

15 (1995) Nr. 3

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 2005 Nr. 77

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A. TITEL

*Kaderverdrag inzake de bescherming van nationale minderheden;  
Straatsburg, 1 februari 1995*

B. TEKST

De tekst van het Verdrag is geplaatst in *Trb.* 1995, 73.

C. VERTALING

Zie *Trb.* 1995, 197.

D. PARLEMENT

Artikel 1 van de Wet van 2 december 2004 (Stb. 2004, 681) luidt als volgt:

„Artikel 1

Het op 1 februari 1995 te Straatsburg tot stand gekomen Kaderverdrag inzake de bescherming van nationale minderheden, waarvan de tekst is geplaatst in Tractatenblad 1995, 73, en de vertaling in het Nederlands in Tractatenblad 1995, 197, wordt goedgekeurd voor Nederland.”

Deze Wet is gecontrasigneerd door de Minister voor Vreemdelingen-zaken en Integratie M. C. F. VERDONK, de Minister van Buitenlandse Zaken B. R. BOT en de Minister van Volksgezondheid, Welzijn en Sport J. F. HOOGERVORST.

Voor de behandeling in de Staten-Generaal zie Kamerstukken II 1998/1999, 1999/2000, 2003/2004, nr. 26 389; Hand. II 1999/2000, blz. 3966–3983 en 4242; Kamerstukken I 1999/2000, 2000/2001, nr. 26 389; Hand. I 2000/2001, blz. 1389–1408 en 2004/2005, vergadering d.d. 30 november 2004.

E. PARTIJGEGEVENSZie *Trb.* 1995, 197.

Partij	Onder-tekening	Ratificatie	Type <sup>1)</sup>	In werking	Opzegging	Buiten werking
Albanië	29-06-95	28-09-99	R	01-01-00		
Armenië	25-07-97	20-07-98	R	01-11-98		
Azerbeidzjan		26-06-00	T	01-10-00		
België	31-07-01					
Bosnië-Herzegovina		24-02-00	T	01-06-00		
Bulgarije	09-10-97	07-05-99	R	01-09-99		
Cyprus	01-02-95	04-06-96	R	01-02-98		
Denemarken	01-02-95	22-09-97	R	01-02-98		
Duitsland	11-05-95	10-09-97	R	01-02-98		
Estland	02-02-95	06-01-97	R	01-02-98		
Finland	01-02-95	03-10-97	R	01-02-98		
Georgië	21-01-00					
Griekenland	22-09-97					
Hongarije	01-02-95	25-09-95	R	01-02-98		
Ierland	01-02-95	07-05-99	R	01-09-99		
IJsland	01-02-95					
Italië	01-02-95	03-11-97	R	01-03-98		
Kroatië	06-11-96	11-10-97	R	01-02-98		
Letland	11-05-95					
Liechtenstein	01-02-95	18-11-97	R	01-03-98		
Litouwen	01-02-95	23-03-00	R	01-07-00		
Luxemburg	20-07-95					
Macedonië, Voormalige Joegoslavische Republiek	25-07-96	10-04-97	R	01-02-98		
Malta	11-05-95	10-02-98	R	01-06-98		

Partij	Onder-tekening	Ratificatie	Type <sup>1)</sup>	In werking	Opzegging	Buiten werking
Moldavië	13-07-95	20-11-96	R	01-02-98		
<b>Nederlanden, het Koninkrijk der (voor Nederland)</b>	01-02-95	16-02-05	R	01-06-05		
Noorwegen	01-02-95	17-03-99	R	01-07-99		
Oekraïne	15-09-95	26-01-98	R	01-05-98		
Oostenrijk	01-02-95	31-03-98	R	01-07-98		
Polen	01-02-95	20-12-00	R	01-04-01		
Portugal	01-02-95	07-05-02	R	01-09-02		
Roemenië	01-02-95	11-05-95	R	01-02-98		
Russische Federatie	28-02-96	21-08-98	R	01-12-98		
San Marino	11-05-95	05-12-96	R	01-02-98		
Servië en Montenegro		11-05-01	T	01-09-01		
Slovenië	01-02-95	25-03-98	R	01-07-98		
Slowakije	01-02-95	14-09-95	R	01-02-98		
Spanje	01-02-95	01-09-95	R	01-02-98		
Tsjechië	28-04-95	18-12-97	R	01-04-98		
Verenigd Koninkrijk, het	01-02-95	15-01-98	R	01-05-98		
Zweden	01-02-95	09-02-00	R	01-06-00		
Zwitserland	01-02-95	21-10-98	R	01-02-99		

