44 (2000) Nr. 4

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2006 Nr. 250

A. TITEL

Facultatief Protocol inzake de verkoop van kinderen, kinderprostitutie en kinderpornografie bij het Verdrag inzake de rechten van het kind; New York, 25 mei 2000

B. TEKST

De Engelse en de Franse tekst van het Protocol zijn geplaatst in *Trb.* 2001, 63.

C. VERTALING

Zie *Trb.* 2001, 130.

D. PARLEMENT

Zie *Trb.* 2005, 282.

E. PARTIJGEGEVENS

Zie *Trb.* 2001,63 en *Trb.* 2005, 282.

Partij	Onder-tekening	Ratifi-catie	Type[1])	In werking	Opzeg-ging	Buiten werking
Afghanistan		19-09-02	T	19-10-02		
Andorra	07-09-00	30-04-01	R	18-01-02		
Angola		24-03-05	T	24-04-05		
Antigua en Barbuda	18-12-01	30-04-02	R	30-05-02		
Argentinië	01-04-02	25-09-03	R	25-10-03		

Partij	Onder-tekening	Ratifi-catie	Type[1])	In werking	Opzeg-ging	Buiten werking
Armenië	24-09-03	30-06-05	R	30-07-05		
Australië	18-12-01					
Azerbeidzjan	08-09-00	03-07-02	R	03-08-02		
Bahrein		21-09-04	T	21-10-04		
Bangladesh	06-09-00	06-09-00	R	18-01-02		
Belarus		23-01-02	T	23-02-02		
België	06-09-00	17-03-06	R	17-04-06		
Belize	06-09-00	01-12-03	R	01-01-04		
Benin	22-02-01	31-01-05	R	28-02-05		
Bhutan	15-09-05					
Bolivia	10-11-01	03-06-03	R	03-07-03		
Bosnië-Herzegovina	07-09-00	04-09-02	R	04-10-02		
Botswana		24-09-03	T	24-10-03		
Brazilië	06-09-00	27-01-04	R	27-02-04		
Bulgarije	08-06-01	12-02-02	R	12-03-02		
Burkina Faso	16-11-01	31-03-06	R	30-04-06		
Cambodja	27-06-00	30-05-02	R	30-06-02		
Canada	10-11-01	14-09-05	R	14-10-05		
Chili	28-06-00	06-02-03	R	06-03-03		
China	06-09-00	03-12-02	R	03-01-03		
Colombia	06-09-00	11-11-03	R	11-12-03		
Congo, Democratische Republiek		11-11-01	T	18-01-02		
Costa Rica	07-09-00	09-04-02	R	09-05-02		
Cuba	13-10-00	25-09-01	R	18-01-02		
Cyprus	08-02-01	06-04-06	R	06-05-06		
Denemarken	07-09-00	24-07-03	R	24-08-03		

Partij	Onder-tekening	Ratifi-catie	Type[1])	In werking	Opzeg-ging	Buiten werking
Djibouti	14-06-06					
Dominica		20-09-02	T	20-10-02		
Duitsland	06-09-00					
Ecuador	06-09-00	30-01-04	R	29-02-04		
Egypte		12-07-02	T	12-08-02		
El Salvador	13-09-02	17-05-04	R	17-06-04		
Equatoriaal Guinee		07-02-03	T	07-03-03		
Eritrea		16-02-05	T	16-03-05		
Estland	24-09-03	03-08-04	R	03-09-04		
Fiji-eilanden	16-09-05					
Filippijnen, de	08-09-00	28-05-02	R	28-06-02		
Finland	07-09-00					
Frankrijk	06-09-00	05-02-03	R	05-03-03		
Gabon	08-09-00					
Gambia	21-12-00					
Georgië		28-06-05	T	28-07-05		
Ghana	24-09-03					
Griekenland	07-09-00					
Guatemala	07-09-00	09-05-02	R	09-06-02		
Guinee-Bissau	08-09-00					
Haïti	15-08-02					
Heilige Stoel	10-10-00	24-10-01	R	18-01-02		
Honduras		08-05-02	T	08-06-02		
Hongarije	11-03-02					
Ierland	07-09-00					
IJsland	07-09-00	09-07-01	R	18-01-02		
India	15-11-04	16-08-05	R	16-09-05		

