

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2010 Nr. 288

A. TITEL

*Vierde Protocol bij het Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden, tot het waarborgen van bepaalde rechten en vrijheden die niet reeds in het Verdrag en in het eerste Protocol daarbij zijn opgenomen;
Straatsburg, 16 september 1963*

B. TEKST

De Engelse en de Franse tekst van het Protocol zijn geplaatst in *Trb.* 1964, 15.

Het Protocol is per 1 november 1998 gewijzigd door het in rubriek J van *Trb.* 1998, 90 genoemde Protocol nr. 11 bij bovengenoemd Verdrag.

C. VERTALING

Voor de herziene vertaling zie *Trb.* 1990, 159.

D. PARLEMENT

Zie *Trb.* 1982, 102.

E. PARTIJGEGEVENS

Zie *Trb.* 1964, 15.

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Albanië	02-10-96	02-10-96	R	02-10-96		
Andorra	31-05-07	06-05-08	R	06-05-08		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Armenië	25-01-01	26-04-02	R	26-04-02		
Azerbeidzjan	25-01-01	15-04-02	R	15-04-02		
België	16-09-63	21-09-70	R	21-09-70		
Bosnië en Herzegovina	24-04-02	12-07-02	R	12-07-02		
Bulgarije	03-11-93	04-11-00	R	04-11-00		
Cyprus	06-10-88	03-10-89	R	03-10-89		
Denemarken	16-09-63	30-09-64	R	02-05-68		
Duitsland	16-09-63	01-06-68	R	01-06-68		
Estland	14-05-93	16-04-96	R	16-04-96		
Finland	05-05-89	10-05-90	R	10-05-90		
Frankrijk	22-10-73	03-05-74	R	03-05-74		
Georgië	17-06-99	13-04-00	R	13-04-00		
Hongarije	06-11-90	05-11-92	R	05-11-92		
Ierland	16-09-63	29-10-68	R	29-10-68		
IJsland	16-11-67	16-11-67	R	02-05-68		
Italië	16-09-63	27-05-82	R	27-05-82		
Kroatië	06-11-96	05-11-97	R	05-11-97		
Letland	21-03-97	27-06-97	R	27-06-97		
Liechtenstein	07-12-04	08-02-05	R	08-02-05		
Litouwen	14-05-93	20-06-95	R	20-06-95		
Luxemburg	16-09-63	02-05-68	R	02-05-68		
Macedonië, Voormalige Joegoslavische Republiek	14-06-96	10-04-97	R	10-04-97		
Malta	05-06-02	05-06-02	R	05-06-02		
Moldavië	02-05-96	12-09-97	R	12-09-97		
Monaco	05-10-04	30-11-05	R	30-11-05		
Montenegro		14-06-06	VG	06-06-06		

Partij	Ondertekening	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Nederlanden, het Koninkrijk der – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten	15-11-63	23-06-82 – – – – –	R	23-06-82 10-10-10 10-10-10 10-10-10 01-01-86 10-10-10 10-10-10		
Noorwegen	16-09-63	12-06-64	R	02-05-68		
Oekraïne	19-12-96	11-09-97	R	11-09-97		
Oostenrijk	16-09-63	18-09-69	R	18-09-69		
Polen	14-09-92	10-10-94	R	10-10-94		
Portugal	27-04-78	09-11-78	R	09-11-78		
Roemenië	04-11-93	20-06-94	R	20-06-94		
Russische Federatie	28-02-96	05-05-98	R	05-05-98		
San Marino	01-03-89	22-03-89	R	22-03-89		
Servië	03-04-03	03-03-04	R	03-03-04		
Slovenië	14-05-93	28-06-94	R	28-06-94		
Slowakije		01-01-93	VG	01-01-93		
Spanje	23-02-78	16-09-09	R	16-09-09		
Tsjechië		01-01-93	VG	01-01-93		
Tsjechoslowakije (<01-01-1993)	21-02-91	18-03-92	R	18-03-92		
Turkije	19-10-92					
Verenigd Koninkrijk, het	16-09-63					
Zweden	16-09-63	13-06-64	R	02-05-68		

* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R= Bekrchtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend

Verklaringen, voorbehouden en bezwaren

Azerbeidzjan, 15 april 2002

The Republic of Azerbaijan declares that it is unable to guarantee the application of the provisions of the Protocol in the territories occupied by the Republic of Armenia until these territories are liberated from that occupation (the schematic map of the occupied territories of the Republic of Azerbaijan is enclosed).