<sup>1)</sup> DO=Definitieve ondertekening, R=Ratificatie, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid

#### **Verklaringen, voorbehouden en bezwaren**

Azerbeidzjan, 26 juni 2000

The Republic of Azerbaijan, confirming its adherence to the universal values and respecting human rights and fundamental freedoms, declares that the ratification of the Framework Convention for the Protection of National Minorities and implementation of its provisions do not imply any right to engage in any activity violating the territorial integrity and

sovereignty, or internal and international security of the Republic of Azerbaijan.

België, 31 juli 2001 (vertaling)

The Kingdom of Belgium declares that the Framework Convention applies without prejudice to the constitutional provisions, guarantees or principles, and without prejudice to the legislative rules which currently govern the use of languages. The Kingdom of Belgium declares that the notion of national minority will be defined by the inter-ministerial conference of foreign policy.

Bulgarije, 7 mei 1999

Confirming its adherence to the values of the Council of Europe and the desire for the integration of Bulgaria into the European structures, committed to the policy of protection of human rights and tolerance to persons belonging to minorities, and their full integration into Bulgarian society, the National Assembly of the Republic of Bulgaria declares that the ratification and implementation of the Framework Convention for the Protection of National Minorities do not imply any right to engage in any activity violating the territorial integrity and sovereignty of the unitary Bulgarian State, its internal and international security.

Denemarken, 22 september 1997

In connection with the deposit of the instrument of ratification by Denmark of the Framework Convention for the Protection of National Minorities, it is hereby declared that the Framework Convention shall apply to the German minority in South Jutland of the Kingdom of Denmark.

Duitsland, 11 mei 1995

The Framework Convention contains no definition of the notion of national minorities. It is therefore up to the individual Contracting Parties to determine the groups to which it shall apply after ratification. National Minorities in the Federal Republic of Germany are the Danes of German citizenship and the members of the Sorbian people with German citizenship. The Framework Convention will also be applied to members of the ethnic groups traditionally resident in Germany, the Frisians of German citizenship and the Sinti and Roma of German citizenship.

Estland, 6 januari 1997

The Republic of Estonia understands the term "national minorities", which is not defined in the Framework Convention for the Protection of National Minorities, as follows: are considered as "national minority" those citizens of Estonia who

- reside on the territory of Estonia;
- maintain longstanding, firm and lasting ties with Estonia;

- are distinct from Estonians on the basis of their ethnic, cultural, religious or linguistic characteristics;
- are motivated by a concern to preserve together their cultural traditions, their religion or their language, which constitute the basis of their common identity.

Liechtenstein, 18 november 1997 (vertaling)

The Principality of Liechtenstein declares that Articles 24 and 25, in particular, of the Framework Convention for the Protection of National Minorities of 1 February 1995 are to be understood having regard to the fact that no national minorities in the sense of the Framework Convention exist in the territory of the Principality of Liechtenstein. The Principality of Liechtenstein considers its ratification of the Framework Convention as an act of solidarity in the view of the objectives of the Convention.

Luxemburg, 20 juli 1995 (vertaling)

The Grand Duchy of Luxembourg understands by “national minority” in the meaning of the Framework Convention, a group of people settled for numerous generations on its territory, having the Luxembourg nationality and having kept distinctive characteristics in an ethnic and linguistic way.

On the basis of this definition, the Grand Duchy of Luxembourg is induced to establish that there is no “national minority” on its territory.

