

THE NETHERLANDS

CRC

RESERVATIONS AND DECLARATIONS

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

Reservations:

"Article 26:

The Kingdom of the Netherlands accepts the provisions of article 26 of the Convention with the reservation that these provisions shall not imply an independent entitlement of children to social security, including social insurance.

Article 37:

The Kingdom of the Netherlands accepts the provisions of article 37 (c) of the Convention with the reservation that these provisions shall not prevent the application of adult penal law to children of sixteen years and older, provided that certain criteria laid down by law have been met.

Article 40:

The Kingdom of the Netherlands accepts the provisions of article 40 of the Convention with the reservation that cases involving minor offences may be tried without the presence of legal assistance and that with respect to such offences the position remains that no provision is made in all cases for a review of the facts or of any measures imposed as a consequence."

Declarations:

"Article 14:

It is the understanding of the Government of the Kingdom of the Netherlands that article 14 of the Convention is in accordance with the provisions of article 18 of the International Covenant on Civil and Political Rights of 19 December 1966 and that this article shall include the freedom of a child to have or adopt a religion or belief of his or her choice as soon as the child is capable of making such choice in view of his or her age or maturity.

Article 22:

With regard to article 22 of the Convention, the Government of the Kingdom of the Netherlands declares:

(a) that it understands the term "refugee" in paragraph 1 of this article as having the same meaning as in article 1 of the Convention relating to the Status of Refugees of 28 July 1951; and

(b) that it is of the opinion that the obligation imposed under the terms of this article does not prevent

- the submission of a request for admission from being made subject to certain conditions, failure to meet such conditions resulting in inadmissibility;

- the referral of a request for admission to a third State, in the event that such a State is considered to be primarily responsible for dealing with the request for asylum.

Article 38

With regard to article 38 of the Convention, the Government of the Kingdom of the Netherlands declares that it is of the opinion that States would not be allowed to involve children directly or indirectly in hostilities and that the minimum age for the recruitment or incorporation of children in the armed forces should be above fifteen years.

In times of armed conflict, provisions shall prevail that are most conducive to guaranteeing the protection of children under international law, as referred to in article 41 of the Convention."

Note

For the Kingdom in Europe.

Subsequently, on 17 December 1997, the Government of the Netherlands informed the Secretary-General that it had decided to accept the Convention on behalf of the Netherlands Antilles subject to the following reservations and declarations:

Reservations:

"Article 26:

The Kingdom of the Netherlands accepts the provisions of article 26 of the Convention with the reservation that these provisions shall not imply an independent entitlement of children to social security, including insurance.

Article 37:

The Kingdom of the Netherlands accepts the provisions of article 37(c) of the Convention with the reservation that these provisions shall not prevent :

- the application of adult penal law to children of sixteen years and older, provided that certain

criteria laid down by law have been met;

- that a child which has been detained will not always be accommodated separately from adults; if the number of children that has to be detained at a certain time is unexpectedly large, (temporary) accommodations together with adults may be unavoidable.

Article 40:

The Kingdom of the Netherlands accepts the provisions of article 40 of the Convention with the reservation that cases involving minor offences may be tried without the presence of legal assistance and that with respect to such offences the position remains that no provision is made in all cases for a review of the facts or of any measures imposed as a consequence.

Declarations:

Article 14

It is the understanding of the Government of the Kingdom of the Netherlands that article 14 of the Convention is in accordance with the provisions of article 18 of the International Covenant on Civil and Political Rights of 19 December 1966 and that this article shall include the freedom of a child to have or adopt a religion or belief of his or her choice as soon as the child is capable of making such choice in view of his or her age or maturity.

Article 22

The Government of the Kingdom of the Netherlands declares that whereas the Netherlands Antilles are not bound by the 1951 Convention relating to the Status of Refugees, article 22 of the present Convention shall be interpreted as containing a reference only to such other international human rights or humanitarian instruments as are binding on the Kingdom of the Netherlands with respect to the Netherlands Antilles.

Article 38

With regard to article 38 of the Convention, the Government of the Kingdom of the Netherlands declares that it is of the opinion that States should not be allowed to involve children directly or indirectly in hostilities and that the minimum age for the recruitment or incorporation of children in the armed forces should be above fifteen years.

