

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1998 Nr. 62

A. TITEL

*Verdrag inzake de rechten van het kind;
New York, 20 november 1989*

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 1990, 46; zie ook *Trb.* 1997, 83.

Voor wijziging van het Verdrag zie rubriek J van *Trb.* 1996, 188.

Voor de ondertekeningen zie *Trb.* 1990, 46 en 170, *Trb.* 1995, 92 en *Trb.* 1996, 188.

C. VERTALING

Zie *Trb.* 1990, 170 en *Trb.* 1997, 83.

D. PARLEMENT

Zie *Trb.* 1995, 92.

E. BEKRACHTIGING

Zie *Trb.* 1990, 170, *Trb.* 1995, 92¹⁾, *Trb.* 1996, 188²⁾ en *Trb.* 1997, 83.

Behalve de aldaar genoemde hebben nog de volgende Staten in overeenstemming met artikel 47 van het Verdrag een akte van bekrachtiging bij de Secretaris-Generaal van de Verenigde Naties nedergelegd:

Zwitserland³⁾ 24 februari 1997
het Koninkrijk der Nederlanden⁴⁾ 17 december 1997
(voor de Nederlandse Antillen)

¹⁾ De *Federatieve Republiek Joegoslavië* heeft op 28 januari 1997 de depositaris medegedeeld “... its decision to withdraw the reservation with respect to article 9, paragraph 1 of the Convention that it had made upon ratification of the Convention”

De regeringen van *Slovenië*, *Kroatië* en *Bosnië-Herzegovina* hebben op respectievelijk 28 mei, 3 juni en 4 juni 1997, naar aanleiding van deze intrekking de volgende mededelingen gedaan:

Slovenië

“The Permanent Mission of Slovenia to the United Nations would like to express its disagreement with the content of the above-stated notification. The State which in 1991 notified its ratification of the Convention on the Rights of the Child 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 Mission 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 above-mentioned 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 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.”

Kroatië

“The Permanent Mission of the Republic of Croatia to the United Nations would like to express its disagreement with the content of the above-quoted notification. The State which in 1991 notified its ratification of the Convention on the Rights of the Child and made the reservation with respect to article 9, paragraph 1 of the Convention was the former Socialist Federal Republic of Yugoslavia (SFRY). The State which on 28 January 1997 notified the withdrawal of the above-mentioned reservation was the Federal Republic of Yugoslavia (FRY), a new State which is neither the continuation nor the sole successor of the former SFRY. In this regard the Permanent mission of the Republic of Croatia to the United Nations would like to draw attention to the resolutions of the Security Council 777 (1992) and 821 (1993) and to General Assembly resolution 47/1 (1992), which state that ‘the state formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist’. The Permanent Mission of the Republic of Croatia to the United Nations would also like to draw attention to Opinion No. 10 of the Arbitration Commission of the UN/EC Conference on the former Yugoslavia, which states that ‘the Federal Republic of Yugoslavia (Serbia and Montenegro) is a new State which cannot be considered the sole successor to the SFRY.’

Since the FRY has neither notified succession of the Convention on the Rights of the Child nor acceded to the Convention in any other appropriate manner in accordance with international law, it cannot be considered a Party to the Convention. The notification made by the Government of the FRY is incorrect and misleading since it is erroneously suggesting that the State which would like to with-

draw the reservation is the same subject of international law as a State which had made the reservation. Therefore, it is the opinion of the Government of the Republic of Croatia that the notification made by the Government of the FRY on 28 January 1997 can only be considered null and void.”

Bosnië-Herzegovina

“The Permanent Mission of Bosnia and Herzegovina to the United Nations considers the above-mentioned note to be incorrect and misleading since it suggests that the State which on January 28, 1997 notified withdrawal of its reservation is the same legal entity under international law that notified its ratification of the Convention on the Rights of the Child and made the reservation in 1991, that is the former Socialist Federal Republic of Yugoslavia. In this context, the Permanent Mission of Bosnia and Herzegovina to the United Nations 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’.

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 Bosnia and Herzegovina that the withdrawal of the reservation made by the Federal Republic of Yugoslavia 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.”

De Voormalige Joegoslavische Republiek Macedonië heeft op 10 oktober 1997 naar aanleiding van de intrekking van gemaakte voorbehoud met betrekking tot artikel 9, eerste lid, van het Verdrag het volgende medegedeeld:

“In the Secretary-General’s Depositary Notification, [.....] it is stated that ‘on 28 January 1997, the Government of Yugoslavia notified the Secretary-General of its decision to withdraw the reservation with respect to article 9, paragraph 1 of the Convention, that it had made upon the ratification of the Convention [.....]’.

