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COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW (CAHDI)

**Reactions to reservations and declarations to international treaties
previously examined by the CAHDI**

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Public International Law Division and Treaty Office
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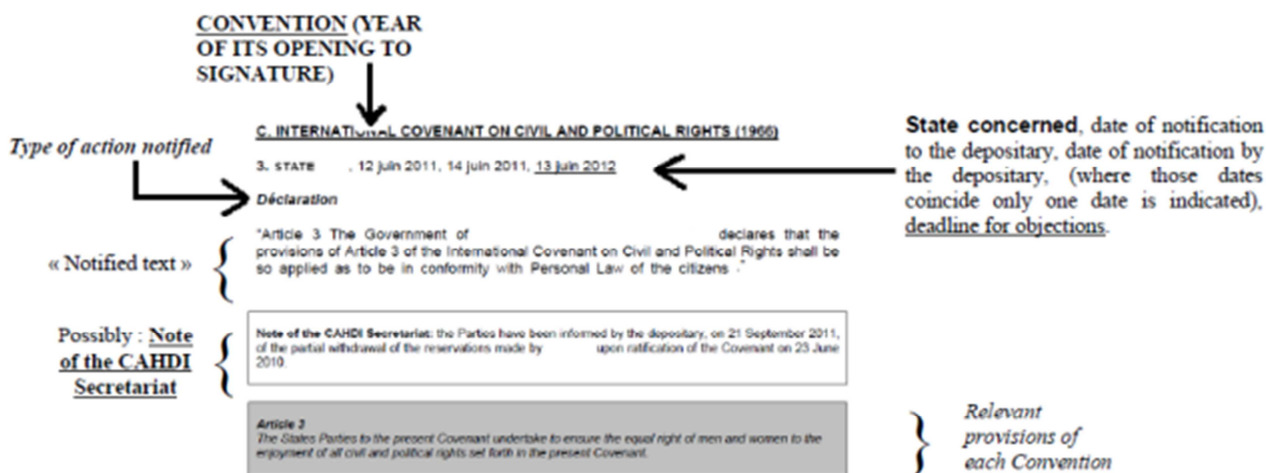
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FOREWORD

Since 1998, the CAHDI operates as European Observatory of Reservations to International Treaties and regularly considers a list of outstanding reservations.

This document presents the reactions of member and observer States of the CAHDI to outstanding reservations and declarations examined by the Committee and for which the deadline for objection has expired. To this end, a table of objections to the reservations and declarations examined at the 48th (The Hague, 18-19 September 2014) and 49th (Strasbourg, 19-20 March 2015) meetings of the CAHDI is set out.

The appendix contains the text of the reservations and declarations to treaties concluded outside the Council of Europe¹. The format of the information contained in these appendices is the following:



¹ No outstanding reservations and declarations to Council of Europe conventions were registered by the Council of Europe Treaty Office for the given period.

TABLE OF OBJECTIONS**LEGEND**

Sign. : Made upon signature

- State has objected
- ◆ State has made a declaration
- ◀ State has objected to the original reservation(s), in case of a (partial) withdrawal
- State considers the reservation to have been formulated belatedly

TREATIES**RESERVATIONS AND DECLARATIONS TO TREATIES CONCLUDED OUTSIDE THE COUNCIL OF EUROPE**

- A. International Covenant on Civil and Political Rights (1966)
- B. International Covenant on Economic, Social and Cultural Rights (1966)
- C. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- D. Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000)
- E. International Convention for the Suppression of Acts of Nuclear Terrorism (2005)
- F. Arms Trade Treaty (2013)

RESERVATIONS AND DECLARATIONS TO COUNCIL OF EUROPE TREATIES

- G. Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007)

APPENDICES

RESERVATIONS AND DECLARATIONS TO TREATIES CONCLUDED OUTSIDE THE COUNCIL OF EUROPE

A. INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (1966)

1. DENMARK, 2 April 2014, 30 January 2015, 29 January 2016

*Modification of reservation*²

“The text of the modified reservation reads as follows:

b) (i) Article 14, paragraph 5, shall be applied in such a manner that:

- An unlimited right to appeal does not have to be instituted in cases where the conviction concerns a minor offence and the sentence imposed is a fine and/or confiscation below a certain amount to be laid down by law.
- A right to a further appeal does not have to be instituted in cases where the accused person, having been acquitted by a lower court, is convicted for the first time by a higher court hearing an appeal of the acquittal.
- A right to appeal does not have to be instituted in criminal proceedings against a Member of Government or any other person brought before the High Court of the Realm (*Rigsretten*).