Partij	Onder-tekening	Ratifi-catie	Type[1])	In werking	Opzeg-ging	Buiten werking
Indonesië	24-09-01					
Israël	14-11-01					
Italië	06-09-00	09-05-02	R	09-06-02		
Jamaica	08-09-00					
Japan	10-05-02	24-01-05	R	24-02-05		
Jemen		15-12-04	T	15-01-05		
Jordanië	06-09-00					
Kaapverdië		10-05-02	T	10-06-02		
Kameroen	05-10-01					
Kazachstan	06-09-00	24-08-01	R	18-01-02		
Kenia	08-09-00					
Koeweit		26-08-04	T	26-09-04		
Kroatië	08-05-02	13-05-02	R	13-06-02		
Kyrgyzstan		12-02-03	T	12-03-03		
Laos		20-09-06	T	20-10-06		
Lesotho	06-09-00	24-09-03	R	24-10-03		
Letland	01-02-02	22-02-06	R	22-03-06		
Libanon	10-10-01	08-11-04	R	08-12-04		
Liberia	22-09-04					
Libië		18-06-04	T	18-07-04		
Liechtenstein	08-09-00					
Litouwen		05-08-04	T	05-09-04		
Luxemburg	08-09-00					
Macedonië, Voormalige Joegoslavische Republiek	17-07-01	17-10-03	R	17-11-03		
Madagascar	07-09-00	22-09-04	R	22-10-04		
Malawi	07-09-00					

Partij	Onder-tekening	Ratifi-catie	Type[1])	In werking	Opzeg-ging	Buiten werking
Maldiven, de	10-05-02	10-05-02	R	10-06-02		
Mali		16-05-02	T	16-06-02		
Malta	07-09-00					
Marokko	08-09-00	02-10-01	R	18-01-02		
Mauritius	11-11-01					
Mexico	07-09-00	15-03-02	R	15-04-02		
Micronesia	08-05-02					
Moldavië	08-02-02					
Monaco	26-06-00					
Mongolië	12-11-01	27-06-03	R	27-07-03		
Montenegro		23-10-06	VG	03-06-06		
Mozambique		06-03-03	T	06-04-03		
Namibië	08-09-00	16-04-02	R	16-05-02		
Nauru	08-09-00					
Nederlanden, het Koninkrijk der	07-09-00					
Nederland		23-08-05	R	23-09-05		
Aruba		17-10-06	R	17-10-06		
Nepal	08-09-00	20-01-06	R	20-02-06		
Nicaragua		02-12-04	T	02-01-05		
Nieuw-Zeeland	07-09-00					
Niger	27-03-02	26-10-04	R	26-11-04		
Nigeria	08-09-00					
Noorwegen	13-06-00	02-10-01	R	18-01-02		
Oekraïne	07-09-00	03-07-03	R	03-08-03		
Oman		17-09-04	T	17-10-04		
Oost-Timor		16-04-03	T	16-05-03		
Oostenrijk	06-09-00	06-05-04	R	06-06-04		
Pakistan	26-09-01					

Partij	Onder-tekening	Ratifi-catie	Type[1])	In werking	Opzeg-ging	Buiten werking
Panama	31-10-00	09-02-01	R	18-01-02		
Paraguay	13-09-00	18-08-03	R	18-09-03		
Peru	01-11-00	08-05-02	R	08-06-02		
Polen	13-02-02	04-02-05	R	04-03-05		
Portugal	06-09-00	16-05-03	R	16-06-03		
Qatar		14-12-01	T	18-01-02		
Roemenië	06-09-00	18-10-01	R	18-01-02		
Rwanda		14-03-02	T	14-04-02		
San Marino	05-06-00					
Senegal	08-09-00	05-11-03	R	05-12-03		
Servië	08-10-01	10-10-02	R	10-11-02		
Seychellen, de	23-01-01					
Sierra Leone	08-09-00	17-09-01	R	18-01-02		
Sint Vincent en de Grenadines		15-09-05	T	15-10-05		
Slovenië	08-09-00	23-09-04	R	23-10-04		
Slowakije	30-11-01	25-06-04	R	25-07-04		
Soedan		02-11-04	T	02-12-04		
Spanje	06-09-00	18-12-01	R	18-01-02		
Sri Lanka	08-05-02	22-09-06	R	22-10-06		
Suriname	10-05-02					
Syrië		15-05-03	T	15-06-03		
Tadzjikistan		05-08-02	T	05-09-02		
Tanzania		24-04-03	T	24-05-03		
Thailand		11-01-06	T	11-02-06		
Togo	15-11-01	02-07-04	R	02-08-04		
Tsjaad	08-05-02	28-08-02	R	28-09-02		
Tsjechië	26-01-05					

