

## ARGENTINA

### CRC

#### **RESERVATIONS AND DECLARATIONS**

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

Reservation and declarations made upon signature and confirmed upon ratification:

Reservation:

The Argentine Republic enters a reservation to subparagraphs (b), (c), (d) and (e) of article 21 of the Convention on the Rights of the Child and declares that those subparagraphs shall not apply in areas within its jurisdiction because, in its view, before they can be applied a strict mechanism must exist for the legal protection of children in matters of inter-country adoption, in order to prevent trafficking in and the sale of children.

Declarations:

Concerning article 1 of the Convention, the Argentine Republic declares that the article must be interpreted to the effect that a child means every human being from the moment of conception up to the age of eighteen.

Concerning article 38 of the Convention, the Argentine Republic declares that it would have liked the Convention categorically to prohibit the use of children in armed conflicts. Such a prohibition exists in its domestic law which, by virtue of article 41 of the Convention, it shall continue to apply in this regard.

Upon ratification:

Declaration:

Concerning subparagraph (f) of article 24 of the Convention, the Argentine Republic considers that questions relating to family planning are the exclusive concern of parents in accordance with ethical and moral principles and understands it to be a State obligation, under this article, to adopt measures providing guidance for parents and education for responsible parenthood.

#### **OBJECTIONS MADE TO OTHER STATES PARTIES RESERVATIONS AND DECLARATIONS**

*(Ed. Note: For objections, see Note under Territorial Application, below)*

## **TERRITORIAL APPLICATION**

### Note

In a communication received on 7 September 1994, the Government of the United Kingdom of Great Britain and Northern Ireland indicated that the Convention will apply to the Isle of Man, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Hong Kong...Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, St. Helena, St. Helena Dependencies, South Georgia and the South Sandwich Islands, Turks and Caicos Islands.

In this regard, the Secretary-General received, on 3 April 1995, from the Government of Argentina the following objection:

The Government of Argentina rejects the extension of the application of the [said Convention] to the Malvinas Islands, South Georgia and the South Sandwich Islands, effected by the United Kingdom of Great Britain and Northern Ireland on 7 September 1994, and reaffirms its sovereignty over those islands, which are an integral part of its national territory.

Subsequently, on 17 January 1996, the Secretary-General received from the Government of the United Kingdom of Great Britain and Northern Ireland the following communication:

"... The Government of the United Kingdom has no doubt about the sovereignty of the United Kingdom over the Falkland Islands and over South Georgia and the South Sandwich Islands and its consequential right to extend the said Convention to these Territories. The United Kingdom Government rejects as unfounded the claims by the Government of Argentina and is unable to regard the Argentine objection as having any legal effect."

Subsequently, on 5 October 2000, the Secretary-General received from the Government of Argentina the following communication:

[The Argentine Republic] wishes to refer to the report submitted by the United Kingdom of Great Britain and Northern Ireland to the Committee on the Rights of the Child, which contains an addendum entitled "Overseas Dependent Territories and Crown Dependencies of the United Kingdom of Great Britain and Northern Ireland" (CRC/C/41/Add.9).

In that connection, the Argentine Republic wishes to recall that by its note of 3 April 1995 it rejected the extension of the application of the Convention on the Rights of the Child to the Malvinas Islands, South Georgia and the South Sandwich Islands effected by the United Kingdom of Great Britain and Northern Ireland on 7 September 1994.

The Government of Argentina rejects the designation of the Malvinas Islands as Overseas Dependent Territories of the United Kingdom or any other similar designation.

Consequently, the Argentine Republic does not recognize the section concerning the Malvinas Islands contained in the report which the United Kingdom has submitted to the Committee on the Rights of the Child (CRC/C/41/Add.9) or any other document or instrument having a similar tenor that may derive from this alleged territorial extension.

The United Nations General Assembly has adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, in which it recognizes that a dispute exists concerning sovereignty over the Malvinas Islands and urges the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to continue negotiations with a view to resolving the dispute peacefully and definitively as soon as possible, assisted by the good offices of the Secretary-General of the United Nations, who is to report to the General Assembly on the progress made.

The Argentine Republic reaffirms its rights of sovereignty over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime spaces, which are an integral part of its national territory.

Further, on 20 December 2000, the Secretary-General received from the Government of the United Kingdom of Great Britain and Northern Ireland, the following communication:

"The Government of the United Kingdom of Great Britain and Northern Ireland rejects as unfounded the claims made by the Argentine Republic in its communication to the depositary of 5 October 2000. The Government of the United Kingdom recalls that in its declaration received by the depositary on 16 January 1996 it rejected the objection by the Argentine Republic to the extension by the United Kingdom of the Convention on the Rights of the Child to the Falkland Islands and to South Georgia and the South Sandwich Islands. The Government of the United Kingdom has no doubt about the sovereignty of the United Kingdom over the Falkland Islands and over South Georgia and the South Sandwich Islands and its consequential rights to apply the Convention with respect to those Territories."

*(Note 15, Chapter IV.11, Multilateral Treaties Deposited with the Secretary-General)*