

QATAR

CRC OPTIONAL PROTOCOL (SALE OF CHILDREN)

RESERVATIONS AND DECLARATIONS

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

Note

On 18 June 2008, the State of Qatar informed the Secretary-General that it had decided to withdraw the following reservation made upon accession:

... subject to a general reservation regarding any provisions in the protocol that are in conflict with the Islamic Shariah.

(Note 8, Chapter IV.11.c, 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)

Austria, 4 October 2002

With regard to the reservation made by Qatar upon accession:

"The Government of Austria has examined the reservation to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography made by the Government of Qatar at the time of its accession to the Optional Protocol.

The Government of Austria are of the view that since this reservation refers in a general manner to the Islamic law without precisising its content it leaves other state parties in doubt as to the real extent of the state of Qatar's commitment to the Optional Protocol. It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose., by all parties, and that States are prepared to undertake any legislative change necessary to comply with their obligations under the treaties.

For these reasons, the Government of Austria objects to this reservation made by the Government of Qatar.

This position, however, does not preclude the entry into force in its entirety of the Optional Protocol between Qatar and Austria."

France, 18 June 2002

With regard to the reservation made by Qatar upon accession:

The Government of the French Republic has examined the reservation entered by the Government of Qatar upon acceding to the Optional Protocol of 25 May 2000 to the Convention on the Rights of the Child, concerning the sale of children, child prostitution and child pornography. While indicating that it was acceding to the Protocol and voicing, in a general manner, reservations with respect to provisions of the Protocol that it regards as violating Islamic Shariah rules, the Government of Qatar has entered a reservation of a general, indeterminate nature that leaves other States parties unable to establish which provisions of the Convention the reservation currently concerns and which provisions are likely to be concerned in the future. The Government of the French Republic believes that the reservation could deprive the provisions of the Convention of any effect and is entering an objection thereto.

Germany, 21 March 2002

With regard to the reservation made by Qatar upon accession:

"The Government of the Federal Republic of Germany has examined the reservation to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography made by the Government of Qatar at the time of its accession to the Optional Protocol. The Government of the Federal Republic of Germany is of the view that the reservation with regard to the compatibility of the rules of the Optional Protocol with the precepts of Islamic Shariah raises doubts as to the commitment of Qatar to fulfil its obligations under the Optional Protocol. The Government of the Federal Republic of Germany considers this reservation to be incompatible with the object and purpose of the Optional Protocol. Therefore the Government of the Federal Republic of Germany objects to the aforesaid reservation made by the Government of Qatar to the Optional Protocol.

This objection does not preclude the entry into force of the Optional Protocol between the Federal Republic of Germany and Qatar."

Norway, 30 December 2002

With regard to the reservation made by Qatar upon accession:

"The Government of Norway has examined the content of the reservation made by the Government of Qatar upon accession to the Optional Protocol to the Convention on the Rights of the Child on

the Sale of Children, Child Prostitution and Child Pornography.

The reservation purports to give Islamic Shariah preference over the provisions of the Optional Protocol and does not clearly define to what extent Qatar has accepted the obligations of the latter. The Government of Norway therefore objects to the reservation, as it is contrary to the object and purpose of the Optional Protocol and thus impermissible according to well-established principles of international law.

This objection does not preclude the entry into force in its entirety of the Optional Protocol between the Kingdom of Norway and Qatar. The Optional Protocol thus becomes operative between Norway and Qatar without Qatar benefiting from the reservation."

Spain, 10 September 2002

With regard to the reservation made by Qatar upon accession:

The Government of the Kingdom of Spain has examined the reservation made by the Government of the State of Qatar on 14 December 2001 to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, concerning any provisions in the protocol that are in conflict with the Islamic Shariah.

The Government of the Kingdom of Spain considers that this reservation, which refers in a general way to Islamic law without specifying its content, creates doubts among the other States parties about the extent to which the State of Qatar commits itself to comply with the Optional Protocol.