Macedonië, Voormalige Joegoslavische Republiek, 2 juni 2004

Referring to the Framework Convention, and taking into account the latest amendments to the Constitution of the Republic of Macedonia, the Minister of Foreign Affairs of Macedonia submits the revised declaration to replace the previous two declarations on the aforesaid Convention:

The term “national minorities” used in the Framework Convention and the provisions of the same Convention shall be applied to the citizens of the Republic of Macedonia who live within its borders and who are part of the Albanian people, Turkish people, Vlach people, Serbian people, Roma people and Bosniac people.

Inwerkingtreding van deze verklaring op 2 juni 2004.

Malta, 10 februari 1998

The Government of Malta reserves the right not to be bound by the provisions of Article 15 insofar as these entail the right to vote or to stand for election either for the House of Representatives or for Local Councils.

The Government of Malta declares that Articles 24 and 25, in particular, of the Framework Convention for the Protection of National Minorities of 1 February 1995 are to be understood having regard to the fact that no national minorities in the sense of the Framework Convention exist in the territory of the Government of Malta. The Government of Malta considers its ratification of the Framework Convention as an act of solidarity in the view of the objectives of the Convention.

Nederlanden, het Koninkrijk der, 16 februari 2005

The Kingdom of the Netherlands will apply the Framework Convention for the protection of national minorities to the Frisians.

The Government of the Kingdom assumes that the protection afforded by Article 10, paragraph 3 does not differ, despite the variations in wording, from that afforded by Article 5, paragraph 2 and Article 6, paragraph 3(a) and (e) of the European Convention for the protection of human rights and fundamental freedoms.

Oostenrijk, 31 maart 1998

The Republic of Austria declares that, for itself, the term “national minorities” within the meaning of the Framework Convention for the Protection of National Minorities is understood to designate those groups which come within the scope of application of the Law on Ethnic Groups (Volksgruppengesetz, Federal Law Gazette No. 396/1976) and which live and traditionally have had their home in parts of the territory of the Republic of Austria and which are composed of Austrian citizens with non-German mother tongues and with their own ethnic cultures.

Polen, 20 december 2000 (vertaling)

Taking into consideration the fact, that the Framework Convention for the Protection of National Minorities contains no definition of the national minorities notion, the Republic of Poland declares, that it understands this term as national minorities residing within the territory of the Republic of Poland at the same time whose members are polish citizens. The Republic of Poland shall also implement the Framework Convention under Article 18 of the Convention by conclusion of international agreements mentioned in this Article, the aim of which is to protect national minorities in Poland and minorities or groups of Poles in other States.

Russische Federatie, 21 augustus 1998

The Russian Federation considers that none is entitled to include unilaterally in reservations or declarations, made while signing or ratifying the Framework Convention for the Protection of National Minorities, a definition of the term “national minority”, which is not contained in the Framework Convention. In the opinion of the Russian Federation, attempts to exclude from the scope of the Framework Convention the per-

sons who permanently reside in the territory of States Parties to the Framework Convention and previously had a citizenship but have been arbitrarily deprived of it, contradict the purpose of the Framework Convention for the Protection of National Minorities.

Slovenië, 25 maart 1998

Considering that the Framework Convention for the Protection of National Minorities does not contain a definition of the notion of national minorities and it is therefore up to the individual Contracting Party to determine the groups which it shall consider as national minorities, the Government of the Republic of Slovenia, in accordance with the Constitution and internal legislation of the Republic of Slovenia, declares that these are the autochthonous Italian and Hungarian National Minorities. In accordance with the Constitution and internal legislation of the Republic of Slovenia, the provisions of the Framework Convention shall apply also to the members of the Roma community, who live in the Republic of Slovenia.

Zweden, 9 februari 2000

The national minorities in Sweden are Sami, Swedish Finns, Tornedalers, Roma and Jews.

Zwitserland, 21 oktober 1998 (vertaling)

Switzerland declares that in Switzerland national minorities in the sense of the framework Convention are groups of individuals numerically inferior to the rest of the population of the country or of a canton, whose members are Swiss nationals, have long-standing, firm and lasting ties with Switzerland and are guided by the will to safeguard together what constitutes their common identity, in particular their culture, their traditions, their religion or their language.

