

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1995 Nr. 90

A. TITEL

Verdrag inzake de uitbanning van alle vormen van discriminatie van vrouwen;
New York, 18 december 1979

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 1980, 146.

Voor ondertekeningen van het Verdrag zie *Trb.* 1980, 146, *Trb.* 1981, 61¹⁾ en *Trb.* 1991, 134.

Het Verdrag is voorts ondertekend voor de volgende Staat:

Zuid-Afrika 29 januari 1993

¹⁾ De Regering van Bulgarije heeft op 24 juni 1992 het bij de ondertekening gemaakte en bij de bekrachtiging bevestigde voorbehoud (zie *Trb.* 1981, 61, blz. 1) ingetrokken.

C. VERTALING

Zie *Trb.* 1981, 61 en *Trb.* 1991, 134.

D. PARLEMENT

Zie *Trb.* 1991, 134.

E. BEKRACHTIGING

Zie *Trb.* 1980, 146, *Trb.* 1981, 61 en *Trb.* 1991, 134¹⁾.

Behalve de aldaar genoemde hebben nog de volgende Staten in overeenstemming met artikel 25, derde lid, van het Verdrag een akte van bekrachtiging bij de Secretaris-Generaal van de Verenigde Naties nedergelegd:

Israël ²⁾	3 oktober 1991
Burundi	8 januari 1992
Benin	12 maart 1992
Jordanië ³⁾	1 juli 1992
Gambia	16 april 1993
India ⁴⁾	9 juli 1993
Kameroen	23 augustus 1994

¹⁾ De Regering van Canada heeft op 28 mei 1992 de mededeling gedaan bij de bekrachtiging van het Verdrag op 10 december 1981 (zie *Trb.* 1991, 134, zie blz. 5 en 6) ingetrokken.

²⁾ Onder de volgende voorbehouden en verklaring:

“1. The State of Israel hereby expresses its reservation with regard to Article 7(b) of the Convention concerning the appointment of women to serve as judges of religious courts where this is prohibited by the laws of any of the religious communities in Israel. Otherwise, the said Article is fully implemented in Israel, in view of the fact that women take a prominent part in all aspects of public life.

2. The State of Israel hereby expresses its reservation with regard to Article 16 of the Convention, insofar as the laws of personal status binding on the several religious communities in Israel do not conform with the provisions of that Article.

3. In accordance with paragraph 2 of Article 29 of the Convention, the State of Israel hereby declares that it does not consider itself bound by paragraph 1 of that Article.”

³⁾ Onder de volgende voorbehouden:

The Hashemite Kingdom of Jordan does no[t] consider itself bound by the provisions of article 9, paragraph 2, article 15, paragraph 4 (a woman's residence and domicile are with her husband), the wording of article 16(c) (in relation to the rights arising upon the dissolution of a marriage in connexion with maintenance and compensation), and article 16(d) and (g) of the Convention. (*vertaling*)

⁴⁾ Onder bevestiging van het volgend gemaakte voorbehoud en de volgende verklaringen afgelegd tijdens de ondertekening van het Verdrag op 30 juli 1980:

Voorbehoud

“With regard to article 29 of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that it does not consider itself bound by paragraph 1 of this article.”

Verklaringen

“i) With regard to articles 5 (a) and 16 (1) of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that it shall abide by and ensure these provisions in conformity with its policy of non-interference in the personal affairs of any Community without its initiative and consent.

ii) With regard to article 16 (2) of the Convention on the Elimination of All Forms of Discrimination against Women, the Government of the Republic of India declares that though in principle it fully supports the principle of compulsory registration of marriages, it is not practical in a vast country like India with its variety of customs, religions and level of literacy.”

F. TOETREDING

Zie *Trb.* 1991, 134¹⁾.

Behalve de aldaar genoemde hebben nog de volgende Staten in overeenstemming met artikel 25, vierde lid, van het Verdrag een akte van toetreding bij de Secretaris-Generaal van de Verenigde Naties nedergelegd:

Estland	21 oktober 1991
Letland	14 april 1992
de Seychellen	5 mei 1992
West-Samoa	25 september 1992
Kambodja	15 oktober 1992
Namibië	23 november 1992
Suriname	1 maart 1993
Marokko ²⁾	21 juni 1993
de Maldiven ³⁾	1 juli 1993
Armenië	13 september 1993
de Bahamas ⁴⁾	6 oktober 1993
Tadzjikistan	26 oktober 1993
Litouwen	18 januari 1994
Albanië	11 mei 1994
Moldavië	1 juli 1994
Koeweit ⁵⁾	2 september 1994

Verklaring van voortgezette gebondenheid

De volgende Staten hebben een verklaring van voortgezette gebondenheid aan het *Verdrag* afgelegd:

Slovenië	1 juli 1992
Kroatie	9 september 1992
de Tsjechische Republiek	22 februari 1993
Bosnië-Herzegowina	1 september 1993
Slowakije	28 mei 1993
De Voormalige Joegoslavische Republiek Macedonië	18 januari 1994

¹⁾ De Regering van *Malawi* heeft op 24 oktober 1991 de op 12 maart 1987 gemaakte voorbehouden (zie *Trb.* 1991, 134, zie blz. 18) ingetrokken.

