

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2007 Nr. 71

A. TITEL

*Protocol inzake de voorkoming, bestrijding en bestraffing van mensenhandel, in het bijzonder vrouwenhandel en kinderhandel, tot aanvulling van het Verdrag van de Verenigde Naties tegen grensoverschrijdende georganiseerde misdaad;
New York, 15 november 2000*

B. TEKST

De Engelse en de Franse tekst van het Protocol zijn geplaatst in *Trb.* 2001, 69.

C. VERTALING

Zie *Trb.* 2004, 35.

D. PARLEMENT

Zie *Trb.* 2005, 236.

E. PARTIJGEGEVENS

Zie *Trb.* 2001, 69 en rubriek F van *Trb.* 2004, 35.

Partij	Ondertekening	Ratificatie	Type ¹⁾	In werking	Opzegging	Buiten werking
Albanië	12-12-00	21-08-02	R	25-12-03		
Algerije	06-06-01	09-03-04	R	08-04-04		
Argentinië	12-12-00	19-11-02	R	25-12-03		
Armenië	15-11-01	01-07-03	R	25-12-03		

Partij	Onder- tekening	Ratifi- catie	Type ¹⁾	In werking	Opzeg- ging	Buiten werking
Australië	11-12-02	14-09-05	R	14-10-05		
Azerbeidzjan	12-12-00	30-10-03	R	25-12-03		
Bahama's	09-04-01					
Bahrein		07-06-04	T	07-07-04		
Barbados	26-09-01					
Belarus	14-12-00	25-06-03	R	25-12-03		
België	12-12-00	11-08-04	R	10-09-04		
Belize		26-09-03	T	25-12-03		
Benin	13-12-00	30-08-04	R	29-09-04		
Bolivia	12-12-00	18-05-06	R	17-06-06		
Bosnië- Herzegovina	12-12-00	24-04-02	R	25-12-03		
Botswana	10-04-02	29-08-02	R	25-12-03		
Brazilië	12-12-00	29-01-04	R	28-02-04		
Bulgarije	13-12-00	05-12-01	R	25-12-03		
Burkina Faso	15-12-00	15-05-02	R	25-12-03		
Burundi	14-12-00					
Cambodja	11-11-01					
Canada	14-12-00	13-05-02	R	25-12-03		
Centraal Afrikaanse Republiek		06-10-06	T	05-11-06		
Chili	08-08-02	29-11-04	R	29-12-04		
Colombia	12-12-00	04-08-04	R	03-09-04		
Congo, Democratische Republiek		28-10-05	T	27-11-05		
Congo, Republiek	14-12-00					
Costa Rica	16-03-01	09-09-03	R	25-12-03		
Cyprus	12-12-00	06-08-03	R	25-12-03		

Partij	Onder- tekening	Ratifi- catie	Type ¹⁾	In werking	Opzeg- ging	Buiten werking
Denemarken	12-12-00	30-09-03	R	25-12-03		
Djibouti		20-04-05	T	20-05-05		
Dominicaanse Republiek, de	15-12-00					
Duitsland	12-12-00	14-06-06	R	14-07-06		
Ecuador	13-12-00	17-09-02	R	25-12-03		
EG (Europese Gemeenschap)	12-12-00	06-09-06	R	06-10-06		
Egypte	01-05-02	05-03-04	R	04-04-04		
El Salvador	15-08-02	18-03-04	R	17-04-04		
Equatoriaal Guinee	14-12-00	07-02-03	R	25-12-03		
Estland	20-09-02	12-05-04	R	11-06-04		
Filippijnen, de	14-12-00	28-05-02	R	25-12-03		
Finland	12-12-00	07-09-06	R	07-10-06		
Frankrijk	12-12-00	29-10-02	R	25-12-03		
Gambia	14-12-00	05-05-03	R	25-12-03		
Georgië	13-12-00	05-09-06	R	05-10-06		
Grenada		21-05-04	T	20-06-04		
Griekenland	13-12-00					
Guatemala		01-04-04	T	01-05-04		
Guinee		09-11-04	T	09-12-04		
Guinee-Bissau	14-12-00					
Guyana		14-09-04	T	14-10-04		
Haïti	13-12-00					
Hongarije	14-12-00	22-12-06	R	21-01-07		
Ierland	13-12-00					
IJsland	13-12-00					
India	12-12-02					