Switzerland declares that the provisions of the framework Convention governing the use of the language in relations between individuals and administrative authorities are applicable without prejudice to the principles observed by the Confederation and the cantons in the determination of official languages.

#### G. INWERKINGTREDING

De bepalingen van het Verdrag zijn ingevolge artikel 28, eerste lid, op 1 februari 1998 in werking getreden.

Voor de staten die na 1 februari 1998 hun akte van bekraftiging, aanvaarding of goedkeuring nederleggen, treedt het Verdrag ingevolge artikel 28, tweede lid, in werking drie maanden na de datum van nederlegging van de akte.

Het Verdrag zal ingevolge artikel 28, tweede lid, voor het *Koninkrijk der Nederlanden* op 1 juni 2005 in werking treden.

Wat betreft het Koninkrijk der Nederlanden, zal het Verdrag alleen voor Nederland gelden.

J. VERWIJZINGEN

Zie *Trb.* 1995, 73.

- |                     |   |   |
|---------------------|---|---|
| Titel               | : | Statuut van de Raad van Europa;<br>Londen, 5 mei 1949   |
| Laatste <i>Trb.</i> | : | <i>Trb.</i> 2003, 83  |
| Titel               | : | Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden;<br>Rome, 4 november 1950   |
| Laatste <i>Trb.</i> | : | <i>Trb.</i> 1998, 87  |
| Titel               | : | Protocol bij het Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden, zoals herzien door Protocol nr. 11;<br>Parijs, 20 maart 1952  |
| Laatste <i>Trb.</i> | : | <i>Trb.</i> 1998, 88  |
| Titel               | : | Tweede Protocol bij het Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden, waarbij aan het Europese Hof voor de rechten van de mens de bevoegdheid wordt verleend advies uit te brengen over de betekenis van de bepalingen van het Verdrag;<br>Straatsburg, 6 mei 1963 |
| Laatste <i>Trb.</i> | : | <i>Trb.</i> 1998, 89  |
| 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;<br>Straatsburg, 16 september 1963                       |
| Laatste <i>Trb.</i> | : | <i>Trb.</i> 1998, 90  |
| Titel               | : | Zesde Protocol bij het Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden, inzake de afschaffing van de doodstraf;<br>Straatsburg, 28 april 1983   |
| Laatste <i>Trb.</i> | : | <i>Trb.</i> 1998, 91  |

Titel	: Zevende Protocol bij het Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden; Straatsburg, 22 november 1984
Laatste <i>Trb.</i>	: <i>Trb.</i> 1998, 92
Titel	: Protocol nr. 9 bij het Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden; Rome, 6 november 1990
Laatste <i>Trb.</i>	: <i>Trb.</i> 1998, 93
Titel	: Tiende Protocol bij het Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden; Straatsburg, 25 maart 1992
Laatste <i>Trb.</i>	: <i>Trb.</i> 1998, 94
Titel	: Elfde Protocol bij het Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden, betreffende herstructurering van het bij dat Verdrag ingestelde controlemechanisme; Straatsburg, 11 mei 1994
Laatste <i>Trb.</i>	: <i>Trb.</i> 1998, 95
Titel	: Protocol nr. 12 bij het Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden; Rome, 4 november 2000
Tekst	: <i>Trb.</i> 2001, 18 (Engels, Frans en vertaling) <i>Trb.</i> 2001, 173 (correcties vertaling)
Laatste <i>Trb.</i>	: <i>Trb.</i> 2004, 229
Titel	: Protocol No. 13 bij het Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden, inzake de afschaffing van de doodstraf onder alle omstandigheden; Vilnius, 3 mei 2002
Tekst	: <i>Trb.</i> 2002, 119 (Engels, Frans en vertaling)
Titel	: Protocol nr. 14 bij het Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden, betreffende wijziging van het controlesysteem van het Verdrag; Straatsburg, 13 mei 2004

Tekst : *Trb.* 2004, 191 (Engels en Frans)  
*Trb.* 2004, 285 (vertaling)

Uitgegeven de *drieëntwintigste* maart 2005.

*De Minister van Buitenlandse Zaken,*

B. R. BOT