Partij	Onder-tekening	Ratifi-catie	Type[1])	In werking	Opzeg-ging	Buiten werking
Tunesië	22-04-02	13-09-02	R	13-10-02		
Turkije	08-09-00	19-08-02	R	19-09-02		
Turkmenistan		28-03-05	T	28-04-05		
Uganda		30-11-01	T	18-01-02		
Uruguay	07-09-00	03-07-03	R	03-08-03		
Vanuatu	16-09-05					
Venezuela	07-09-00	08-05-02	R	08-06-02		
Verenigd Koninkrijk, het	07-09-00					
Verenigde Staten van Amerika, de	05-07-00	23-12-02	R	23-01-03		
Vietnam	08-09-00	20-12-01	R	18-01-02		
Zuid-Afrika		30-06-03	T	30-07-03		
Zuid-Korea	06-09-00	24-09-04	R	24-10-04		
Zweden	08-09-00					
Zwitserland	07-09-00	19-09-06	R	19-10-06		

[1]) O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R= Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend

Uitbreidingen

China

Uitgebreid tot	In werking	Buiten werking
Macau SAR	03-12-2002	

Verklaringen, voorbehouden en bezwaren

Argentinië, 25 september 2003
With reference to article 2, the Argentine Republic would prefer a broader definition of sale of children, as set out in the Inter-American Convention on International Traffic in Minors which Argentina has ratified and which, in its article 2, expressly defines traffic as the abduction, removal or retention, or attempted abduction, removal or retention, of a minor for unlawful purposes or by unlawful means. Therefore, under

article 41 of the Convention on the Rights of the Child, this meaning shall continue to apply. For the same reasons, the Argentine Republic believes that the sale of children should be criminalized in all cases and not only in those enumerated in article 3, paragraph 1 (a).
Concerning article 3, the Argentine Republic further states that it has not signed international instruments on the international adoption of minors, has entered a reservation in respect of subparagraphs (b), (c), (d) and (e) of article 21 of the Convention on the Rights of the Child dealing with international adoption, and does not permit international adoption of children domiciled or resident in its jurisdiction.
Concerning article 7, the Argentine Republic construes the term 'confiscation' (confiscación) to mean the seizure of goods and proceeds as part of a sentence or penalty (decomisar).*
* Translator's note: The meaning of the Spanish term ''decomisar'' is not as broad as the English ''seizure''. ''Decomisar'' means ''seizure'' during the sentencing or penalty phase only. (Seizure as a preventive measure is rendered with ''incautación''.)

België, 6 september 2000
This signature is equally binding on the French community, the Flemish community and the German-speaking community.

België, 17 maart 2006
The expression 'child pornography' is understood to mean the visual representation of a child participating in real or simulated sexual activities or the visual representation of the sexual parts of a child, when the dominant characteristic is a description for sexual purposes.

China, 3 december 2002
1. In accordance with the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and as suggested by the Government of the Hong Kong Special Administrative Region, the application of the Protocol to the Hong Kong Special Administrative Region of the People's Republic of China requires prior enactment of domestic legislation by the Hong Kong Special Administrative Region, and the Protocol shall not apply to the Hong Kong Special Administrative Region of the People's Republic of China until the Government of China notifies otherwise;
2. In accordance with the Basic Law of the Macao Special Administrative Region of the People's Republic of China and as suggested by the Government of the Macao Special Administrative Region, the Protocol shall apply to the Macao Special Administrative Region of the People's Republic of China.

Colombia, 11 november 2003
Concerning article 7 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Colombia declares that, in accordance with its domestic

legal system, it construes the penalty of ''confiscation'' (confiscación) only as seizure or forfeiture during the penalty phase.