Partij	Onder- tekening	Ratifi- catie	Type ¹⁾	In werking	Opzeg- ging	Buiten werking
Indonesië	12-12-00					
Israël	14-11-01					
Italië	12-12-00	02-08-06	R	01-09-06		
Jamaica	13-02-02	29-09-03	R	25-12-03		
Japan	09-12-02					
Kaapverdië	13-12-00	15-07-04	R	14-08-04		
Kameroen	13-12-00	06-02-06	R	08-03-06		
Kenia		05-01-05	T	04-02-05		
Kiribati		15-09-05	T	15-10-05		
Koeweit		12-05-06	T	11-06-06		
Kroatië	12-12-00	24-01-03	R	25-12-03		
Kyrgyzstan	13-12-00	02-10-03	R	25-12-03		
Laos		26-09-03	T	25-12-03		
Lesotho	14-12-00	24-09-03	R	25-12-03		
Letland	10-12-02	25-05-04	R	24-06-04		
Libanon	09-12-02	05-10-05	R	04-11-05		
Liberia		22-09-04	T	22-10-04		
Libië	13-11-01	24-09-04	R	24-10-04		
Liechtenstein	14-03-01					
Litouwen	25-04-02	23-06-03	R	25-12-03		
Luxemburg	13-12-00					
Macedonië, Voormalige Joegoslavische Republiek	12-12-00	12-01-05	R	11-02-05		
Madagascar	14-12-00	15-09-05	R	15-10-05		
Malawi		17-03-05	T	16-04-05		
Mali	15-12-00	12-04-02	R	25-12-03		
Malta	14-12-00	24-09-03	R	25-12-03		

Partij	Onder- tekening	Ratifi- catie	Type ¹⁾	In werking	Opzeg- ging	Buiten werking
Mauritanië		22-07-05	T	21-08-05		
Mauritius		24-09-03	T	25-12-03		
Mexico	13-12-00	04-03-03	R	25-12-03		
Moldavië	14-12-00	16-09-05	R	16-10-05		
Monaco	13-12-00	05-06-01	R	25-12-03		
Montenegro		23-10-06	VG	03-06-06		
Mozambique	15-12-00	20-09-06	R	20-10-06		
Myanmar		30-03-04	T	29-04-04		
Namibië	13-12-00	16-08-02	R	25-12-03		
Nauru	12-11-01					
Nederlanden, het Koninkrijk der – Nederland – Nederlandse Antillen – Aruba	12-12-00	27-07-05 - 18-01-07	R R	26-08-05 - 18-01-07		
Nicaragua		12-10-04	T	11-11-04		
Nieuw-Zeeland	14-12-00	19-07-02	R	25-12-03		
Niger	21-08-01	30-09-04	R	30-10-04		
Nigeria	13-12-00	28-06-01	R	25-12-03		
Noorwegen	13-12-00	23-09-03	R	25-12-03		
Oekraïne	15-11-01	21-05-04	R	20-06-04		
Oezbekistan	28-06-01					
Oman		13-05-05	T	12-06-05		
Oostenrijk	12-12-00	15-09-05	R	15-10-05		
Panama	13-12-00	18-08-04	R	17-09-04		
Paraguay	12-12-00	22-09-04	R	22-10-04		
Peru	14-12-00	23-01-02	R	25-12-03		
Polen	04-10-01	26-09-03	R	25-12-03		
Portugal	12-12-00	10-05-04	R	09-06-04		

Partij	Onder- tekening	Ratifi- catie	Type ¹⁾	In werking	Opzeg- ging	Buiten werking
Roemenië	14-12-00	04-12-02	R	25-12-03		
Russische Federatie	12-12-00	26-05-04	R	25-06-04		
Rwanda	14-12-00	26-09-03	R	25-12-03		
San Marino	14-12-00					
Sao Tomé en Principe		23-08-06	T	22-09-06		
Saudi-Arabië	10-12-02					
Senegal	13-12-00	27-10-03	R	25-12-03		
Servië	12-12-00	06-09-01	R	25-12-03		
Seychellen, de	22-07-02	22-06-04	R	22-07-04		
Sierra Leone	27-11-01					
Sint Kitts en Nevis		21-05-04	T	20-06-04		
Sint Vincent en de Grenadines	20-11-02					
Slovenië	15-11-01	21-05-04	R	20-06-04		
Slowakije	15-11-01	21-09-04	R	21-10-04		
Spanje	13-12-00	01-03-02	R	25-12-03		
Sri Lanka	13-12-00					
Swaziland	08-01-01					
Syrië	13-12-00					
Tadzjikistan		08-07-02	T	25-12-03		
Tanzania	13-12-00	24-05-06	R	23-06-06		
Thailand	18-12-01					
Togo	12-12-00					
Trinidad en Tobago	26-09-01					
Tsjechië	10-12-02					
Tunesië	13-12-00	14-07-03	R	25-12-03		

