

SYRIAN ARAB REPUBLIC

CRC

RESERVATIONS AND DECLARATIONS

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

Reservations:

The Syrian Arab Republic has reservations on the Convention's provisions which are not in conformity with the Syrian Arab legislations and with the Islamic Shariah's principles, in particular the content of article (14) related to the Right of the Child to the freedom of religion, and articles 2 and 21 concerning the adoption.

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:

...

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

...

Germany, 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.

Italy, 18 July 1994

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

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

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

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:

...

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

...

- 29 March 1994: with regard to the reservations made by the Syrian Arab Republic 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."

See also note 22 in this chapter. [*Ed. note: see below*]

...

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

Note

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

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

[*Ed. note: as follows:*

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."]

See also note 16 in this chapter. [*Ed. note: see above*]
(*Note 26, Chapter IV.11, Multilateral Treaties Deposited with the Secretary-General*)

Note

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

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

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

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

(*Note 52, Chapter IV.11, Multilateral Treaties Deposited with the Secretary-General*)