservation made upon accession in respect to article 37 of the Convention. The text of the reservation withdrawn reads as follows:

"The Government of the Cook Islands accepts the general principles of article 37. In relation to the second sentence of paragraph (c), the obligation to separate children from adults in prison is accepted only to the extent that such imprisonment is considered by the responsible authorities to be feasible. The Cook Islands reserves the right not to apply article 37 in so far as those provisions require children who are detained to be accommodated separately from adults."

<sup>29</sup> On 26 May 1998, the Government of Croatia informed the Secretary-General that it had decided to withdraw its reservation made upon succession in respect to article 9, paragraph 1 of the Convention. The reservation read as follows:

The Republic of Croatia reserves the right not to apply paragraph 1 of article 9 of the Convention since the internal legislation of the Republic of Croatia provides for the right of competent authorities (Centres for Social Work) to determine on separation of a child from his/her parents without a previous judicial review."

<sup>30</sup> On 6 February 1995, the Secretary-General received from the Government of the Netherlands the following communication with regard to the reservations made upon ratification by Djibouti, Indonesia, Pakistan and the Syrian Arab Republic:

*[Same text, mutatis mutandis, as the objection made with regard to Iran (Islamic Republic of) under "Objections".]*

Subsequently, on 23 July 1997, the Government of Pakistan informed the Secretary-General that it had decided to withdraw its reservation made upon signature and confirmed upon ratification which reads as follows:

"Provisions of the Convention shall be interpreted in the light of the principles of Islamic laws and values."

Subsequently, on 2 February 2005, the Government of Indonesia informed the Secretary-General that it had decided to withdraw its reservation made upon ratification. The reservation reads as follows:

The 1945 Constitution of the Republic of Indonesia guarantees the fundamental rights of the child irrespective of their sex, ethnicity or race. The Constitution prescribes those rights to be implemented by national laws and regulations.

The ratification of the Convention on the Rights of the Child by the Republic of Indonesia does not imply the acceptance of obligations going beyond the Constitutional limits nor the acceptance of any obligation to introduce any right beyond those prescribed under the Constitution.

With reference to the provisions of articles 1, 14, 16, 17, 21, 22 and 29 of this Convention, the Government of the Republic of Indonesia declares that it will apply these articles in conformity with its Constitution.

<sup>31</sup> On 7 December 2009, the Government of Djibouti informed the Secretary-General that it had decided to withdraw

the reservation made upon ratification to the Convention. The text of the reservation withdrawn reads as follows:

... the Government of Djibouti shall not consider itself bound by] any provisions or articles that are incompatible with its religion and its traditional values.

<sup>32</sup> Statements delivered by [the Government of Ecuador] on agenda item 108, in the Third Committee on 14 November 1989, particularly as concerns the interpretation to be given to article 24, in the light of the preamble of the Convention, and article 38 (ref: A/C.3/44/SR.41).

<sup>33</sup> In a communication received by the Secretary-General on 15 February 1990, the Government of the Federal Republic of Germany indicated that "it was [its] intention to make the [said] declaration on the occasion of the signing of the Convention on the Rights of the Child".

<sup>34</sup> On 15 July 2010, the Government of the Federal Republic of Germany notified its withdrawal of the following declarations concerning articles 9, 10, 18, 22 and 38 (2):

"The Government of the Federal Republic of Germany reserves the right to make, upon ratification, such declarations as it considers necessary, especially with regard to the interpretation of articles 9, 10, 18 and 22.

The Government of the Federal Republic of Germany is of the opinion that article 18 (1) of the Convention does not imply that by virtue of the entry into force of this provision parental custody, automatically and without taking into account the best interests of the respective child, applies to both parents even in the case of children whose parents have not married, are permanently living apart while still married, or are divorced. Such an interpretation would be incompatible with article 3 (1) of the Convention. The situation must be examined in a case-by-case basis, particularly where the parents cannot agree on the joint exercise of custody.

The Federal Republic of Germany therefore declares that the provisions of the Convention are also without prejudice to the provisions of national law concerning

- a) legal representation of minors in the exercise of their rights;
- b) rights of custody and access in respect of children born in wedlock;
- c) circumstances under family and inheritance law of children born out of wedlock;

This applies irrespective of the planned revision of the law on parental custody, the details of which remain within the discretion of the national legislator.