The Permanent Mission of the Republic of Macedonia would like to draw the attention to the fact that the Federal Republic of Yugoslavia has neither notified its succession to the Convention, nor has it adhered to the Convention in any other appropriate manner consistent with the International Treaty Law. Accordingly, the Federal Republic of Yugoslavia is not, and can not be considered as a Party to the Convention. Therefore, it is the opinion of the Government of the Republic of Macedonia that the notification made by the Federal Republic of Yugoslavia on 28 January 1997, regarding the Convention on the Rights of the Child, is null and void, and can not have legal effect.”

De Regering van het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland heeft op 18 april 1997 het voorbehoud met betrekking tot artikel 37 (d), gemaakt op het tijdstip van de bekrachtiging van het Verdrag ingetrokken. De overgebleven voorbehouden luiden als volgt:

“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.

Employment legislation in the United Kingdom does not treat persons under 18, but over the school-leaving age as children, but as ‘young people’. Accord-

ingly the United Kingdom reserves the right to continue to apply article 32 subject to such employment legislation.

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”.

De Regering van *Pakistan* heeft op 23 juli 1997 het bij de bekrachtiging van het Verdrag op 12 november 1990 gemaakte voorbehoud ingetrokken.

²⁾ De Regering van *het Koninkrijk der Nederlanden* heeft op 3 maart 1997 naar aanleiding van het door Liechtenstein bij de bekrachtiging van het Verdrag gemaakte voorbehoud het volgende bezwaar gemaakt:

The Government of the Kingdom of the Netherlands has examined the reservations made by the Government of Liechtenstein relating to the articles 7 and 10 of the Convention on the Rights of the Child.

“The Government of the Kingdom of the Netherlands is of the view that these reservations, which seek to limit the responsibilities of the reserving State by invoking national law, may raise doubts as to the commitment of Liechtenstein 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 would like to recall that, according to paragraph 2 of article 51 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 the aforesaid reservations made by the Government of Liechtenstein to the above Convention. This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and Liechtenstein.”

De Regering van *het Koninkrijk der Nederlanden* heeft op 6 maart 1997 naar aanleiding van het door Andorra bij de bekrachtiging van het Verdrag gemaakte voorbehoud het volgende bezwaar gemaakt:

“The Government of the Kingdom of the Netherlands has examined the reservations made by the Government of Andorra relating to articles 7 and 8 of the Convention on the Rights of the Child. The Government of the Kingdom of the Netherlands is of the view that these reservations which seek to limit the responsibilities of the reserving State by invoking national law, may raise doubts as to the commitment of Andorra 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 would like to recall that, according to paragraph 2 of article 51 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Kingdom of the Netherlands therefore objects to the aforesaid reservations made by the Government of Andorra to the Convention on the Rights of the Child.

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

³⁾ Onder de volgende verklaring en de volgende voorbehouden:

“Switzerland refers expressly to the obligation 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.”

a) Reservation concerning article 5:

The Swiss legislation concerning parental authority is unaffected.

b) Reservation concerning article 7:

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

c) Reservation concerning article 10, paragraph 1:

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

d) Reservation concerning article 37 c):

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

e) Reservation concerning article 40:

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.

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.

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

4) Onder de volgende voorbehouden en verklaringen:

Voorbehouden

“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.

Verklaringen

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.”

F. TOETREDING

Zie *Trb.* 1990, 170, *Trb.* 1995, 92¹⁾, *Trb.* 1996, 188²⁾ en *Trb.* 1997, 83³⁾.

Behalve de aldaar genoemde hebben nog de volgende Staten in overeenstemming met artikel 48 van het Verdrag een akte van toetreding bij de Secretaris-Generaal van de Verenigde Naties nedergelegd:

de Verenigde Arabische Emiraten ⁴⁾	3 januari 1997
de Cookeilanden ⁵⁾	6 juni 1997

¹⁾ De Regering van Thailand heeft op 11 april 1997 het gemaakte voorbehoud met betrekking tot artikel 29 ingetrokken. Het overgebleven voorbehoud luidt als volgt:

“The application of articles 7 and 22 of the Convention on the Rights of the Child shall be subject to the national laws, regulations and prevailing practices in Thailand.”