De Regering van *Thailand* heeft op 26 oktober 1990 nummer 1 en 3 van de op 9 augustus 1985 gemaakte voorbehouden (zie *Trb.* 1991, 134, blz. 16) ingetrokken.

²⁾ Onder de volgende voorbehouden en verklaringen:

Voorbehouden

“1. With regard to article 9, paragraph 2:

The Government of the Kingdom of Morocco makes a reservation with regard to this article in view of the fact that the Law of Moroccan Natinality permits a child to bear the nationality of its mother only in the cases where it is born to an

unknown father, regardless of place of birth, or to a stateless father, when born in Morocco, and it does so in order to guarantee to each child its right to a nationality. Further, a child born in Morocco of a Moroccan mother and a foreign father may acquire the nationality of its mother by declaring, within two years of reaching the age of majority, its desire to acquire that nationality, provided that, on making such declaration, its customary and regular residence is in Morocco.

2. With regard to article 16:

The Government of the Kingdom of Morocco makes a reservation with regard to the provisions of this article, particularly those relating to the equality of men and women in respect of rights and responsibilities on entry into and at dissolution of marriage. Equality of this kind is considered incompatible with the Islamic Shariah, which guarantees to each of the spouses rights and responsibilities within a framework of equilibrium and complementarity in order to preserve the sacred bond of matrimony.

The provisions of the Islamic Shariah oblige the husband to provide a nuptial gift upon marriage and to support his family, while the wife is not required by law to support the family.

Further, at dissolution of marriage, the husband is obliged to pay maintenance. In contrast, the wife enjoys complete freedom of disposition of her property during the marriage and upon its dissolution without supervision by the husband, the husband having no jurisdiction over his wife's property.

For these reasons, the Islamic Shariah confers the right of divorce on a woman only by decision of a Shariah judge.

3. With regard to article 29:

The Government of the Kingdom of Morocco does not consider itself bound by the first paragraph of this article, which provides that "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.

The Government of the Kingdom of Morocco is of the view that any dispute of this kind can only be referred to arbitration by agreement of all parties to the dispute."

Verklaringen

"1. With regard to article 2:

The Government of the Kingdom of Morocco expresses its readiness to apply the provisions of this article provided that:

- They are without prejudice to the constitutional requirements that regulate the rules of succession to the throne of the Kingdom of Morocco;
- They do not conflict with the provisions of the Islamic Shariah. It should be noted that certain of the provisions contained in the Moroccan Code of Personal Status according to women rights that differ from the rights conferred on men may not be infringed upon or abrogated because they derive primarily from the Islamic Shariha, which strives, among its other objectives, to strike a balance between the spouses in order to preserve the coherence of family life.

2. With regard to article 15, paragraph 4:

The Government of the Kingdom of Morocco declares that it can only be bound by the provisions of this paragraph, in particular those relating to the right of women to choose their residence and domicile, to the extent that they are not incompatible with articles 34 and 36 of the Moroccan Code of Personal Status."

3) Onder de volgende voorbehouden:

"The Government of the Republic of Maldives will comply with the provisions of the Convention, except those which the Government may consider contradic-

tory to the principles of the Islamic Sharia upon which the laws and traditions of the Maldives is founded.

Furthermore, the Republic of Maldives does not see itself bound by any provisions of the Convention which obliged to change its Constitution and laws in any manner.”

4) Onder het volgende voorbehoud:

“The Government of the Commonwealth of the Bahamas does not consider itself bound by the provisions of article 2 (a), ... article 9, paragraph 2, article 16 (h), ... [and] article 29, paragraph 1, of the Convention.”

5) Onder de volgende voorbehouden:

“1. Article 7(a)

The Government of Kuwait enters a reservation regarding article 7(a), inasmuch as the provisions contained in that paragraph conflicts with the Kuwaiti Electoral Act, under which the right to be eligible for election and to vote is restricted to males.