Nothing in the Convention may be interpreted as implying that unlawful entry by an alien into the territory of the Federal Republic of Germany or his unlawful stay there is permitted; nor may any provision be interpreted to mean that it restricts the right of the Federal Republic of Germany to pass laws and regulations concerning the entry of aliens and the conditions of their stay or to make a distinction between nationals and aliens.



The Government of the Federal Republic of Germany regrets the fact that under article 38 (2) of the Convention even fifteen-year-olds may take a part in hostilities as soldiers, because this age limit is incompatible with the consideration of a child's best interest (article 3 (1) of the Convention). It declares that it will not make any use of the possibility afforded by the Convention of fixing this age limit at fifteen years."

<sup>35</sup> On 15 July 2010, the Government of the Federal Republic of Germany notified its withdrawal of the following reservations:

"In accordance with the reservations made by it with respect to the parallel guarantees of the International Covenant on Civil and Political Rights, the Federal Republic of Germany declares in respect of article 40 (2) (b) (ii) and (v) of the Convention that these provisions shall be applied in such a way that, in the case of minor infringement of the penal law, there shall not in each and every case exist:

a) a right to have 'legal or other appropriate assistance' in the preparation and presentation of the defence, and/or

b) an obligation to have a sentence not calling for imprisonment reviewed by a 'higher competent authority or judicial body'."

<sup>36</sup> On 1 November 2010, the Government of the Federal Republic of Germany notified the Secretary-General that it had decided to withdraw its declaration made upon ratification. The text of the withdrawn declaration read as follows:

"The Government of the Federal Republic of Germany declares that it will take the opportunity afforded by the ratification of the Convention to initiate reforms in its domestic legislation that are in keeping with the spirit of the Convention and that it considers appropriate, in line with article 3 (2) of the Convention, to ensure the well-being of the child. The planned measures include, in particular, a revision of the law on parental custody in respect of children whose parents have not married, are permanently living apart while still married, or are divorced. The principal aim will be to improve the conditions for the exercise of parental custody by both parents in such cases as well. The Federal Republic of Germany also declares that domestically the Convention does not apply directly. It establishes state obligations under international law that the Federal Republic of Germany fulfils in accordance with its national law, which conforms with the Convention."

<sup>37</sup> On 24 March 2009, the Government of Iceland informed the Secretary-General that it had decided to withdraw the declaration made upon ratification with respect to article 9 of the Convention. The text of the declaration withdrawn reads as follows:

"1. With respect to article 9, under Icelandic law the administrative authorities can take final decisions in some cases referred to in the article. These decisions are subject to judicial review in the sense that it is a principle of Icelandic law that courts can nullify administrative decisions if they conclude that they are based on unlawful premises. This competence of the courts to review administrative decisions is based on Article 60 of the Constitution."

On 20 May 2015, the Government of Iceland informed the Secretary-General that it had decided to withdraw the declaration made upon ratification with respect to article 37 of the Convention. The text of the declaration withdrawn reads as follows:

"2. With respect to article 37, the separation of juvenile prisoners from adult prisoners is not obligatory under Icelandic law. However, the law relating to prisons and imprisonment provides that when deciding in which penal institution imprisonment is to take place account should be taken of, inter alia, the age of the prisoner. In light of the circumstances prevailing in Iceland it is expected that decisions on the imprisonment of juveniles will always take account of the juvenile's best interest."

<sup>38</sup> In this regard, the Secretary-General received communications from the following States on the dates indicated hereinafter:

*Austria (6 September 1995):*

Under article 19 of the Vienna Convention on the Law of Treaties which is reflected in article 51 of the Convention on the Rights of the Child - a reservation, in order to be admissible under international law, has to be compatible with the object and purpose of the treaty concerned. A reservation is incompatible with the object and purpose of a treaty if it intends to derogate provisions the implementation of which is essential to fulfilling its object and purpose.

The Government of Austria has examined the reservation made by the Islamic Republic of Iran to the [said Convention]. Given the general character of this reservation a final assessment as to its admissibility under international law cannot be made without further clarification.

Until the scope of the legal effects of this reservation is sufficiently specified by the Islamic Republic of Iran, the Republic of Austria considers this reservation as not affecting any provision the implementation of which is essential to fulfilling the object and purpose of the [said Convention].