²⁾ De Regering van *Portugal* heeft op 30 januari 1997 tegen de voorbehouden van Brunei Darussalam, Kiribati en Saudi-Arabië (zie *Trb.* 1996, 188, blz. 9 en 10) bezwaar gemaakt als volgt:

(*tegen de voorbehouden van Brunei Darussalam*)

“The Government of Portugal has examined the contents of the reservations made by the Government of his Majesty the Sultan and Yan Dipertuan of Brunei Darussalam at the time of its [accession to] the [above] Convention.

The Government of Portugal notes that the said reservations include reservations of a general kind in respect of the provisions of the Convention which may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, the State religion.

The Government of Portugal is of the view that these general reservations raise doubts as to the commitment of Brunei Darussalam to the object and purpose of the Convention and would recall that, according to paragraph 2 of article 51 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

It is in the common interest of States that treaties to which they have chosen

to become 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 Portugal is further of the view that general reservations of the kind made by the Government of Brunei Darussalam, 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 Treaty law.

The Government of Portugal therefore objects to the aforesaid general reservations made by the Government of His Majesty the Sultan and Yan Dipertuan of Brunei Darussalam to the [above] Convention.

The objection does not preclude the entry into force in its entirety to the Convention between Portugal and Brunei Darussalam.”

(tegen de voorbehouden van Kiribati)

“The Government of Portugal has examined the reservations made by the Government of the Republic of Kiribati at the time of this [accession to] the [above] Convention.

In the view of the Government of Portugal, reservations by which a State limits its responsibilities under the Convention in a broad and vague manner and by invoking general principles of internal law, may create doubts on the commitments of the reserving State to the object and purpose of the Convention, and contribute to undermining the basis of International Law. It is the common interest of States that treaties to which they have freely chosen to become parties are respected, as to the object and purpose, by all parties. The Government of Portugal therefore objects to these reservations.

This objection does not preclude the entry into force in its entirety of the Convention between Portugal and Kiribati.”

(tegen de voorbehouden van Saudi-Arabië)

“The Government of Portugal has examined the contents of the reservations made by the Government of Saudi Arabia at the time of its accession to the [above] Convention.

The Government of Portugal notes that the said reservations relate to all such articles of the Convention as are in conflict with the provisions of Islamic Law.

The Government of Portugal is of the view that these reservations raise doubts as to the commitment of Saudi Arabia to the object and purpose of the Convention and would recall that, according to paragraph 2 of article 51 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Portugal is further of the view that general reservations of the kind made by the Government of Saudi Arabia, 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 Treaty Law.

The Government of Portugal therefore objects to the aforesaid general reservations made by the Government of Saudi Arabia to the [above] Convention.

This objection does not preclude the entry into force in its entirety of the Convention between Portugal and Saudi Arabia.”

De Regeringen van *Denemarken* en *Duitsland* hebben op respectievelijk 10 februari en 12 februari 1997 tegen de voorbehouden van Brunei Darussalam en Saudi-Arabië (zie *Trb.* 1996, 188, blz. 9 en 10) bezwaar gemaakt als volgt:

(Denemarken tegen de voorbehouden van Brunei Darussalam)

“The Government of Denmark has examined the reservations made by the Government of Brunei Darussalam upon accession on the Convention on the Rights of the Child.

The Government of Denmark finds that the general reservation with reference to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam is of unlimited scope and undefined character. 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. 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.”

(Duitsland tegen de voorbehouden van Brunei Darussalam)

“The Government of the Federal Republic of Germany has examined the reservations made by the Government of His Majesty the Sultan and Yan Di-Pertuan of Brunei Darussalam at the time of its [accession to] the Convention on the Rights of the Child.

The Government of the Federal Republic of Germany notes that the said reservations include reservations of a general kind in respect of 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...”

The Government of the Federal Republic of Germany is of the view that these general reservations may raise doubts as to the commitment of Brunei Darussalam to the object and purpose of the Convention.

It is the common interest of states that treaties to which they have chosen to become parties should be respected, as to their object and purpose, by all parties.

The Government of the Federal Republic of Germany therefore objects to the above-mentioned general reservations.

This objection does not preclude the entry into force of the Convention between Brunei Darussalam and the Federal Republic of Germany.” *(vertaling)*

(Denemarken tegen de voorbehouden van Saudi Arabië)

“The Government of Denmark has examined the reservations made by the Government of Saudi Arabia upon accession on the Convention on the Rights of the Child.

