

IRAN (ISLAMIC REPUBLIC OF)

CRC

RESERVATIONS AND DECLARATIONS

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

Upon signature:

Reservation:

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

Upon ratification:

Reservation:

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

OBJECTIONS MADE TO STATE PARTY'S RESERVATIONS AND DECLARATIONS

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

Finland, 25 July 1991

With regard to the reservation made by Indonesia upon ratification concerning articles 1, 14, 16, 17, 21, 22 and 29:

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

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

...

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

Germany, 11 August 1995

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

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

[Ed. note: as follows:]

21 September 1994

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

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

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

Ireland, 5 September 1995

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

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

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

Netherlands

With regard to the reservations made by Djibouti, Indonesia, Iran (Islamic Republic of), Pakistan

and the Syrian Arab Republic upon ratification:

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

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

Norway, 30 December 1991

With regard to the declaration made by Djibouti upon ratification:

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

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

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

...

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

Portugal, 15 July 1992

With regard to the reservations made by Myanmar upon accession, by Bangladesh, Djibouti, Indonesia, Kuwait and Pakistan upon ratification and by Turkey upon signature:

"The Government of Portugal considers that reservations by which a State limits its

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

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

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

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

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

...

Sweden, 20 September 1991

With regard to the reservation made by Indonesia upon ratification concerning articles 1, 14, 16, 17, 21, 22 and 29:

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

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

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

...

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

...

Note

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

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

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

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

[...]

(Note 20, Chapter IV.11, Multilateral Treaties Deposited with the Secretary-General)

Note

In this regard, the Secretary-General received communications from the following States on the dates indicated hereinafter:

Austria (6 September 1995):

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

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

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

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

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

Italy (25 September 1995):

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

...

(Note 34, Chapter IV.11, Multilateral Treaties Deposited with the Secretary-General)