Austria, however, objects to the admissibility of the reservation in question if the application of this reservation negatively affects the compliance by the Islamic Republic of Iran with its obligations under the [said Convention] essential for the fulfilment of its object and purpose.

Austria could not consider the reservation made by the Islamic Republic of Iran as admissible under the regime of article 51 of the [said Convention] and article 19 of the Vienna Convention on the Law of Treaties unless Iran, by providing additional information or through subsequent practice, ensures that the reservation is compatible with the provisions essential for the implementation of the object and purpose of the [said Convention]."

*Italy (25 September 1995):*

"This reservation, owing to its unlimited scope and undefined character, is inadmissible under international law. The Government of the Italian Republic, therefore, objects to the reservation made by the Islamic Republic of Iran. This objection shall not preclude the entry into force of the Convention as between the Islamic Republic of Iran and the Italian Republic."

<sup>39</sup> On 9 June 1993, the Secretary-General received from the Government of Finland, the following communication:

"The Government of Finland has examined the contents of the reservation made by Jordan [...].

In the view of the Government of Finland this reservation is subject to the general principle of treaty interpretation according to which a party may not invoke general principles of national law as justification for failure to perform its treaty obligations. For the above reason the Government of Finland objects to the said reservations. However, the Government of Finland does not consider that this objection constitutes an obstacle to the entry into force of the said Convention between Finland and Jordan."

<sup>40</sup> On 16 September 2015, the Government of the Republic of Kiribati informed the Secretary-General that it withdrew its reservations to articles 24, 26 and 28 made upon accession. The text of the withdrawn reservations read as follows: "The instrument of ratification by the Government of the Republic of Kiribati contains reservations in respect of, article 24 paragraph (b, c, d, e & f), article 26 and article 28 paragraph (b, c & d), in accordance with Article 51 paragraph 1 of the Convention."

<sup>41</sup> On 10 December 2003, the Government of Liechtenstein informed the Secretary-General of the following:

"The Principality of Liechtenstein partially withdraws its reservation concerning article 10 of the Convention as contained in the annex of the instrument of accession of 18 December 1995, namely with regard to paragraph 2 of the article guaranteeing the right of the child to maintain personal relations and direct contacts with both parents."

<sup>42</sup> Subsequently, the Government of Malaysia informed the Secretary-General that it had decided to withdraw its reservation to articles 22, 28 paragraph 1 (b), (c), (d), (e) and paragraphs 2 and 3, article 40 paragraph 3 and 4, articles 44 and 45" made upon accession. It should be noted that, the Secretary-General had received from the following States, communications in regard to the reservations made by the Government of Malaysia upon accession, on the dates indicated hereinafter:

*Belgium (1 July 1996):*

The Belgian Government believes that this reservation is incompatible with the object and purpose of the Convention and that, consequently, in accordance with article 51, paragraph 2, of the Convention, it is not permitted.

...

Accordingly, Belgium wishes to be bound by the Convention in its entirety as regards [the State of Malaysia] which [has] expressed reservations prohibited by the [said] Convention.

Moreover, as the 12 month period specified in article 20.5 of the Vienna Convention on the Law of Treaties is not applicable to reservations which are null and void, Belgium's objection to such reservations is not subject to any particular time-limit.

*Denmark (2 July 1996):*

"The reservation is covering multiple provisions, including central provisions of the Convention. Furthermore, it is a general principle of international law that internal law may not be

invoked as justification for failure to perform treaty obligations. Consequently, the Government of Denmark considers the said reservation as being incompatible with the object and purpose of the Convention and accordingly inadmissible and without effect under international law. The Convention remains in force in its entirety between Malaysia and Denmark.

It is the opinion of the Government of Denmark that no time limit applies to objections against reservations, which are inadmissible under international law.

The Government of Denmark recommends the Government of Malaysia to reconsider its reservation to the said Convention."

<sup>43</sup> The declaration of 19 July 2010 modifies the earlier declaration of 23 March 1999.

<sup>44</sup> On 20 August 2001, the Government of Malta informed the Secretary-General that it had decided to withdraw its reservation made upon ratification. The reservation reads as follows:

"Article 26 - The Government of Malta is bound by the obligations arising out of this article to the extent of present social security legislation."