(ii) Article 14, paragraph 7, shall be applied in such a manner that criminal proceedings which led to a final conviction or acquittal may be reopened in certain circumstances to be laid down by law.”

The Government of Denmark confirmed that the reservation to Article 14, paragraph 5 above is a narrowing of the reservation made upon ratification and that the reservation to Article 14, paragraph 7 above is a clarification of the reservation made upon ratification.

Paragraphs 1, 2(a) and 3 of Denmark’s reservation made upon ratification remain unchanged.”

Article 14

[...]

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

[...]

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.

² **Note of the Secretariat:** the original text of the reservation made upon ratification by Denmark in 1972 reads as follows: “(b) Article 14, paragraphs 5 and 7, shall not be binding on Denmark. The Danish Administration of Justice Act contains detailed provisions regulating the matters dealt with in these two paragraphs. In some cases, Danish legislation is less restrictive than the Covenant (e.g. a verdict returned by a jury on the question of guilt cannot be reviewed by a higher tribunal, cf. paragraph 5); in other cases, Danish legislation is more restrictive than the Covenant (e.g. with respect to resumption of a criminal case in which the accused party was acquitted, cf. paragraph 7).”

B. INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (1966)

2. SOUTH AFRICA, 12 January 2015, 11 January 2016

Declaration

“The Government of the Republic of South Africa will give progressive effect to the right to education, as provided for in Article 13 (2) (a) and Article 14, within the framework of its National Education Policy and available resources.”

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:*

(a) *Primary education shall be compulsory and available free to all;*

(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;*

(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;*

(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;*

(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.*

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.*

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.*

Article 14

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

C. CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (1984)

3. VIET NAM, 5 February 2015, 4 February 2016

Declarations

“The Socialist Republic of Viet Nam declares, in accordance with article 28 paragraph 1, that it does not recognize the competence of the Committee provided for in article 20, and in accordance with article 30, paragraph 2, that it does not consider itself bound by article 30, paragraph 1.

The Socialist Republic of Viet Nam does not consider the Convention as the direct legal basis for extradition in respect of the offences referred to in Article 4 of the Convention. Extradition shall be decided on the basis of extradition treaties to which Viet Nam is a party or the principle of reciprocity, and shall be in accordance with Vietnamese laws and regulations.”

Article 4

1. *Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.*

2. *Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.*

Article 20

1. If the Committee receives reliable information which appears to it to contain well-founded indications that torture is being systematically practised 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.
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.
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.
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.
5. All the proceedings of the Committee referred to in paragraphs 1 to 4 of this 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.

Article 28

1. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not recognize the competence of the Committee provided for in article 20.
2. Any State Party having made a reservation in accordance with paragraph 1 of this article may, at any time, withdraw this reservation by notification to the Secretary-General of the United Nations.

Article 30

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.
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.
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.

D. OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT (2000)

4. **DOMINICAN REPUBLIC**, 14 October 2014, 16 October 2014, 15 October 2015

Declaration

“Declares that, under the Dominican legislation in force, persons enlisting in the armed forces must be at least 18 but less than 23 years of age at the time of recruitment. Persons between 16 and 18 years of age may enlist in the armed forces with the prior consent of their parents or guardians. Recruitment into the armed forces is voluntary in peacetime and forced or compulsory when a state of emergency has been declared in accordance with the Constitution of the Republic. Should compulsory recruitment be imposed, persons under the age of 18 years will not be enlisted, and persons under the age of 18 years who are already enlisted will not be permitted to take an active part in hostilities.”

Article 3

1. States Parties shall raise the minimum age for the voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention on the Rights of the Child, taking account of the principles contained in that article and recognizing that under the Convention persons under the age of 18 years are entitled to special protection.
2. Each State Party shall deposit a binding declaration upon ratification of or accession to the present Protocol that sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the safeguards it has adopted to ensure that such recruitment is not forced or coerced.
3. States Parties that permit voluntary recruitment into their national armed forces under the age of 18 years shall maintain safeguards to ensure, as a minimum, that:
 - (a) Such recruitment is genuinely voluntary;
 - (b) Such recruitment is carried out with the informed consent of the person's parents or legal guardians;
 - (c) Such persons are fully informed of the duties involved in such military service;
 - (d) Such persons provide reliable proof of age prior to acceptance into national military service.