The Government of Denmark finds that the general reservation with reference to the provisions 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 Saudi Arabia 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 Saudi Arabia to reconsider its reservation to the Convention on the rights of the Child.”

(Duitsland tegen de voorbehouden van Saudi Arabië)

“The Government of the Federal Republic of Germany has examined the reservations made by the Government of Saudi Arabia at the time of its accession to the Convention on the Rights of the Child.

The Government of the Federal Republic of Germany notes that the said reservations include reservations of a general kind 'with respect to all such articles of the Convention as are in conflict with the provisions of Islamic law'.

The Government of the Federal Republic of Germany is of the view that these reservations may raise doubts as to the commitment of Saudi Arabia to the object and purpose of the Convention.

It is the common interest of states that treaties to which they have chosen to become parties should be respected, as to their object and purpose, by all parties.

The Government of the Federal Republic of Germany therefore objects to the above-mentioned reservations.

This objection does not preclude the entry into force of the Convention between Saudi Arabia and the Federal Republic of Germany." (*vertaling*).

De Regeringen van *Oostenrijk, het Koninkrijk der Nederlanden en Noorwegen* hebben op respectievelijk 3 maart, 3 maart en 4 maart 1997 eveneens bezwaar gemaakt tegen de door Brunei Darussalam bij de toetreding gemaakte voorbehouden.

(*Oostenrijk tegen de voorbehouden van Brunei Darussalam*)

"Austria has examined the reservations made by the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam at the time of its [accession] to the Convention on the Rights of the Child, [.....]

Austria is of the view that these general reservations raise doubts as to the commitment of Brunei Darussalam to the object and purpose of the Convention and would recall that, according to paragraph 2 of article 51 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

It is in the common interests 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.

Austria is further of the view that general reservations of the kind made by the Government of Brunei Darussalam, 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.

Given the general character of these reservations a final assessment as to their admissibility under international law cannot be made without further clarification.

Until the scope of the legal effects of those reservations are sufficiently specified by the Government of Brunei Darussalam, Austria considers the reservation as not affecting any provision the implementation of which is essential to fulfilling the object and purpose of the Convention.

In Austria's view, however, the reservations in question are inadmissible to the extent as its application negatively affects the compliance by the Government of Brunei Darussalam with its obligations under the Convention essential for the fulfilment of its object and purpose.

Austria does not consider the reservation made by the Government of Brunei Darussalam as admissible unless the Government of Brunei Darussalam, 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 Convention.

This view by Austria would not preclude the entry into force in its entirety of the Convention between Brunei Darussalam and Austria."

(*het Koninkrijk der Nederlanden tegen de voorbehouden van Brunei Darussalam*)

"The Kingdom of the Netherlands has examined the reservations made by the

Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam at the time of its [accession to] the Convention on the Rights of the Child.

The Kingdom of the Netherlands notes that the said reservations include reservations of a general kind in respect of the provisions of the Convention which may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, the State religion.

The Kingdom of the Netherlands is of the view that these reservations, which seek to limit the responsibilities of the reserving State by invoking the Constitution and general principles of national law may raise doubts as to the commitment of Brunei Darussalam to the object and purpose of the Convention and would recall that, according to paragraph 2 of article 51 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted. It is in the common interest of States that treaties to which they have chosen to become 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 Kingdom of the Netherlands is further of the view that general reservations of the kind made by the Government of Brunei Darussalam, 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 treaty law. The Government of the Kingdom of the Netherlands therefore objects to the aforesaid reservations made by the Government of his Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam to the Convention on the Rights of the Child.

This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and Brunei Darussalam.”

(Noorwegen tegen de voorbehouden van Brunei Darussalam)

“The Government of Norway has examined the contents of the reservations made by Brunei Darussalam upon [accession to] the said Convention, [.....]

The Government of Norway considers that the reservations made by the Government of Brunei Darussalam, 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 this Convention. Under well-established treaty law, a State Party is not permitted to invoke internal law as a justification for its failure to perform treaty obligations. For these reasons, the Government of Norway objects to the said reservations by the Government of Brunei Darussalam.

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 Kingdom of Brunei Darussalam.”

De Regeringen van *Ierland* en *Finland* hebben op respectievelijk 13 en 20 maart 1997 naar aanleiding van de door Brunei Darussalam gemaakte voorbehouden de volgende mededelingen gedaan:

Ierland

“The Government of Ireland has examined the reservations made by the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam at the time of its [accession to] the Convention on the Rights of the Child.