<sup>45</sup> On 4 June 2008, the Government of the Republic of Mauritius informed the Secretary-General that it had decided to withdraw the reservation made upon accession in respect to article 22 of the Convention. The text of the reservation reads as follows:

"[Mauritius] having considered the Convention, hereby accedes to it with express reservation with regard to Article 22 of the said Convention."

<sup>46</sup> On 19 October 2006, the Government of Morocco informed the Secretary-General that it had decided to withdraw the reservation made with regard to article 14 made upon ratification. The reservation reads as follows:

The Kingdom of Morocco, whose Constitution guarantees to all the freedom to pursue his religious affairs, makes a reservation to the provisions of article 14, which accords children freedom of religion, in view of the fact that Islam is the State religion.

<sup>47</sup> On 19 October 1993, the Government of Myanmar notified the Secretary-General its decision to withdraw the following reservations made upon accession with regard to articles 15 and 37:

*"Article 15*

"1. The Union of Myanmar interprets the expression 'the law' in article 15, paragraph 2, to mean the Laws, as well as the Decrees and Executive Orders having the force of law, which are for the time being in force in the Union of Myanmar.

"2. The Union of Myanmar understands that such restrictions on freedom of association and freedom of peaceful assembly imposed in conformity with the said Laws, Decrees and Executive Orders as are required by the exigencies of the situation obtaining in the Union of Myanmar are permissible under article 15, paragraph 2.

"3. The Union of Myanmar interprets the expression 'national security' in the same paragraph as encompassing the supreme national interest, namely, the non-disintegration of the Union, the non-disintegration of national solidarity and the perpetuation of national sovereignty, which constitute the paramount national causes of the Union of Myanmar."

*"Article 37*

The Union of Myanmar accepts in principle the provisions of article 37 as they are in consonance with its laws, rules, regulations, procedures and practice as well as with its traditional, cultural and religious values. However, having regard to the exigencies of the situation obtaining in the country at present, the Union of Myanmar states as follows:

"1. Nothing contained in Article 37 shall prevent, or be construed as preventing, the Government of the Union of Myanmar from assuming or exercising, in conformity with the laws for the time being in force in the country and the procedures established thereunder, such powers as are required by the exigencies of the situation for the preservation and strengthening of the rule of law, the maintenance of public order (*ordre public*) and, in particular, the protection of the supreme national interest, namely, the non-disintegration of the Union, the non-disintegration of national solidarity and the perpetuation of national sovereignty, which constitute the paramount national causes of the Union of Myanmar.

"2. Such powers shall include the powers of arrest, detention, imprisonment, exclusion, interrogation, enquiry and investigation."

<sup>48</sup> On 19 September 1995, the Government of Norway notified the Secretary-General that it had decided to withdraw its reservation with respect to article 40(2)(b)(v) made upon ratification of the Convention.

<sup>49</sup> On 9 December 2014, the Secretary-General was notified of the Government of Oman's decision to withdraw the reservations to articles 7, 9, 21 and 30 made upon accession. The Secretary-General notes that the notification of withdrawal of reservations was signed by the Minister for Foreign Affairs of Oman on 9 January 2011 and received by the Office of the High Commissioner for Human Rights in Geneva on 14 January 2011. The notification, however, was received by the Treaty Section of the Office of Legal Affairs on 9 December 2014. In a note received from the Permanent Mission on 19 May 2015, the Government of Oman informed the Secretary-

General that it considers that the withdrawal took effect on 14 January 2011.

The reservations made upon accession read as follow:

1. The words "or to public safety" should be added in article 9 [, paragraph 4,] after the words "unless the provision of the information would be detrimental to the well-being of the child.

2. A reservation is entered to all the provisions of the Convention that do not accord with Islamic law or the legislation in force in the Sultanate and, in particular, to the provisions relating to adoption set forth in its article 21.

4. The Sultanate considers that article 7 of the Convention as it relates to the nationality of a child shall be understood to mean

that a child born in the Sultanate of unknown parents shall acquire Oman Nationality, as stipulated in the Sultanate's Nationality Law.

5. The Sultanate does not consider itself to be bound by those provisions of [...] or those of its article 30 that allow a child belonging to a religious minority to profess his or her own religion.