4. Each State Party may strengthen its declaration at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall inform all States Parties. Such notification shall take effect on the date on which it is received by the Secretary-General.

5. The requirement to raise the age in paragraph 1 of the present article does not apply to schools operated by or under the control of the armed forces of the States Parties, in keeping with articles 28 and 29 of the Convention on the Rights of the Child.

E. INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF ACTS OF NUCLEAR TERRORISM (2005)

5. INDONESIA, 30 September 2014, 29 September 2015

Declaration

"The Government of the Republic of Indonesia declares that Article 4 of this Convention shall not be construed as supporting, encouraging, condoning, justifying or legitimizing the use or the threat of use of nuclear weapons for any means or purposes."

Reservation

"The Government of the Republic of Indonesia does not consider itself bound by the provision of Article 23 paragraph (1) of the Convention and takes the position that any dispute relating to the interpretation or application of the Convention may only be submitted to arbitration or to the International Court of Justice with the consent of all the Parties to the dispute."

Article 4

1. Nothing in this Convention shall affect other rights, obligations and responsibilities of States and individuals under international law, in particular the purposes and principles of the Charter of the United Nations and international humanitarian law.

2. The activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law are not governed by this Convention, and the activities undertaken by military forces of a State in the exercise of their official duties, inasmuch as they are governed by other rules of international law, are not governed by this Convention.

3. The provisions of paragraph 2 of the present article shall not be interpreted as condoning or making lawful otherwise unlawful acts, or precluding prosecution under other laws.

4. This Convention does not address, nor can it be interpreted as addressing, in any way, the issue of the legality of the use or threat of use of nuclear weapons by States.

Article 23

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months of 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 application, in conformity with the Statute of the Court.

2. Each State may, at the time of signature, ratification, acceptance or approval of this Convention or accession thereto, declare that it does not consider itself bound by paragraph 1 of the present article. The other States Parties shall not be bound by paragraph 1 with respect to any State Party which has made such a reservation.

3. Any State which has made a reservation in accordance with paragraph 2 of the present article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

F. ARMS TRADE TREATY (2013)

6. LIECHTENSTEIN, 16 December 2014, 17 December 2014, 16 December 2015

Declarations

"It is the understanding of Liechtenstein that the terms "export", "import", "transit", "trans-shipment" and "brokering" in Article 2, paragraph 2, include, in light of the object and purpose of this Treaty and in accordance with their ordinary meaning, monetary or non-monetary transactions, such as gifts, loans and leases, and that therefore these activities fall under the scope of this Treaty.

It is the understanding of Liechtenstein that the term "grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by

international agreements to which it is a party" in Article 6, paragraph 3, encompasses acts committed in international and in non-international armed conflicts, and includes, among others, serious violations of Common Article 3 to the Geneva Conventions of 1949; as well as, for States Parties to the relevant agreements, war crimes as described in the Hague Convention IV of 1907 and its Regulations, the Additional Protocols of 1977 to the Geneva Conventions and the Rome Statute of the International Criminal Court of 1998.

It is the understanding of Liechtenstein that the term "knowledge" in Article 6, paragraph 3, in light of the object and purpose of this Treaty and in accordance with its ordinary meaning, implies that the State Party concerned shall not authorise the transfer if it has reliable information providing substantial grounds to believe that the arms or items would be used in the commission of the crimes listed.

It is the understanding of Liechtenstein that the term "overriding risk" in Article 7, paragraph 3, encompasses, in light of the object and purpose of this Treaty and in accordance with the ordinary meaning of all equally authentic language versions of this term in this Treaty, an obligation not to authorise the export whenever the State Party concerned determines that any of the negative consequences set out in paragraph 1 are more likely to materialise than not, even after the expected effect of any mitigating measures has been considered.

It is the understanding of Liechtenstein that Article 26, paragraph 2, seeks to ensure that in a private law dispute, this Treaty cannot be relied upon as a reason to declare as invalid existing or future international defence cooperation agreements concluded between States Parties, and as a consequence, this Treaty remains applicable for any State Party in disregard of obligations under a defence cooperation agreement, in accordance with the Vienna Convention on the Law of Treaties of 1969."

