

Appendix 3.5:
The Top Five Most Reserved Articles, Six Core Human Rights Treaties
As of 2002

| Treaty: Civil and Political Rights | Number of Reservations: |
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| <p>Article 14:</p> <p>1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgment rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.</p> <p>2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.</p> <p>3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:</p> <p>(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;</p> <p>(b) To have adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing;</p> <p>(c) To be tried without undue delay;</p> <p>(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;</p> <p>(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;</p> <p>(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;</p> <p>(g) Not to be compelled to testify against himself or to confess guilt.</p> <p>4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.</p> <p>5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.</p> <p>6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has</p> | <p>43</p> <p>Australia Barbados Belgium Finland Gambia Guyana Iceland Ireland Korea Liechtenstein Luxembourg New Zealand Sweden United Kingdom Venezuela Austria Bangladesh Belize Denmark France Germany Italy Malta Trin & Tobago Netherlands Switzerland United States</p> |

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| <p>been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.</p> <p>7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.</p> | |
| <p>Article 10:</p> <p>1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.</p> <p>2.</p> <p>(a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;</p> <p>(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.</p> <p>3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.</p> | <p>20</p> <p>Australia Austria Bangladesh Belgium Denmark Finland Iceland Ireland Luxembourg Netherlands Norway Sweden Switzerland Trin & Tobago United Kingdom New Zealand United States</p> |
| <p>Article 20:</p> <p>1. Any propaganda for war shall be prohibited by law.</p> <p>2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.</p> | <p>16</p> <p>Australia Belgium Denmark Finland France Iceland Ireland Luxembourg Malta Netherlands New Zealand Norway Sweden UK US</p> |
| <p>Article 19:</p> <p>1. Everyone shall have the right to hold opinions without interference.</p> <p>2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.</p> <p>3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:</p> <p>(a) For respect of the rights or reputations of others;</p> | <p>11</p> <p>Austria Belgium Germany India Ireland Italy Luxembourg Malta Netherlands</p> |

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| <p>(b) For the protection of national security or of public order (ordre public), or of public health or morals.</p> | <p>United States</p> |
| <p>Article 22: 1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests. 2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right. 3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.</p> | <p>11 Algeria Austria Belgium France Germany India Japan Korea Malta New Zealand United States</p> |
| <p>Treaty: Economic, Social, and Cultural Rights</p> | |
| <p>Article 8: 1. The States Parties to the present Covenant undertake to ensure: (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others; (b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations; (c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others; (d) The right to strike, provided that it is exercised in conformity with the laws of the particular country. 2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State. 3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.</p> | <p>12 Bangladesh China France India Japan Kuwait Mexico Netherlands New Zealand Norway Trin & Tobago United Kingdom</p> |
| <p>Article 13: 1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace. 2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:</p> | <p>11 Algeria Bangladesh Barbados France Ireland Japan Madagascar Malta</p> |

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| <p>(a) Primary education shall be compulsory and available free to all;</p> <p>(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;</p> <p>(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;</p> <p>(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;</p> <p>(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.</p> <p>3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.</p> <p>4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.</p> | <p>Rwanda United Kingdom Zambia</p> |
| <p>Article 26:</p> <p>1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.</p> <p>2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.</p> <p>3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.</p> <p>4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.</p> <p>5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.</p> | <p>10</p> <p>Afghanistan Bulgaria Guinea Hungary Mongolia Romania Russia Syria Ukraine Viet Nam</p> |
| <p>Article 1:</p> <p>1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.</p> <p>2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.</p> <p>3. The States Parties to the present Covenant, including those having responsibility</p> | <p>7</p> <p>Algeria Bangladesh Guinea India Romania Thailand United Kingdom</p> |

