

## MYANMAR

### CRC

#### **RESERVATIONS AND DECLARATIONS**

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

#### Note

On 19 October 1993, the Government of Myanmar notified the Secretary-General its decision to withdraw the following reservations made upon accession with regard to articles 15 and 37:

#### "Article 15

1. The Union of Myanmar interprets the expression 'the law' in article 15, paragraph 2, to mean the Laws, as well as the Decrees and Executive Orders having the force of law, which are for the time being in force in the Union of Myanmar.
2. The Union of Myanmar understands that such restrictions on freedom of association and freedom of peaceful assembly imposed in conformity with the said Laws, Decrees and Executive Orders as are required by the exigencies of the situation obtaining in the Union of Myanmar are permissible under article 15, paragraph 2.
3. The Union of Myanmar interprets the expression 'national security' in the same paragraph as encompassing the supreme national interest, namely, the non-disintegration of the Union, the non-disintegration of national solidarity and the perpetuation of national sovereignty, which constitute the paramount national causes of the Union of Myanmar."

#### "Article 37

The Union of Myanmar accepts in principle the provisions of article 37 as they are in consonance with its laws, rules, regulations, procedures and practice as well as with its traditional, cultural and religious values. However, having regard to the exigencies of the situation obtaining in the country at present, the Union of Myanmar states as follows:

1. Nothing contained in Article 37 shall prevent, or be construed as preventing, the Government of the Union of Myanmar from assuming or exercising, in conformity with the laws for the time being in force in the country and the procedures established thereunder, such powers as are required by the exigencies of the situation for the preservation and strengthening of the rule of law, the maintenance of public order (ordre public) and, in particular, the protection of the supreme national interest, namely, the non-disintegration of the Union, the non-disintegration of national solidarity and the perpetuation of national sovereignty, which constitute the paramount national causes of the Union of Myanmar.

2. Such powers shall include the powers of arrest, detention, imprisonment, exclusion, interrogation, enquiry and investigation."

*(Note 42, Chapter IV.11, Multilateral Treaties Deposited with the Secretary-General)*

### **OBJECTIONS MADE TO STATE PARTY'S RESERVATIONS AND DECLARATIONS**

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

**Germany, 25 June 1992**

With regard to the reservations made by Myanmar upon accession:

The Federal Republic of Germany considers that the reservations made by the Union of Myanmar regarding articles 15 and 37 of the Convention on the Rights of the Child are incompatible with the object and purpose of the Convention (article 51, paragraph 2) and therefore objects to them.

This objection shall not preclude the entry into force of the Convention as between the Union of Myanmar and the Federal Republic of Germany.

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**Ireland**

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

"The Government of Ireland consider that such reservations, which seek to limit the responsibilities of the reserving State under the Convention, by invoking general principles of national law, may create doubts as to the commitment of those States to the object and purpose of the Convention."

"This objection shall not constitute an obstacle to the entry into force of the Convention between Ireland and the aforementioned States."

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**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.”

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### Note

The Secretary-General received from the Government of Sweden the following communications: on 20 July 1993, with regard to the reservations made upon accession by Thailand concerning articles 7, 22 and 29, upon ratification by Myanmar concerning articles 15 and 37 [*Ed. note: see above*], upon ratification by Bangladesh concerning article 21, upon ratification by Djibouti concerning the whole Convention, and on 29 March 1994, with regard to the reservation made upon signature by Qatar.

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*(Note 18, Chapter IV.11, Multilateral Treaties Deposited with the Secretary-General)*