Article 2 – Scope

1. *This Treaty shall apply to all conventional arms within the following categories:*

- (a) *Battle tanks;*
- (b) *Armoured combat vehicles;*
- (c) *Large-calibre artillery systems;*
- (d) *Combat aircraft;*
- (e) *Attack helicopters;*
- (f) *Warships;*
- (g) *Missiles and missile launchers; and*
- (h) *Small arms and light weapons.*

2. *For the purposes of this Treaty, the activities of the international trade comprise export, import, transit, trans-shipment and brokering, hereafter referred to as "transfer".*

3. *This Treaty shall not apply to the international movement of conventional arms by, or on behalf of, a State Party for its use provided that the conventional arms remain under that State Party's ownership.*

Article 6 – Prohibitions

1. *A State Party shall not authorize any transfer of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, if the transfer would violate its obligations under measures adopted by the United Nations Security Council acting under Chapter VII of the Charter of the United Nations, in particular arms embargoes.*

2. *A State Party shall not authorize any transfer of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, if the transfer would violate its relevant international obligations under international agreements to which it is a Party, in particular those relating to the transfer of, or illicit trafficking in, conventional arms.*

3. *A State Party shall not authorize any transfer of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, if it has knowledge at the time of authorization that the arms or items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party.*

Article 7 – Export and Export Assessment

1. *If the export is not prohibited under Article 6, each exporting State Party, prior to authorization of the export of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, under its jurisdiction and pursuant to its national control system, shall, in an objective and non-discriminatory manner, taking into account relevant factors, including information provided by the importing State in accordance with Article 8 (1), assess the potential that the conventional arms or items:*

- (a) *would contribute to or undermine peace and security;*
- (b) *could be used to:*
 - (i) *commit or facilitate a serious violation of international humanitarian law;*
 - (ii) *commit or facilitate a serious violation of international human rights law;*
 - (iii) *commit or facilitate an act constituting an offence under international conventions or protocols relating to terrorism to which the exporting State is a Party; or*
 - (iv) *commit or facilitate an act constituting an offence under international conventions or protocols relating to transnational organized crime to which the exporting State is a Party.*

2. *The exporting State Party shall also consider whether there are measures that could be undertaken to mitigate risks*

identified in (a) or (b) in paragraph 1, such as confidence-building measures or jointly developed and agreed programmes by the exporting and importing States.

3. If, after conducting this assessment and considering available mitigating measures, the exporting State Party determines that there is an overriding risk of any of the negative consequences in paragraph 1, the exporting State Party shall not authorize the export.

4. The exporting State Party, in making this assessment, shall take into account the risk of the conventional arms covered under Article 2 (1) or of the items covered under Article 3 or Article 4 being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children.

5. Each exporting State Party shall take measures to ensure that all authorizations for the export of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4 are detailed and issued prior to the export.

6. Each exporting State Party shall make available appropriate information about the authorization in question, upon request, to the importing State Party and to the transit or trans-shipment States Parties, subject to its national laws, practices or policies.

7. If, after an authorization has been granted, an exporting State Party becomes aware of new relevant information, it is encouraged to reassess the authorization after consultations, if appropriate, with the importing State.

Article 26 – Relationship with other international agreements

1. The implementation of this Treaty shall not prejudice obligations undertaken by States Parties with regard to existing or future international agreements, to which they are parties, where those obligations are consistent with this Treaty.

2. This Treaty shall not be cited as grounds for voiding defence cooperation agreements concluded between States Parties to this Treaty.

7. SWITZERLAND, 30 January 2015, 29 January 2016

Declarations

"It is the understanding of Switzerland that the terms "export", "import", "transit", "trans-shipment" and "brokering" in Article 2, paragraph 2, include, in the light of the object and purpose of this Treaty and in accordance with their ordinary meaning, monetary or non-monetary transactions, such as gifts, loans and leases, and that therefore these activities fall within the scope of this Treaty.

It is the understanding of Switzerland that the term "grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party" in article 6, paragraph 3, encompasses acts committed in international and in non-international armed conflicts, and includes, among others, serious violations of Common Article 3 to the Geneva Conventions of 1949; as well as, for States Parties to the relevant agreements, war crimes as described in the Hague Convention IV of 1907 and its Regulations, the Additional Protocols of 1977 to the Geneva Conventions and the Rome Statute of the International Criminal Court of 1998.