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| <p>for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.</p> | |
| <p>Article 7: The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular: (a) Remuneration which provides all workers, as a minimum, with: (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant; (b) Safe and healthy working conditions; (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence; (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays</p> | <p>7</p> <p>Bangladesh Barbados Denmark India Japan Sweden United Kingdom</p> |
| <p>Treaty: Elimination of Racial Discrimination</p> | <p>Reservations:</p> |
| <p>Article 22: Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.</p> | <p>22</p> <p>Afghanistan Bahrain China Cuba Egypt India Indonesia Iraq Israel Kuwait Lebanon Libya Madagascar Morocco Mozambique Nepal Rwanda Saudi Arabia Syria Turkey United States Viet Nam</p> |
| <p>Article 4: States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia: (a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of</p> | <p>18</p> <p>Antigua&Barbuda Australia Austria Bahamas Barbados Belgium Fiji France</p> |

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| <p>violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;</p> <p>(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;</p> <p>(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.</p> | <p>Ireland Italy Japan Malta Nepal Papua NG Switzerland Tonga United Kingdom United States</p> |
| <p>Article 17:</p> <p>1. This Convention is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to this Convention.</p> <p>2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.</p> | <p>11</p> <p>Afghanistan Belarus Bulgaria Cuba Hungary Mongolia Poland Romania Russia Ukraine Viet Nam</p> |
| <p>Article 18:</p> <p>1. This Convention shall be open to accession by any State referred to in article 17, paragraph 1, of the Convention.</p> <p>2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.</p> | <p>7</p> <p>Afghanistan Bulgaria Cuba Hungary Poland Romania Viet Nam</p> |
| <p>Article 6:</p> <p>States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.</p> | <p>6</p> <p>Fiji France Malta Nepal Tonga United Kingdom</p> |
| <p>Treaty: Convention Against Torture</p> | |
| <p>Article 30:</p> <p>1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.</p> <p>2. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 of this article with respect to any State Party having made such a reservation.</p> | <p>Reservations:</p> <p>19</p> <p>Afghanistan Bahrain China Cuba Equatorial Guinea France Ghana Indonesia Israel Kuwait</p> |

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| <p>3. Any State Party having made a reservation in accordance with paragraph 2 of this article may at any time withdraw this reservation by notification to the Secretary-General of the United Nations.</p> | <p>Morocco Panama Poland Qatar Saudi Arabia Slovak Republic South Africa Turkey United States</p> |
| <p>Article 20:</p> <p>1. If the Committee receives reliable information which appears to it to contain well-founded indications that torture is being systematically practiced in the territory of a State Party, the Committee shall invite that State Party to co-operate in the examination of the information and to this end to submit observations with regard to the information concerned.</p> <p>2. Taking into account any observations which may have been submitted by the State Party concerned, as well as any other relevant information available to it, the Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to the Committee urgently.</p> <p>3. If an inquiry is made in accordance with paragraph 2 of this article, the Committee shall seek the co-operation of the State Party concerned. In agreement with that State Party, such an inquiry may include a visit to its territory.</p> <p>4. After examining the findings of its member or members submitted in accordance with paragraph 2 of this article, the Commission shall transmit these findings to the State Party concerned together with any comments or suggestions which seem appropriate in view of the situation.</p> <p>5. All the proceedings of the Committee referred to in paragraphs 1 to 4 of the article shall be confidential, and at all stages of the proceedings the co-operation of the State Party shall be sought. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2, the Committee may, after consultations with the State Party concerned, decide to include a summary account of the results of the proceedings in its annual report made in accordance with article 24.</p> | <p>13</p> <p>Afghanistan Chile China Cuba Equatorial Guinea Indonesia Israel Kuwait Morocco Poland Qatar Saudi Arabia Ukraine</p> |
| <p>Article 1:</p> <p>1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.</p> <p>2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.</p> | <p>6</p> <p>Botswana Luxembourg Netherlands Qatar United States</p> |
| <p>Article 3:</p> <p>1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.</p> <p>2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.</p> | <p>5</p> <p>Ecuador Germany Qatar United States</p> |
| <p>Article 14:</p> | <p>5</p> |