Denemarken, 24 juli 2003
In connection with the deposit of Denmark's instrument of ratification of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography Denmark declares that she interprets the words ''any representation''in article 2 (c), of the Protocol to mean ''any visual representation''. Denmark further declares that the possession of pornographic visual representation of a person, who has completed his or her fifteenth year and who has consented to the said possession, shall not be considered covered by the binding provisions of the Protocol.
Depositaire mededeling: With a territorial exclusion of the Faroe Islands and Greenland.

El Salvador, 17 mei 2004
The Government of the Republic of El Salvador recognizes the extradiction of nationals on the basis of the second and third clauses of article 28 of the Constitution, which stipulate that ''Extradition will be regulated under international treaties; in cases involving Salvadorans, extradition will proceed only if the treaty in question expressly allows it and the treaty has been approved by the respective legislatures of the signatory countries. In any case, the terms of the treaty must include the principle of reciprocity and give Salvadorans all the guarantees with respect to trials and penalties that this Constitution provides. The accused will be extradited if the offence was committed in the territory of the requesting country, unless the offence is international in scope, and in no case for political offences, even though common criminal offences may have occured as a result.

Koeweit, 26 augustus 2004
...with a reservation in respect of paragraph 5 of article 3 of the second protocol.

Laos, 20 september 2006
The Lao People's Democratic Republic (...) does not consider itself bound by Article 5 (2) of the said Optional Protocol.

Oman, 17 september 2004
...subject to the sultanate's reservations to the Convention on the Rights of the Child.

> Bezwaar door Frankrijk, 18 november 2005
> The Government of the French Republic has examined the reservation entered by the Government of the Sultanate of Oman upon acceding, on 17 September 2004, to the Optional Protocol to the Convention on the Rights of the Child, concerning the sale

of children, child prostitution and child pornography by which the Sultanate extends to the Protocol the reservations it entered with respect to the Convention. While indicating that it was acceding to the Protocol and voicing, in a general manner, reservations with respect to provisions of the Protocol that it regards as violating Islamic sharia rules, the Sultanate of Oman has entered a reservation of a general, indeterminate nature that leaves other States parties unable to establish which provisions of the Convention the reservation currently concerns and which provisions are likely to be concerned in the future. The Government of the French Republic believes that the reservation could deprive the provisions of the Convention of any effect and is entering an objection thereto. This objection shall not prevent the entry into force of the Convention between France and the Sultanate of Oman.

Bezwaar door Noorwegen, 19 januari 2006
he Permanent Mission of Norway to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to convey that Norway has examined the second and third reservations made by the Government of the Sultanate of Oman on 17 September 2004 on accession to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (New York, 25 May 2000) which concern Islamic and domestic law and limits imposed by the material resources available.
The Government of Norway is of the view that these general reservations raise doubts as to the full commitment of the Sultanate of Oman to the object and purpose of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and would like to recall that according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted.
The Government of Norway therefore objects to the aforesaid reservations made by the Government of the Sultanate of Oman to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. This objection does not preclude the entry into force in its entirety, of the Convention between the Kingdom of Norway and the Sultanate of Oman, without the latter benefiting from these reservations.

Qatar, 14 december 2001
....subject to a general reservation regarding any provisions in the protocol that are in conflict with the Islamic Shariah.

Bezwaar door Duitsland, 21 maart 2002
The Government of the Federal Republic of Germany has examined the reservation to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography made by the Government of Qatar at the time of its accession to the Optional Protocol. The Government of the Federal Republic of Germany is of the view that the reservation with regard to the compatibility of the rules of the Optional Protocol with the precepts of Islamic Shariah raises doubts as to the commitment of Qatar to fulfil its obligations under the Optional Protocol. The Government of the Federal Republic of Germany considers this reservation to be incompatible with the object and purpose of the Optional Protocol. Therefore the Government of the Federal Republic of Germany objects to the aforesaid reservation made by the Government of Qatar to the Optional Protocol.