Partij	Ondertekening	Ratificatie	Type ¹⁾	In werking	Opzegging	Buiten werking
Turkije	13-12-00	25-03-03	R	25-12-03		
Turkmenistan		28-03-05	T	27-04-05		
Uganda	12-12-00					
Uruguay	13-12-00	04-03-05	R	03-04-05		
Venezuela	14-12-00	13-05-02	R	25-12-03		
Verenigd Koninkrijk, het	14-12-00	09-02-06	R	11-03-06		
Verenigde Staten van Amerika, de	13-12-00	03-11-05	R	03-12-05		
Zambia		24-04-05	T	24-05-05		
Zuid-Afrika	14-12-00	20-02-04	R	21-03-04		
Zuid-Korea	13-12-00					
Zweden	12-12-00	01-07-04	R	31-07-04		
Zwitserland	02-04-02	27-10-06	R	26-11-06		

¹⁾ O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R= Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend

Verklaringen, voorbehouden en bezwaren

Algerije, 9 maart 2004

The Government of the Algerian People's Democratic Republic does not consider itself bound by the provisions of article 15, paragraph 2, of this Protocol, which provides that any dispute between two or more States concerning the interpretation or application of the said Protocol that cannot be settled through negotiation shall, at the request of one of those States, be submitted to arbitration or referred to the International Court of Justice.

The Government of the Algerian People's Democratic Republic believes that any dispute of this kind can only be submitted to arbitration or referred to the International Court of Justice with the consent of all parties to the dispute.

Ratification of this Protocol by the Algerian People's Democratic Republic in no way signifies recognition of Israel.

Such ratification cannot be construed as leading to the establishment of any kind of relations with Israel.

Australië, 14 september 2005

The Government of Australia hereby declares that nothing in the Protocol shall be seen to be imposing obligations on Australia to admit or retain within its borders persons in respect of whom Australia would not otherwise have an obligation to admit or retain within its borders.

Azerbeidzjan, 30 oktober 2003

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.

In accordance with paragraph 3 of Article 15 of the Protocol, the Republic of Azerbaijan declares that it does not consider itself bound by paragraph 2 of Article 15.

Bahrein, 7 juni 2004

...the Kingdom of Bahrain does not consider itself bound by Paragraph 2 of Article 15 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Woman and Children.

België, 12 december 2000

The French, Flemish and German-speaking Communities and the Regions of Wallonia, Flanders and Brussels-Capital are also bound by this signature.

Bolivia, 18 mei 2006

The Republic of Bolivia declares that it does not consider itself bound by the provisions of paragraph 2 of article 15, which deals with the settlement of disputes concerning this Protocol.

Colombia, 4 augustus 2004

In accordance with article 15, paragraph 3, of the Protocol, Colombia declares that it does not consider itself bound by paragraph 2 of that article.

Denemarken, 30 september 2003

With a territorial exclusion in respect of the Faroe Islands and Greenland.

Ecuador, 17 september 2002

Exercising the powers referred to in article 15, paragraph 3, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Government of Ecuador makes a reservation with regard to article 15, paragraph 2, relating to the settlement of disputes.

EG (Europese Gemeenschap), 6 september 2006

Article 16 (3) of the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, provides that the instrument of ratification, acceptance or approval of a regional economic integration organisation shall contain a declaration specifying the matters governed by the Protocol in respect of which competence has been transferred to the organisation by its Member States which are Parties to the Protocol.

The Protocol to prevent, suppress and punish trafficking in persons, especially women and children, shall apply, with regard to the competences transferred to the European Community, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty, in particular Article 299 thereof and the Protocols annexed to it.