Cyprus, 6 oktober 1988 en 3 oktober 1989

The Government of the Republic of Cyprus adopts the position that, according to a proper interpretation of the provisions of Article 4 of the Protocol, they are not applicable to aliens unlawfully in the Republic of Cyprus as a result of the situation created by the continuing invasion and military occupation of part of the territory of the Republic of Cyprus by Turkey.

Frankrijk, 3 mei 1974

The Protocol shall apply to the whole territory of the Republic, having due regard, where the overseas territories are concerned, to local requirements, as mentioned in Article 63 [Article 56 since the entry into force of the Protocol No. 11] of the Convention for the Protection of Human Rights and Fundamental Freedoms.

Ierland, 16 september 1963

The reference to extradition contained in paragraph 21 of the Report of the Committee of Experts on this Protocol and concerning paragraph 1 of Article 3 of the Protocol includes also laws providing for the execution in the territory of one Contracting party of warrants of arrest issued by the authorities of another Contracting Party.

Italië, 27 mei 1982

Paragraph 2 of Article 3 cannot prevent the application of the transitory disposition XIII of the Italian Constitution concerning the interdiction of entry and residence of some Members of the House of Savoy on the territory of the State.

Italië, 12 november 2002

Following the entry into force, on 10 November 2002, of the Constitutional Law No. 1 of 23 October 2002, the sub-paragraphs 1 and 2 of the XIIIth transitory and final disposition of the Italian Constitution cease to apply to members and descendants of the House of Savoy.

Accordingly, as from 10 November 2002, the reservation made by Italy at the time of deposit of the instrument of ratification of Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, on 27 May 1982, has lost its purpose and has no longer any effect.

Monaco, 30 november 2005

The Principality of Monaco declares that the provisions of Article 2, paragraph 1, of Protocol No. 4 apply without prejudice to the provisions of Article 22, sub-paragraph 1, of Order No. 3153 of 19 March 1964 concerning the conditions of entry and stay of foreigners in the Principality, and of Article 12 of the Order on General Police of 6 June 1867.
Commentary

Article 22, sub-paragraph 1, of the Order No. 3153 of 19 March 1964 establishes: The State Minister can, by measure of police or by issuing an expulsion warrant, enjoin any foreigner to leave immediately the Monegasque territory or to forbid him/her to enter it.

Article 12 of the Order on General Police of 6 June 1867 establishes: Any foreigner disturbing or who may disturb, by his/her presence, public or private safety or peace, will be directed outside the Principality's territory by order of the Governor General [State Minister]. He/she will not be allowed to return without a special authorisation from the Governor General [State Minister]. In case of infringement, he/she will be sanctioned with six days to one month in prison.

Nederlanden, het Koninkrijk der, 23 juni 1982

We approve herewith, for the Kingdom in Europe and the Netherlands Antilles, the said Protocol.

Since, following ratification by the Kingdom of the Netherlands, Protocol No. 4 to the Convention on Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already specified in the Convention and the first Protocol, applies to the Netherlands and to the Netherlands Antilles, the Netherlands and the Netherlands Antilles are regarded as separate territories for the application of Articles 2 and 3 of the Protocol, in accordance with Article 5, paragraph 4. Under Article 3, no one may be expelled from or deprived of the right to enter the territory of the State of which he is a national. There is, however, only one nationality (Netherlands) for the whole of the Kingdom. Accordingly, nationality cannot be used as a criterion in making a distinction between the "citizens" of the Netherlands and those of the Netherlands Antilles, a distinction which is unavoidable since Article 3 applies separately to each of the parts of the Kingdom.

This being so, the Netherlands reserve the right to make a distinction in law, for purpose of the application of Article 3 of the Protocol, between Netherlands nationals residing in the Netherlands and Netherlands nationals residing in the Netherlands Antilles.

