

THE NETHERLANDS

CRC OPTIONAL PROTOCOL (ARMED CONFLICT)

RESERVATIONS AND DECLARATIONS

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

Declaration:

"... in accordance with Article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (New York, 25 May 2000), the Government of the Kingdom of the Netherlands declares that the minimum age at which the legislation in the Netherlands permits voluntary recruitment into its national Armed Forces for both soldiers and commissioned or non-commissioned officers, remains eighteen years. However, persons that have reached the age of seventeen years, may on a strictly voluntary basis be recruited as military personnel in probation.

The relevant legislation in the Netherlands provides the following safeguards to ensure that such recruitment of persons under the age of eighteen years is not forced or coerced:

1. Appointment of such persons under the age of 18 years as a member of the armed forces in probation is only permitted with written consent of the parents of this person.
2. When the age of eighteen years has been reached, the member of the armed forces on probation can only become a regular soldier after having given written consent to this effect.

Moreover, the Law on Military Personnel 1931 ensures that a person under the age of eighteen years will not participate in an armed conflict, providing in particular that members of the armed forces on probation will not be tasked with peacekeeping or humanitarian missions, or any other form of armed service.

The above does not apply to the Netherlands Antilles and Aruba. The relevant legislation in the Netherlands Antilles and in Aruba sets the minimum age for joining the military service and other armed forces at 18 years. Furthermore, voluntary recruitment does not exist in the Netherlands Antilles [and] Aruba."

11 October 2010

In a communication dated 29 September 2010, the Government of the Kingdom of the Netherlands informed the Secretary-General of the following:

"The [Optional Protocol is] extended to the Caribbean part of the Netherlands (Bonaire, Sint Eustatius and Saba) as per 10 October 2010".

Note

See note 2 under "Netherlands" 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 2 under Netherlands is as follows:

Netherlands

Note 2

By a communication received on 11 October 2010, the Government of the Netherlands informed the Secretary-General that "[t]he Kingdom of the Netherlands currently consists of three parts: the Netherlands, the Netherlands Antilles and Aruba. The Netherlands Antilles consists of the islands of Curaçao, Sint Maarten, Bonaire, Sint Eustatius and Saba.

With effect from 10 October 2010, the Netherlands Antilles will cease to exist as a part of the Kingdom of the Netherlands. From that date onwards, the Kingdom will consist of four parts: the Netherlands, Aruba, Curaçao and Sint Maarten. Curaçao and Sint Maarten will enjoy internal self-government within the Kingdom, as Aruba and, up to 10 October 2010, the Netherlands Antilles do.

These changes constitute a modification of the internal constitutional relations within the Kingdom of the Netherlands. The Kingdom of the Netherlands will accordingly remain the subject of international law with which agreements are concluded. The modification of the structure of the Kingdom will therefore not affect the validity of the international agreements ratified by the Kingdom for the Netherlands Antilles: these agreements, including any reservations made, will continue to apply to Curaçao and Sint Maarten.

The other islands that have until now formed part of the Netherlands Antilles - Bonaire, Sint Eustatius and Saba - will become parts of the Netherlands, thus constituting 'the Caribbean part of the Netherlands'. The agreements that now apply to the Netherlands Antilles will also continue to apply to these islands; however, the Government of the Netherlands will now be responsible for implementing these agreements. In addition, a number of the agreements that currently apply to the Netherlands are hereby declared applicable, from 10 October 2010, to this Caribbean part of the Netherlands. The agreements concerned are listed in the Annex which also includes a declaration, regarding the International Covenant on Civil and Political rights, on the modification of the internal constitutional relations within the Kingdom..."

(Note 9, Chapter IV.11b, Multilateral Treaties Deposited with the Secretary-General)