Verklaring door Finland, 10 maart 2003
The Government of Finland has carefully examined the contents of the reservation made by the Government of Qatar to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.
The Government of Finland notes that the reservation made by Qatar which consists of a general reference to religious law without specifying its contents does not clearly define the extent to which Qatar commits itself to the Protocol and therefore creates serious doubts as to its commitment to fulfil its obligations under the Protocol. Such a reservation is subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its domestic law as justification for a failure to perform its treaty obligations.
The Government of Finland also notes that the reservation of Qatar, being of too general a nature, raises doubts as to the full commitment of Qatar to the object and purpose of the Protocol, and wishes to recall that, according to the customary international law as codified in the Vienna Convention on the Law of the Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted.
The Government of Finland therefore objects to the reservation made by the Government of Qatar to the Protocol.

Bezwaar door Frankrijk, 18 juni 2002
The Government of the French Republic has examined the reservation entered by the Government of Qatar upon acceding to the Optional Protocol of 25 May 2000 to the Convention on the Rights of the Child, concerning the sale of children, child pros-

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

Verklaring door Ierland, 6 januari 2003
The Government of Ireland have examined the reservation to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography made by the Government of Qatar at the time of its accession to the Optional Protocol.
The Government of Ireland are of the view that this reservation refers in a general manner to Islamic law without precising its content and therefore leaves other states parties in doubt as to the real extent of the state of Qatar's commitment to the Optional Protocol. It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.
For these reasons, the Government of Ireland object to this reservation made by the Government of Qatar.
This position, however, does not preclude the entry into force in its entirety of the Optional Protocol between Qatar and Ireland.

Verklaring door het Koninkrijk der Nederlanden, 7 april 2003
The Government of the Kingdom of the Netherlands has examined the reservation made by the Government of Qatar at the time of its accession to the Optional Protocol to the Convention on the rights of the child on the sale of children, child prostitution and child pornography. The Government of the Kingdom of the Netherlands considers that the reservation concerning the national law of Qatar, which seeks to limit the responsibilities of the reserving State under the Protocol by invoking national law, may raise doubts as to the commitment of this State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law.
The Government of the Kingdom of the Netherlands recalls that, according to paragraph 2 of article 28 of the Convention, a res-

ervation incompatible with the object and purpose of the Convention shall not be permitted.
It is in the common interest of States that treaties to which they have chosen to become party are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.
The Government of the Kingdom of the Netherlands therefore objects to the aforesaid reservation made by the Government of Qatar to the Optional Protocol to the Convention on the rights of the child on the sale of children, child prostitution and child pornography.
This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and Qatar.

Bezwaar door Noorwegen, 30 december 2002
The Government of Norway has examined the content of the reservation made by the Government of Qatar upon accession to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.
The reservation purports to give Islamic Shariah preference over the provisions of the Optional Protocol and does not clearly define to what extent Qatar has accepted the obligations of the latter. The Government of Norway therefore objects to the reservation, as it is contrary to the object and purpose of the Optional Protocol and thus impermissible according to well-established principles of international law.
This objection does not preclude the entry into force in its entirety of the Optional Protocol between the Kingdom of Norway and Qatar. The Optional Protocol thus becomes operative between Norway and Qatar without Qatar benefiting from the reservation.

Bezwaar door Oostenrijk, 4 oktober 2002
The Government of Austria has examined the reservation to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography made by the Government of Qatar at the time of its accession to the Optional Protocol.
The Government of Austria are of the view that since this reservation refers in a general manner to the Islamic law without precising its content it leaves other state parties in doubt as to the real extent of the state of Qatar's commitment to the Optional Protocol. It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are pre-

pared to undertake any legislative change necessary to comply with their obligations under the treaties.
For these reasons, the Government of Austria objects to this reservation made by the Government of Qatar.
This position, however, does not preclude the entry into force in its entirety of the Optional Protocol between Qatar and Austria.

