

BOSNIA AND HERZEGOVINA

CRC

RESERVATIONS AND DECLARATIONS

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

Note

On 16 September 2008, the Government of Bosnia and Herzegovina informed the Secretary-General that it had decided to withdraw the reservation made in respect of article 9 (1) of the Convention. The reservation read as follows:

“The Republic of Bosnia and Herzegovina reserves the right not to apply paragraph 1 of article 9 of the Convention since the internal legislation of the Republic of Bosnia and Herzegovina provides for the right of competent authorities (guardianship authorities) to determine on separation of a child from his/her parents without a previous judicial review.”

(Note 19, Chapter IV.11, Multilateral Treaties Deposited with the Secretary-General)

Note

The former Yugoslavia had signed and ratified the Convention on 26 January 1990 and 3 January 1991, respectively, with the following reservation:

Reservation:

"The competent authorities (ward authorities) of the Socialist Federal Republic of Yugoslavia may, under article 9, paragraph 1 of the Convention, make decisions to deprive parents of their right to raise their children and give them an upbringing without prior judicial determination in accordance with the internal legislation of the SFR of Yugoslavia."

See also notes 1 under "Bosnia and Herzegovina", "Croatia", "former Yugoslavia", "Slovenia", "The Former Yugoslav Republic of Macedonia" and "Yugoslavia" in the "Historical Information" section in the front matter of *[the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>]*

[Ed. note: Note 1 is as follows:

Bosnia and Herzegovina

Note 1

The Government of Bosnia and Herzegovina deposited with the Secretary-General notifications of succession to the Socialist Federal Republic of Yugoslavia to various treaties with effect from 6 March 1992, the date on which Bosnia and Herzegovina assumed responsibility for its international relations.

*See also "former Yugoslavia" in [the "Historical Information" section in the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>. For the text in bayefsky.com, see *Reservations and Declarations, Yugoslavia*].*

For information on the treatment of treaty actions by predecessor States and successor States in the status tables, see Part C, "Status tables" of the "Introduction" to [the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>].

(Note 3, Chapter IV.11, Multilateral Treaties Deposited with the Secretary-General)

OBJECTIONS MADE TO OTHER STATES PARTIES RESERVATIONS AND DECLARATIONS

Note

On 28 January 1997, the Government of Yugoslavia informed the Secretary-General that it had decided to withdraw the reservation made by Yugoslavia upon ratification of the Convention which reads as follows:

Reservation:

"The competent authorities (ward authorities) of the Socialist Federal Republic of Yugoslavia may, under article 9, paragraph 1 of the Convention, make decisions to deprive parents of their right to raise their children and give them an upbringing without prior judicial determination in accordance with the internal legislation of the SFR of Yugoslavia."

In this regard, the Secretary-General received on 28 May 1997, from the Government of Slovenia, the following communication:

"[The Government of Slovenia] would like to express its disagreement with the content of the [notification by the depositary concerning the withdrawal of the reservation]. The State which in 1991 notified its ratification of the [said Convention] 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 [Government of Slovenia] 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 [said] 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 Government of 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."

Subsequently, on 3 and 4 June and 10 October 1997, respectively, the Secretary-General received from the Governments of Croatia, Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia, communications, identical in essence, *mutatis mutandis*, as the one made by Slovenia. [*Ed. note: see above*]

On 12 March 2001, the Government of Yugoslavia notified the Secretary-General of its intent to succeed to the Convention and confirmed the withdrawal of the reservation made by the former Yugoslavia made upon ratification. See also notes 1 under "Bosnia and Herzegovina", "Croatia", "former Yugoslavia", "Slovenia", "The Former Yugoslav Republic of Macedonia" and "Yugoslavia" in the "Historical Information" section in the front matter of [*the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>] [*Ed. note: for text of Note 1, see Note under Reservations and Declarations, above.*]*

(*Note 48, Chapter IV.11, Multilateral Treaties Deposited with the Secretary-General*)