The Government of Ireland notes that the said reservations include reservations of a general kind in respect of the provisions of the Convention which may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, the state religion.

The Government of Ireland is of the view that these general reservations raise doubts as to the commitment of Brunei Darussalam to the object and purpose of

the Convention and would recall that, according to paragraph 2 of article 51 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

It is in the common interests 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 Ireland is further of the view that general reservations of the kind made by the Government of Brunei Darussalam, 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 general reservations made by the Government of His Majesty The Sultan and Yang Di-Pertuan of Brunei Darussalam to the Convention on the Rights of the Child.

This objection does not preclude the entry into force in its entirety of the Convention between Brunei Darussalam and Ireland.”

Finland

“The Government of Finland has examined the reservations made by the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam at the time of its accession to the Convention on the Rights of the Child.

The Government of Finland notes that the said reservations include reservations of a general kind in respect of the provisions of the Convention which may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, the State religion.

The Government of Finland is of the view that these general reservations raise doubts as to the commitment of Brunei Darussalam to the object and purpose of the Convention and would recall that according to paragraph 2 of Article 51 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

It is in the common interests 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 Finland is further of the view that general reservations of the kind made by the Government of Brunei Darussalam, 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 treaty law.

The Government of Finland therefore objects to the aforesaid general reservations made by the Government of His Majesty The Sultan and Yang Di-Pertuan of Brunei Darussalam to the Convention on the Rights of the Child which are considered to be inadmissible.

This objection does not preclude the entry into force in its entirety of the Convention between Brunei Darussalam and Finland.”

De Regeringen van *Oostenrijk, het Koninkrijk der Nederlanden, Ierland, Noorwegen en Zweden* hebben op respectievelijk 3 maart, 3 maart, 13 maart, 13 maart en 18 maart 1997 eveneens bezwaar gemaakt tegen de door Saudi-Arabië bij de toetreding gemaakte voorbehouden.

Oostenrijk

“Austria has examined the reservations made by the Government of Saudi Arabia at the time of its accession to the Convention on the Rights of the Child which read as follows:

‘... entering reservations with respect to all such articles as are in conflict with the provisions of Islamic law.’

Austria is of the view that these general reservations raise doubts as to the commitment of Saudi Arabia to the object and purpose of the Convention and would recall that, according to paragraph 2 of Article 51 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

It is in the common interests 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.

Austria is further of the view that general reservations of the kind made by the Government of Saudi Arabia, 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 treaty law.

Given the general character of these reservations a final assessment as to their admissibility under international law cannot be made without further clarification.

Until the scope of the legal effects of these reservations is sufficiently specified by the Government of Saudi Arabia, Austria considers the reservation as not affecting any provision the implementation of which is essential to fulfilling the object and purpose of the Convention.

In Austria’s view, however, the reservations in question are inadmissible to the extent as its application negatively affects the compliance by Saudi Arabia with its obligations under the Convention essential for the fulfilment of its object and purpose.

Austria does not consider the reservation made by the Government of Saudi Arabia as admissible unless the Government of Saudi Arabia, 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 Convention.

This view by Austria would not preclude the entry into force in its entirety of the Convention between Saudi Arabia and Austria.”

het Koninkrijk der Nederlanden

“The Kingdom of the Netherlands has examined the reservations made by the Government of Saudi Arabia at the time of its accession to the Convention on the Rights of the Child.

The Kingdom of the Netherlands notes that the said reservations relate to all such Articles of the Convention as are in conflict with the provision of Islamic Law. The Kingdom of the Netherlands is of the view that these reservations, which seek to limit the responsibilities of the reserving State by invoking general principles of national law, may raise doubts as to the commitment of Saudi Arabia to the object and purpose of the Convention, and would recall that according to paragraph 2 of Article 51 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Kingdom of the Netherlands is further of the view that general reservations of the kind made by the Government of Saudi Arabia, 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 treaty law.

The Kingdom of the Netherlands therefore objects to the aforesaid reservations made by the Government of Saudi Arabia to the Convention on the Rights of the Child.

This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and Saudi Arabia.”

Ierland

“The Government of Ireland has examined the reservations made by the Government of Saudi Arabia at the time of its accession to the Convention on the Rights of the Child.

The Government of Ireland notes that the said reservations relate to all such Articles of the Convention as are in conflict with the provisions of Islamic law.