Bezwaar door Spanje, 10 september 2002
The Government of the Kingdom of Spain has examined the reservation made by the Government of the State of Qatar on 14 December 2001 to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, concerning any provisions in the protocol that are in conflict with the Islamic Shariah.
The Government of the Kingdom of Spain considers that this reservation, which refers in a general way to Islamic law without specifying its content, creates doubts among the other States parties about the extent to which the State of Qatar commits itself to comply with the Optional Protocol.
The Government of the Kingdom of Spain is of the view that the reservation by the Government of the State of Qatar is incompatible with the object and purpose of the said Optional Protocol, since it refers to the Protocol as a whole and could seriously restrict or even exclude its application on a basis as ill-defined as the general reference to the Islamic Shariah.
Therefore, the Government of the Kingdom of Spain objects to the above-mentioned reservation by the Government of the State of Qatar to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
This objection shall not preclude the entry into force of the said Optional Protocol between the Kingdom of Spain and the State of Qatar.

Bezwaar door Zweden, 27 november 2002
The Government of Sweden has examined the reservation made by Qatar upon acceding to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.
The Government of Sweden notes that the Protocol is being made subject to a general reservation of unlimited scope referring to the contents of Islamic sharia.
The Government of Sweden is of the view that this reservation which does not clearly specify the provisions of the Convention to which it applies, and the extent of the derogation therefrom, raises serious doubts as to the commitment of Qatar to the object and purpose of the Protocol. The Government of Sweden would

like to recall that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted.
It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.
The Government of Sweden therefore objects to the aforesaid reservation made by the Government of Qatar to the Optional Protocol to the Convention on the Rights of the Child on the sale of Children, Child Prostitution and Child Pornography.
This objection shall not preclude the entry into force of the Convention between Qatar and Sweden. The Convention enters into force in its entirety between the two States, without Qatar benefiting from its reservation.

Syrië, 15 mei 2003
A reservation is entered to the provisions set forth in article 3, paragraph 5, and article 3, paragraph 1 (a) (ii) of the Optional Protocol on the sale of children, child prostitution and child pornography, which relate to adoption.
Ratification of the two Optional Protocols by the Syrian Arab Republic shall not in any event imply recognition of Israel and shall not lead to entry into any dealings with Israel in the matters governed by the provisions of the Protocols.

Bezwaar door Israël, 30 september 2003
The Government of the State of Israel has noted that the instrument of ratification of the Syrian Arab Republic to the above mentioned Protocol contains a reservation [declaration] with respect to the State of Israel.
The Government of the State of Israel is of the view that this reservation [declaration] which is political in its nature, is incompatible with the purposes and objectives of this Protocol.
The Government of the State of Israel therefore objects to the aforesaid reservation [declaration] made by the Syrian Arab Republic to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

Turkije, 19 augustus 2002
The Republic of Turkey declares that it will implement the provisions of the existing Optional Protocol only to the States Parties which it recognizes and with which it has diplomatic relations.

Bezwaar door Cyprus, 12 augustus 2003
...The Government of the Republic of Cyprus has examined the declaration made by the Government of the Republic of Turkey upon ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 19 August 2002, in respect of the implementation of the provisions of the Convention only to the States Parties which it recognizes and with which it has diplomatic relations.
In the view of the Government of the Republic of Cyprus, this declaration amounts to a reservation. This reservation creates uncertainty as to the States Parties in respect of which Turkey is undertaking the obligations in the Convention and raises doubt as to the commitment of Turkey to the object and purpose of the said Optional Protocol. The Government of the Republic of Cyprus therefore objects to the reservation made by the Government of the Republic of Turkey to the Optional Protocol to the Convention of the Rights of the Child on the sale of children, child prostitution and child pornography.
This reservation or the objection to it shall not preclude the entry into force of the Convention between the Republic of Cyprus and the Republic of Turkey.

Bezwaar door Cyprus, 6 april 2006
The Government of the Republic of Cyprus wishes to reiterate its objection of 12th August 2003, with regard to the declaration made by Turkey upon ratification.

Bezwaar door Zweden, 11 juli 2003
The Government of Sweden has examined the declaration made by Turkey upon ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
The declaration states that Turkey will implement the provisions of the Optional Protocol only to the States Parties which it recognises and with which it has diplomatic relations. This statement in fact amounts, in the view of the Government of Sweden, to a reservation. The reservation makes it unclear to what extent Turkey considers itself bound by the obligations of the Optional Protocol. In absence of further clarification, therefore, the reservation raises doubt as to the commitment of Turkey to the object and purpose of the Optional Protocol.
The Government of Sweden would like to recall that, according to customary international law as codified in the Vienna Convention of the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted. It is in the

common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

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

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

Verenigde Staten van Amerika, de, 23 december 2002

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

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

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

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

(3) THE TERM ''CHILD PORNOGRAPHY''.-The United States understands the term ''child pornography'', as defined in Article 2(c) of the Protocol, to mean the visual representation of a child engaged in real or simulated sexual activities or of the genitalia of a child where the dominant characteristic is depiction for a sexual purpose.

