

*INDICATORS TABLES ON CHILDREN'S RIGHTS*

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## LEGEND RATIFICATION TABLE

### Reservations made by sub-Saharan African countries to the Convention on the Rights of the Child

Upon ratification, the following countries made reservations:

On 13 April 1995, The **Government of the Republic of Botswana** ratified the CRC and entered a reservation with regard to the provisions of article 1 of the Convention and declared that it does not consider itself bound by the same in so far as such may conflict with the Laws and Statutes of Botswana.

The **Government of Djibouti** ratified the CRC on 6 December 1990 and declared that it "shall not consider itself bound by any provisions or articles that are incompatible with its religion and its traditional values". The Government of Denmark has recommended to the Government of Djibouti, in its communication to the Secretary-General on 16 November 1995, to reconsider the reservation.

On 7 December 2009, the Government of Djibouti informed the Secretary-General that it had decided to withdraw the reservation made upon ratification to the Convention. The text of the reservation withdrawn reads as follows:

... the Government of Djibouti shall not consider itself bound by] any provisions or articles that are incompatible with its religion and its traditional values.

The **Government of the Republic of Mali** declared that, in view of the provisions of the Mali Family Code, there is no reason to apply article 16 of the Convention.

In signing the CRC, the **Islamic Republic of Mauritania** made reservations to articles or provisions which may be contrary to the beliefs and values of Islam, the religion of the Mauritania People and State.

The **Government of the Kingdom of Swaziland** ratified the CRC on 6 October 2005 and then declared that the Convention constituted a point of departure to guarantee child rights and that its implementation should be progressive because depended on the application of certain social, economic and cultural rights. More precisely, the Government indicated that article 4 of the Convention, relating to the right to free primary education, shall be applied "to the maximum extent of available resources". To this end, the Government called upon the co-operation of the international Community.

On 4 June 2008, the Government of the **Republic of Mauritius** informed the Secretary-General that it had decided to withdraw the reservation made upon accession in respect to article 22 of the Convention. The text of the reservation reads as follows:

"[Mauritius] having considered the Convention, hereby accedes to it with express reservation with regard to Article 22 of the said Convention."

On 19 October 2006, the Government of Morocco informed the Secretary-General that it had decided to withdraw the reservation made with regard to article 14 made upon ratification. The reservation reads as follows:

The Kingdom of Morocco, whose Constitution guarantees to all the freedom to pursue his religious affairs, makes a reservation to the provisions of article 14, which accords children freedom of religion, in view of the fact that Islam is the State religion.

### Definitions of key terms used in the United Nations Treaty Collection:

<b>Adoption</b>	<p>"Adoption" is the formal act by which the form and content of a proposed treaty text are established. As a general rule, the adoption of the text of a treaty takes place through the expression of the consent of the states participating in the treaty-making process. Treaties that are negotiated within an international organization will usually be adopted by a resolution of a representative organ of the organization whose membership more or less corresponds to the potential participation in the treaty in question. A treaty can also be adopted by an international conference which has specifically been convened for setting up the treaty, by a vote of two thirds of the states present and voting, unless, by the same majority, they have decided to apply a different rule.</p> <p>[Art.9, Vienna Convention of the Law of Treaties 1969]</p>
<b>AC = Acceptance and Approval</b>	<p>The instruments of "acceptance" or "approval" of a treaty have the same legal effect as ratification and consequently express the consent of a state to be bound by a treaty. In the practice of certain states acceptance and approval have been used instead of ratification when, at a national level, constitutional law does not require the treaty to be ratified by the head of state.</p> <p>[Arts.2 (1) (b) and 14 (2), Vienna Convention on the Law of Treaties 1969]</p>
<b>A = Accession</b>	<p>"Accession" is the act whereby a state accepts the offer or the opportunity to become a party to a treaty already negotiated and signed by other states. It has the same legal effect as ratification. Accession usually occurs after the treaty has entered into force. The Secretary-General of the United Nations, in his function as depositary, has also accepted accessions to some conventions before their entry into force. The conditions under which accession may occur and the procedure involved depend on the provisions of the treaty. A treaty might provide for the accession of all other states or for a limited and defined number of states. In the absence of such a provision, accession can only occur where the negotiating states were agreed or subsequently agree on it in the case of the state in question.</p> <p>[Arts.2 (1) (b) and 15, Vienna Convention on the Law of Treaties 1969]</p>
<b>R = Ratification</b>	<p>Ratification defines the international act whereby a state indicates its consent to be bound to a treaty if the parties intended to show their consent by such an act. In the case of bilateral treaties, ratification is usually accomplished by exchanging the requisite instruments, while in the case of multilateral treaties the usual procedure is for the depositary to collect the ratifications of all states, keeping all parties informed of the situation. The institution of ratification grants states the necessary time-frame to seek the required approval for the treaty on the domestic level and to enact the necessary legislation to give domestic effect to that treaty.</p> <p>[Arts.2 (1) (b), 14 (1) and 16, Vienna Convention on the Law of Treaties 1969]</p>
<b>S = Signature Subject to Ratification, Acceptance or Approval</b>	<p>Where the signature is subject to ratification, acceptance or approval, the signature does not establish the consent to be bound. However, it is a means of authentication and expresses the willingness of the signatory state to continue the treaty-making process. The signature qualifies the signatory state to proceed to ratification, acceptance or approval. It also creates an obligation to refrain, in good faith, from acts that would defeat the object and the purpose of the treaty.</p> <p>[Arts.10 and 18, Vienna Convention on the Law of Treaties 1969]</p>
<b>D = Succession</b>	<p><i>Participation in treaties in force at the date of the succession of States</i> : a newly independent State may, by a notification of succession, establish its status as a party to any multilateral treaty which at the date of the succession of States was in force in respect of the territory to which the succession of States relates.</p> <p><i>Participation in treaties not in force at the date of the succession of States</i> : a newly independent State may, by a notification of succession, establish its status as a contracting State to a multilateral treaty which is not in force if at the date of the succession of States the predecessor State was a contracting State in respect of the territory to which that succession of States relates.</p> <p>[art. 17 et 18, Convention de Vienne de 1978 sur la succession d'États en matière de traités].</p>
<b>Reservation</b>	<p>A reservation is a declaration made by a state by which it purports to exclude or alter the legal effect of certain provisions of the treaty in their application to that state. A reservation enables a state to accept a multilateral treaty as a whole by giving it the possibility not to apply certain provisions with which it does not want to comply. Reservations can be made when the treaty is signed, ratified, accepted, approved or acceded to. Reservations must not be incompatible with the object and the purpose of the treaty. Furthermore, a treaty might prohibit reservations or only allow for certain reservations to be made.</p> <p>[Arts.2 (1) (d) and 19-23, Vienna Convention of the Law of Treaties 1969]</p>
<b>No Action</b>	
<b>N/A = Not Applicable</b>	