This declaration is without prejudice to the position of the United Kingdom and Ireland under the Protocol integrating the Schengen acquis into the framework of the European Union and under the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and the Treaty establishing the European Community. This declaration is equally without prejudice to the position of Denmark under the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community. Pursuant to Article 299, this declaration is also not applicable to the territories of the Member States in which the said Treaty does not apply and is without prejudice to such acts or positions as may be adopted under the Protocol by the Member States concerned on behalf of and in the interests of those territories. In accordance with the provision referred to above, this declaration indicates the competence that the Member States have transferred to the Community under the Treaties in matters governed by the Protocol. The scope and the exercise of such Community competence are, by their nature, subject to continuous development as the Community further adopts relevant rules and regulations, and the Community will complete or amend this declaration, if necessary, in accordance with Article 16 (3) of the Protocol.

The Community points out that it has competence with regard to the crossing of external borders of the Member States, regulating standards and procedures when carrying out checks on persons at such borders and rules on visas for intended stays of no more than three months.

The Community is also competent for measures on immigration policy regarding conditions of entry and residence and measures to counter illegal immigration and illegal residence, including repatriation of illegal residents. Moreover, it can take measures to ensure cooperation between the relevant departments of the administrations of the Member States, as well as between those departments and the Commission, in the aforementioned areas. In these fields the Community has adopted rules and

regulations and, where it has done so, it is hence solely for the Community to enter into external undertakings with third States or competent international organisations.

In addition, Community policy in the sphere of development cooperation complements policies pursued by Member States and includes provisions to prevent and combat trafficking in persons

El Salvador, 15 augustus 2002

The Government of the Republic of El Salvador does not consider itself bound by paragraph 2 of article 15, inasmuch as it does not recognize the compulsory jurisdiction of the International Court of Justice.

El Salvador, 18 maart 2004

With respect to the provisions of article 15, paragraph 3, the Government of the Republic of El Salvador declares that it does not consider itself bound by article 15, paragraph 2, inasmuch as it does not recognize the compulsory jurisdiction of the International Court of Justice.

Laos, 26 september 2003

In accordance with paragraph 3, Article 15 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, the Lao People's Democratic Republic does not consider itself bound by paragraph 2, Article 15 of the present Protocol. The Lao People's Democratic Republic declares that to refer a dispute relating to interpretation and application of the present Protocol to arbitration or [the] International Court of Justice, the agreement of all parties concerned in the dispute is necessary.

Litouwen, 23 juni 2003

And whereas, it is provided in paragraph 3 of Article 20 of the Protocol, the Republic of Lithuania would like to declare that it does not consider itself bound by paragraph 2 of Article 20, which provides that any State Party may refer any dispute concerning the interpretation or application of the said Protocol to the International Court of Justice.

Malawi, 17 maart 2005

The Government of the Republic of Malawi in its efforts to curb and stamp out offences related to trafficking in persons especially women and children has embarked upon various social and legal reforms to incorporate obligations emanating from this Protocol (Article 16 (4)).

Further, declares expressly its acceptance of Article 15 (2) on settlement of disputes concerning interpretation and application of this Protocol.

The Competent Authority charged with the responsibility of coordinating and rendering of mutual legal assistance is:

The Principal Secretary

Ministry of Home Affairs and Internal Security

Private Bag 331, Lilongwe 3, MALAWI
Fax: 265 1 789509 Tel: 265 1 789 177
The Official Language of communication is English.

Moldavië, 16 september 2005

In accordance with paragraph 3 of article 15 of the Protocol, the Republic of Moldova does not consider itself bound by paragraph 2 of article 15 of the Protocol.

Until the full establishment of the territorial integrity of the Republic of Moldova, the provisions of the Protocol will be applied only on the territory controlled by the authorities of the Republic of Moldova.

Myanmar, 30 maart 2004

The Government of the Union of Myanmar wishes to express reservation on Article 15 and does not consider itself bound by obligations to refer disputes relating to the interpretation or application of this Protocol to the International Court of Justice.

Nieuw-Zeeland, 19 juli 2002

.....consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, this ratification shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the Depositary on the basis of appropriate consultation with that territory.....

Saudi-Arabië, 10 december 2002

The public order of the Kingdom of Saudi Arabia prohibits trafficking in persons for the purpose referred to in paragraph (a) of Article 3 of the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.