Nederlanden, het Koninkrijk der, 3 januari 1986

The island of Aruba, which is at present still part of the Netherlands Antilles, will obtain internal autonomy as a country within the Kingdom of the Netherlands as of 1 January 1986. Consequently the Kingdom will from then on no longer consist of two countries, namely the Netherlands (the Kingdom in Europe) and the Netherlands Antilles (situated in the

Caribbean region), but will consist of three countries, namely the said two countries and the country Aruba.

As the changes being made on 1 January 1986 concern a shift only in the internal constitutional relations within the Kingdom of the Netherlands, and as the Kingdom as such will remain the subject under international law with which treaties are concluded, the said changes will have no consequences in international law regarding to treaties concluded by the Kingdom which already apply to the Netherlands Antilles, including Aruba. These treaties will remain in force for Aruba in its new capacity of country within the Kingdom. Therefore these treaties will as of 1 January 1986, as concerns the Kingdom of the Netherlands, apply to the Netherlands Antilles (without Aruba) and Aruba.

Consequently the treaties referred to in the annex, to which the Kingdom of the Netherlands is a Party and which apply to the Netherlands Antilles, will as of 1 January 1986 as concerns the Kingdom of the Netherlands apply to the Netherlands Antilles and Aruba.

List of Conventions referred to by the Declaration

...

46. Protocol No. 4 of the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto.

Nederlanden, het Koninkrijk der, 28 september 2010

The Kingdom of the Netherlands, consisting as per 10 October 2010 of the European part of the Netherlands, the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba), Aruba, Curaçao and Sint Maarten, regards these parts as separate territories for the applications of Articles 2 and 3 of the Protocol.

Oostenrijk, 16 september 1963 en 18 september 1969

Protocol No. 4 is signed with the reservation that Article 3 shall not apply to the provisions of the Law of 3 April 1919, StGBI. No. 209 concerning the banishment of the House of Habsbourg-Lorraine and the confiscation of their property, as set out in the Act of 30 October 1919, StGBI. No. 501, in the Constitutional Law of 30 July 1925, BGBI. No. 292, in the Federal Constitutional Law of 26 January 1928, BGBI. No. 30, and taking account of the Federal Constitutional Law of 4 July 1963, BGBI. No. 172.

Spanje, 16 september 2009

If this Protocol were to be extended by the United Kingdom to Gibraltar, Spain would like to make the following declaration:

1. Gibraltar is a non-autonomous territory whose international relations come under the responsibility of the United Kingdom and which is subject to a decolonisation process in accordance with the relevant decisions and resolutions of the General Assembly of the United Nations.

2. The authorities of Gibraltar have a local character and exercise exclusively internal competences which have their origin and their foundation in a distribution and attribution of competences performed by the United Kingdom in compliance with its internal legislation, in its capacity as sovereign State on which the mentioned non-autonomous territory depends.

3. As a result, the eventual participation of the Gibraltarian authorities in the application of this Protocol will be understood as carried out exclusively as part of the internal competences of Gibraltar and cannot be considered to modify in any way what was established in the two previous paragraphs.

G. INWERKINGTREDING

Zie *Trb.* 1969, 241, *Trb.* 1982, 102 en *Trb.* 1990, 159.

Wat betreft het Koninkrijk der Nederlanden, geldt het Protocol sinds 10 oktober 2010 voor Nederland (het Europese en het Caribische deel), Aruba, Curaçao en Sint-Maarten.

J. VERWIJZINGEN

Zie *Trb.* 1964, 15 en 77, *Trb.* 1969, 241, *Trb.* 1978, 174, *Trb.* 1982, 102, *Trb.* 1990, 159 en *Trb.* 1998, 90.

Titel : Statuut van de Raad van Europa;
Londen, 5 mei 1949

Laatste *Trb.* : *Trb.* 2007, 146

Titel : Verdrag tot bescherming van de rechten van de mens
en de fundamentele vrijheden;
Rome, 4 november 1950

Laatste *Trb.* : *Trb.* 2010, 204

Uitgegeven de *eerste* december 2010.

De Minister van Buitenlandse Zaken,

U. ROSENTHAL