On 9 December 2014, the Secretary-General was notified of the Government of Oman's decision to modify the reservation to article 14 made upon accession which read as follows:

The Sultanate does not consider itself to be bound by those provisions of article 14 of the Convention that accord a child the right to choose his or her religion.

<sup>50</sup> On 4 March 2013, the Government of the Republic of Poland notified the Secretary-General of its decision to withdraw the following reservations to articles 7 and 38 of the Convention made upon ratification:

- With respect to article 7 of the Convention, the Republic of Poland stipulates that the right of an adopted child to know its natural parents shall be subject to the limitations imposed by binding legal arrangements that enable adoptive parents to maintain the confidentiality of the child's origin;

- The law of the Republic of Poland shall determine the age from which call-up to military or similar service and participation in military operations are permissible. That age limit may not be lower than the age limit set out in article 38 of the Convention.

<sup>51</sup> On 1 July 1996, the Secretary-General received from the Government of Belgium, the following communication:

...

The Belgian Government believes that this reservation is incompatible with the object and purpose of the Convention and that, consequently, in accordance with article 51, paragraph 2, of the Convention, it is not permitted.

Accordingly, Belgium wishes to be bound by the Convention in its entirety as regards the [State of Qatar] which [has] expressed reservations prohibited by the [said] Convention.

Moreover, as the 12 month period specified in article 20.5 of the Vienna Convention on the Law of Treaties is not applicable to reservations which are null and void, Belgium's objection to such reservations is not subject to any particular time-limit.

<sup>52</sup> On 18 June 1996, the Secretary-General received from the Government of Austria, the following communication with regard to the reservation made by Qatar upon ratification:

*[Same text, mutatis mutandis, as the objection made with regard to Malaysia under "Objections".]*

<sup>53</sup> On 29 April 2009, the Government of the State of Qatar informed the Secretary-General that it had decided to partially withdraw the general reservation made upon signature and

confirmed upon ratification to the Convention. The text of the general reservation reads as follows:

[The State of Qatar] enter(s) a general reservation by the State of Qatar concerning provisions incompatible with Islamic Law.

<sup>54</sup> On 16 October 2008, the Government of the Republic of Korea informed the Secretary-General that it had decided to withdraw the reservation in respect of article 9, paragraph 3 made upon ratification.

<sup>55</sup> On 28 January 1997, the Government of Yugoslavia informed the Secretary-General that it had decided to withdraw the reservation made by the former Yugoslavia upon ratification of the Convention the text of which reads as follows:

*Reservation:*

"The competent authorities (ward authorities) of the Socialist Federal Republic of Yugoslavia may, under article 9, paragraph 1 of the Convention, make decisions to deprive parents of their right to raise their children and give them an upbringing without prior judicial determination in accordance with the internal legislation of the SFR of Yugoslavia."

In this regard, the Secretary-General received on 28 May 1997, from the Government of Slovenia, the following communication:

"[The Government of Slovenia] would like to express its disagreement with the content of the [notification by the depositary concerning the withdrawal of the reservation]. The State which in 1991 notified its ratification of the [said Convention] and made the reservation was the former Socialist Federal Republic of Yugoslavia (SFRY) but the State which on 28 January 1997 notified the withdrawal of its reservation was the Federal Republic of Yugoslavia (FRY). In that connection the [Government of Slovenia] would like to draw attention to the resolutions of the Security Council (757, 777) and the General Assembly (47/1), all from 1992, which stated that 'the state formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist' and to the opinion of the Arbitration Commission of the UN/EC Conference on the former Yugoslavia that 'the Federal Republic of Yugoslavia (Serbia and Montenegro) is a new State which cannot be considered the sole successor to the SFRY.'

The [said] notification is therefore incorrect and misleading since it is erroneously suggesting that the State which would like to withdraw the reservation is the same person under international law as the State which made the reservation. It is believed that the Secretary-General should be precise in making references to States Parties to international agreements in respect of which he performs depositary functions. Therefore it is the opinion of the Government of the Republic of Slovenia that the withdrawal of the reservation made by the Government of the FRY cannot be considered valid, since it was made by a State that did not make the reservation. The Federal Republic of Yugoslavia should, as one of the successor States of the former SFRY, notify its succession if it wishes to be considered a Party to the Convention."