The Government of Ireland is of the view that these reservations raise doubts as to the commitment of Saudi Arabia to the object and purpose of the Convention and would recall that, according to paragraph 2 of article 51 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Ireland is further of the view that general reservations of the kind made by the Government of Saudi Arabia, 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 treaty law.

The Government of Ireland therefore objects to the aforesaid general reservations made by the Government of Saudi Arabia to the Convention on the Rights of the Child.

This objection does not preclude the entry into force in its entirety of the Convention between Saudi Arabia and Ireland.”

Noorwegen

“The Government of Norway has examined the contents of the reservations made by the Government of Saudi Arabia upon accession to the said Convention, which reads as follows: ‘... entering reservations with respect to all such articles as are in conflict with the provisions of Islamic law’.

The Government of Norway considers that the reservation made by the Government of Saudi Arabia, 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. Under well-established treaty law, a State party may not invoke the provisions of its internal law as justification for its failure to perform treaty obligations. For these reasons, the Government of Norway objects to the reservation made by the Government of Saudi Arabia.

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 Kingdom of Saudi Arabia.”

Zweden

“The Government of Sweden has examined the reservations made by the Government of Saudi Arabia at the time of its accession to the Convention on the Rights of the Child.

The Government of Sweden notes that the said reservations relate to all such articles of the Convention as are in conflict with the provisions of Islamic law.

The Government of Sweden is of the view that these general reservations raise doubts as to the commitment of Saudi Arabia to the object and purpose of the Convention and would recall 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.

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 is further of the view that general reservations of the kind made by the Government of Saudi Arabia, 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 treaty law.

Sweden does not consider the reservations made by the Government of Saudi Arabia as admissible unless the Government of Saudi Arabia, by providing additional information or through subsequent practice, ensures that the reservations are compatible with the provisions essential for the implementation of the object and purpose of the Convention. The Government of Sweden therefore objects to the aforesaid general reservations made by the Government of Saudi Arabia to the Convention on the Rights of the Child.

Pending clarification of the exact extent of the general reservations made by the Government of Saudi Arabia, Sweden considers Saudi Arabia bound by the Convention in its entirety.”

De Regering van *Finland* heeft op 20 maart 1997 naar aanleiding van de gemaakte voorbehouden door Saudi Arabië bij de toetreding tot het Verdrag de volgende mededeling gedaan:

“The Government of Finland has examined the reservations made by the Government of Saudi Arabia at the time of its accession to the Convention on the Rights of the Child.

The Government of Finland notes that the said reservations relate to all such articles of the Convention as are in conflict with the provisions of Islamic law.

The Government of Finland is of the view that these general reservations raise doubts as to the commitment of Saudi Arabia to the object and purpose of the Convention and would recall that, according to paragraph 2 of article 51 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Finland is further of the view that general reservations of the kind made by the Government of Saudi Arabia, which do not clearly specify the provisions of the Convention to which they apply and the extent of the derogation therefrom, contributed to undermining the basis of international treaty law.

The Government of Finland therefore objects to the aforesaid general reservations made by the Government of Saudi Arabia to the Convention on the Rights of the Child which are considered to be inadmissible.

This objection does not preclude the entry into force in its entirety of the Convention between Saudi Arabia and Finland.”

De Regeringen van *Oostenrijk* en het *Koninkrijk der Nederlanden* hebben op 3 maart 1997 naar aanleiding van het door Kiribati gemaakte voorbehoud en afgelegde verklaring het volgende bezwaar gemaakt.

Oostenrijk

“Austria has examined the contents of the reservations made by the Government of the Republic of Kiribati at the time of its [accession to] the Convention on the Rights of the Child [.....]

Austria is of the view that reservations, by which a state limits its responsibilities under the Convention in a general and unspecified manner, and by invoking general principles of internal law create doubts as to the commitment of the Republic of Kiribati with its obligations under the Convention, essential for the fulfilment of its object and purpose.

Given the general character of these reservations a final assessment as to their admissibility under international law cannot be made without further clarification.

Until the scope of the legal effects of these reservations is sufficiently specified by the Government of [Kiribati], Austria considers the reservation as not affect-

ing any provision the implementation of which is essential to fulfilling the object and purpose of the Convention.

In Austria's view, however, the reservations in question are inadmissible to the extent as its application negatively affects the compliance by the Republic of Kiribati with its obligations under the Convention, essential for the fulfilment of its object and purpose.