It is the understanding of Switzerland that the term "knowledge" in Article 6, paragraph 3, in the light of the object and purpose of this Treaty and in accordance with its ordinary meaning, implies that the State Party concerned shall not authorize the transfer if it has reliable information providing substantial grounds to believe that the arms or items would be used in the commission of the crimes listed.

It is the understanding of Switzerland that the term "overriding risk" in Article 7, paragraph 3, encompasses, in the light of the object and purpose of this Treaty and in accordance with the ordinary meaning of all equally authentic language versions of this term in this Treaty, an obligation not to authorize the export whenever the State Party concerned determines that any of the negative consequences set out paragraph 1 are more likely to materialize than not, even after the expected effect of any mitigating measures has been considered.

It is the understanding of Switzerland that Article 26, paragraph 2, seeks to ensure that in a private law dispute, this Treaty cannot be relied upon as a reason to declare as invalid existing or future international defence cooperation agreements concluded between States Parties, and as a consequence, this Treaty remains applicable for any State Party in disregard of obligations under a defence cooperation agreement, in accordance with the Vienna Convention on the Law of Treaties of 1969."

Articles 2, 6, 7 and 26 are reproduced above.

RESERVATIONS AND DECLARATIONS TO COUNCIL OF EUROPE TREATIES

G. COUNCIL OF EUROPE CONVENTION ON THE PROTECTION OF CHILDREN AGAINST SEXUAL EXPLOITATION AND SEXUAL ABUSE (2007)

8. MONACO, 7 October 2014, 6 October 2015

Reservation

“Pursuant to Article 24, paragraph 3, of the Convention, the Principality of Monaco reserves the right not to apply, in whole or in part, paragraph 2 of Article 24 on the suppression of the attempt to commit offences established by the Convention, to certain offences and in particular those established in accordance with Article 20, paragraph 1.f, Article 21, paragraph 1.c, Article 22 and Article 23 of the Convention.”

Article 20 – Offences concerning child pornography

1. Each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct, when committed without right, is criminalised:

- a. producing child pornography;
- b. offering or making available child pornography;
- c. distributing or transmitting child pornography;
- d. procuring child pornography for oneself or for another person;
- e. possessing child pornography;
- f. knowingly obtaining access, through information and communication technologies, to child pornography.

2. For the purpose of the present article, the term “child pornography” shall mean any material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of a child’s sexual organs for primarily sexual purposes.

3. Each Party may reserve the right not to apply, in whole or in part, paragraph 1.a and e to the production and possession of pornographic material:

- consisting exclusively of simulated representations or realistic images of a non-existent child;
- involving children who have reached the age set in application of Article 18, paragraph 2, where these images are produced and possessed by them with their consent and solely for their own private use.

4. Each Party may reserve the right not to apply, in whole or in part, paragraph 1.f.

Article 21 – Offences concerning the participation of a child in pornographic performances

1. Each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct is criminalised:

- a. recruiting a child into participating in pornographic performances or causing a child to participate in such performances;
- b. coercing a child into participating in pornographic performances or profiting from or otherwise exploiting a child for such purposes;
- c. knowingly attending pornographic performances involving the participation of children.

2. Each Party may reserve the right to limit the application of paragraph 1.c to cases where children have been recruited or coerced in conformity with paragraph 1.a or b.

Article 22 – Corruption of children

Each Party shall take the necessary legislative or other measures to criminalise the intentional causing, for sexual purposes, of a child who has not reached the age set in application of Article 18, paragraph 2, to witness sexual abuse or sexual activities, even without having to participate.

Article 23 – Solicitation of children for sexual purposes

Each Party shall take the necessary legislative or other measures to criminalise the intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age set in application of Article 18, paragraph 2, for the purpose of committing any of the offences established in accordance with Article 18, paragraph 1.a, or Article 20, paragraph 1.a, against him or her, where this proposal has been followed by material acts leading to such a meeting.

Article 24 – Aiding or abetting and attempt

1. Each Party shall take the necessary legislative or other measures to establish as criminal offences, when committed intentionally, aiding or abetting the commission of any of the offences established in accordance with this Convention.

2. Each Party shall take the necessary legislative or other measures to establish as criminal offences, when committed intentionally, attempts to commit the offences established in accordance with this Convention.

3. Each Party may reserve the right not to apply, in whole or in part, paragraph 2 to offences established in accordance with Article 20, paragraph 1.b, d, e and f, Article 21, paragraph 1.c, Article 22 and Article 23.