In times of armed conflict, provisions shall prevail that are most conducive to guaranteeing the protection of children under international law, as referred to in article 41 of the Convention.”

Further, on 18 December 2000, the Government of the Netherlands informed the Secretary-General that it had decided to accept the Convention on behalf of Aruba subject to the following reservations and declarations:

"Article 26

The Kingdom of the Netherlands accepts the provisions of article 26 of the Convention with the reservation that these provisions shall not imply an independent entitlement of children to social security, including social insurance.

Article 37

The Kingdom of the Netherlands accepts the provisions of article 37 (c) of the Convention with the reservation that these provisions shall not prevent:

- the application of adult penal law to children of sixteen years and older, provided that certain criteria laid down by law have been met;
- that a child which has been detained will not always be accommodated separately from adults; if the number of children that has to be detained at a certain time is unexpectedly large, (temporary) accommodation together with adults may be unavoidable.

Article 40

The Kingdom of the Netherlands accepts the provisions of article 40 of the Convention with the reservation that cases involving minor offences may be tried without the presence of legal assistance and that with respect to such offences the position remains that no provision is made in all cases for a review of the facts or of any measures imposed as a consequence."

Declarations:

"Article 14

It is the understanding of the Government of the Kingdom of the Netherlands that Article 14 of the Convention is in accordance with the provisions of Article 18 of the International Covenant on Civil and Political Rights of 19 December 1966 and that this Article shall include the freedom of a child to have or adopt a religion or belief of his or her choice as soon as the child is capable of making such choice in view of his or her age or maturity.

Article 22

Government of the Kingdom of the Netherlands declares that whereas Aruba is not bound by the 1951 Convention relating to the Status of Refugees, Article 22 of the present Convention shall be interpreted as containing a reference only to such other international human rights or humanitarian instruments as are binding on the Kingdom of the Netherlands with respect to Aruba.

Article 38

With regard to Article 38 of the Convention, the Government of the Kingdom of the Netherlands declares that it is of the opinion that States should not be allowed to involve children directly or indirectly in hostilities and that the minimum age for the recruitment or incorporation of children in the armed forces should be above fifteen years. In times of armed conflict, provisions shall prevail that are most conducive to guaranteeing the protection of children under international law, as referred to in Article 41 of the Convention."

(Note 12, Chapter IV.11, Multilateral Treaties Deposited with the Secretary-General)

OBJECTIONS MADE TO OTHER STATES PARTIES RESERVATIONS AND DECLARATIONS

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

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."

Subsequently, the Secretary-General received, from the Government of the Netherlands, objections of the same nature as the one above with regard to reservations made by the following States on the dates indicated hereinafter:

- 11 June 1996: with regard to the reservation made by Qatar upon ratification;
- 14 June 1996: with regard to the reservation made by Botswana upon accession and Turkey upon ratification;
- 25 June 1996: with regard to the reservation made by Malaysia upon accession;
- 6 November 1996: with regard to the reservations made by Singapore upon accession;

- 3 March 1997: with regard to the reservations made by Liechtenstein upon ratification and Brunei Darussalam, Kiribati and Saudi Arabia upon accession;
- 6 March 1997: with regard to the declaration made by Andorra upon ratification;
- 10 February 1998: with regard to the reservations made by Oman upon accession.
- 6 April 1998: with regard to the reservation made to article 14 by the United Arab Emirates upon accession. Moreover, the Government of the Netherlands made the following declaration with regard to the reservation made by the Government of the United Arab Emirates with respect to article 7: "The Government of the Kingdom of the Netherlands assumes that the United Arab Emirates shall ensure the implementation of the rights mentioned in article 7, first paragraph, of [the Convention] not only in accordance with its national law but also with its obligations under the relevant international instrument in this field."

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."]

Subsequently, on 23 July 1997, the Government of Pakistan informed the Secretary-General that it had decided to withdraw its reservation made upon signature and confirmed upon ratification which reads as follows:

"Provisions of the Convention shall be interpreted in the light of the principles of Islamic laws and values."

...

(Note 26, Chapter IV.11, Multilateral Treaties Deposited with the Secretary-General)

TERRITORIAL APPLICATION

(Ed. Note: see Note under under Reservations and Declarations, above)