Further, on 3 and 4 June and 10 October 1997, respectively, the Secretary-General received from the Governments of Croatia, Bosnia and Herzegovina and the former Yugoslav

Republic of Macedonia, communications, identical in essence, *mutatis mutandis*, as the one made by Slovenia.

On 12 March 2001, the Government of Yugoslavia notified the Secretary-General of its intent to succeed to the Convention and confirmed that it does not maintain the reservation made by the former Yugoslavia upon ratification. See also notes 1 under "Bosnia and Herzegovina", "Croatia", "former Yugoslavia", "Slovenia", "The Former Yugoslav Republic of Macedonia" and "Yugoslavia" in the "Historical Information" section in the front matter of this volume.

<sup>56</sup> On 3 December 1996, the Secretary-General received from the Government of Portugal the following communication regarding the reservation made by Singapore:

*[Same text, mutatis mutandis, as the one made with regard to Myanmar under "Objections".]*

<sup>57</sup> On 19 January 2004, the Government of Slovenia informed the Secretary-General that it had decided to withdraw its reservation made upon succession. The reservation reads as follows:

"The Republic of Slovenia reserves the right not to apply paragraph 1 of article 9 of the Convention since the internal legislation of the Republic of Slovenia provides for the right of competent authorities (centres for social work) to determine on separation of a child from his/her parents without a previous judicial review."

<sup>58</sup> In a communication received on 12 January 2004, the Government of Switzerland notified the Secretary-General that it had decided to withdraw its reservation in respect of article 40, paragraph 2, subparagraph b (vi) made upon ratification which reads as follows:

The guarantee of having the free assistance of an interpreter does not exempt the beneficiary from the payment of any resulting costs.

Subsequently, on 8 April 2004, the Government of Switzerland informed the Secretary-General that it had decided to withdraw its reservation in respect of article 5 made upon ratification, which reads as follows:

The Swiss legislation concerning parental authority is unaffected.

Further, on 1 May 2007, the Government of Switzerland informed the Secretary-General that it had decided to withdraw its reservations in respect of article 7 (2) and article 40 (2) made upon ratification, which reads as follows:

Article 7 (2):

The Swiss legislation on nationality, which does not grant the right to acquire Swiss nationality, is unaffected.

Article 40 (2):

The federal legislation concerning the organization of criminal justice, which establishes an exception to the right to a conviction and sentence being reviewed by a higher tribunal where the person concerned was tried by the highest tribunal at first instance, is unaffected.

<sup>59</sup> On 6 May 1996, the Secretary-General received the following communication from the Government of the Syrian Arab Republic with regard to the objection by the Government of Germany to its reservations made upon ratification:

The laws in effect in the Syrian Arab Republic do not recognize the system of adoption, although they do require that protection and assistance should be provided to those for whatever reason permanently or temporarily deprived of their family environment and that alternative care should be assured them through foster placement and *kafalah*, in care centres and special institutions and, without assimilation to their blood lineage (*nasab*), by foster families, in accordance with the legislation in force based on the principles of the Islamic *Shariah*.

The reservations of the Syrian Arab Republic to articles 20 and 21 mean that approval of the Convention should not in any way be interpreted as recognizing or permitting the system of adoption to which reference is made in these two articles and are subject to these limitations only.

The reservations of the Syrian Arab Republic to article 14 of the Convention are restricted only to its provisions relating to religion and do not concern those relating to thought or conscience. They concern: the extent to which the right in question might conflict with the right of parents and guardians to ensure the religious education of their children, as recognized by the United Nations and set forth in article 18, paragraph 4, of the International Covenant on Civil and Political Rights; the extent to which it might conflict with the right, established by the laws in force, of a child to choose a religion at an appointed time or in accordance with designated procedures or at a particular age in the case where he clearly has the mental and legal capacity to do so; and the extent to which it might conflict with public order and principles of the Islamic *Shariah* on this matter that are in effect in the Syrian Arab Republic with respect to each case.

<sup>60</sup> On 13 June 2012, the Government of the Syrian Arab Republic notified the Secretary-General of its decision to partially withdraw its reservations to articles 20 and 21 of the Convention. The reservations made upon ratification read as follows:

"The Syrian Arab Republic has reservations on the Convention's provisions which are not in conformity with the Syrian Arab legislations and with the Islamic *Shariah*'s principles, in particular the content of article (14) related to the Right of the Child to the freedom of religion, and articles 20 and 21 concerning the adoption."