The Government of the Kingdom of Spain is of the view that the reservation by the Government of the State of Qatar is incompatible with the object and purpose of the said Optional Protocol, since it refers to the Protocol as a whole and could seriously restrict or even exclude its application on a basis as ill-defined as the general reference to the Islamic Shariah.

Therefore, the Government of the Kingdom of Spain objects to the above-mentioned reservation by the Government of the State of Qatar to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

This objection shall not preclude the entry into force of the said Optional Protocol between the Kingdom of Spain and the State of Qatar.

Sweden, 27 November 2002

With regard to the reservation made by Qatar upon accession:

"The Government of Sweden has examined the reservation made by Qatar upon acceding to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

The Government of Sweden notes that the Protocol is being made subject to a general reservation of unlimited scope referring to the contents of Islamic sharia.

The Government of Sweden is of the view that this reservation which does not clearly specify the provisions of the Convention to which it applies, and the extent of the derogation therefrom, raises serious doubts as to the commitment of Qatar to the object and purpose of the Protocol. The Government of Sweden would like to recall that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Sweden therefore objects to the aforesaid reservation made by the Government of Qatar to the Optional Protocol to the Convention on the Rights of the Child on the sale of Children, Child Prostitution and Child Pornography.

This objection shall not preclude the entry into force of the Convention between Qatar and Sweden. The Convention enters into force in its entirety between the two States, without Qatar benefiting from its reservation."

Note

With regard to the reservation made by Qatar upon accession, the Secretary-General received the following communication on the date indicated hereinafter:

Ireland (3 January 2003):

"The Government of Ireland [has] examined the reservation to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography made by the Government of Qatar at the time of its accession to the Optional Protocol.

The Government of Ireland [is] of the view that this reservation refers in a general manner to Islamic law without precisising its content and therefore leaves other states parties in doubt as to the real extent of the state of Qatar's commitment to the Optional Protocol. It is in the common interest of

States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

For these reasons, the Government of Ireland [objects] to this reservation made by the Government of Qatar.

This position, however, does not preclude the entry into force in its entirety of the Optional Protocol between Qatar and Ireland."

Finland (10 March 2003):

"The Government of Finland has carefully examined the contents of the reservation made by the Government of Qatar to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

The Government of Finland notes that the reservation made by Qatar which consists of a general reference to religious law without specifying its contents does not clearly define the extent to which Qatar commits itself to the Protocol and therefore creates serious doubts as to its commitment to fulfil its obligations under the Protocol. Such a reservation is subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its domestic law as justification for a failure to perform its treaty obligations.

The Government of Finland also notes that the reservation of Qatar, being of too general a nature, raises doubts as to the full commitment of Qatar to the object and purpose of the Protocol, and wishes to recall that, according to the customary international law as codified in the Vienna Convention on the Law of the Treaties, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of Finland therefore objects to the reservation made by the Government of Qatar to the Protocol."

Netherlands (7 April 2003):

"The Government of the Kingdom of the Netherlands has examined the reservation made by the Government of Qatar at the time of its accession to the Optional Protocol to the Convention on the rights of the child on the sale of children, child prostitution and child pornography. The Government of the Kingdom of the Netherlands considers that the reservation concerning the national law of Qatar, which seeks to limit the responsibilities of the reserving State under the Protocol by invoking national law, may raise doubts as to the commitment of this State to the object and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law.

The Government of the Kingdom of the Netherlands recalls that, according to paragraph 2 of article 28 of the Convention, a reservation incompatible with the object and purpose of the Convention

shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become party are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of the Kingdom of the Netherlands therefore objects to the aforesaid reservation made by the Government of Qatar to the Optional Protocol to the Convention on the rights of the child on the sale of children, child prostitution and child pornography.

This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and Qatar."

(Note 7, Chapter IV.11.c, Multilateral Treaties Deposited with the Secretary-General)