

## **KUWAIT**

### **CRC**

#### **RESERVATIONS AND DECLARATIONS**

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

Upon signature:

Reservation:

"[Kuwait expresses] reservations on all provisions of the Convention that are incompatible with the laws of Islamic Shari'a and the local statutes in effect."

Upon ratification:

Declarations:

Article 7:

The State of Kuwait understands the concepts of this article to signify the right of the child who was born in Kuwait and whose parents are unknown (parentless) to be granted the Kuwaiti nationality as stipulated by the Kuwaiti Nationality Laws.

Article 21:

The State of Kuwait, as it adheres to the provisions of the Islamic shariah as the main source of legislation, strictly bans abandoning the Islamic religion and does not therefore approve adoption.

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

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

### **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.

The Government of Portugal furthermore notes that, as a matter of principle, the same objection could be made to the reservations presented by Bangladesh, Djibouti, Indonesia, Kuwait, Pakistan and Turkey."

#### Note

Czechoslovakia had signed and ratified the Convention on 30 September 1990 and 7 January 1991, respectively, with the following declaration in respect of article 7 (1):

"In cases of irrevocable adoptions, which are based on the principle of anonymity of such adoptions, and of artificial fertilization, where the physician charged with the operation is required to ensure that the husband and wife on one hand and the donor on the other hand remain unknown to each other, the non-communication of a natural parent's name or natural parents' names to the child is not in contradiction with this provision."

By a communication received on 7 June 1991, the Government of Czechoslovakia had made the following objections with regard to the reservation made by Kuwait upon signature:

"These reservations are incompatible with the object and purpose of the Convention. In the opinion of the Czechoslovak Government the said reservations are in contradiction to the generally recognized principle of international law according to which a state cannot invoke the provisions of its own internal law as justification for its failure to perform a treaty. Therefore the Czech and Slovak

Federal Republic does not recognize these reservations as valid."

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*(Note 6, Chapter IV.11, Multilateral Treaties Deposited with the Secretary-General)*