<sup>61</sup> On 1 March 2002, the Government of Tunisia informed the Secretary-General that it had decided to withdraw the following declaration and reservation made upon ratification:

*Declaration:*

2. The Government of the Republic of Tunisia declares that its undertaking to implement the provisions of this Convention shall be limited by the means at its disposal.

*Reservation:*

2. The Government of the Republic of Tunisia regards the provisions of article 40, paragraph 2 (b) (v), as representing a general principle to which exceptions may be made under national legislation, as is the case for some offences on which final judgement is rendered by cantonal or criminal courts without prejudice to the right of appeal in their regard to the Court of Cassation entrusted with ensuring the implementation of the law.

On 23 September 2008, the Secretary-General received a notification from the Government of Tunisia that it had decided to withdraw the following declaration and reservations made upon ratification:

*Declaration:*

1. The Government of the Republic of Tunisia declares that it shall not, in implementation of this Convention, adopt any legislative or statutory decision that conflicts with the Tunisian Constitution.

*Reservations:*

1. The Government of the Republic of Tunisia enters a reservation with regard to the provisions of article 2 of the convention, which may not impede implementation of the provisions of its national legislation concerning personal status, particularly in relation to marriage and inheritance rights.

3. The Government of the Republic of Tunisia considers that article 7 of the Convention cannot be interpreted as prohibiting implementation of the provisions of national legislation relating to nationality and, in particular, to cases in which it is forfeited.

<sup>62</sup> On 16 November 1998, the Secretary-General received from the Government of Austria a communication with regard to reservations made by the United Arab Emirates upon accession:

*[Same text, identical in essence, as the objection made with regard to Malaysia under "Objections".]*

<sup>63</sup> On 18 April 1997, the Government of the United Kingdom of Great Britain and Northern Ireland informed the Secretary-General that it had decided to withdraw the following reservation made upon ratification:

"(f) In Scotland there are tribunals (known as 'children's hearing') which consider the welfare of the child and deal with the majority of offences which a child is alleged to have committed. In some cases, mainly of welfare nature, the child is temporarily deprived of its liberty for up to seven days prior to attending the hearing. The child and its family are, however, allowed access to a lawyer during this period. Although the decisions of the hearings are subject to appeal to the courts, legal representation is not permitted at the proceedings of the children's hearings themselves. Children's hearings have proved over the years to be a very effective way of dealing with the problems of children in a less formal, non-adversarial manner. Accordingly, the United Kingdom, in respect of article 37 (d), reserves its right to continue the present operation of children's hearings."

Further, on 3 August 1999, the Government of the United Kingdom of Great Britain and Northern Ireland informed the Secretary-General of the following:

[...] the following reservation entered upon ratification in respect of the United Kingdom of Great Britain and Northern Ireland is hereby withdrawn:

[(d)] Employment legislation in the United Kingdom does not treat persons under 18, but over the school-leaving age as children, but as 'young people'. Accordingly the United Kingdom reserves the right to continue to apply article 32 subject to such employment legislation.

The United Kingdom's reservations to article 32 in respect of its overseas territories, formerly referred to as 'dependent territories', set out in the Declarations dated 7 September 1994, are unaffected."

On 18 November 2008, the Government of the United Kingdom of Great Britain and Northern Ireland informed the Secretary-General that it had decided to withdraw the following reservations made upon ratification:

".....the Government of the United Kingdom withdraws the following reservations, made at the time of ratification of the Convention:

(c) The United Kingdom reserves the right to apply such legislation, in so far as it relates to the entry into, stay in and departure from the United Kingdom of those who do not have the right under the law of the United Kingdom to enter and remain in the United Kingdom, and to the acquisition and possession of citizenship, as it may deem necessary from time to time.

and

(e) Where at any time there is a lack of suitable accommodation or adequate facilities for a particular individual in any institution in which young offenders are detained or where the mixing of adults and children is deemed to be mutually beneficial, the United Kingdom reserves the right not to apply article 37 (c) in so far as those provisions require children who are detained to be accommodated separately from adults."

"The withdrawal of these reservations in respect of the territory of the United Kingdom is without prejudice to the continued applicability of the reservation and declarations made by the United Kingdom in respect of its dependent territories."

