

DENMARK

CRC

RESERVATIONS AND DECLARATIONS

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

Reservations:

“Article 40, paragraph 2 (b) (v) shall not be binding on Denmark.”

“It is a fundamental principle of the Danish Administration of Justice Act that everybody shall be entitled to have any penal measures imposed on him or her by a court of first instance reviewed by a higher court. There are, however, some provisions limiting this right in certain cases, for instance verdicts returned by a jury on the question of guilt, which have not been reversed by the legally trained judges of the court.”

Note

On 11 May 1993, the Government of Denmark notified the Secretary-General that it had decided to withdraw its declaration with regard to the application of the Convention to Greenland and the Faroe Islands which reads as follows:

"Until further notice the Convention shall not apply to Greenland and the Faroe Islands."
(Note 21, Chapter IV.11, Multilateral Treaties Deposited with the Secretary-General)

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)

10 February 1997

With regard to the reservation made by Brunei Darussalam upon accession:

"The Government of Denmark finds that the general reservation with reference to the Constitution of Brunei Darussalam and to the beliefs and principles of Islamic law is of unlimited scope and undefined character. Consequently, the Government of Denmark considers the said reservation as being incompatible with the object and purposes of the Convention and accordingly inadmissible and without effect under international law. Furthermore, it is a general principle of international law that national law may not be invoked as justification for failure to perform treaty obligations.

The Convention remains in force in its entirety between Brunei Darussalam 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 Government of Brunei Darussalam to reconsider its reservation to the Convention on the Rights of the Child."

With regard to the reservation made by Saudi Arabia upon accession:

[Same objection, mutatis mutandis, as the one made with regard to Brunei Darussalam.][*Ed. Note: see above*]

Note

[With regard to reservations entered by Djibouti, the Islamic Republic of Iran, Pakistan and the Syrian Arab Republic.] ... 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."

...

On 3 July 1996, the Secretary-General received from the Government of Denmark a communication regarding the reservations made by Botswana and Qatar, identical in essence, mutatis mutandis, as the one made on 16 November 1995. [*Ed. note: see above*]
(*Note 20, Chapter IV.11, Multilateral Treaties Deposited with the Secretary-General*)

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:

...

Denmark (2 July 1996):

"The reservation is covering multiple provisions, including central provisions of the Convention. Furthermore, it is a general principle of international law that internal law may not be invoked as justification for failure to perform treaty obligations. Consequently, the Government of Denmark considers the said reservation as being incompatible with the object and purpose of the Convention and accordingly inadmissible and without effect under international law. The Convention remains in force in its entirety between Malaysia 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 Government of Malaysia to reconsider its reservation to the said Convention."

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