Austria does not consider the reservations made by the Republic of Kiribati as admissible under the regime of art. 51 of the Convention and art. 19 of the Vienna Convention on the Law of Treaties unless the Republic of Kiribati, by providing additional information or through subsequent practice ensure that the reservations are compatible with the provisions essential for the implementation of the object and purpose of the Convention.

This view by Austria would not preclude the entry into force in its entirety of the Convention between the Republic of Kiribati and Austria."

het Koninkrijk der Nederlanden

"The Government of the Kingdom of the Netherlands has examined the declaration made by the Government of Kiribati relating to the Articles 12-16 of the Convention on the Rights of the Child, and considers this declaration to be a reservation.

The Government of the Kingdom of the Netherlands considers that this declaration, which seeks to limit the responsibilities of the reserving State by invoking general principles of national law, may raise doubts as to the commitment of Kiribati 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 would like to recall that, according to paragraph 2 of article 51 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 the aforesaid declaration made by the Government of Kiribati to the Convention on the Rights of the Child. This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and Kiribati."

De Regering van *Zweden* heeft op 13 augustus 1997 naar aanleiding van de door Brunei, Kiribati en Singapore gemaakte voorbehouden bij de toetreding de volgende mededeling gedaan:

Brunei Darussalam

"The Government of Sweden has examined the reservations made by the Government of Brunei Darussalam at the time of its accession to the Convention on the Rights of the Child.

The Government of Sweden notes that the said reservations include reservations of a general kind in respect of the provisions of the Convention which may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, the State of religion.

The Government of Sweden is of the view that these general reservations raise doubts as to the commitment of Brunei Darussalam to the object and purpose of the Convention and would recall 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.

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 is further of the view that general reservations of the kind made by the Government of Brunei Darussalam, 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 treaty law.

The Government of Sweden therefore objects to the aforesaid general reservations made by the Government of Brunei Darussalam to the Convention on the Rights of the child.

This objection does not preclude the entry into force of the Convention between Brunei Darussalam and Sweden. The Convention will thus become operative between the two States without Brunei Darussalam benefitting from these reservations.

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

Kiribati

“The Government of Sweden has examined the reservations made by the Government of Kiribati at the time of its accession to the Convention on the Rights of the Child in respect of article 24 paragraphs b, c, d, e and f, article 26 and article 28 paragraphs b, c and d.

The Government of Sweden has further examined the declarations made by the Government of Kiribati at the time of its accession to the Convention on the Rights of the Child. The Government of Sweden considers the declarations relating to articles 12 to 16 of the Convention as reservations.

The Government of Sweden notes that the said reservations are reservations of a general kind in respect of the provisions of the Convention which may be contrary to the customs and traditions of Kiribati.

The Government of Sweden is of the view that these general reservations raise doubts as to the commitment of Kiribati to the object and purpose of the Convention and would recall 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.

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.

The Government of Sweden is further of the view that general reservations of the kind made by the Government of Kiribati, 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 treaty law.

The Government of Sweden therefore objects to the aforesaid general reservations made by the Government of Kiribati to the Convention on the Rights of the Child.

This objection does not preclude the entry into force of the Convention between Kiribati and Sweden. The Convention will thus become operative between the two States without Kiribati benefitting from these reservations.

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

Singapore

“The Government of Sweden, having examined the declarations and reservations made by the Government of Singapore at the time of its accession to the Convention on the Rights of the Child, considers the declarations as reservations.

The Government of Sweden notes that paragraphs (1) (2) and (3) of the reservations are reservations of a general kind in respect of the provisions of the Convention which may be contrary to the Constitution, laws, customs, values and religions of Singapore.

The Government of Sweden is of the view that these general reservations raise doubts as to the commitment of Singapore to the object and purpose of the Convention and would recall 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.

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 is further of the view that general reservations of the kind made by the Government of Singapore, 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 treaty law.

The Government of Sweden therefore objects to the aforesaid general reservations made by the Government of Singapore to the Convention on the Rights of the Child.

This objection does not preclude the entry into force of the Convention between Singapore and Sweden. The Convention will thus become operative between the two states without Singapore benefitting from these reservations.

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

³⁾ De Regering van *het Koninkrijk der Nederlanden* heeft op 10 februari 1998 het volgende bezwaar gemaakt tegen de door Oman gemaakte voorbehouden bij de toetreding tot het Verdrag:

“The Kingdom of the Netherlands has examined the reservations made by the Government of Oman at the time of its accession to the Convention on the rights of the child.

