

BELGIUM

CRC

RESERVATIONS AND DECLARATIONS

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

Interpretative declarations:

1. With regard to article 2, paragraph 1, according to the interpretation of the Belgian Government non-discrimination on grounds of national origin does not necessarily imply the obligation for States automatically to guarantee foreigners the same rights as their nationals. This concept should be understood as designed to rule out all arbitrary conduct but not differences in treatment based on objective and reasonable considerations, in accordance with the principles prevailing in democratic societies.
2. Articles 13 and 15 shall be applied by the Belgian Government within the context of the provisions and limitations set forth or authorized by said Convention in articles 10 and 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950.
3. The Belgian Government declares that it interprets article 14, paragraph 1, as meaning that, in accordance with the relevant provisions of article 18 of the International Covenant on Civil and Political Rights of 19 December 1966 and article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, the right of the child to freedom of thought, conscience and religion implies also the freedom to choose his or her religion or belief.
4. With regard to article 40, paragraph 2 (b) (v), the Belgian Government considers that the expression "according to law" at the end of that provision means that:
 - (a) This provision shall not apply to minors who, under Belgian law, are declared guilty and are sentenced in a higher court following an appeal against their acquittal in a court of the first instance;
 - (b) This provision shall not apply to minors who, under Belgian law, are referred directly to a higher court such as the Court of Assize.

OBJECTIONS MADE TO OTHER STATES PARTIES RESERVATIONS AND DECLARATIONS

(Ed. Note: for the text targeted by the following objections, see the Reservations and

Declarations of the State which is the subject of the objection)

26 September 1996

With regard to the reservations made by Singapore upon ratification:

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

Note

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

Belgium (1 July 1996):

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

...

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

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

...

(Note 37, Chapter IV.11, Multilateral Treaties Deposited with the Secretary-General)

Note

[With regard to the reservation made by Qatar,] [o]n 1 July 1996, the Secretary-General received from the Government of Belgium, the following communication:

...

The Belgian Government believes that this reservation is incompatible with the object and

purpose of the Convention and that, consequently, in accordance with article 51, paragraph 2, of the Convention, it is not permitted.

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

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

(Note 45, Chapter IV.11, Multilateral Treaties Deposited with the Secretary-General)