The Kingdom does not consider itself bound by paragraph 2 of Article 15 of the said Protocol. It makes reservations regarding the contents of paragraph 3(d) of Article 6 and paragraph 1 of Article 7 of the said protocol.

Tunesië, 14 juli 2003

In ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by the General Assembly of the United Nations on 15 November 2000, declares that it does not consider itself bound by article 15, paragraph 2, of the Protocol and affirms that disputes concerning the interpretation or application of the Protocol may be referred to the International Court of Justice only after it has given its prior consent.

Verenigde Staten van Amerika, de, 3 november 2005

(1) The United States of America reserves the right not to apply in part the obligation set forth in Article 15, paragraph 1 (b), of the United Nations Convention Against Transnational Organized Crime with respect to the offenses established in the Trafficking Protocol. The United States does not provide for plenary jurisdiction over offenses that are committed on board ships flying its flag or aircraft registered under its laws. However, in a number of circumstances, U.S. law provides for jurisdiction over such offenses committed on board U.S. - flagged ships or aircraft registered under U.S. law. Accordingly, the United States will implement paragraph 1 (b) of the Convention to the extent provided for under its federal law.

(2) The United States of America reserves the right to assume obligations under this Protocol in a manner consistent with its fundamental principles of federalism, pursuant to which both federal and state criminal laws must be considered in relation to conduct addressed in the Protocol. U.S. federal criminal law, which regulates conduct based on its effect on interstate or foreign commerce, or another federal interest, such as the Thirteenth Amendment's prohibition of "slavery" and "involuntary servitude," serves as the principal legal regime within the United States for combating the conduct addressed in this Protocol, and is broadly effective for this purpose. Federal criminal law does not apply in the rare case where such criminal conduct does not so involve interstate or foreign commerce, or otherwise implicate another federal interest, such as the Thirteenth Amendment. There are a small number of conceivable situations involving such rare offenses of a purely local character where U.S. federal and state criminal law may not be entirely adequate to satisfy an obligation under the Protocol. The United States of America therefore reserves to the obligations set forth in the Protocol to the extent they address conduct which would fall within this narrow category of highly localized activity. This reservation does not affect in any respect the ability of the United States to provide international cooperation to other Parties as contemplated in the Protocol.

(3) In accordance with Article 15, paragraph 3, the United States of America declares that it does not consider itself bound by the obligation set forth in Article 15, paragraph 2.

The United States of America understands the obligation to establish the offenses in the Protocol as money laundering predicate offenses, in light of Article 6, paragraph 2 (b) of the United Nations Convention Against Transnational Organized Crime, as requiring States Parties whose money laundering legislation sets forth a list of specific predicate offenses to include in such list a comprehensive range of offenses associated with trafficking in persons.

Zuid-Afrika, 20 februari 2004

And whereas pending a decision by the Government of the Republic of South Africa on the compulsory jurisdiction of the International Court

of Justice, the Government of the Republic does not consider itself bound by the terms of Article 15 (2) of the Protocol which provides for the compulsory jurisdiction of the International Court of Justice in differences arising out of the interpretation or application of the Protocol. The Republic will adhere to the position that, for the submission of a particular dispute for settlement by the International Court, the consent of all the parties to the dispute is required in every individual case.

G. INWERKINGTREDING

Zie *Trb.* 2004, 35 en *Trb.* 2005, 236.

Wat het Koninkrijk der Nederlanden betreft, is het Protocol op 18 januari 2007 in werking getreden voor Aruba.

J. VERWIJZINGEN

Zie *Trb.* 2001, 69, *Trb.* 2004, 35 en *Trb.* 2005, 236.

Verwijzingen

- | | |
|---------------------|--|
| Titel | : Handvest van de Verenigde Naties
San Francisco, 26 juni 1945 |
| Laatste <i>Trb.</i> | : <i>Trb.</i> 2006, 254 |
| Titel | : Verdrag van de Verenigde Naties tegen grensoverschrijdende georganiseerde misdaad;
New York, 15 november 2000 |
| Laatste <i>Trb.</i> | : <i>Trb.</i> 2007, 70 |

Uitgegeven de *zevenentwintigste* maart 2007.

De Minister van Buitenlandse Zaken,

M. J. M. VERHAGEN