The Kingdom of the Netherlands notes that the reservation mentioned in paragraph 2 includes a reservation of a general kind in respect of the provisions of the Convention which may be contrary to the Islamic law or the legislation in force in Oman.

The Kingdom of the Netherlands is of the view that these reservations, which seek to limit the responsibilities of the reserving State by invoking the general principles of national law, may raise doubts as to the commitment of Oman to the object and purpose of the Convention and would recall that, according to paragraph 2 of Article 51 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become 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 Kingdom of the Netherlands is further of the view that general reservations of the kind made by the Government of Oman, 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 treaty law.

Furthermore the Government of the Kingdom of the Netherlands is of the view that the reservations mentioned in paragraph 5 in respect of the articles 14 and 30 are incompatible with the object and purpose of the Convention.

The Government of the Kingdom of the Netherlands therefore objects to the aforesaid reservations made by the Government of Oman to the Convention on the rights of the child.

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

4) Onder de volgende voorbehouden:

“The United Arab Emirates has reservations with respect to the provisions of articles 7, 14, 17 and 21 of the Convention, as set forth hereunder.

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, in 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.” (*ver-taling*)

5) Onder de volgende voorbehouden en verklaringen:

Voorbehouden

“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.

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.

Verklaringen

“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 interests 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.”

G. INWERKINGTREDING

Zie *Trb.* 1990, 46 en *Trb.* 1995, 92.

Het Verdrag is ingevolge artikel 49, tweede lid, op 16 januari 1998 in werking getreden voor het Koninkrijk der Nederlanden (voor de Nederlandse Antillen).

H. TOEPASSELIJKVERKLARING

Zie *Trb.* 1995, 92¹⁾ en *Trb.* 1996, 88.

¹⁾ Op 10 juni 1997 heeft de depositaris de volgende mededeling van de Regering van het Verenigd Koninkrijk van Groot-Brittannië ontvangen met betrekking tot de overdracht op 1 juli 1997 van het bestuur over Hong Kong door het Verenigd Koninkrijk aan de Volksrepubliek China.

“In accordance with the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People’s Republic of China on the Question of Hong Kong signed on 19 December 1984, the Government of the United Kingdom will restore Hong Kong to the People’s Republic of China with effect from 1 July 1997. The Government of the United Kingdom will continue to have international responsibility for Hong Kong until that date. Therefore, from that date the Government of the United Kingdom will cease to be responsible for the international rights and obligations arising from the application of the [above Conventions] to Hong Kong.”

Op 10 juni 1997 heeft de depositaris de volgende verklaringen en voorbehouden van de Volksrepubliek China ontvangen met betrekking tot het weer uitoefenen van de soevereiniteit over Hong Kong door de Volksrepubliek China.

“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 residence 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. 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.

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.

The Government of the People's Republic of China will assume responsibility for the international rights and obligations arising from the application of the [above Conventions] to the Hong Kong Special Administrative Region." (*vertaling*)

J. GEGEVENS

Zie *Trb.* 1990, 46 en 170, *Trb.* 1995, 92, *Trb.* 1996, 188 en *Trb.* 1997, 83.

Wijziging van 12 december 1995 van het Verdrag

De wijziging is voorts nog aanvaard door de volgende Staten:

Jemen	3 april 1997
Bangladesh	23 april 1997
Oezbekistan	25 april 1997
Malta	1 mei 1997
Frankrijk.	20 juni 1997
Duitsland	25 juni 1997
Uganda	27 juni 1997
Saudi-Arabië	30 juni 1997
het Verenigd Koninkrijk van Groot-Brit- tannië en Noord-Ierland	17 juli 1997
Zuid-Afrika	5 augustus 1997

Cambodja	12 augustus 1997
Chili	19 augustus 1997
Fiji	20 augustus 1997
Canada	17 september 1997
Laos	22 september 1997
Mexico	22 september 1997
Griekenland	23 september 1997
de Verenigde Arabische Emiraten	11 november 1997
Zwitserland	2 december 1997
het Koninkrijk der Nederlanden	17 december 1997
(voor de Nederlandse Antillen)	
Mongolië	19 december 1997

De wijziging is nog niet in werking getreden.

Uitgegeven de *vijfde* maart 1998.

De Minister van Buitenlandse Zaken,

H. A. F. M. O. VAN MIERLO