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| <p>1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.</p> <p>2. Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law.</p> | <p>Bangladesh New Zealand Qatar United States</p> |
| <p>Treaty: Elimination of Discrimination Against Women</p> | <p>Reservations:</p> |
| <p>Article 29:</p> <p>1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.</p> <p>2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.</p> <p>3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.</p> | <p>30</p> <p>Algeria Argentina Bahamas Bahrain Brazil China Cuba Egypt El Salvador Ethiopia France India Indonesia Iraq Israel Jamaica Kuwait Lebanon Mauritius Morocco Niger Pakistan Saudi Arabia Singapore Thailand Trin&Tobago Tunisia Turkey Viet Nam Yemen AR</p> |
| <p>Article 16:</p> <p>1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:</p> <p>(a) The same right to enter into marriage;</p> <p>(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;</p> <p>(c) The same rights and responsibilities during marriage and at its dissolution;</p> <p>(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;</p> <p>(e) The same rights to decide freely and responsibly on the number and spacing of</p> | <p>25</p> <p>Algeria Bahamas Bahrain Egypt France India Iraq Ireland Israel Korea Kuwait Lebanon</p> |

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| <p>their children and to have access to the information, education and means to enable them to exercise these rights;</p> <p>(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;</p> <p>(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;</p> <p>(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.</p> <p>2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.</p> | <p>Libya Luxembourg Maldives Malta Morocco Niger Singapore Switzerland Thailand Tunisia United Kingdom Jordan</p> |
| <p>Article 9:</p> <p>1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.</p> <p>2. States Parties shall grant women equal rights with men with respect to the nationality of their children.</p> | <p>13</p> <p>Algeria Bahamas Bahrain Egypt France Iraq Jordan Korea Kuwait Lebanon Saudi Arabia Tunisia United Kingdom</p> |
| <p>Article 2:</p> <p>States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:</p> <p>(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;</p> <p>(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;</p> <p>(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;</p> <p>(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;</p> <p>(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;</p> <p>(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;</p> | <p>11</p> <p>Algeria Bahamas Bahrain Egypt Iraq Lesotho Libya Morocco Niger Singapore United Kingdom</p> |

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| (g) To repeal all national penal provisions which constitute discrimination against women. | |
| <p>Article 15:</p> <p>1. States Parties shall accord to women equality with men before the law.</p> <p>2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.</p> <p>3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.</p> <p>4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.</p> | <p>9</p> <p>Algeria Bahrain Jordan Malta Morocco Niger Switzerland Tunisia United Kingdom</p> |
| Treaty: Rights of the Child | Reservations: |
| <p>Article 14:</p> <p>1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.</p> <p>2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.</p> <p>3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.</p> | <p>16</p> <p>Algeria Bangladesh Belgium Indonesia Iraq Jordan Kiribati Malaysia Maldives Morocco Netherlands Oman Poland Singapore Syria U Arab Emirates</p> |
| <p>Article 7:</p> <p>1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.</p> <p>2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.</p> | <p>13</p> <p>Czech Rep Kuwait Liechtenstein Luxembourg Malaysia Oman Poland Singapore Switzerland Thailand Tunisia U Arab Emir UK</p> |
| <p>Article 37 :</p> <p>States Parties shall ensure that:</p> <p>(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without</p> | <p>13</p> <p>Australia</p> |

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| <p>possibility of release shall be imposed for offences committed by persons below eighteen years of age;</p> <p>(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;</p> <p>(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;</p> <p>(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.</p> | <p>Burma Canada China Germany Iceland Japan Malaysia Netherlands New Zealand Singapore Switzerland United Kingdom</p> |
| <p>Article 21: States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:</p> <p>(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;</p> <p>(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;</p> <p>(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;</p> <p>(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;</p> <p>(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.</p> | <p>12</p> <p>Argentina Bangladesh Canada Egypt Indonesia Jordan Korea Kuwait Maldives Oman Syria U Arab Emirates</p> |
| <p>Article 40: 1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.</p> <p>2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:</p> <p>(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;</p> <p>(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:</p> | <p>9</p> <p>Belgium Denmark France Germany Korea Malaysia Netherlands Switzerland Tunisia</p> |

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| <p>(i) To be presumed innocent until proven guilty according to law;</p> <p>(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;</p> <p>(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;</p> <p>(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;</p> <p>(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;</p> <p>(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;</p> <p>(vii) To have his or her privacy fully respected at all stages of the proceedings.</p> <p>3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:</p> <p>(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;</p> <p>(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.</p> <p>4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.</p> | |
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