2. Article 9, paragraph 2

The Government of Kuwait reserves its right not to implement the provision contained in article 9, paragraph 2, of the Convention, inasmuch as it runs counter to the Kuwaitit Nationality Act, which stipulates that a child’s nationality shall be determined by that of his father.

3. Article 16 (f)

The Government of the State of Kuwait declares that it does not consider itself bound by the provision contained in article 16 (f) inasmuch as it conflicts with the provision of the Islamic Shariah, Islam being the official religion of the State.

4. The Government of Kuwait declares that it is not bound by the provision contained in article 29, paragraph 1.”

G. INWERKINGTREDING

Zie *Trb.* 1991, 134.

J. GEGEVENS

Zie *Trb.* 1980, 146 en *Trb.* 1991, 134.

Voor het op 26 juni 1945 te San Francisco tot stand gekomen Handvest van de Verenigde Naties zie ook, laatstelijk, *Trb.* 1994, 277.

Voor het op 19 december 1966 te New York tot stand gekomen Internationaal Verdrag inzake burgerrechten en politieke rechten zie ook *Trb.* 1995, 18.

Voor het op 19 december 1966 te New York tot stand gekomen Internationaal Verdrag inzake economische, sociale en culturele rechten zie ook *Trb.* 1995, 19.

De volgende Staten hebben bezwaar gemaakt tegen voorbehouden welke bij de bekrachtiging of toetreding werden gemaakt:

Finland

5 mei 1994

“The Government of Finland has examined the contents of the reservations made by the Government of Maldives upon accession to the said Convention....

In the view of the Government of Finland, the unlimited and undefined character of the said reservations create serious doubts about the commitment of the reserving State to fulfil its obligations under the Convention. In their extensive formulation, they are clearly contrary to the object and purpose of the Convention. Therefore, the Government of Finland objects to such reservations.

The Government of Finland also recalls that the said reservations are subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its domestic law as a justification for failure to perform its treaty obligations.

The Government of Finland does not, however, consider that this objection constitutes an obstacle to the entry into force of the Convention between Finland and Maldives.”

Koninkrijk der Nederlanden

14 juli 1994

“The Government of the Kingdom of the Netherlands considers that the declarations made by India regarding Article 5 (a) and Article 16, paragraph 1, of the Convention are reservations incompatible with the object and purpose of the Convention (Article 28, paragraph 2).

The Government of the Kingdom of the Netherlands considers that the declaration made by India regarding Article 16, paragraph 2, of the Convention is a reservation incompatible with the object and purpose of the Convention (Article 28, paragraph 2).

“The Government of the Kingdom of the Netherlands considers that the declaration made by Morocco expressing the readiness of Morocco to apply the provisions of Article 2 provided that they do not conflict with the provisions of the Islamic Shariah, is a reservation incompatible with the object and purpose of the Convention (Article 28, paragraph 2).

The Government of the Kingdom of the Netherlands considers that the declaration made by Morocco regarding Article 15, paragraph 4, of the Convention is a reservation incompatible with the object and purpose of the Convention (Article 28, paragraph 2).

The Government of the Kingdom of the Netherlands considers that the reservations made by Morocco regarding Article 9, paragraph 2, and Article 16 of the Convention are reservations incompatible with the object and purpose of the Convention (Article 28, paragraph 2).

The Government of the Kingdom of the Netherlands has examined the reservations made by the Maldives, The Government of the Kingdom of the Netherlands considers the said reservations incompatible with the object and purpose of the Convention.

The Government of the Kingdom of the Netherlands objects to the abovementioned declarations and reservations.

These objections shall not preclude the entry into force of the Convention as between India, Morocco, the Maldives and the Kingdom of the Netherlands.”

Zweden

5 februari 1993

“The Government of Sweden has examined the content of the reservations made by Jordan, and has come to the conclusion that they are incompatible with the object and purpose of the Convention (article 28, paragraph 2). The Government of Sweden therefore objects to them.

If the reservations were to apply they would inevitably have the effect of discriminating against women on the grounds of sex, which is contrary to everything the Convention stands for.

It should also be borne in mind that the principles of the equal rights of men and women and of non-discrimination on the grounds of sex are set forth in the Charter of the United Nations as one of its purposes, in the Universal Declaration of Human Rights of 1948, and in the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights, both of 1966, to which Jordan is a party. This objection does not constitute an obstacle to the entry into force of the Convention between Sweden and Jordan.”

Uitgegeven de *zevende* april 1995.

De Minister van Buitenlandse Zaken,

H. A. F. M. O. VAN MIERLO