(4) THE TERM ''TRANSFER OF ORGANS FOR PROFIT''.-The United States understands that- (A) the term ''transfer of organs for profit'', as used in Article 3(1)(a)(i) of the Protocol, does not cover any situation in which a child donates an organ pursuant to lawful consent; and

(B) the term ''profit'', as used in Article 3(1)(a)(i) of the Protocol, does not include the lawful payment of a reasonable amount associated with

the transfer of organs, including any payment for the expense of travel, housing, lost wages, or medical costs.
(5) THE TERMS ''APPLICABLE INTERNATIONAL LEGAL INSTRUMENTS'' AND ''IMPROPERLY INDUCING CONSENT''.-
(A) UNDERSTANDING OF ''APPLICABLE INTERNATIONAL LEGAL INSTRUMENTS''.-The United States understands that the term ''applicable international legal instruments'' in Articles 3 (1) (a) (ii) and 3 (5) of the Protocol refers to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption done at The Hague on May 29, 1993 (in this paragraph referred to as ''The Hague Convention'').
(B) NO OBLIGATION TO TAKE CERTAIN ACTION.-The United States is not a party to The Hague Convention, but expects to become a party. Accordingly, until such time as the United States becomes a party to The Hague Convention, it understands that it is not obligated to criminalize conduct proscribed by Article 3(1)(a)(ii) of the Protocol or to take all appropriate legal and administrative measures required by Article 3(5) of the Protocol.
(C) UNDERSTANDING Of' ''IMPROPERLY INDUCING CONSENT''.-The United States understands that the term ''Improperly inducing consent'' in Article 3(1)(a)(ii) of the Protocol means knowingly and willfully inducing consent by offering or giving compensation for the relinquishment of parental rights.
(6) IMPLEMENTATION OF THE PROTOCOL 1N THE FEDERAL SYSTEM OF THE UNITED STATES.-The United States understands that the Protocol shall be implemented by the Federal Government to the extent that it exercises jurisdiction over the matters covered therein, and otherwise by the State and local governments. To the extent that State and local governments exercise jurisdiction over such matters, the Federal Government shall as necessary, take appropriate measures to ensure the fulfillment of the Protocol.

Vietnam, 20 december 2001
... the Socialist Republic of Vietnam makes its reservation to article 5 (1), (2), (3), and (4) of the said Protocol.

Zuid-Korea, 24 september 2004
The Government of the Republic of Korea understands that Article 3(1)(a)(ii) of the aforementioned Protocol is applicable only to States Parties to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on 29 May 1993.

Zweden, 8 september 2000
Reference is made to earlier statements submitted by the EU in connection with the Working group's ad-referendum adoption of the Optional Protocol on 4 February 2000 and the national statement submitted by Sweden at the same occasion as well as the Swedish statement submit-

ted in connection with the adoption of the Protocol by the General Assembly on 25 May 2000. Furthermore Sweden interprets the words 'any representation' in article 2 c) as 'visual representation' .

G. INWERKINGTREDING

Zie *Trb.* 2005, 282.

Wat het Koninkrijk der Nederlanden betreft, zijn de bepalingen van de Overeenkomst op 17 oktober 2006 voor Aruba in werking getreden.

J. VERWIJZINGEN

Zie *Trb.* 2005, 282.

Titel	:	Handvest van de Verenigde Naties; San Francisco, 26 juni 1945
Laatste *Trb.*	:	*Trb.* 2006, 130
Titel	:	Verdrag inzake de burgerrechtelijke aspecten van internationale ontvoering van kinderen; 's-Gravenhage, 25 oktober 1980
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Uitgegeven de *twintigste* november 2006.

De Minister van Buitenlandse Zaken,

B. R. BOT

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